

0665

BOX:

380

FOLDER:

3551

DESCRIPTION:

Gaffney, Cornelius

DATE:

01/20/90



3551

0666

BOX:

380

FOLDER:

3551

DESCRIPTION:

Brady, John

DATE:

01/20/90



3551

Witnesses;

Ellen McConnell

Officer McIlwain

21st Precinct

Part I

Feb 28 1890. After a careful examination of this card I am of the opinion that no conviction can be had on the unsupported testimony of the complainant Ellen McConnell. And therefore recommend that the indictment be dismissed on this day.

H. D. Macdonald

D. D. D.

249 Brady

Counsel,

Filed

day of Jan'y 1890

Pleads,

THE PEOPLE

vs.

Cornelius Gaffney

John Brady

Burglary in the first degree.
[Section 496, 526, 528 and 530.]

JOHN R. FELLOWS,

District Attorney.

Carb 2 Feb'y 6 1890

A True Bill

G. J. Aven
Feb 20 1890 Foreman.
in accm. of Dist. Atty.
indict. dis. R. B. M.

0668

Police Court—44 District.City and County } ss.:
of New York,

of No.

330 East 38th

occupation

HousekeeperStreet, aged 27 years,

being duly sworn

deposes and says, that the premises No.

aforesaid

Street,

Ward

in the City and County aforesaid the said being a

buildingfive story brick

and which was occupied by deponent as a

dwellings

and in which there was at the time a human being, by name

PatriciadeponentMcConnell

were BURGLARIOUSLY entered by means of forcibly

breaking open the window of the rear room of the ground floor of said premises and entering therein with intent to commit a felony
on the 12th day of November 1888 in the evening time, and the following property feloniously taken, stolen, and carried away, viz:

a number of paintings representing family and clothing pledged for the value of fifty dollars and lawful money of the United States of One dollar and twenty five Cents all together of the value of fifty one dollars and twenty five Cents

the property of

deponent and deponent's husband

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Cornelius Gaffney and John Brady

for the reasons following, to wit:

that each of said defendants assisted deponent and her husband on the previous date in moving into said premises, and each of defendants left said premises at about 9 o'clock P.M. That while deponent was lying in bed with her husband at about 12 o'clock midnight she saw

0669

each of defendants in his bed
room and defendant Brady
placed his hands upon the
body of defendant and threatened
if she awakened her husband
and would get square with her
then each of defendants
left said premises by the front
hall door.

Wherefore defendant
prays that each of defendants
be held to answer and be
dealt with as the law directs.

Subscribed and sworn to
this 17th day of Dec 1887 before me
J. M. M. M. M.
Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1887
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1887
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1887
Police Justice.

Police Court, District,	Office—BURGLARY.
THE PEOPLE, &c., on the complaint of	
1.	
2.	
3.	
4.	
Dated 1887	Magistrate.
	Officer.
	Clerk.
Witness,	
No.	Street,
No.	Street,
No.	Street,
\$	to answer General Sessions.

0670

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *Cornelius Gaffney*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No. 1408 - 2 Ave. One year*

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*
C. Gaffney

Taken before me this

day of

1887

Police Justice.

0671

Sec. 198-200.

11 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

John Brady 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. John Brady

Question. How old are you?

Answer. 31 years

Question. Where were you born?

Answer. New York City

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

Answer. No 319 East 8th St New York

Question. What is your business or profession?

Answer. Laborman

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 John Brady
I am not guilty

Taken before me this

day of

1887

Police Justice.

0672

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.....

Cornelius Gaffney ^{And} *John Brady*
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Ten* Hundred Dollars, *each* and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *Dec 17* 188 *7* *Henry H. H. H. H.* Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0673

Mit af kalund Corbin

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

bl.

Police Court 1842 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Ellen M. Cornell
335 East 88 St
Cecilia Gaffney
John Bond

Dated Dec 17 1889

Murray Magistrate

McConkey Officer.

Off. Frank Precinct.

Witnesses Brotherton

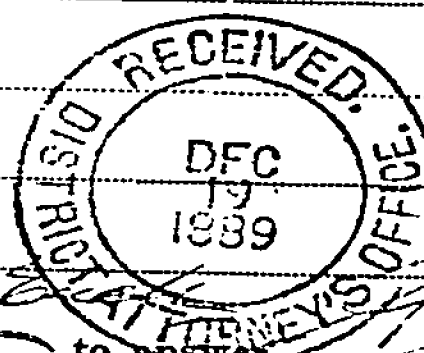
No. 240 to 434 Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer

Born



0674

Court of General Sess.
The People

^{vs}
Cornelius Gaffney
et. John Brady

Sir

Please take notice that I will
move in Part I of the Court of General
Sessions on Friday Feb 28/90 at 11 o'clock
or as soon thereafter as counsel can be
heard, for the discharge of the abovesaid
defendants under section 668 of the Code
of Criminal Procedure.

D John C. Fellows Esq.
Dist Atty et.

Yours etc
Guray M. Laughlin

0675

STATE OF NEW YORK,
STATE AND COUNTY OF NEW YORK, } ss. :

.....being duly
sworn, says that he resides at No. Street, in the City of
New York; that he is years of age; that on the day of
18, at Number in the City of
New York, he served the within on
the by leaving a copy thereof with

Sworn to before me this
day of

18 }

Ed. J. Lavelle
The People

Plaintiff.

against

Lemuel Saffner
John Brady

Defendant.

PURDY & McLAUGHLIN,

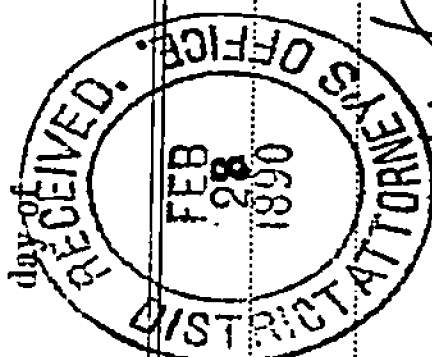
Attorneys for

No. 280 Broadway, New York City.

Due and timely service of cop of the within
hereby admitted

18

Attorney.



Not true & dated
RM

0676

The People of the State of New York.

To Thomas Cortigan Chief Clerk

and to all and every person and persons, officer and officers having in his or their custody or control any complaint, affidavit, indictment, charge, or written or printed paper or document of any kind touching the imprisonment and detention of the prisoner hereinafter named;

GREETING:

We command you that you certify fully and at large to the Supreme Court of The State of New York, at a Special Term thereof to be held at Chambers in the Court House of the City and County of New York on Mon day, the 20 day of Dec A. D. 1889 at 10 o'clock in the am noon, the time and cause of the imprisonment of

Cornelius Gaffney
by you detained, as it is said, by whatsoever name the said Cornelius Gaffney shall be called or charged, and that you then and there return to the said Supreme Court fully and at large all and every complaint, charge, affidavit, indictment, commitment, written or printed document or paper, and the orders, proceedings, evidence, conviction and judgment in the premises, together with all things touching or in any manner concerning the same. And have you then there this writ.

But if, at the time when this writ is returnable, a Court of Oyer and Terminer in and for the City and County of New York, shall be actually sitting at the Court House of the City and County of New York, then you shall make return to this writ, according to the precept thereof, at the time and in the manner hereinbefore specified and commanded, before the said Court of Oyer and Terminer.

Witness the honorable CHARLES H. VAN BRUNT, Presiding Justice of our said Supreme Court in and for the First Judicial Department, at the Court House of the City and County of New York. the 20 day of Dec in the year of our Lord one thousand eight hundred and eighty 89

By the Court.

Edward J. Reilly

COUNTY CLERK.

PURDY & McLAUGHLIN,
Attorneys for Relators,
No. 280 Broadway,
New York City.

New York Supreme Court

The People, &c.

Ex rel. *Cornelius Raffney*
John C. Brady

vs.

Chas. Cabot Payne
Cornelius Raffney
Respondent.

Writ of Certiorari.

PURDY & McLAUGHLIN,
ATTORNEYS FOR RELATOR,
No. 280 Broadway, New York City.

The within writ is allowed this *20th*
day of *Dec* 18*89*
Wm. Thompson
Justice of the Supreme Court of the
State of New York.

The within writ is adjourned to the _____ day of _____ 18____, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18____

The within writ is adjourned to the _____ day of _____ 18____, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18____

The within writ is adjourned to the _____ day of _____ 18____, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18____

The within writ is adjourned to the _____ day of _____ 18____, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18____

0678

The People of the State of New York.

To Thomas Costigan Chief Clerk

and to all and every person and persons, officer and officers having in his or their custody or control any complaint, affidavit, indictment, charge, or written or printed paper or document of any kind touching the imprisonment and detention of the prisoner hereinafter named;

GREETING:

We command you that you certify fully and at large to the Supreme Court of The State of New York, at a Special Term thereof to be held at Chambers in the Court House of the City and County of New York on Monday day, the 30 day of Dec A. D. 1889 at 10 - 30 o'clock in the fore noon, the time and cause of the imprisonment of

John Brady
by you detained, as it is said, by whatsoever name the said John Brady shall be called or charged, and that you then and there return to the said Supreme Court fully and at large all and every complaint, charge, affidavit, indictment, commitment, written or printed document or paper, and the orders, proceedings, evidence, conviction and judgment in the premises, together with all things touching or in any manner concerning the same. And have you then there this writ.

But if, at the time when this writ is returnable, a Court of Oyer and Terminer in and for the City and County of New York, shall be actually sitting at the Court House of the City and County of New York, then you shall make return to this writ, according to the precept thereof, at the time and in the manner hereinbefore specified and commanded, before the said Court of Oyer and Terminer.

Witness the honorable CHARLES H. VAN BRUNT, Presiding Justice of our said Supreme Court in and for the First Judicial Department, of the Court House of the City and County of New York, the day of Dec in the year of our Lord one thousand eight hundred and eighty 89

By the Court.

Charles H. Van Brunt

COUNTY CLERK.

PURDY & McLAUGHLIN,

Attorneys for Relators,

No. 280 Broadway,

New York City.

Hearing adjourned
to 2 o'clock of Jan'y
1990 by consent

New York Supreme Court

The People, &c.

Ex rel. *John Brady*
vs.
Chas Osborne
Respondent.

Writ of Certiorari.

PURDY & McLAUGHLIN,
ATTORNEYS FOR RELATOR,

No. 280 Broadway New York City.

RECEIVED.
DEC 18 1889
The within writ is allowed this 2^d day of December 1889

Wm J. Tamm
Justice of the Supreme Court of the State of New York.

The within writ is adjourned to the _____ day of _____ 18, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18

The within writ is adjourned to the _____ day of _____ 18, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18

The within writ is adjourned to the _____ day of _____ 18, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18

The within writ is adjourned to the _____ day of _____ 18, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18

0579

0680

Supreme Court of the State of New York.

The People &c.,

Ex rel.

Cornelius Gaffney

vs.

J Chas Osborne
Respondent.

Notice of Allowance of Writs of Habeas
and Certiorari.

To JOHN R. FELLOWS, Esq.,
District Attorney, &c.

Sir :

You will please take notice that writs of
habeas corpus and certiorari have been duly allowed and issued this day in the above-en-
titled proceeding. Said writs are returnable at the Chambers of the Supreme Court
in the County Court House in the City of New York, on the ^{27th} ~~Monday~~ day of ^{Dec} ~~Nov~~
1889, at ~~11~~ ¹² o'clock, on said day.

Dated the 27 day of Dec A. D. 1889

Yours respectfully,

PURDY & McLAUGHLIN,

Attorneys for Relators,

No. 280 Broadway,

New York City.

New York Supreme Court

The People, &c.

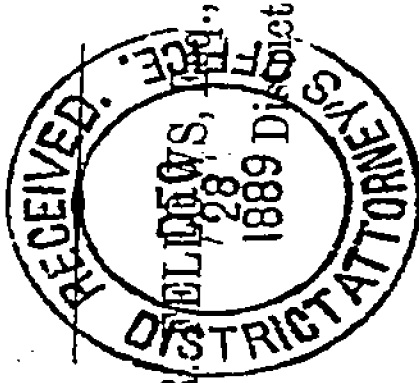
Ex rel *Cornelius Rafferty*

vs.

Chas Osborne
Respondent.

Notice of Allowance of Writs of
Habeas Corpus and Certiorari.

PURDY & McLAUGHLIN,
ATTORNEYS FOR RELATOR,
No. 280 Broadway, New York City.



To JOHN R. McLAUGHLIN, Esq.,
District Attorney.

0681

0682

Supreme Court of the State of New York.

The People &c.,

Ex rel

vs.

Respondent.

Notice of Allowance of Writs of Habeas
and Certiorari.

To JOHN R. FELLOWS, Esq.,
District Attorney, &c.

Sir:

You will please take notice that writs of
habeas corpus and certiorari have been duly allowed and issued this day in the above-en-
titled proceeding. Said writs are returnable at the Chambers of the Supreme Court
in the County Court House in the City of New York, on the ³⁰~~28~~ day of Dec
1889, at 11.30 o'clock, on said day.

Dated the 27 day of Dec A. D. 1889

Yours respectfully,

PURDY & McLAUGHLIN,

Attorneys for Relators,

No. 280 Broadway,

New York City.

New York Supreme Court

The People, &c.

Ex rel.

John Bracey

vs.

Chas Osborne

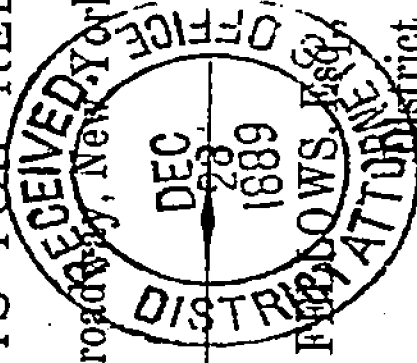
Respondent.

Notice of Allowance of Writs of
Habeas Corpus and Certiorari.

PURDY & McLAUGHLIN,

ATTORNEYS FOR RELATOR,

No. 280 Broadway, New York City.



To JOHN R. FIDELMAN, District Attorney.

0683

0684

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Romelius Tyeburne
and John Grady

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

Romelius Tyeburne and John Grady
of the CRIME OF BURGLARY IN THE *first* DEGREE, committed as follows:

The said *Romelius Tyeburne and John Grady*
Grady, both

late of the *Twenty-first* Ward of the City of New York, in the County of New York
aforesaid, on the *eight* day of *December*, in the year
of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, about the
hour of *twelve* o'clock in the *night* time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one *Patrick McConnell*,

there situate, feloniously and burglariously did break into and enter, there being then and there
some human being, to wit: *one Ellen McConnell*,

within the said dwelling house, with intent to commit some crime therein, to wit: the goods
chattels and personal property of the said *Patrick McConnell*,

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away; *the said Romelius Tyeburne and*
John Grady and each of them, being then
and there assisted by an accomplice actually
present, to wit: each by the other.

against the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity,

0685

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said *Ramondus R. Hoffman and John Brady* of the CRIME OF *Grand* LARCENY *in the first degree*, committed as follows:

The said *Ramondus R. Hoffman and John Brady*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the ~~month~~ time of the said day, with force and arms,

the sum of one dollar and twenty five cents in money, lawful money of the United States of America and of the value of one dollar and twenty five cents,

and ten pawn tickets of the value of five dollars each.

of the goods, chattels and personal property of one *Patrick McConnell*,

in the dwelling house of the said *Patrick McConnell*,

there situate, then and there being found, from the dwelling house aforesaid, 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. Hallows,
Attorney

0686

BOX:

380

FOLDER:

3551

DESCRIPTION:

Gahan, John

DATE:

01/14/90



3551

0687

157

Counsel, **Selling on Sunday.**

Filed

14 day of Jan'y 1897

Pleads

THE PEOPLE,

vs.

