

0009

**BOX:**

196

**FOLDER:**

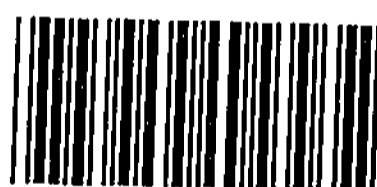
1968

**DESCRIPTION:**

Gilman, Charles F.

**DATE:**

11/24/85



1968

See enclosed affidavit and  
other papers of Dept.  
Witnesses

I have examined these cases  
in all their hearings. Three or  
four indictments were found. Two for perjury  
concerning and one for grand jury. Two were  
found by grand jury in the first  
instance. One was tried May 17, 1896  
and defendant acquitted. All were  
in charges of misappropriation  
of Dept. funds for many years and  
the plea of Guilty. Civil  
litigation has been for some  
time pending between them  
and all of the surrounding  
circumstances. I am certain  
that the trial of the two  
remaining indictments will be  
result-as the perjury in  
an acquittal of the Dept.  
and a conviction that substantial  
justice will be done by, and I  
therefore recommend that  
the indictments be dismissed.  
John W. Goff  
District Attorney  
May 15, 1896

257 - Jas P. Miller

Counsel,

Filed day of Nov 1888

Pleads Not Guilty (Sec. 4)

THE PEOPLE

vs.

James S. Edmond

(3 cases)

[Sections 538 and 539, of the Penal Code.]  
(MISAPPROPRIATION.)  
Larceny, -

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

J. Callahan

May 19/96 Foreman:

Indictment dismissed.  
and bail discharged.

0011

City and County of New York, Ss:--