B

John Lahan

Complaint sent to the Clerk
of Special Sessions,

Jan'y 18, 1897

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

E. J. Fawcett
Foreman.

WITNESSES:

John Lahan

Am. Ind. Office

0588

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

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

The said

John Gahan
late of the City of New York, in the County of New York aforesaid, on the *fourth* day of *November* 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 *Peter Nugent*

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

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

The said

John Gahan
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.

0689

BOX:

380

FOLDER:

3551

DESCRIPTION:

Gallagher, James

DATE:

01/23/90



3551

0690

302

Witnesses,

James Wood
127 Broadway

Officer Walter
6th Precinct

Counsel,

Filed

23 day of Jan'y 1890

Pleads,

THE PEOPLE

vs.

James Gallagher

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

G. J. Faren
Foreman.

Feb 6/90

James Wood
127 Broadway
Pen 1 year
Feb 12/90

RBH 12

0691

Police Court—1—District.

CITY AND COUNTY }
OF NEW YORK, } ss.

of No. 37 Bowery Street,

being duly sworn, deposes and says, that
on January the 19 day of January

in the year 1890 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

James Gallagher (now dead)

who struck two blows at deponent's

back with a knife he held in

his hand. Cutting deponent's coat

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 20 day
of January 1890.

Jas Wood

J. M. Korman POLICE JUSTICE.

0692

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Gallagher being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is ~~it~~ right to
make a statement in relation to the charge against ~~it~~ *him*; that the statement is designed to
enable ~~him~~ *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~~ *his* waiver cannot be used
against ~~him~~ *him* on the trial.

Question. What is your name?

Answer. *James Gallagher*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *213 Matt Street 2 years*

Question. What is your business or profession?

Answer. *Plate printer*

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

Answer. *I am not guilty*
Harvin G. Gerty

Taken before me this

19

day of

March
189*6*

John J. McNamee
Police Justice.

0693

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 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 Jan 19 1890 J. H. [Signature] Police Justice.

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

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

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

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

0694

Police Court---114 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Woods
37 *Rowan*
1 *James Gallagher*

Gallagher
Officer
Gallagher

2
3
4

Dated *January 19* 18*90*
Corrigan Magistrate.
Wm. Holden Officer.
6 Precinct.

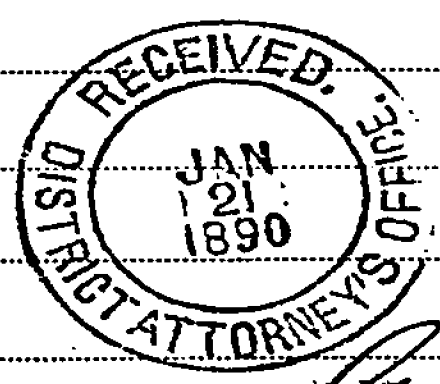
Witnesses
No. Street.

No. Street.

No. Street.

\$ *1000* to answer *Wm. Holden*

Cam
Smith
attorney to care for



BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

0695

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Gallagher

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

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

The said

James Gallagher
late of the City of New York, in the County of New York aforesaid, on the
nineteenth day of January, in the year of our Lord
one thousand eight hundred and ninety, with force and arms, at the City and
County aforesaid, in and upon the body of one James Wood
in the Peace of the said People then and there being, feloniously did make an assault
and him the said James Wood
with a certain knife

which the said

James Gallagher
in his right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did attempt to strike, beat, cut, stab and
wound,

with intent

him the said James Wood
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

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

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

The said

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

which the said

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

John R. Fellows,
District Attorney

0696

BOX:

380

FOLDER:

3551

DESCRIPTION:

Gardner, Charles

DATE:

01/10/90



3551

Witnesses:

Officer Fred
20 Precinct

Charles Gardner

Mr. John Charles
and the Gardner
Gardner and
Gardner and
The peace held
by the one of
the world with
Class in the
class

22

Counsel,

Filed

day of

10 Jan 1890

Pleas,

Charles Gardner

THE PEOPLE

vs.

Charles Gardner

KEEPING A HOUSE OF ILL FAME, Etc.
[Sections 322 and 385, Penal Code]

JOHN R. FELLOWS,

District Attorney.

1/10/90
A True Bill
1/10/90

Charles Gardner
1/10/90
Charles Gardner

0697

0698

Sec. 193-200.

CITY AND COUNTY
OF NEW YORK

2
District Police Court.

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

Question. What is your name?

Answer. *Charles Gardner*

Question. How old are you?

Answer. *52 years*

Question. Where were you born?

Answer. *MS.*

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

Answer. *257 West 24th St 2 years*

Question. What is your business or profession?

Answer. *Livery Stable man*

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

Answer. *I am not guilty*

Charles Gardner

Taken before me this

day of

188

Police Justice.

0699

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 E. Adams

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 Decr 28 1889

John J. McManis

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.

0700

Police Court---2 1867 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jacob W. Feess
Charles Gardner

Office Keeping
Depository Office

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 Dec 29 1889

Gorman Magistrate.

Feess Officer.

20 Precinct.

Witnesses

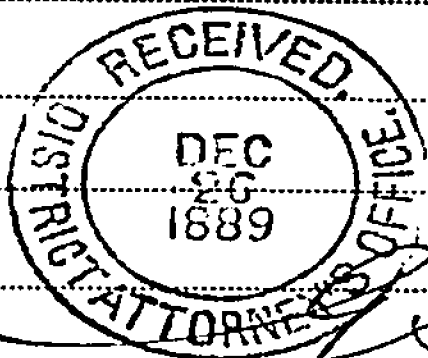
No. Street.

No. Street.

No. Street.

\$ 500 to answer

Chm



0701

Sec. 322, Penal Code.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

of No. Jacob W. Feess Street, in said City, being duly sworn says,

that at the premises known as Number 20th Precinct 253 West 28th Street, near
in the City and County of New York, on the 22 day of December 1889, and on divers
other days and times, between that day and the day of making this complaint

1st floor
did unlawfully keep and maintain and yet continue to keep and maintain a house of prostitution
and disorderly house and did then, and on the said other days and times, there unlawfully procure
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come
together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil
name and fame there to be and remain drinking, ~~dancing~~, ~~fighting~~, disturbing the peace, whoring and misbehaving
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and
there passing is habitually disturbed, in violation of the statute in such case made and provided

Deponent therefore prays, that the said Charles Gardner
and all vile, disorderly and improper persons found upon the premises, occupied by said

Charles Gardner
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 23 day }
of December 1889 }

John Florman
Police Justice.

Jacob W. Feess

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 Gardner

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

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

(Sec. 322,
Penal Code.)

The said

Charles Gardner

late of the *20th* Ward of the City of New York, in the County of New York aforesaid,
on the *twenty-second* day of *December* in the year of our Lord
one thousand eight hundred and eighty-nine, and on divers other days and times, as well
before as afterwards, to the day of the taking of this inquisition, at the Ward, City and
County aforesaid, a certain common bawdy house and 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 aforesaid, 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

Charles Gardner

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers
unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well
in the night as in the day, were there committed and perpetrated; 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

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

(Section 385,
Penal Code.)

The said

Charles Gardner

late of the Ward, City and County aforesaid, afterwards, to wit: on the *twenty-second*
day of *December* in the year of our Lord one thousand eight hundred

0703

and eighty-*nine*, 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, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *his* said house, for *his* 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 wilfully 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, then 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 wilfully 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 nuisance 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

Charles Gardner

(Section 322 of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:
Penal Code.)

The said

Charles Gardner

late of the Ward, City and County aforesaid, afterwards, to wit: on the *twenty second* day of *December* in the year of our Lord one thousand eight hundred and eighty- 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 the said house and place of public resort, for *his* 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 *his* 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 reason whereof 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 R. FELLOWS,

District Attorney.

0704

BOX:

380

FOLDER:

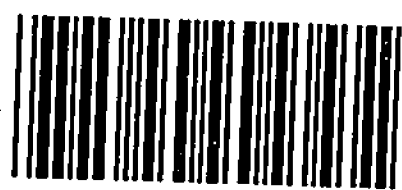
3551

DESCRIPTION:

Gilbert, Daniel

DATE:

01/16/90



3551

Winches
D. Webb
Lawrence Pk
Office Premium
107th Street

Filed

Pleads,

~~THE PEOPLE~~

ms.

19-Pravara
44 polisher

^{from} Daniel Gilbert

Grand Larceny ~~second~~ degree. [Sections 528, 531 — Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill

Glyham

Foreman.

Part III January 20/90

Heads Peter Larceny

Dear Mr. May

0706

Police Court—

District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 264 Livingston Street, aged 55 years,

occupation Retired being duly sworn

deposes and says, that on the 10th day of January 1890 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

The overcoat and dress coat
valued at fifty-dollars

the property of deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Samuel Gilbert (working

for the reasons following to wit:
on the said date the said coats
were on a table in deponent's
saloon and he having missed
the same, he is informed by
Lawrence Bergson present
that he Bergson saw this defendant
take steal and carry away
the aforesaid property.

Pelagius Gull

Sworn to before me, this 12 day

of January 1890

Charles H. Smith Police Justice.

0707

CITY AND COUNTY }
OF NEW YORK, } ss.

Lawrence Berg
aged *19* years, occupation *Bar tender* of No. *444*
W 111th Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *J. Meek*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this *12*
day of *January* 19*51* *J. Berg*

Charles W. Linder
Police Justice.

0708

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

29 District Police Court.

Daniel Gilbert 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.

Daniel Gilbert

Question. How old are you?

Answer.

19 years.

Question. Where were you born?

Answer.

New York

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

Answer.

44 Broome St. 16 years.

Question. What is your business or profession?

Answer.

Shoe polisher

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

Daniel Gilbert

Taken before me this

19
day of *January*

188*9*

Charles W. Steiner

Police Justice.

0709

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
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 *Jan 2 90*..... *Charles A. Smith*..... *Police Justice.*

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

Dated..... *188*..... *Police Justice.*

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

Dated..... *188*..... *Police Justice.*

0710

Police Court

67 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Delagius
Samuel Gilbert

2
3
4

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Jan 12* 188*9*

Samuel Magistrate
Benson & McCombs Officer.

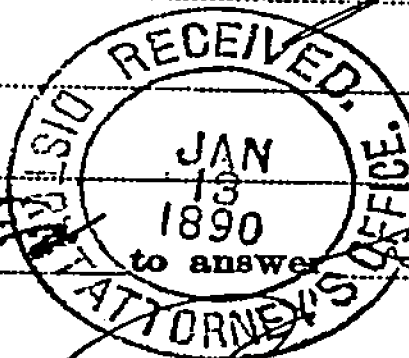
Witnesses _____ Precinct.

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *5.00* to answer _____



9/12

0711

WILLIAM * MacDONOUGH,

⌘

Moulding and Planing Mill,

⌘ 2, 4 AND 6 TOMPKINS STREET, ⌘

Near Grand Street, East River.

New York, Jan 6th 1890

To whom it may concern.

The bearer Daniel H. Gilbert has
been in my employ for some time, and
has performed what was required of him
satisfactorily.

Wm MacDonough.
C.

0712

T

Nov 20th /89.

To whom it may concern

David Gilbert has been
in my employ about Eight
or Ten Months, as Helper on
Wagon. And I find him
to be Honest and Trustworthy
and can safely recommend
him as such.

Yours Truly

M. H. Lanco

Hardware & House Furnishing

478 1/2 8th Ave.,

City

0713

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Daniel Gilbert

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

Daniel Gilbert

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

The said

Daniel Gilbert

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

*one overcoat of the value
of thirty dollars, and one
coat of the value of twenty
dollars*

of the goods, chattels and personal property of one

Plagius Wick

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 R. Fellows,
District Attorney*

0714

SECOND COUNT—

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

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

The said

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,

of the goods, chattels and personal property of one

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

unlawfully and unjustly, did feloniously receive and have; the said

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

JOHN R. FELLOWS,
District Attorney.

0715

BOX:

380

FOLDER:

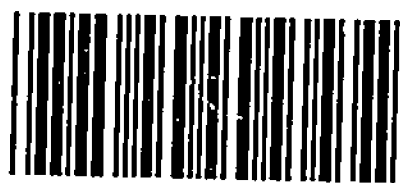
3551

DESCRIPTION:

Gillan, Dennis

DATE:

01/28/90



3551

POOR QUALITY
ORIGINAL

0716

Witness:

Officer Britschman
29th Precinct

Counsel,

Filed

Pleads,

28 day of Jan'y 1890

THE PEOPLE

vs.

B
Dennis Gillan

F

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1893, Sec. 21 and
page 1889, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. H. H. Foreman.

7th June 1890

0717

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Dennis Giller 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 *Dennis Giller*

Question. How old are you?

Answer. *73*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *444, 2719 St. Verno*

Question. What is your business or profession?

Answer. *Inspector*

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

Answer

I am not guilty and demand a trial by jury

Dennis Giller

Taken before me this

day of July 1888

Police Justice

0718

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

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

Dated July 2 188 8 Wm. J. Harrison Police Justice.

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

Dated July 2 188 8 Wm. J. Harrison Police Justice.

There being no sufficient cause to believe the within named.....

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

Dated..... 188..... Police Justice.

0719

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

1021 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank L. Bruchman
vs.
James Sullivan

2

3

4

Offices of the
Clerk of the Court

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

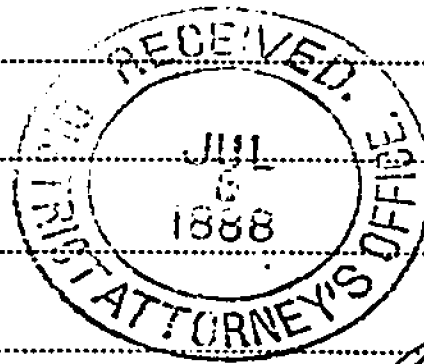
No.

Street.

\$

to answer

Baile



0720

HEALTH DEPARTMENT OF THE CITY OF NEW YORK
 Sanitary Bureau, Vital Statistics
 Office, 301 MOTT STREET,

Liber
 No. 26551

New York, Jan'y 29, 1889.0

A TRANSCRIPT FROM THE RECORD OF DEATHS
 IN THE CITY OF NEW YORK.

NAME OF DECEASED			DATE OF DEATH.			AGE OF DECEASED		
<i>Patrick Flynn</i>			MONTH	DAY	YEAR	YEARS	MONTHS	DAYS
			<i>Aug</i>	<i>13</i>	<i>1889</i>	<i>59</i>		
COLOR	CONDITION	OCCUPATION	BIRTHPLACE			HOW LONG RESIDENT IN CITY		
						YEARS	MONTHS	DAYS
<i>W. Married</i>	<i>Shoemaker</i>	<i>Ireland</i>				<i>40</i>		
PLACE OF DEATH			FATHER'S BIRTHPLACE			MOTHER'S BIRTHPLACE		
No. <i>898 8th Ave.</i> ST.			<i>Ireland</i>			<i>Ireland</i>		
WARD.								
CAUSE OF DEATH.			TIME FROM ATTACK TILL DEATH					
<i>Chronic Nephritis</i>			YEARS	MONTHS	DAYS	HOURS	MIN'TS	
<i>Cardiac Insufficiency</i>			<i>—</i>	<i>3</i>				
PLACE OF BURIAL			UNDERTAKER			MEDICAL ATTENDANT		
<i>Calvary</i>			<i>P. M. Cullough</i>			<i>J. Harvie Dew</i> M. D.		

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

John T. Noyes
 Deputy Register.

A True Copy,

C. E. Hannon
 Chief Clerk.

0721

Excise Violation-Selling on Sunday.

POLICE COURT-

DISTRICT,

City and County } ss.
of New York,

of No. 110 29 Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 1 day

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

at premises No. 2177 28 Ave Street,

Dennis Gillan (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 Dennis Gillan may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 2 day of July 1888

Frank L. Bruch
Police Justice.

0722

Court of General Sessions, PART One

THE PEOPLE

vs.

Dennis Pellan

For

INDICTMENT

John R. Fellows
vs. Pellan

To

M

No.

Patrick J. Flynn
898 - 1st Ave

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on the *29th* day of *January* instant, at eleven o'clock in the forenoon.

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

JOHN R. FELLOWS,

District Attorney.

0723

COURT OF GENERAL SESSIONS, PART *One* (1700)

THE PEOPLE

Dennis G. Man

INDICTMENT

For

*Robinson dead
left in car to be killed
H*

To

M

No.

*Robert H. Man Dead
898 18th Ave Street.*

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Reading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House in the Park of the said City, on _____ the _____ day of

MAY.

instant, at eleven o'clock in the forenoon.

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

DE LANCEY NICOLL,

District Attorney.

0724

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Dennis Gillan

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

The said

Dennis Gillan

late of the City of New York, in the County of New York aforesaid, on the
first 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

Frank L. Brutschin

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

Dennis Gillan
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

Dennis Gillan

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.

0725

BOX:

380

FOLDER:

3551

DESCRIPTION:

Gillen, Joseph F.

DATE:

01/14/90



3551

0726

Witnesses:

Officer D. O. O.
Wm. J. O. O.

Counsel,

Filed

1890

Pleas,

THE PEOPLE

vs.

VIOLETION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and
page 1083, Sec. 2.]

Joseph T. Gillen

Sept 18/90
10 to 12th Court of 1890 and
for trial by jury
Detachment

JOHN R. FELLOWS,

District Attorney.

A True Bill.

G. H. Haver
Foreman.

0727

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph F. Gillen

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

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

The said

Joseph F. Gillen

late, of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *February* 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 *James Bell*

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

SECOND COUNT—

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

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

The said

Joseph F. Gillen

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.

0728

BOX:

380

FOLDER:

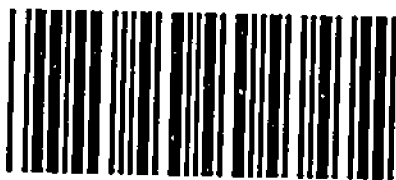
3551

DESCRIPTION:

Gillen, Patrick

DATE:

01/28/90



3551

0729

406

Counsel,
Filed 28 day of January, 1890
Pleads,

Witnesses:

Office W. C. McMillan
Central Office

THE PEOPLE
vs.
Patrick Gillen
F

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1983, Sec. 21 and
page 1999, Sec. 6.]

JOHN R. FELLOWS,
District Attorney.

A True Bill.
G. H. Harn Foreman.
F. J. Lang 31/90

0730

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Patrick Gillan 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. *Patrick Gillan*

Question. How old are you?

Answer. *41 years old*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *400 Madison St. 12 years*

Question. What is your business or profession?

Answer. *Saloon keeper*

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 I demand a trial
by jury*
Patrick Gillan

Taken before me this

day of

188

James J. [illegible]
Police Justice.

0731

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 July 2 188 John H. Homan Police Justice.

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

Dated July 2 188 John H. Homan Police Justice.

There being no sufficient cause to believe the within named.....

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

Dated..... 188..... Police Justice.

0732

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

1021 District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Michael W. Demmitt

vs. Patrick J. Leary

1

2

3

4

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

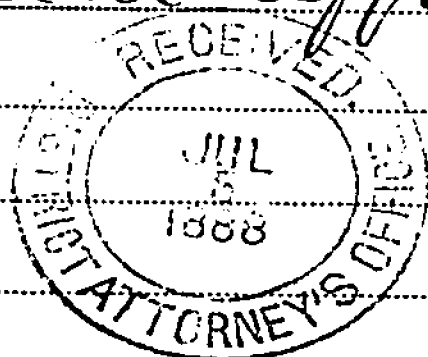
Street.

No.

Street.

\$

to answer



Offence
W. L. Leary & Co.

Bailed

0733

Excise Violation—Selling on Sunday.

POLICE COURT—

2

DISTRICT.

City and County } ss.
of New York,

of No. 300 Mulberry Street,
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 1st day
of July 1888, in the City of New York, in the County of New York, at
premises No. 567 Grand Street,

Patrick Gillan (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 Gillan
may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 2 day }
of July 1888, } Michael McDermott
John J. Hannon Police Justice.

0734

Court of General Sessions, PART *One*

F.

THE PEOPLE

vs.

INDICTMENT

For

Patrick Gilen

To

Me

James F. Carroll
141 Christopher

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Reading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on the *29th* day of *January* instant, at eleven o'clock in the forenoon.

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

JOHN R. FELLOWS,
District Attorney.

0735

146 Lehigh St. N.

N. 21

Londonian

Dead.

Building

town down

0736

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 Gillen

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

The said

Patrick Gillen

late of the City of New York, in the County of New York aforesaid, on the
first 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

Michael Mc Dermott

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 Gillen

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 Gillen

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.

0737

BOX:

380

FOLDER:

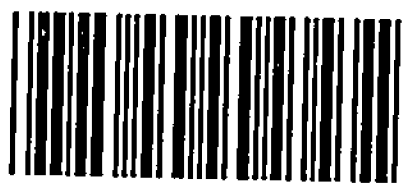
3551

DESCRIPTION:

Gilmartin, William

DATE:

01/17/90



3551

Witnesses:

This defendant has testified for the People in three different cases, & convictions have followed in each case. He has pleaded guilty to this charge. His character, so far as could be ascertained by the prosecution, was far as was developed by a very rigid cross-examination at the trial of Weston Rock & Dugan, is good. I recommend to the Court that the sentence of the defendant be suspended.

May 6/1890 -

To the Recorder

Wm M. Davis
Recd.

174. v. 174 70-
Jury

Counsel,
Filed,
Pleads,
THE PEOPLE,
vs.
William Gilmarlin
Jury 20/90
Pleads Guilty.

RECEIVING STOLEN GOODS.
(Section 550, Penal Code.)

JOHN R. FELLOWS.
May 6/90 -
District Attorney.

A True Bill.
Wm M. Davis

Foreman.

See case of
Edward Rock et al
for papers

0739

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 Gilmartin

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

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said William Gilmartin,

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

two bars of silver of the value of
one thousand dollars each,

of the goods, chattels and personal property of one John F. Barksley, by
Edward Rock, Thomas Dugan, John Keenan, and
by — certain other persons to the Grand Jury aforesaid unknown, then lately
before feloniously stolen, taken and carried away from the said

John F. Barksley,

unlawfully and unjustly, did feloniously receive and have; the said

William Gilmartin

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

JOHN R. FELLOWS,
District Attorney.

0740

BOX:

380

FOLDER:

3551

DESCRIPTION:

Ging, Lee

DATE:

01/28/90



3551

0741

BOX:

380

FOLDER:

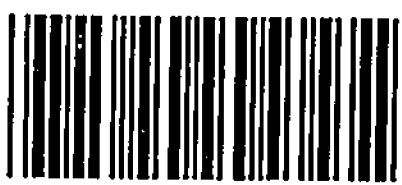
3551

DESCRIPTION:

Hi, Lee

DATE:

01/28/90



3551

0742

BOX:

380

FOLDER:

3551

DESCRIPTION:

Ling, Lee

DATE:

01/28/90



3551

Witnesses:

Lee Ding
Lee Ding
Mrs Goodman
Officer Diamond
14 Precinct
Officer Diamond
14 Precinct

Reprator efforts have been made to secure the attention of the complainant the officer in the case informs me that he has left the state and there is no reasonable chance that he will return the car has been in for trial so many times that I consider it proper to recommend that defendant be discharged in their own several recognizances
June 20/90
Amb. Sub. City

390

Counsel, *Superior*
Filed *146*
Pleads, *1889*

THE PEOPLE

vs.

See Ding
See Ding
See Ding

Robbery in the
(MONEY)
[Sections 224 and 225 Penal Code].

JOHN R. FELLOWS,

District Attorney.

June 20/90
Pat. 3

A True Bill.

G. H. Hatten

Foreman.

Part III June 20/90
all discharged
their own recognizances

0743

Witnesses:

Lee King

Lee King

Mrs Goodwin

Officer Diamond

14 Precinct

Officer Diamond

14 Precinct

Refrator efforts have been made to secure the return of the complainant the officer in the case informs me that he has left the state and that he will return the car has been on for two or many times that I suspect it proper to recommend that despite the discharge in their own personal responsibility

June 20/90
Cath. Sub. City

390

Counsel, *Ind. Morgan*
Filed *146 Mason*
Pleads, *1890*
Regally-ry

Robbery in the
(MONEY)
[Sections 224 and 22 B Penal Code].

THE PEOPLE

vs. *L. H.*

See King

See King

See King

JOHN R. FELLOWS,

District Attorney.

All. paid to me
June 20/90

A True Bill.

G. H. Carter

Foreman.

Part III June 20/90
all discharged in
their own responsibility

0744

0745

STENOGRAPHER'S MINUTES.

Third District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Lee Young
Lee Young
Young

BEFORE HON.

J. H. Duffy
POLICE JUSTICE,
Oct 18 188*9*

APPEARANCES:

{ For the People,

{ For the Defence,

188

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

<i>Honorah Goodwin</i>	<i>1</i>	<i>6</i>		
<i>James Diamond</i>	<i>6</i>	<i>8</i>		
<i>James Hagen</i>	<i>9</i>	<i>11</i>		
<i>Michael Bisset</i>	<i>12</i>			
<i>Motions</i>	<i>12</i>	<i>23</i>		

J. J. Neary
Official Stenographer.

0746

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Lee Hing
Lee Gin
Lee Wi
Lee Ling
M. J. Tracy

Examination had

188

Before

J. Duffy Esq Police Justice.

I, *M. J. Tracy* Stenographer of the *3rd* District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of *H. Goodman*

All herein
as taken by me on the above examination before said Justice.

Dated

188

J. Duffy Esq Stenographer
M. J. Tracy
Police Justice.

0747

New York Oct 18th 1889
Third District Police
Court, Magistrate
Duffy Presiding.

Lee Fung }
Lee Sing } Robbery
Lee Hi }
Lee Ling }

Honorah Goodwin being
duly sworn deposes

Q. Where do you live?
A. At 207 East 5th St. &
am a married woman
and am 45 years of age.

Q. You live over the
Laundry?

A. Q. Yes Sir,
Do you remember
last Sunday week in
the morning?
A. Yes Sir

Q

Q. Do you recollect anything unusual occurring?

A. Yes Sir, a little after seven (7) O'clock, I saw a person looking in my window over the Laundry then I got out of bed and asked what was the matter.

Q. Did any one go to your place?

A. Some one looked at my window and I asked what was the matter.

Q. In consequence of what was said, what did you do?

A. I got out of bed and went down stairs.

Q

3

Q. What did you see so far as the Complainant is concerned?

A. I saw him ^{and said} "where are you John," he answered in a very feeble voice from the inside, then he walked

Q. forward, then did he walk?

A. Feebly, shivering from fright or cold

Q. Did you notice anything about his person?

A. He showed me his hands and there were red marks on his hands.

Q. Were his hands swollen?

A. Yes Sir,

3

H

Q. What did you see about his feet?

A. He held up his feet and I saw red marks on his feet also.

Q. Did he say he had been Robbed?

A. Yes, Sir, but I asked who had Robbed him.

Q. Did you go inside his place?

A. Yes Sir.

Q. What was the Condition of the place?

A. A lot of clothes, (men's clothes) were strewn on the floor I saw a trunk, and the lock was broken off the trunk and turned over on the floor and the contents on the floor.

Q

Q. Is there anything else you saw there?

A. Nothing in particular, I saw a big rope there inside the door of the second ~~or~~ room.

Q. Where was it?

A. There are three rooms there, it was on the floor.

Q. Take that rope (rope handed Witness) and say is that like the rope you saw?

A. That is exactly the rope, that is the rope to the best of my belief.

Q. Is there any more, you know?

A. The complainant was dressed in the

0752

L

Same clothes he was
dressed in the night
before, his working
clothes, at that time
the Police came in,
I sent for them when
I woke up.

Sworn to before me }
This 18th day of Dec 1889 }

Police Justice

7

James Armand being
duly sworn deposes

Q and says You are
an Officer attached to
the 17th Street Precinct
Police?

A Yes Sir.
Q Do you recollect the
6th of October last
past, this year?

A Yes Sir,
Q Do you recollect
anything unusual
occurring in East 5th
St.

A I recollect being
down in a laundry
at N. 20th - 5th Street,
Q You went there?

A Yes Sir,
Q What did you discover
there?

7

8

A I went there and I found the - peace Topsy Turvey; the Chirumans musts were all marked with a rope as if he had been robbed and he complained about being robbed.

Q. Did he give you any information of what he had been robbed?

A. No he did not know the amount of what he had been robbed.

Q. Did you make the arrest or any arrests?

A. No. I am not the Officer who made the arrest.

Sworn to before me }
This 18th day of Oct 1889 }
Police Justice

9

Francis Hagen being
 duly sworn deposes and
 says, I am an Officer
 attached to the 17th
 Precinct Police,

Q

Was your attention
 called to No 2104 Fifth
 St. on Sunday October
 6th last past?

A

When I
 went to the National
 house I received
 orders to investigate this
 case where a woman
 got tied up.

Q.

What did you
 discover when you got
 there?

A

When I got there
 the place was locked
 up, I went down to
 Mott Street. I stopped
 there for an hour or so,
 then I came back

9

again and went down
 to Mott Street, about
 four o'clock in the
 afternoon. (He arrested
 them at 1217 Mott St.)
 He was told that the
 three defendants were
 in No. 12 Mott Street.
 The prisoner arrested
 had a dagger. (This I
 took from him) dagger
 officer, and this man
 the defendant, had
 another dagger.

Q.

Did you discover
 anything else?

A.

I discovered the
 prisoner that Officer
 Bissert had, I went
 to see the other fellow.

Q.

What did you observe
 the other prisoner do?

A.

He dropped a

H

little paper on the floor, Officer Bisset picked it up and found it contained a portion of a breast pin and a finger ring which the couple-
 servant afterwards identified as his.

Q

Then you resisted
 on arresting them?

A

Yes Sir.

I swore before me }
 this 15th day of Oct 1889 }

Police Justice

12

Michael Dissert being
 duly sworn deposes that
 says, I am attached
 to the 14th Precinct
 Police

Q. When you made
 the arrest did you
 find a concealed
 weapon on any of
 these defendants?

A. Yes Sir,
 Q. Will you please show
 it?

A. Yes Sir, (Dagger shown)
 Q. On whom did you
 find that?
 A. On the prisoner
 who went out. (See
 list)

Counselor Inquirer. All the
 witnesses in this case
 must be excluded
 from the examination
 room —

A3

Counsellor Price. Section
 203 of the Code of
 Criminal Procedure
 says the Magistrate
 must also, on request
 of the Defendant exclude
 from the Courtroom
 every person except the
 Clerk of the Magistrate,
 the Prosecutor and the
 Counsel, the Attorney
 General, the District
 Attorney of the County,
 the Defendant and his
 Counsel and the Officer
 having the Defendant
 in custody. The de-
 =fending witness is the
 Prosecutor and of course
 must be present &
 confront the Defendants,
 he stands in place of
 the People
 Counsellor Hughes, He is

A4

not the People,
Counsellor Price - Then you
 must have all the
 People of the State of New
 York here - I would move
 that each and all of the
 witnesses both for the
 Prosecution and for the
 Defence be excluded
 and retire pending the
 examination of the
 witness now on the
 stand.

Court That is allowed,
 but the Complaint must
 be here all the
 time.

Angels They are decline to
 proceed and waive
 further examination
 unless all the witnesses
 are excluded -

Price - In view of the enormi-
 -ty of the & the Offense

15

And the evidence that
 has been adduced here
 this afternoon I think
 it but proper to ask
 your Honor to give
 bail in such sum as
 will be commensurate
 with the crime committed,
 and evidence against
 the Law have been
 committed by the two
 defendants; the Law
 the second evidence of
 the Officers outside of
 the testimony of the
 complaining witness
 who has narrated
 under oath the way
 and manner in which
 he was maltreated; the
 evidence of the two
 Officers that in mak-
 -ing the arrest, they
 discovered one of the

16

Defendants throwing
 what looked like a
 piece of paper on the
 ground and then picked
 it up and found a
 real live or part of
 one made out of
 five dollar gold piece,
 and a silver ring and
 these things are part
 of the Complainant's
 property which he was
 robbed, and notice the
 Officer arrested two of
 these Defendants, two
 daggers were found
 in their possession,
 which, as your Honor
 knows is a felony in
 view of these facts,
 and seeing that the
 Defendants refuse to
 go further and waive
 examination, I ask

117

That you fix bail
 in a sum sufficient
 to insure their appear-
 -ance at General
 Sessions, you have a
 duty you owe to the
 people of the State of
 New York as well as
 their duty to the Bar,
 There is a charge made
 on the evidence of two
 officers, that they
 found the stolen prop-
 -erty which was taken
 by force and violence,
 and I am now told
 it is one of the most
 outrageous robberies
 ever committed within
 the City and County of
 New York, and for
 that reason I think
 the present Bail wholly
 insufficient

28

Councillor Hughes, We are ready to go on with the Examination, but we ask that all witnesses except the one on the stand be excluded, we ask that we be allowed to examine each witness alone. I have brought greater bail here than most men could bring, a well known Citizen comes and puts on the Defendants Bond for the appearance of these Defendants and they are here today and will be present when required. The object of Bail is not to make it commensurate with the enormity of the crime, it is simply to secure the attendance

19

of witnesses, and the
Law Relative thereto con-
-templated nothing else;
there is no evidence
here to show that the
Bail now given will
fail to produce the
defendants at the
proper time and place,
It is right to try and
turn this tribunal
into a Court of Oppres-
sion, I hope not,
but I know your
Honors well know
Character for probity
and justice will pre-
-vail, and that you
will not increase the
Reid because the
Counsel for the Prose-
-cution wants it.

Price

I will join with
the learned Counsel

20

and request the Bail
 to remain as it is, but
 the additional facts
 brought out today
 warrant the increase
 of bail, if after
 bringing out these facts
 and calling the
 attention of the Court
 to them, the Judge lets
 the present bail stand,
 I have done my duty
 and leave the rest with
 the Court.

Court I am here to do, and
 see justice done. I
 am anxious that every
 thing about this case
 should be brought
 out and made
 public, and I hope
 counsel will observe
 the Rules of Evidence,
 and I think it to the

21

interest of everyone
 that the Government
 proceed
 Hughes. — If you naïve
 that
 Price — I cannot, the Law
 says the Complainant
 must be present —
 Court — That is the Law,
 and I am right, and
 I know you (Mr Hughes)
 see the Constitution
 of the United States and
 of New York State says
 that.
 Hughes. I say now that
 there is no prosecutor
 but the People — and
 I ask that the Com-
 -plainant witness be
 excluded on the ground
 that he is a Witness
 Court — He is the People's
 witness, and has a
 21

212

right to be here,
 Angles. In as much as
 our defence will
 attack and attempt
 to destroy the story, it
 would be independent
 for us to allow the
 prosecutor to be present
 Court. The complaining
 witness is the man
 supposed to have been
 robbed, and he is the
 People's witness, and
 the prosecution is, in
 the name of the People
 of the State of New York
 and he could not, if
 he so will, with-
 draw.

Angles - There is a good
 deal of discretion
 given the Court. The
 object of the complain-
 ing witness being

Q. D.

present. I will allow
 you time to consult
 some leading lawyer
 on the point raised,
 or you can consult
 Judge & General
 Messers. I want
 you to leave this
 court feeling that
 justice has been
 done you. It is a
 peculiar point you
 raise. We will now
 adjourn the further
 hearing of the case
 till you satisfy your-
 self on that point.

Adjourned to Oct 30th 1889
 at 9 o'clock A.M.

0770

Mad.
District Police Court.

Lee King

vs.

Lee King
" " King

STENOGRAPHER'S TRANSCRIPT.

Oct 18 1889

BEFORE HON
Judge
Police Justice
Mr. Tracy

Official Stenographer.

0771

POOR QUALITY
ORIGINAL

to appear in court with depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Alfred J. Davis
guilty thereof, I order that he be held to answer the same and he 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 he give such bail.
Dated *1889* *Sept 18* *1889* Police Justice.

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

Dated *18* Police Justice.

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

Dated *18* Police Justice.

0772

OR QUALITY
ORIGINAL

Oct 17 2 PM

Police Court District 1641

THE PEOPLE &c.
ON THE COMPLAINT OF

See Gilling
207 5th
See Gilling
See Gilling

all
BAILED.

No. 1, *2-3*

John P. White

Residence

Street.

No. 2, by

874-8th Ave.

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

Officers
Blair & Hagan
See him

Street.

Street.

Street.

to answer

30.9 a.m

\$2000 - G.S

0773

Sec. 192,

3rd

District Police Court.

Undertaking to appear during the Examination

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Patrick G. Duffy Esq. a Police Justice
of the City of New York, charging Lee King Defendant with
the offence of Robbery

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, Lee King Defendant of No. 5 1/2
Mott Street; by occupation a Clerk
and John P. White of No. 17 Mott
Street, by occupation a Real Estate Surety, hereby jointly and severally undertake that
the above named Lee King Defendant
shall personally appear before the said Justice at the Third District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York, the sum of Twenty
Hundred Dollars.

Taken and acknowledged before me, this 8th
day of October 1889

12 5

Patrick G. Duffy
POLICE JUSTICE

John P. White

0774

CITY AND COUNTY
OF NEW YORK, } ss,

day of

Sworn to before me, this

188

Police Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and free
holder within the said County and State, and is worth forty — Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of house & lot of land

situated No 17 Mott Street said city of New York

valued twenty thousand dollars

free & clear

John P. White

District Police Court.

THE PEOPLE, & c.,

ON THE COMPLAINT OF

vs,

Undertaking to appear during
the Examination.

Taken the _____ day of _____ 188

Justice,

0775

Sec. 107

District Police Court.

Undertaking to appear during the Examination

CITY AND COUNTY } ss.
OF NEW YORK, }

An information having been laid before Police Justice
of the City of New York, charging Lee Shi Defendant with
the offence of Robbery

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We,

Defendant of No. 157

John White Street; by occupation a Black
and Warner of No. 844 Agent

Sireet, by occupation a Lee Shi Surety, hereby jointly and severally undertake that
the above named Shi Defendant

shall personally appear before the said Justice at the District District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York, the sum of Twenty
Hundred Dollars.

Taken and acknowledged before me, this 8
day of Sept 1888

POLICE JUSTICE

0776

CITY AND COUNTY
OF NEW YORK, } ss.

day of
Sworn to before me, this
Public Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth Twenty Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of

City of Land No 17 North
St. North on the island
Dollars free and clear

John P. White

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs,

Undertaking to appear during
the Examination.

Taken the day of 188

Justice,

0777

Sec. 102.

District Police Court.

Undertaking to appear during the Examination

CITY AND COUNTY OF NEW YORK, ss.

An information having been laid before Patrick G. Huffy Esq. a Police Justice of the City of New York, charging Lee Ling Defendant with the offence of Robbery

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned. to Tuesday the 8th day of October at

230 o'clock in the afternoon Defendant of No. 17

We, Matt P. White Street; by occupation a Lodging House Keeper

and John P. White of No. 17 Matt

Street, by occupation a Real Estate Surety, hereby jointly and severally undertake that

the above named Lee Ling Defendant

shall personally appear before the said Justice at the 3d District Police Court in the City of New York,

during the said examination, or that we will pay to the People of the State of New York, the sum of FIVE

Hundred Dollars. Thous and Dollars

Taken and acknowledged before me, this 7

day of October 1889

Patrick G. Huffy POLICE JUSTICE

John P. White

0778

CITY AND COUNTY { ss.
OF NEW YORK, }

day of *March*
1881
Police Justice

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and *Real property*
holder within the said County and State, and is worth *Five Thousand* ~~Hundred~~ Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of *a double tenement*
house seven stories No 17
Mott Street in said City of New York
valued at Twenty thousand dollars
free.
John P. White

District Police Court.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs,

Undertaking to appear during
the Examination.

Taken the _____ day of _____ 188

Justice,

Bond can be paid
by W. D. H. H. H. H.
Counselor.
322 Broadway,

0779

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

May 21 1890

Honorable R. Fellows

District Attorney

Dear Sir, I have

examined the case of
The People
vs
Lee Ling
et al

heretofore sent to me for examination
and report. I can find no
reason why the case should
not be tried as, from the
evidence for the People, it is
very simple.

Respectfully,

Henry D. Macdonald
Deputy

0780

Police Court District.

CITY AND COUNTY
OF NEW YORK, ssof No. 207 5th Street, Aged 32 Years

Occupation of Laundryman being duly sworn, deposes and says, that on the

day of October 1889, at the 17 Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money of the
United States consisting of four-
bills of diverse denominations and
also a quantity of silver coins the
whole being valued at one hundred
and seventy-four dollars, one
scarf pin made from a five
dollar gold piece the pin of which
had been previously broken, and one
finger ring of Chinese manufacture
the whole being

of the value of One hundred and eighty-two DOLLARS,
the property of Lee Ling and this deponent.

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

Lee King, Lee King and Lee Hi
all men here who were acting in
concert, for the reasons following to-
wit: all about the hour of 12th Mianjia
of said date the defendants Lee King
entered the laundry at premises 207-
5th Street and asked deponent to allow
him to have a smoke; a few moments
afterwards the defendants Lee King &
Lee Hi entered said laundry and
also requested to have a smoke; all
three defendants went to a room in
the rear of said laundry, and all

day of
1889

Sworn to before me this

Police Justice

there entered into a conversation. Dependent
gave to Lee King a Cigarette and as de-
pendent went into another room to get some
tobacco for the other two defendants the
three defendants followed dependent into
said room and whilst there the defendant
Lee King rubbed some fluid substance
on dependent's forehead. The three defendants
seized hold of dependent, threw him to the
ground, forced some cloth into his
mouth tied him with ropes and one
of the defendants placed a cold substance
against dependent's head, which substance
dependent believed was a loaded revolver
and told dependent he would shoot him
if he did not give him money. Depen-
dent told the defendants that all the
money he had was in the pockets
of the trousers which were hanging
on a wall in said room. Dependent
says that these dollars of said money
the scarf-pin and ring were in the
pockets of said trousers before the defendants
entered the said premises and that after
they had left, the said three dollars, pin
and ring were missing. Dependent says
that he was for the defendants were in
said premises from the time he last
saw the said three dollars, pin and ring until
he was seized the same. Dependent is informed
by Lee King who is the keeper of the
City of New York, that he gave such a
defendant that he was placed the sum
of one hundred dollars in a trunk which
trunk was in said premises and that there is sufficient cause to believe the within named
It appearing to me by the within deposition and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
fastened the key having the key to the
box of said trunk. Dependent says
that the said trunk was removed
from under a bed in a room in said
premises, taken into another room
there broken open and said money
taken therefrom. Dependent further
says that eleven dollars was in the
drawer in said premises when the
defendants entered and that said
money was missing after they
had left.

Police Court

THE PEOPLE vs. on the complaint of

Offence - ROBBERY

Date

Magistrate

Over

Clerk

Witnesses

No.

No.

No.

\$

to continue next Session.

0782

Deponent is further informed by Officer Michael Bissert that the Bissert was informed that a Robbery had taken place in said premises he Bissert went to said premises he there found the deponent who told him that three men had robbed him, ~~and~~ of the following property, a silver watch, eleven dollars in money, a scarf pin made of a five dollar gold piece and a ring. The said Bissert further informs deponent that when he arrested the three defendants the defendants he being dropped from his possession a portion of a scarf pin and a ring which property deponent identifies as being a portion of the property which was forcibly taken stolen and carried away. The said Bissert further says that the deponent visits premises and he had a mask on his face head.

W. H.

*Deponent to Bissert
this Sat day of September
1894
J. H. Bissert
Officer Bissert*

0783

CITY AND COUNTY
OF NEW YORK, } ss.

Michael Bissert
aged *47* years, occupation *Electrician* of No. *14*
Quincy Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Lee Hing*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

October 188*9*

sch
Michael Bissert
[Signature]
Police Justice.

0784

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 38 years, occupation Harmonizer of No.

207 - 5th St Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Lee King

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

Sworn to before me, this

day of October 1889

[Signature]
Police Justice.

0785

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Lee Ling 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 to 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. *Lee Ling*

Question. How old are you?

Answer. *41 years of age*

Question. Where were you born?

Answer. *China*

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

Answer. *14 Mott St (3 weeks)*

Question. What is your business or profession?

Answer. *Importer*

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. *Am not guilty*

李齡

Taken before me this

day of

189

Police Justice.

0786

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

3
District Police Court.

Lee Chi
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. *Lee Chi*

Question. How old are you?

Answer. *38 years of age*

Question. Where were you born?

Answer. *China*

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

Answer. *14 North 30 Street*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *Am not guilty*

李
群
大

Taken before me this
day of *July* 189*7*

[Signature]
Police Justice.

0787

Sec. 198-200

CITY AND COUNTY OF NEW YORK ss.

3 District Police Court.

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. Lee Sing

Question. How old are you?

Answer. 40 years of age

Question. Where were you born?

Answer. China

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

Answer. 57 Mott St 6 years

Question. What is your business or profession?

Answer. Clerk

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

Answer. AM NOT guilty

星李

Taken before me this

day of

Police Justice.

0788

CITY AND COUNTY
OF NEW YORK, } ss.

POLICE COURT,

³ DISTRICT.

of No. 14th Avenue Street, aged 46 years,
occupation Detective being duly sworn deposes and says,
that on the 7th day of October 1889

at the City of New York, in the County of New York, Lee Hing
(now known as a material witness
for the people against the
said Hing and Lee Hing who
are charged with Robbery
and depredations believing that
the said Hing will not appear
when wanted he prays that
the said Hing be committed
to the House of Detention for
Witnesses to appear when
needed. Michael Bissert

Sworn to before me, this

of

October 1889

(1889)

Police Justice,

0789

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT,

3 DISTRICT.

of No. 144 West Street, aged 46 years,
occupation Detective being duly sworn, deposes and says,

that on the 6th day of October 1888

at the City of New York, in the County of New York, he arrested

the King, Lee King, and

He (all now free), on com-

plaint of Lee King who

charged the said King, said King

said he with forcibly taking

stealing and carrying away

money and jewelry. Wherefore

deponent prays that the

defendants be held to make

him to secure the necessary

evidence Michael Bissert

Sworn to before me, this

of

1888

day

at

the

City of

New

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0790

Police Court 3043 District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

Dated

188

Magistrate.

Officer.

Witness,

Disposition,

Oct 8. 2. P.M.

AFFIDAVIT.

0791

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Lee Tung, Lee Sing
and Lee Hi*

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

Lee Tung, Lee Sing and Lee Hi _____

of the crime of ROBBERY IN THE — *first* — DEGREE, committed as follows:

The said *Lee Tung, Lee Sing and Lee Hi*, all _____

late of the City of New York, in the County of New York aforesaid, on the — *sixth* — day of — *October* — in the year of our Lord one thousand eight hundred and eighty-*nine*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Lee Tung*, _____ in the peace of the said People then and there being, feloniously did make an assault, and *three* 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 of twenty dollars, and of the value of twenty dollars *each*; *six* 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 of ten dollars, and of the value of ten dollars *each*; *ten* 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 of five dollars, and of the value of five dollars *each*; *ten* 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 of two dollars, and of the value of two dollars *each*; *ten* 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 of one dollar, and of the value of one dollar *each*; *three* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *six* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *ten* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *three* United States Silver Certificate of the denomination and value of twenty dollars *each*; *six* United States Silver Certificate of the denomination and value of ten dollars *each*; *ten* United States Silver Certificate of the denomination and value of five dollars *each*; *ten* United States Silver Certificate of the denomination and value of two dollars *each*; *ten* United States Silver Certificate of the denomination and value of one dollar *each*;

three United States Gold Certificates of the denomination and value of twenty dollars each; five United States Gold Certificates of the denomination and value of ten dollars each; ten United States Gold Certificates of the denomination and value of five dollars each; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of thirty dollars, one scarf pin of the value of six dollars, and one finger ring of the value of six dollars;

of the goods, chattels and personal property of the said Lee Hing, in the presence from the person of the said Lee Hing, _____ against the will, and by violence to the person of the said Lee Hing, _____ then and there violently and feloniously did rob, steal, take and carry away, the said Lee Hing, Lee Lung and Lee Hi, and each of them, being then and there aided by an accomplice, actually present, to wit: each by the other, and being also armed with a dangerous weapon 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.

JOHN R. FELLOWS,

District Attorney.

0793

BOX:

380

FOLDER:

3551

DESCRIPTION:

Glass, John

DATE:

01/17/90



3551

0794

Witness:

officer - *Alley*
1350 *Prudential*

Counsel,

Filed

Pleads,

1890

day of

THE PEOPLE

vs.

John Glass

July 20/90

sent to the Court of Special
Sessions for trial, by request
of counsel for Defendant.

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and
page 1880, Sec. 8.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

G. H. Am

Foreman.

0795

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 Glass

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

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

The said

John Glass

late of the City of New York, in the County of New York aforesaid, on the *twenty-sixth* day of *February* 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

Emanuel Meyer

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

John Glass

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

The said

John Glass

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.

0796

BOX:

380

FOLDER:

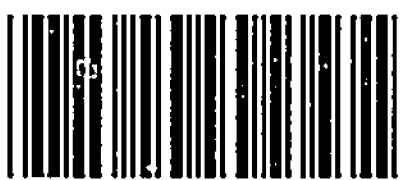
3551

DESCRIPTION:

Goldfarb, Hyman

DATE:

01/27/90



3551

0797

361

B.W. 5/9/90

Counsel, Gorey 132 Nassau

Filed 27 day of Jan 1890

Pleads, Not guilty. 7/9/90

per [illegible]

THE PEOPLE

vs.

Hyman Goldfarb

our misters of

defence for March
John K. FELLOWS,

District Attorney.

committed.
7.3. 7 day 6/90.

A True Bill. Part III

Pl. 2

and [illegible]
indict this. R.M.

L. O'Leary 31/90

J.F.

Witnesses:

J. O. Goldsmith

After an examination of the
evidence in this case, I am
of opinion that no conviction
can be had for this crime.
I recommend the dismissal
of this indictment. (See Bill
of Complaints. Amended report of
discrimination filed herein.)

May 27, 1891.

Wm. M. Davis

Attorney at Law

Delaware Ave

Section 27

Westchester
Bruce Court

Frederick Goodrich
agent
Myman Goodrich

Merged with
Grand Jurors
Deputy Sher
Edward Hogan
Police Justice
June 5th 1899

Appearance
Abraham Gruber
Col John W. Byrne
J. A. Thompson

For the people
" " Defendants

(See notes being present the
examination proceeded.

James H. Caldwell a witness on
the part of the people being duly sworn
deposed & says.

Direct Examination

Where do you reside?
A. 138 East 113 St. New York

What is your business?
A. Clerk in the Sheriff's office

Where you a clerk in the Sheriff's
office in the months of April and

May 1889?

A. L. S.

Which whom were you sworn?
 A. Julius Hauffman a deputy sheriff
 of the city had charge of the levy and
 execution against the firm of
 Goldfarb and Co the city.
 I attended to all the details.

What other execution did you take
 charge of the property of Goldfarb & Co?
 A. None.

A. I cannot remember method or
 execution, I forgot to speak any
 more.

Was the sale properly advertised?
 A. It was.

On what day did the sale take place?
 A. There were two sales, the first took
 place on May 9th at 619 Broadway
 and the second sale took place.

May 26th at 547 1/2 White Street,
 Were the sales properly advertised?
 A. They were.

Was there a large or small attendance?

0000

at these sales?

A There was quite a large audience at the first sale.

Q Was the bulk of the debtor's property sold at the first sale?

A Yes sir.

Q What did the first sale bring?

A The gross amount was \$1042 ²⁵/₁₀₀ dollars.

Q And the second?

A \$86 ⁷⁰/₁₀₀ dollars.

Q When did you take possession of the property so sold?

A About noon prior to May 21st.

Q Did you recognize the accused the previous day as one of the members of the firm of Goodford & Co?

A Yes sir I recognized him as Mr Goodford.

Q Did you have any conversation with him regarding his property subject to the levy?

A None whatever.

Q So far as you know did you know

and all the property of the firm of
Gardner and Co in the City and County
of New York?

A. I did

Q. Had he depended on our loss you that
there was any property outside of
that which you sold?

A. I don't remember having any conver-
sation with him

Q. Was he present at the sale?

A. No. I don't remember having seen
him.

Examiner

Q. How do you know that it was the value
of the dependent property that was
sold at that time?

A. The value of the property that we
looked upon. From the fact that we
had realized \$1042.00 and the
other \$6.00

Q. You mean then that it was the value
of the property that you sold? Is not
the value of the dependent value
property?

A. The value of the property we sold

upon.

If you stated that you seized upon all of the defendants property under this execution how do you know that you did.

A I said all property that we could find. If and how much more property the defendant had you know nothing about?

A No Sir

If and all that you know about it is, that the property you sold under these executions brought so much money.

A Yes Sir

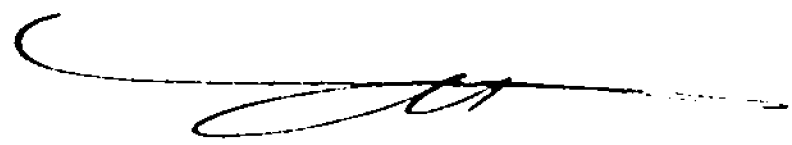
By Col C Byrne

If and if he had any more property he concealed it to prevent its being sold?

A I cannot say that.

If it was not apparent?

A No Sir we took all the property we could find.



Robert Parker auction on the
part of the people being duly sworn
deposed this day.

A direct examination
of where do you reside?
At 348 East 74th Street
of what year 1900?
At 18 years

of what is your business?
A salesman

of what what firm?
At A. W. Wipf & Sons

of how long has your firm been in the
business here?

At 18 years

of On the 1st day of April 1889 was he in the
store of A. W. Wipf & Sons?

At 18 years

of Did you see him any goods?

At 18 years

of Show you a bill marked April 1st 1889
of One thousand and fifty seven dollars
(\$1057). do you remember selling
him those goods?

7

We remembered selling him the tiles but
 I don't remember the amounts.

If you have any conversation with Mr
 Jacobs on that day regarding his being
 called in the office, the reference office
 of A. Wimpfheimer & Co.

Answer Sir

If please state what occurred?

When he was through buying the goods
 I said to him Mr Jacobs they want
 to see you in the office, as I was told
 not to ship the goods until he came
 out of the office, and after he was
 all through I was called down and
 changed the goods and ship them.

If you told Mr Jacobs that the goods
 could not be shipped to him until
 he went into the office?

I told him he was wanted to see us in
 the office.

Cop. Examination.

If all that misled Mr Jacobs was to
 come into the office?

Answer Sir

8

Q That was the only conversation you had
with him?

A Yes Sir

Q You said Mr Good forb. lots of goods
since August last how many?

A Yes Sir

Q How much?

A That I don't know

Q About how much, a thousand dollars

A That I don't know what all the bills

amounted to sometimes a few for a

waited on him, I don't know what

the amount is.

Q He bought a good many goods from
your house since last August?

A Yes Sir

M

Frederick Gladstone a witness
called in the part of the people being
duly sworn deposes as says.

Q What is your business?
A Clerk department of a newspaper
Bro.

Q What is your age?
A Twenty-two.

Q How long have you been in the
A Yes.

Q What has been your business since
August 1st 1888?

A Clerk-man, in the credit department
of a newspaper & Bro.

Q On the first day of April 1889 did you
have a conversation with the degen-
dant?

A Yes.

Q Where?

A In the private office of a newspaper
Bro.

Q Where?

A 41 Wythe Street.

Q Please state what that conversation
was?

A Mijwedeste purchased a bird of goods
and stood him before delivering those
goods I wanted him to make a ^{small} ~~large~~ ^{small} ~~large~~
went to which he said he was willing
to do, I gave him my reason for
doing so, I told him of late a good
many inquiries had come from
large importing houses as well as
manifesting houses concerning him
and unless we knew exactly how
he stood we would not be justified
in delivering him any goods.

Q Did you ask him for a statement
of his firm's affairs?

A Yes

Q What occurred?

A I then took out a statement out of
the safe which he had previously
made and signed and asked him
to look at the statement and he said
and I said is your condition now
the same as it was then has it im-
proved, or is it ^{any} different, he said in
regards to dollars and cents it is the

same, as it was on that day, I may
and more used I may use 1000, I
may have more unshredded or I
may have less, but the total amount
of assets remains the same as it is
there

Q. Show me a paper which is in the
form of a statement dated August
1st 1888 Statement of assets and
liabilities signed by Alfred J. Smith
and as a paper if that is the paper
that you showed me him?

A. It is

Compliments Received

I offer the paper in evidence
By the Court. A admitted. Paper marked
Off & Ex 1.

Q. Did Alfred J. Smith send that statement
to the court?

Q. Did he deliver it to you then as the
statement in evidence?

A. Yes Sir

Q. And did he deliver this statement to
you on the 1st of April 1889?

Q. He did give you on the 10th of April 1889.
If you requiring a written statement, he
advised this to you?

A. Yes Sir.

Q. Did you make any entry of what occurred
in your books, in your firm's books,
at that time?

A. Yes Sir. I was a few minutes after he
left & took my reference book and
put in what he told me
if the book handed you is your reference
book of your firm?

A. Yes Sir.

Q. Is the entry there of April 1st 1889 in
your handwriting?

A. Yes Sir.

Q. Was this entry made in the reference
book in that particular place?

A. Yes Sir.

Q. Was made after he had gone?

A. Yes Sir.

Q. Is it customary for you to enter in
your reference books of your firm
the statements that were made to you?

Objected to

By the Court. Sustained

Would you enter in your reference to us the fact that the statement is as delivered to you on the 1st of April 1889

Objected to

By the Court. Sustained

Would you here specify the goods bought by Mr. Goodford on the 1st day of April 1889 amounting to one hundred & fifty seven (\$157.00) dollars if that statement had not been made to you in writing

Objected to

By the Court. Objected. Sustained

By the Court.

Would upon the representations made to you in writing by the defendant at that time that you said here the goods?

As it was.

By Mr. Byrne

Would you say that only?

Yes Sir and I told him so. unless he reiterated that statement I would

not deliver him the goods.

Q And did you not him the goods?
A and delivered them.

By Mr. Justice

Q And did he ever say for them?
A Yes Sir

Q And he has since paid?
A Yes Sir

Q Are you able to say to the Court that
upon the first of April 1859 that he was
not worth thirty five hundred (\$3500) 1
dollar over and above his debts?
A Yes Sir

By the Court.

Q Do you remember the representations
made at that time were true or false?
A I do not know, I think they were false.

Q Tell us how you know it?

A Because when he made that state-
ment I asked him particularly whether
all the money in the business is his
and to which he replied yes, and
a few weeks afterwards he confessed
a judgment to some of his relatives.

for money advanced previously to the
1st of April 1889 which conclusively
shows that the money was not his
own.

By Mr. Gruber

Q. How many days after the first of
April 1889 did the sheriff go into
possession of his place?

A. I don't exactly know.

Q. Do you mean how much Mr. Goldfork
owed in the market?

A. I don't.

By Mr. St. Byrne.

Q. Can you tell the Court any portion of his
indebtedness?

A. About Twelve thousand dollars.

By the Court

Q. Do you know that of your own knowledge
A. I know it by information

By Mr. Gruber.

Q. Do you mean how Mr. Goldfork failed in
business by what means?

A. By confounding judgment.

Q. Do you Samuel Goldfork his father?

As per Sir

Q. He has not called any meeting of creditors
or made any offer of compromise has
he?

A. Not to my knowledge.

As per Examination

Q. He has not paid him has he?

A. According to law he has paid & quit

Q. Do you know if he has paid is not?

A. I don't know any judgments failing

Q. No it is not?

A. He has not paid his creditors

Q. You have been selling him lots of goods
yourself?

A. Individually?

Q. You furnish?

A. Yes Sir

Q. Between the date of that statement
and the first of April when he bought
the other bill you had sold him lots
of goods had you not?

As per Sir

Q. What is your business there; credit
man of the house?

17

Ayer Sir

Q You are familiar with the accounts of the house?

A Pretty thoroughly. pretty nearly.

Q How do you know that?

A Nearly nine (99) out of a hundred (100).

Q But is your business to know how

much a man owes your house?

A That I cannot tell you unless I refer to the books.

Q How much did you pay to me you on the 1st of April?

A Between 4 and 5 hundred dollars.

Q This statement shows that he owes altogether for merchandise one hundred dollars, you know that it was not true, on the first of April; because he owed you five or six hundred dollars?

A As I said once before that Mr. Goodford paid to me and more for merchandise, and he may owe less but at the same time his total standing was the same as it

18

was the year previous.

Q. Do you not withdraw the statement as it is there did he?

A. He did.

Q. This statement says that he owed you one hundred dollars for merchandise?

A. Yes sir.

Q. And he owed you five or six hundred dollars? - he didn't give you the statement, he gave you the substance of what he owed?

A. Yes, your friend Igou has his statement and he read it, and he said it was his statement.

Q. About you must have many goods he bought from August 1888 to April 1889?

A. Yes sir.

Q. About you must that he bought thousands of dollars worth of goods in the market?

A. Yes sir.

Q. About you must that he bought thousands

0816

19

of date with of goods from August
to April?

A. Hold out of my own knowledge I
suppose he did.

Q. You had reason to believe that he had
bought a good deal?

A. Yes Sir.

Q. You knew from his business that he
had to buy a great many goods?
Between August and April?

A. Yes Sir.

Q. You met him on the first of April?

A. I asked him if his capital was all his
own and he said yes.

Q. There is nothing in his statement
about his money being his own?

A. No, your pardon. I think there is.

Q. Did you rely upon his statement, or
on what he told you when you said
how these goods?

A. I relied upon what he told me and
upon the statement connected the
amount of net assets he has and that
all the capital in his business is his.

business is his own
 Q That he told you verbally?
 A Yes Sir

Q And that you complained of not being true
 A Yes Sir

Q And you show him that statement on the
 12th of April?

A Yes Sir

Q And you show him that entry in the book
 A Yes Sir

Q What did you show him?
 A That statement

By Paul Byrne

Q The statement is true. That he owes
 thirty four hundred (\$3400) dollars over
 and above all his indebtedness, and
 that all the money in his business is
 his own, and it was upon that written
 statement that you relied?

A Yes Sir

Q And you bring it as a matter of presentation
 using the words, "is it your own"
 and he said yes conforming to the
 words that he had written?

also in

Mr. Gurner

I offer in evidence two judgments entered on the 3^d day of May 1889 as follows, one in favor of Samuel Goodfords, against Hyman Goodfords and A. Frohman for twenty nine hundred and seventy five (\$2975.00) dollars which judgment is signed by the defendant and his partner on the 3^d of May 1889 and is by them marked day and which reads as viz That on the 14th day of September 1888 & the 29th of April 1889 at the city of New York Plaintiff at the request of the defendants who now are and then were partners under the firm name of A. Goodfords and Co. were them the sum of twenty nine hundred and seventy five dollars all a fixed sum of defendants promised to pay plaintiff on demand. That defendants have paid plaintiff on account thereof the sum of fifteen hundred and seventy dollars and no more leaving a balance

08 19

92

due off plaintiff of Townsboro hundred and
seventy five dollars which sum plaintiff
has repeatedly demanded of defendants
That judgment was filed May 13/1859
16 30 Am.

47

Three *Alouatta palliata* amicae
 called on the front of the paper being
 duly secured & covered & says
 A list of the same

What is your name?
 A my place of business is of 1113 Green
 Street

What is your business?
 A Broker of dry goods
 What is your age?
 A 31 years.

Are you one of the firm of A. W. Smith & Co.
 & Bros?

A Yes Sir
 Of Mr. Mr. J. A. Goodwin's your credit
 man on the 1st of April 1887?

A Yes Sir
 If you see the defendant Mr. J. M. Good-
 win together in your office on the 1st
 of April 1887?

A Yes Sir
 If you see in the hands of the
 defendant's plaintiffs Exhibit 1 of
 this date?

Ques. 24

J. Please state all questions the respondent
may ask, and what was said?

A. Mr. Gadsden with called Mr. Gadsden in the
office and told him, (as far as he
recalls) that we had a great many
inquiries from other people about
his standing & his credit, and we
wanted to know how he stood now.

J. Will you ascertain a few that he said
to the young man up stairs to come
down to speak to him?

Ques. 25,

J. Go on.

A. Mr. Gadsden with asked him how he stood
and he told him he stood the same
as he did in August 1888 and that
there may be some change as far as
the assets are concerned but as far
as his standing is concerned that
stood the same as I did in August
1888, and that all the money he
owned at that time he owned himself
and he didn't owe anybody a dollar.

25

that he did not owe anybody anything of
the thirty five hundred dollars that was
all his own money.

Q. Did you see the document and hand that
paper to Mr. Goodman?

A. Yes sir.

Q. What did he do in relation to the paper?

A. He handed the paper to Mr. Goodman
and said it was the way I stand to
day, the figures may have changed
a little but then it is all the same.

Q. Is that his handwriting? (showing)

A. Yes sir.

Q. Was it signed?

Q. How much did he owe you before at
the time of the conversation April
1st?

A. I should judge about four or five hundred
dollars.

Q. He had been buying a great many goods
from you from August to April had
he not?

A. I guess that was all that he bought.

Q. He did not pay you anything

between August and April?
 A. I guess he did.
 Q. Had he not bought a great many goods
 from you between August and April?
 A. Not a large amount.

Q. Purchasable goods then?
 A. I don't think the man bought as much
 from August to April 1st as he used the
 year previous.

Q. He had been dealing with you for some
 time?

A. Yes when he started in business and didn't
 have a dollar and gave him credit.

The further examination was adjourned
 to June 19th for the purpose of
 making a motion to dismiss the
 Complaint.

Case Closed

MONTHLY STATEMENT.
71 & 73 GREENE ST.
PLEASE ADDRESS P. O. BOX 1262.

Fol.

MONTHLY STATEMENT.

71 & 73 GREENE ST.

PLEASE ADDRESS P. O. BOX 1262.

New York, May 7 1889

Mr. H. Goldfarb &

J. A. Wimpfheimer & Bro. Dr.

Terms :

[illegible]

0825

ALL CLAIMS FOR DAMAGES, DEFICIENCIES, OF ERRORS IN PRICES OR TERMS TO BE MADE WITHIN TEN DAYS.

FOL

P. O. Address, Box 1262.

Telephone Call, "Spring, 609."

New York,

March 4 1889

as May 1

Morp *J. C. Goldfarb & Co.*Bought of *A. Wimpfheimer & Bro.*

Terms Cash: 10 Days less 6%

or " 30 " " 5%

Payable in New York Funds.

71 & 73 GREENE STREET.

Sole Agents for the BOULEVARD VELVETEEN

SHIP BRAND OF SILK VELVET.

100x	1	1/2	BLK.	184 3/4	15 2	4 65
1000x	5			108 3/4	21	38 75
A3	3			109 1/4	30	32 63
66x	3				28 2	31 14
						107 17

0826

ALL CLAIMS FOR DAMAGES, DELIVERIES, OR DELAYS IN DELIVERY OF GOODS TO BE MADE WITHIN TEN DAYS

FOL

P. O. Address, Box 1262.
Telephone Call, "Spring, 609."

New York, *March 5* 188*9*

Mod. H. Goldfarb, Co. a. May 1
Bought of A. Wimpfheimer & Bro.

Terms Cash: 10 Days less 6%
or " 30 " " 5%
Payable in New York Funds.

71 & 73 GREENE STREET.

Sole Agents for the BOULEVARD VELVETEEN SHIP BRAND OF SILK VELVET.

5000 C ¹⁹	2	BLK.		57 ³ / ₈	70	4017
6000 M ¹⁹	1		24 ²			
28	1	Cardu.	24 ²			
110	1	Bro.	24 ³			
158	1	Moussolne.	23 ⁶			
304	1		24 ¹			
	1	Marian	23 ¹			
71	1	Bro.	24			
236	1	Marian	24 ³			
29	1	Card	25 ¹	216 ⁷	102 ⁵	22229
5000 C ¹⁹	1	BLK (delivered March 4)	29 ³		70	2057
						\$283.03

Delivered March 4

20

102²/₄ 26.27

0028

ALL CLAIMS FOR DAMAGES, DEFICIENCIES OR LIABILITIES IN PRICE OR TERMS TO BE MADE WITHIN TEN DAYS.

FOL

P. O. Address, Box 1282.

Telephone Call, "Spring, 609."

New York,

March 30 1889

Messrs. Goldfarb & Co.

Bought of A. Wimpfheimer & Bro.

Terms Cash: 10 Days less 6%
or " 30 " " 5%

Payable in New York Funds.

71 & 73 GREENE STREET.

Sole Agents for the BOULEVARD VELVETEEN

SHIP BRAND OF SILK VELVET.

6000 M ¹⁹	2 L BCK	255	51 ²	102 ²	5253
5000 C ¹⁹	2	245.265	51 ²	-70	3588
				*	8841

0829

ALL CLAIMS FOR DAMAGES, DEFICIENCIES OF WEIGHT OR IN PRICES OR TERMS TO BE MADE WITHIN TEN DAYS.

FOL

P. O. Address, Box 1262.

Telephone Call, "Spring, 609."

New York,

April 1 1889

Messrs. H. Goldfarb & Co.

Bought of A. Wimpfheimer & Bro.

Terms Cash: 10 Days less 6%
 or " 30 " " 5%
 Payable in New York Funds.

71 & 73 GREENE STREET.

Sole Agents for the BOULEVARD VELVETEEN

SHIP BRAND OF SILK VELVET.

M	1009	1	2	Moose ol.	38		
	500	1			36		
	378	1		Slate	37		
	6	1		Mord.	37		
	200	1		Bro.	37		
	87	1		Marine	37		
	319	1		Navy	32 ²		
	175	1		Gobel.	36 ²		
	188	1		Garn	37 ²		
	54	1		Card.	31		
	I	1		Vieux Rose	36	401 ²	
100x		2		Blk	755	70 ²	18 ² 7428
1000x		2		"	347.38 ²	73 ²	15 ² 1085
							21 ² 1544
							\$10057

0830

Sole Agents for the BOULEVARD VELVETEENS,
SHIP BRAND of SILK VELVETS,
GENOA " " " "

J. Wimpfheimer & Bro.,

71 & 73 GREENE STREET,

Please Address P. O. Box 1202.

New York, Aug 15 1888

H. Goldfarb & Co.
Ct.

Mr. Goldfarb called this day
and stated. We have in our
business about thirty five
thousand dollars (\$3500). cash
merchandise shown account
of which \$1400⁰⁰ is cash, against
which we do not owe \$100⁰⁰
leaving net amount about
\$3400⁰⁰. All of which is
our own. The firm consists
of H. Gold & Abe Feltenskin
H. Goldfarb & Co.

Refounded by

0031

Sec. 192.

15th District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Kingford Esq a Police Justice
of the City of New York, charging Heyman Goldfarb Defendant with
the offence of Grand Larceny

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned,

We, Heyman Goldfarb Defendant of No. _____
126 1/2 Ave Street; by occupation a Millerman
and Abraham Rosenstein of No. 17 Warren
Street, by occupation a Super Surety, hereby jointly and severally undertake that
the above named Heyman Goldfarb Defendant
shall personally appear before the said Justice, at the _____ District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of Five
Hundred Dollars.

Taken and acknowledged before me, this 15th

day of May

188 9

B. Henry P. Hall POLICE JUSTICE.

Heyman Goldfarb
Abraham Rosenstein

0032

CITY AND COUNTY }
OF NEW YORK, } ss.

Sworn to before me this
15th day of May 1881
J. M. [Signature]
Police Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Five Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of half interest in

the Sugar Manufactory situated at no
17 Warren Street in said city valued
at Eight Thousand Dollars

A. Rosenstern

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 1881

Justice.

0833

ALL CLAIMS FOR DAMAGES, DEFICIENCIES, OR ERRORS IN PRICES OR TERMS TO BE MADE WITHIN TEN DAYS.

FOL.

P. O. Address, Box 1262.

Telephone Call, "Spring, 609."

New York, *April 1* 188 *9**Mrs. H. Goldfarb, Co.**Bought of A. Wimpfheimer & Bro.*Terms Cash: 10 Days less 6%
or " 30 " " 5%
Payable in New York Funds.

71 & 73 GREENE STREET.

Sole Agents for the BOULEVARD VELVETEEN SHIP BRAND OF SILK VELVET.

<i>Nt</i>	<i>1009</i>	<i>1</i>	<i>Moose ol.</i>	<i>F. C. Goldfarb & Co.</i>	
	<i>100</i>	<i>1</i>			
	<i>378</i>	<i>1</i>	<i>Seate</i>		
	<i>6</i>	<i>1</i>	<i>Mord</i>		
	<i>200</i>	<i>1</i>	<i>Bro.</i>		
	<i>87</i>	<i>1</i>	<i>Mar.</i>		
	<i>319</i>	<i>1</i>	<i>Mary</i>		
	<i>115</i>	<i>1</i>	<i>Gobel.</i>		
	<i>188</i>	<i>1</i>	<i>Gar</i>		
	<i>54</i>	<i>1</i>	<i>Card.</i>		
	<i>I</i>	<i>1</i>	<i>Vien & Rose.</i>	<i>401 1/2</i>	<i>18 1/2</i>
<i>100x</i>		<i>2</i>	<i>Blk</i>	<i>70</i>	<i>74.28</i>
<i>1000x</i>		<i>2</i>		<i>73 1/2</i>	<i>15 1/2</i>
					<i>21</i>
					<i>15.44</i>
					<i>100.57</i>

0034

Police Court— District.

Affidavit—Larceny.

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

Frederick B. Goldsmith

of No. 71 Greene Street, aged 36 years,
occupation Clerk being duly sworndeposes and says, that on the 1st day of April 1889 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 reticene of the
value of One Hundred ~~75~~ Dollarsthe property of A. Wimpfheimer and Brother
and care and charge of deponentand that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Hyman Goldfarb for thereason that on said day defendant
came to deponent's said firm and
asked to procure the said property
on credit. That deponent consented
to sell said goods upon credit
provided the defendant would make
a statement concerning his solvency
and ability to pay. That the defendant
thereupon made the annexed statement
in writing signed by him setting
forth his condition as to solvency
and credit. Deponent believing said
statement ^{to be true} and relying thereon did
sell said property and part thereof with

of

Sworn to before me, this 1st day

1889

Police Justice.

to the defendant who received the same.

Deponent is informed by newspapers and general notoriety and by Abraham Gruber (nowhere) that the defendant has confessed judgment for money owed by him to one Samuel Goldfarb a relative of said defendant and that the Sheriff of New York County is now in possession of the defendant's property at Broadway.

Wherefore deponent charges the defendant obtaining the possession of the aforesaid property ~~aforesaid~~ ~~be~~ upon the representations and statements aforesaid he well knew the same to be false and untrue and deprived deponent's said firm of the use and benefit thereof.

Sworn to before

me this 8th May, 1889

Thos. C. Greening

J. Kennedy
Police Justice

0036

CITY AND COUNTY }
OF NEW YORK, } ss.

Abraham Gruber
aged *28* years, occupation *Lawyer* of No.

41 Park Row Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Frederick C Goldsmith*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this *8*
day of *May* 188*7*

J. Henry Ford

Police Justice.

Ab Gruber

0837

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

Heyman Goldpart 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. *Heyman Goldpart*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *126 Henry Street. 3 months.*

Question. What is your business or profession?

Answer. *Millenary*

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*
Heyman Goldpart

Taken before me this

day of

188

Police Justice.

0838

Sec. 151.

Police Court. District.

CITY AND COUNTY
OF NEW YORK.

In the name of the People of the State of New York; To the Sheriff of the County
of New York, or any Marshal or Policeman of the City of New York:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Frederick C. Goldsmith

of No. 71 Greene Street, that on the 1st day of April

1889 at the City of New York, in the County of New York, the following article to wit: A quantity

of velvet on of the

of the value of One hundred 52 Dollars,

the property of an case of said Goldsmith

w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and

believe, by Hyman Goldfarb

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

answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said

Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant

and forthwith bring him before me, at the First 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 8 day of May 1889

Frederick C. Goldsmith POLICE JUSTICE.

0039

Police Court 1- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Frederick C. Goldsmith

vs.

Hyman Goldfarb

Warrant-Larceny.

Dated May 8- 1889

Dord Magistrate

Ditzpatrick Officer.

The Defendant Hyman Goldfarb
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

John Ditzpatrick Officer.

Dated May 15- 1889

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated

188

28th

in

Russia

Stats

in

ago

176 Henry

Police Justice.

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.

The within named

0840

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 July 5th 188

D. Hagan
Police Justice.

I have admitted the above-named

defendant
to bail to answer by the undertaking hereto annexed.

Dated July 5th 188

D. Hagan
Police Justice.

There being no sufficient cause to believe the within named

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

Dated _____ 188

Police Justice.

0841

500. bail for G.
May 17 to 2 P.M.
" 21 " 2 P.M.
" 24 " 2 P.M.
June 4. 9 1/2 a.m.
June 5 - 2 1/2 P.M.

" 19 For access in
to submit briefs

BAILED,

No. 1, by *Abraham Epstein*

Residence *110 Canal St.*

Bond renewed Feb. 17/90

No. 1, by *Samuel Goldfarb*

Residence *235 Madison St.*

No. 3, by

Residence

No. 4, by

Residence

Street.

The Justice presiding
at this Court in my
absence will please hear
and determine the within
Case

J. Henry Wood
Police Justice

W
Police Court--- / 998 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Fredrick C. Goldsmith

Hyman Goldfarb

2
8
4

Dated *May 15* 1889

Fred Magistrate.

Fitzpatrick Officer.

Court Precinct.

Witness *Abraham Epstein*

No. *41 Park Row* Street.

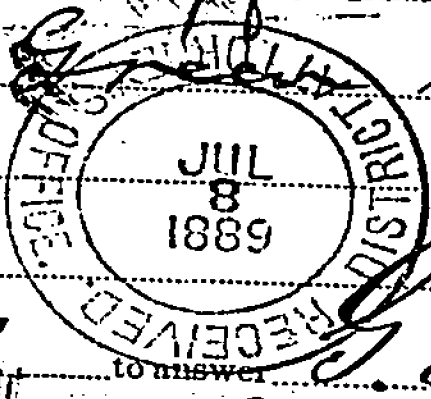
a witness

No. *71 Green St.* Street.

No. *500* Street.

\$ *500* to answer

Bailed



0042

FIRST DISTRICT POLICE COURT.

.....
The People &c on complaint of
Frederick C. Goldsmith
-against-
H y m a n G o l d f a r b .
.....

Before Hon.
Edward Hogan
Police Just-
ice.

This is a prosecution under sections 528 and 544 of the Penal Code, and is based on pretenses made in writing and signed by the defendant.

The testimony clearly shows that on the 1st day of April, 1889, the defendant came to the store of Wimpheimer & Bros., in the City of New York, for the purpose of buying goods on credit. That the salesman who sold the defendant the goods told him that before the goods could be shipped defendant would have to go to the office of Wimpheimer & Bros. where they wished to see him regarding his responsibility. That then the defendant went into the office, and in the presence of Mr. Goldsmith, the credit man for Wimpheimer & Bros., and a member of that firm, read over and redelivered to Mr. Goldsmith, as a means of inducing credit, a written representation which the defendant had theretofore made to Wimpheimer & Bros. on the 1st of August, 1889.

The evidence of Mr. Goldsmith and Mr. Wimpheimer is clear and to the point, that the defendant then and there, on the 1st day of April, 1889, reiterated and redelivered

(2)

the written statement and it was done expressly for the purpose of having shipped to him the goods which he had bought on that day, and which, as they both swore, would not have been shipped if the defendant had not made such reiteration and redelivery.

That written statement showed defendant to be possessed of ample means, and further, that the capital in his business was his own.

Within a month and three days after the statement was made, and on the 3rd day of May, 1889, the defendant confessed a judgment to his father, which showed that he had been borrowing money from his father and that on the 3rd day of May, 1889, he owed his father the sum of \$1475. for borrowed money, loaned between the 14th day of September, 1888, long prior to the time when the statement was made ; viz., the 1st of April, 1889, and the 29th day of April, 1889, a few days before the Sheriff took possession.

The Deputy Sheriff testified that within a few days after the entry of the judgment all the defendant's property was sold under execution and realized a little over \$1,000.

The defendant does not deny any of the testimony given by the prosecution, and the fact of the making of the representations and the insolvency and failure in business of the defendant within a short time after the making of these representations is thus admitted.

It needs no argument by counsel for the complainant to demonstrate that if defendant had been in as good a finan-

(3)

cial condition on the 1st of April, 1889, as he held himself out to be, his failure so shortly thereafter could not possibly have taken place.

It is unnecessary to argue that if the defendant had told Wimpheimer & Bros. that he owed his father for borrowed money, borrowed a considerable time prior to the 1st of April, 1889, they would not have shipped him the goods in question; and it was only by holding himself out to be a responsible man, doing business on his own capital, that he succeeded in getting the goods on which this prosecution is based.

Had the defendant taken the stand, his cross-examination would have disclosed his utter insolvency and a condition of business on his part that would have left no room for doubt that, on the 1st day of April, 1889, when he held himself out to be a responsible merchant, he was insolvent and unable to pay his debts, knew himself so to be and induced the complainant to ship the goods in question with the intention of not paying therefor and defrauding the complainants out of their property.

The evidence upon which the prosecution rely is documentary. The pretenses made by the defendant are in writing and it is proven by two reputable witnesses that the pretenses were delivered to Wimpheimer & Bros. on the 1st day of April, 1889.

The defendant does not deny ~~all~~ that is charged against him, but contents himself with raising technical and specious objections, none of which have any merit or virtue.

0845

(4)

It is respectfully submitted that the defendant be
held for the action of the Grand Jury.

Dated New York, June 17th, 1889.

Gruber, David Gordon
for Complainant
Ab. Gruber
of Counsel

First District Police

The People

an Complaint of

F. B. Goldsmith

against

Hyman Golofach

Brief for

Complainant

Attest: David H. Hannon
 Atty. for Complainant
 141 Park Road
 New York

To Hon. Edward Hogan
 Police Justice

0847

CITY AND COUNTY OF NEW YORK, ss.

In the name of the People of the State of New York, To any Peace Officer in this State:

An indictment having been found on the 27 day of May

1890, in the Court of General Sessions of the Peace of the City and County of

New York, charging Symon Goldfarb

with the crime of Grand Larceny 2d degree

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

City of New York, the 5 day of May 1890.

By order of the Court,

[Signature]
District Attorney,
City of New York

0040

N. Y. General Sessions of the Peace.

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Myriam Goldfarb

BENCH WARRANT FOR FELONY.

Randolph B. Martine,
District Attorney.

Issued

Martine 5 1890

☒ The officer executing this process will make his
return to the Court forthwith.

0849

FIRST DISTRICT POLICE COURT.

FREDERICK C. GOLDSMITH)

agst.)

HYMAN GOLDFARB.)

Before Hon. Edward Hogan,
Police Justice.

MAY IT PLEASE THE COURT:

The defendant is charged with the crime of having obtained from the firm of H. Wimpfheimer & Company goods to the value of \$100.28, under circumstances sufficient to justify a charge of grand larceny against him.

The prosecution evidently proceeds under Section 531 of the Criminal Code.

The offence is defined by Section 528, paragraph 1, and which reads as follows:

"Takes from the possession of the true owner or of any other person, or obtain such possession by color or aid of fraudulent or false representations or pretences."

It is claimed in this case that the testimony sustains the charge of "false representations or pretence."

I will call the Court's attention to the fact that this is a mercantile case. ~~is~~ A transaction between merchants regarding the sale and delivery of merchandise. The Court is aware that for many years in this City it was a habit and practice of certain mercantile people to use the process of the Criminal Courts for the collection of claims which they had against failing debtors in New York City and elsewhere, in fact all over the country.

0850

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In order to carry out their purpose they would, upon hearing that a customer who owed them money, had failed, get three or four of their employees, or others, of their firm together and proceed to charge the debtor with larceny, under the Section above quoted. If in the City, the debtor was immediately lodged in jail. If he paid the money or a large portion thereof, the prosecution ended; if he did not, it would finally be abandoned. If out of town, an indictment would be procured and an officer sent there to get the money or bring the body of the debtor to New York. In many cases the charges were absolutely false, the prosecuting parties ~~would~~ ^{would} hope to prevail by having a large number of witnesses.

To avoid such proceedings and such abuse of the Court's process, Section 544 of the Criminal Code was enacted, which in substance provides that the purchase of property by means of false pretence is not criminal where the pretence relates to the purchaser's means or ability to pay, unless the pretence is made in writing and signed by the party to be charged.

The law is plain and its purpose undoubted. Notwithstanding this plain enactment, this prosecution was commenced.

By the defendant's plea of not guilty, he denies and puts in issue all the acts testified to by the witnesses for the prosecution.

The very issue of fact which Section 544 was intended to avoid is raised here. The defendant denies that the statement made by him on August 1st, 1888, was given to him

on the 1st day of April, 1889, and he denies that he made the verbal statement testified to by the witnesses.

To permit such prosecution to prevail is in effect to repeal Section 544, which we submit is not the province of the Court.

In every case where a mercantile house has procured a statement in writing from a customer, and he should afterwards fail, although it may be years afterwards, the same offer of a re-delivery and verbal declarations could and would be proved against the debtor, just as under the old practice. The idea and purpose of the law is to avoid all such issues.

To sustain such a charge it is necessary to prove, first, the making of such a statement in writing by the person charged, and second that the same was false at the time it was made.

We submit that this cause is lacking of both essentials there is not even a suggestion of evidence in this case that the statement, which they claim he verbally made on the 1st day of April, 1889, was false.

He did confess a judgment for the purpose and for the only purpose of selling an old stock of goods of very small value.

Under the old bankrupt law, that would be an act of bankruptcy, but it would not be bankruptcy.

For aught that appears in the records of this case, the defendant may be a millionaire, and may have been a millionaire on the 1st day of April, 1889.

There is no issue raised but that the statement was

0852

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~~made~~ ^{true} on the 1st day of August, 1888, and we submit that under the laws it now stands.

The making of a true statement in writing and the signing thereof by the party making it, is not an offence.

In addition to that, Mr. Goldsmith testified, on cross-examination, in answer to the following questions:

Q. "Did you rely upon this statement, or on what he told you when you sold him these goods?" A. "I relied upon what he told me and upon the statement."

Q. "What he told you verbally?" A. "Yes, sir."

We think we have made it plain that the case is lacking in all the essentials of a crime.

We beg, therefore, to insist upon the granting of our motion to dismiss the complaint and discharge the accused.

*Respectfully Submitted
J. A. Thomas
of defendants counsel*

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FIRST DISTRICT POLICE COURT.

Frederick C. Goldsmith

vs.

Hyman Goldfarb.

B R I E F.

Campbell & Murphy and
F. A. Thomson,
Defendant's Attorneys,
265 Broadway,
New York City.

FIRST DISTRICT POLICE COURT.)
) Charged with Grand Larceny
)
Frédéric C. Goldsmith)
) Before Hon. Edward Hogan,
)
agst.)
) Police Justice, June 5th,
)
Hyman Goldfarb.) 1889.

Appearances.

)
Abraham Gruber and)
Col. John O. Byrne) For the people.
)
F. A. Thompson.) For the defendant.

All persons being present the examination proceeded.

James H. Calhoun, a witness on the part of the people,
being duly sworn, deposes & says:

Direct examination.

Q. Where do you reside?

A. 238 East 113th Street.

Q. What is your business?

A. Clerk in the Sheriff's office.

Q. Were you a clerk in the Sheriff's office in the month of
April and May 1889?

A. I was.

Q. With whom were you a clerk?

A. Julius Kauffman, a deputy sheriff.

Q. Did you have charge of the levy and execution against the
firm of Goldfarb & Co., this City?

A. I attended to all the details.

Q. Under what execution did you take charge of the property of
of Goldfarb & Co.?

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(2)

A. I cannot remember, we had two executions, I forgot to refresh my memory.

Q. Was the said property advertised?

A. It was.

Q. On what day did the sale take place?

A. There were two sales; the first took place May 9th at 610 Broadway, and the second sale took place May 26th at 5 & 7 White Street.

Q. Were the sales properly advertised?

A. They were.

Q. Was there a large or small attendance at the sales?

A. There was quite a large audience at the first sale.

Q. Was the bulk of the debtor's property sold at the first sale?

A. Yes, sir.

Q. What did the first sale bring?

A. The gross amount was \$1042.26 dollars.

Q. And the second?

A. \$86.70 dollars.

Q. When did you take possession of the property so sold?

A. About a week prior to May 21st.

Q. Do you recognize the accused, the prisoner here, as one of the members of the firm of Goldfarb & Co.?

A. Yes, sir; I recognize him as Mr. Goldfarb.

Q. Did you have any conversation with him regarding his property subject to the levy?

A. None whatever.

Q. So far as you know, did you levy and sell all the property

(3)

of the firm of Goldfarb & Co., in the City and County of New York?

A. I did.

Q. Did the defendant ever tell you that there was any property outside of that which you sold?

A. I don't remember having any conversation with him.

Q. Was he present at the sale?

A. No, sir; I don't remember having seen him.

Q. Cross examined.

Q. How do you know that it was the bulk of the property that was sold at that time?

A. The bulk of the property that we levied upon from the fact that one lot realized \$1042. dollars and the other \$86.00 dollars.

Q. You mean then that it was the bulk of the property that you sold and not the bulk of the defendant's whole property?

A. The bulk of the property we levied upon.

Q. You stated that you levied upon all of the defendant's property under the execution. How do you know that you did?

A. I said all property that we could find.

Q. And how much more property the defendant had you know nothing about?

A. No, sir.

Q. And all that you know about it is, that the property you sold under these executions brought so much money?

A. Yes; .sir.

By Col. O. Byrne:

Q. And if he had any more property he secreted it to prevent

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(4)

its being levied?

A. I Caannot say that.

Q. It was not apparent?

A. No, sir; we took all the property we could find.

-----:x:-o-:x:-----

Albert Cohen, a witness on the part of the people, being duly sworn, deposes and says:

Direct examination.

Q. Where do you reside?

A. 248 East 74th Street.

Q. What is your age?

A. 23 years.

Q. What is your business?

A. Salesman.

Q. With what firm?

A. A. Wimpfheimer & Co.

Q. Do you know Hyman Goldfarb the accused here?

A. Yes, sir.

Q. Did you sell him any goods?

A. Yes, sir.

Q. I show you a bill marked April 1st, 1889, of one thousand and fifty-seven dollars (\$1057.00). Do you remember selling him these goods?

A. I remember selling him the bills, but I do not remember the amounts.

Q. Did you have any conversation with Mr. Goldfarb on that day regarding his being called in the office, the reference office of A. Wimpfheimer & Co.?

A. Yes, sir.

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(5)

Q. Please state what occurred?

A. When he was through buying the goods I said to him, Mr. Goldfarb, they want to see you in the office, and I was told not to ship the goods until he came out of the office, and after he was all through I was called down and charged the goods and ship them.

Q. And you told Goldfarb that the goods could not be shipped to him until he went into the office?

A. I told him he was wanted to be seen in the office.

Cross examination.

Q. All that you told Mr. Goldfarb was to come into the office?

A. Yes, sir.

Q. That was the only conversation you had with him?

A. Yes, sir.

Q. You sold Mr. Goldfarb lots of goods since August last, have you not?

A. Yes sir.

Q. How much?

A. That I don't know.

Q. About how much, a thousand dollars?

A. That I don't know what all the bills amounted to, sometimes other parties waited on him, I don't know what the amount is.

Q. He bought a good many goods from you house since last August?

A. Yes, sir.

(6)

Frederick C. Goldsmith, a witness called on the part of the people, being duly sworn, deposes and says:

Q. What is your business?

A. Credit department of A. Wimpfheimer & Bro.

Q. What is your age?

A. 36 years.

Q. Do you know Mr. Goldfarb?

A. I do.

Q. What has been your business since August 1st, 1888?

A. Credit man, in the credit department of A. Wimpfheimer & Co.

Q. On the first days of April, 1889, did you have a conversation with the defendant?

A. I did.

Q. Where?

A. In the private office of A. Wimpfheimer & Bro.

Q. Where?

A. 71 & 73 Greene Street.

Q. Please state what the conversation was?

A. Mr. Goldfarb purchased a bill of goods, and I told him before delivering the goods I wanted him to make a new statement, which he said he was willing to do, I gave him my reasons for doing so, I told him of late a good many inquiries have come in from large importing houses as well as manufacturing houses, concerning him, and unless we knew exactly how he stood, we would not be justified in delivering him any goods.

Q. Did you ask him for a statement of his firm's affairs?

(7)

A. I did.

Q. What occurred?

A. I then took out a statement out of the safe which he had previously made and signed, and asked him to look at the statement, and he did, and I said is your condition now the same as it was then, has it improved, or is it any different? He said, in regard to dollars and cents it is the same as it was on that day, I may owe more and I may owe less, I may have more merchandize or I may have less, but the total amount of assets remain the same as it is there.

Q. I show you a paper which is in the form of a statement, dated August 15th, 1888, statement of assets and liabilities, signed by H. Goldfarb & Co., and ask you if that is the statement which you showed to him?

A. It is.

Q. Complainant's Counsel:

I offer the paper in evidence.

By the Court:

Admitted. Paper Marked Plffs. Ex. 1.

Q. Did Goldfarb read that statement?

A. He did.

Q. Did he deliver it to you then, as the then statement in existence?

A. Yes, sir.

Q. And did he deliver this statement to you on the 1st day of April, 1889?

A. He did, yes sir, on the 1st day of April, 1889.

Q. You requiring a written statement, he denied this to you?

A. Yes, sir.

(8)

Q. Did you make any entry of what occurred in your books, in your firm's books at that time?

A. Yes, sir; five or six minutes after he left I took my reference books and put in what he told me.

Q. The book handed you is your reference book of your firm?

A. Yes, sir.

Q. Is the entry of April 1st, 1889, in your handwriting?

A. Yes, sir.

Q. Was the entry made in this reference book in Goldfarb's presence?

A. No, sir.

Q. It was made after he had gone? A. Yes, sir.

Q. Is it customary for you to enter in your reference books of your firm the statements that were made to you?

Objected to.

By the Court:- Sustained.

Q. Did you enter in your reference books the fact that the statement was delivered to you on the 1st of April, 1889?

Objected to.

By the Court: Sustained.

Q. Would you have shipped the goods bought by Mr. Goldfarb on the 1st day of April, 1889, amounting to ten hundred and fifty-seven (\$1057) dollars, if that statement had not been made to you in writing?

Objected to.

By the Court: Objection sustained.

By the Court:

Q. Was it upon the representations made to you in writing by the defendant at that time that you sold him the goods?

(9)

(8)

A. It was.

By Jno. O. Byrne:

Q. And upon that only?

A. Yes, sir; and I told him so unless he reiterated that statement I would not deliver him the goods.

Q. And did you sell him the goods?

A. We delivered them.

By Mr. Gruber:

Q. And did he ever pay for them?

A. No, sir.

Q. And he has since failed?

A. Yes, sir.

Q. Are you able to say to the Court that upon the first of April, 1889, that he was not worth thirty-five hundred (\$3500) dollars over and above his debts?

Objected to.

By the Court:

Q. Do you know whether the representations made at that time were true or false?

A. I do know, I think they were false.

Q. Tell us how you know it?

A. Because when he made that statement I asked him particularly whether all the money in the business is his own, to which he replied, "Yes," and a few weeks afterwards he confessed a judgment to some of his relatives for money advanced previously to the 1st of April, 1889, which conclusively shows that the money was not his own.

By Mr. Gruber:

Q. How many days after the 1st of April, 1889, did the Sher-

(10)

iff go into possession of his place?

A. I don't exactly know.

Q. Do you know how much Mr. Goldfarb owes in the Market?

A. I do not.

By Jno. O. Byrne:

Q. Can you tell the Court any portion of his indebtedness?

A. About twelve thousand dollars.

By the Court:

Q. Do you know that of your own knowledge?

A. I know it by information.

By Mr. Gruber:

Q. Do you know how Mr. Goldfarb failed in business, by what means?

A. By confessing judgments.

Q. One to Samuel Goldfarb, his father?

A. Yes, sir.

Q. He has not called any meeting of creditors or made any offer of compromise has he?

A. Not to my knowledge.

Cross examination.

Q. He has not failed has he?

A. According to the law he has failed, I think.

Q. I ask you now if he has failed or not?

A. Isn't confessing judgments failing?

Q. No, it is not.

A. He has not paid his creditors.

Q. You have been selling him lots of goods?

A. Individually?

Q. Your firm?

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(11)

A. Yes, sir.

Q. Between the date of that statement and the first of April, when he bought the other bill, you had sold him lots of goods, had you not?

A. Yes, sir.

Q. What is your business there? Credit man of the house?

A. Yes, sir.

Q. You are familiar with the accounts of the house?

A. Pretty thoroughly, pretty nearly.

Q. Don't you know them all?

A. Ninety-nine out of a hundred.

Q. Isn't it your business to know how much a man owes your house?

A. That I cannot tell you unless I refer to the books.

Q. How much did Goldfarb owe you on the 1st of April?

A. between 4 and 5 hundred dollars.

Q. This statement shows that he owes altogether for merchandise one hundred dollars, you knew that it was ^{not} true on the first of April, because he owed you five or six hundred dollars?

A. As I said once before, that Mr. Goldfarb said he may owe more for merchandise and he may owe less, but at the same time his total standing was the same as it was the year previous.

Q. He didn't reiterate the statement as it is, did he?

A. He did.

Q. His statement here says that he owed you one hundred dollars for merchandise?

A. Yes, sir.

(12).

- Q. And he owes you five or six hundred dollars? He didn't give you this statement? He gave you the substance of how he stood?
- A. I beg your pardon, I gave him his statement and he read it and said yes, this is his standing.
- Q. Don't you know how many goods he bought from August 1888, to April, 1889?
- A. No, sir.
- Q. Don't you know that he bought thousands of dollars worth of goods in the market?
- A. No, sir.
- Q. Don't you know that he bought thousands of dollars worth of goods from August to April?
- A. No, I don't of my own knowledge; I suppose he did.
- Q. You had reason to believe that he had bought a good deal?
- A. Yes, sir.
- Q. You knew from his business that he had to buy a great many goods from August to April?
- A. Yes, sir.
- Q. And you knew it on the first of April?
- A. I asked him if his capital was all his own, and he said yes.
- Q. There is nothing in his statement about his money being his own?
- A. I beg your pardon, I think there is.
- Q. Did you rely upon this statement, or on what he told you when you sold him these goods?
- A. I relied upon what he told me and upon the statement con-

(13)

nected the amount of net assets he has and that all the capital he has in his business is his own.

Q. That he told you verbally?

A. Yes, sir.

Q. And that you complain of not being true?

A. Yes, sir.

Q. Did you show him the statement on the first of April?

A. I did.

Q. Did you show him that entry in that book?

A. I did not.

Q. What did you show him?

A. That statement.

By Col. O. Byrne:

Q. The statement is here that he owes thirty four hundred (\$3400) dollars over and above all his indebtedness and that all the money in his business is his own, and it was upon that written statement that you relied?

A. Yes, sir.

Q. And you simply as a matter of precaution using the words "Is it your own", and he said yes, conforming to the words he had written?

A. Yes, sir.

Mr. Gruber:

I offer in evidence two judgments entered on the 3rd day of May, 1889, as follows: One in favor of Samuel Goldfarb against Hyman Goldfarb and A. Feltenstein, for twenty-nine hundred and seventy five dollars (\$2975), which statement is signed by the defendant and his partner on the 3rd day of May, 1889, sworn to by them on that day, and

(14)

which reads, viz.: That on the 14th of September, 1888, at the City of New York, plaintiff at the request of the defendants, who now are and then were partners under the firm name of H. Goldfarb & Co., owed them the sum of twenty-nine hundred and seventy five dollars, all of which sum defendants promised to pay plaintiff on demand. That defendants have paid plaintiff on account thereof the sum of fifteen hundred and seventy dollars, and no more, leaving a balance due plaintiff of fourteen hundred and seventy five dollars, which sum plaintiff has repeatedly demanded of defendant.

That judgment was filed May 31st, 1889, 10.30 A. M.

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(15)

Charles A. Wimpfheimer, a witness called on the part of the people, being duly sworn, deposes and says:

Direct examination.

Q. Where do you reside?

A. My place of business is 71 & 73 Greene Street.

Q. What is your business?

A. Importer of dry goods.

Q. What is your age?

A. 31 years.

Q. Are you one of the firm of A. Wimpfheimer & Bro.?

A. Yes, sir.

Q. Was Mr. Goldsmith your credit man on the 1st of April, 1889?

A. Yes, sir.

Q. Did you see the defendant and Mr. Goldsmith together in your office on the 1st of April, 1889?

A. Yes, sir.

Q. Did you then see in the hands of the defendant, plaintiff's Ex. 1 of this date?

A. Yes, sir.

Q. Please state all you heard the defendant say and do on that occasion?

A. Mr. Goldsmith called Mr. Goldfarb in the office and told him (in fact I was present) that we had a great many inquiries from other people about his standing and credit, and we wanted to know how he stood now.

Q. Well in connection of what he said to the young man up stairs, he came down to speak to him?

(16) A. Yes, sir.

Q. Go on.

A. Mr. Goldsmith asked him how he stood , and he told him he stood the same as he did in August, 1888, and that there may be some change as the assets were concerned, but as far as his standing is concerned, that stood the same as it did in August, 1888, and that all the money he owned at that time he owned himself, and he didn't owe anybody a dollar, that is he didn't owe anybody anything of the thirty-five hundred dollars, that was all his own money.

Q. Did you see the defendant hand that paper to Mr. Goldsmith?

A. Yes, sir.

Q. What did he do in relation to the paper?

A. He handed the paper to Mr. Goldsmith and said this is the way I stand to-day, the figures may have changed a little but then it is all the same.

Q. Is that his handwriting? (showing)

A. Yes, sir.

. Cross examined.

Q. How much did he owe your house at the time of the conversation, April 1st,?

A. I should judge about 4 or 5 hundred dollars.

Q. He had been buying a great many goods from you from August to April, had he not?

A. I guess that was all he bought.

Q. Had he not paid you something between August and April?

A. I guess he did.

Q. Had he not bought a great many goods from you between August and April?

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(17)

A. Not a large amount.

Q. Considerable goods then?

A. I don't think the amount bought as much from August to April 1st as he did the previous year.

Q. He had been dealing for you for some time?

A. Yes; when he started in business and didn't have a dollar we gave him credit.

The further examination was adjourned to June 19th,
for the purposes of making a motion to dismiss the complaint
Case closed.

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FIRST DISTRICT POLICE COURT.

G O L D S M I T H

VS.

G O L D F A R B.

STENOGRAPHER'S TRANSCRIPT.

June 5th, 1889.

J. A. Seltman
Stenographer

Before:

Hon. Edward Hogan,

Police Justice.

D. C. Seltman,
Official Stenog.

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ABRAHAM GRUBER,
HENRY L. LONDON.

In Re

DICTATED.

GRUBER & LONDON,
Attorneys and Counsellors at Law,
TIMES BUILDING,
41 Park Row.

New York, May 26th, 1891.

De Lancy Nicoll, Esq.,
District Attorney,
New York.

Dear Sir:

We represent A. Wimpfheimer & Bros., the
prosecuting witnesses in the matter of the
People vs Hyman Goldfarb.

Our clients do not desire to prosecute and
we wish the case dismissed. Yours very truly,
Gruber & London

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M. GRUBER.
O. E. BARD.
L. LONDON.

In Re

DICTATED.

GRUBER, BARD & LONDON,
Attorneys and Counsellors at Law,
TIMES BUILDING,
41 Park Row.

New York, October 8th, 1890.

Vernon H. Davis, Esq.,
Assistant District Attorney,
District Attorney's Office,
C I T Y.

Dear Sir/-

We desire to say that we represent the complainant in the case of the people against Goldfarb, which was on the calendar this morning. Colonel John O'Byrne was originally the attorney for the complainant, and before leaving this city he placed the matter in our hands.

Owing to his absence, and the insufficiency of the evidence before us, we are unwilling to proceed to trial, and would like to have the case dismissed. We understand that it has been referred to you to investigate, and will cheerfully aid you in any information you may require.

Yours very truly,

Gruber, Bard & Landon

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

THE PEOPLE OF THE STATE OF NEW YORK,
AGAINST

Hyman Goldfarb

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

Hyman Goldfarb

of the CRIME OF *Grand* LARCENY in the *second degree*,
committed as follows:

The said *Hyman Goldfarb*,

late of the City of New York, in the County of New York aforesaid, on the *first*
day of *April*, in the year of our Lord one thousand eight hundred and
eighty-*nine*, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *Max Wimpfheimer and Charles A.*
Wimpfheimer, copartners in trade then and there
carrying on business in and by the firm, name
and style of A. Wimpfheimer and Brothers,

of the ~~proper money~~, goods chattels and personal property hereinafter mentioned, and of
the use and benefit thereof, and to appropriate the same to *his* own use, did then and
there feloniously, fraudulently and falsely pretend and represent to *the said*
Max Wimpfheimer and Charles A. Wimpfheimer,

of and concerning his means and the means of the firm
hereinbefore referred to, and his and the said firm's ability to pay for
the said goods, chattels and personal property,

That *the firm of H. Goldfarb and Company of which*
he the said Hyman Goldfarb was then and there
a member, then had in their business about
thirty five hundred dollars cash, merchandise and
book accounts of which fourteen hundred dollars was
cash, against which the said firm did not then owe
one hundred dollars, leaving the net amount of its
assets above its debts thirty four hundred dollars,
which said pretenses were then and there made in writing

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and signed by the party to be charged, to wit: by the said Hyman Goldfarb, that is to say: in and by a certain paper writing in the words and figures following to wit:

"New York Aug 15 1888

H. Goldfarb & Co
City

Mr. Goldfarb called this day and stated. We have in our business about thirty five hundred dollars (\$3500) cash merchandise & book accounts, of which \$1400.00 is cash; against which we do not owe \$100.00 leaving net amount about \$3400.00, all of which is our own = The firm consists of H. Gold & Abe Feltenstein
H. Goldfarb & Co."

which said paper writing the said Hyman Goldfarb on the said first day of April 1889, there produced and delivered to the said Marx Wimpfheimer and Charles A. Wimpfheimer.

And the said Marx Wimpfheimer and Charles A. Wimpfheimer

then and ^{there} believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Hyman Goldfarb

and being deceived thereby, ^{were} induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to ^{sell and} deliver, and did then and there ^{sell and} deliver to the said Hyman Goldfarb on credit, five hundred and forty five yards of velvet of the value of eighteen cents each yard,

of the proper moneys, goods, chattels and personal property of the said Marx Wimpfheimer and Charles A. Wimpfheimer.

And the said Hyman Goldfarb did then and there feloniously ^{purchase} receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said Marx Wimpfheimer and Charles A. Wimpfheimer by color and by ^{and by means} aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Marx Wimpfheimer and Charles A. Wimpfheimer of the same, and of the use and benefit thereof, and to appropriate the same to his own use

Whereas, in truth and in fact, the said firm of H. Goldfarb and Company did not then have in their business about thirty five hundred dollars cash, merchandise and book accounts, of which fourteen hundred

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dollars was cash, and the said firm did then owe over one hundred dollars, and the net amount of its assets above its debts was not thirty five hundred dollars, but on the contrary the said firm was then insolvent and unable to pay its just debts.

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said Hyman Goldfarb to the said Max Wimpfheimer and Charles A. Wimpfheimer, was and were

then and there in all respects utterly false and untrue, as he the said Hyman Goldfarb, at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said Hyman Goldfarb in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said Max Wimpfheimer and Charles A. Wimpfheimer, then and there feloniously did STEAL, against the form of the Statute in such case made and provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,

District Attorney.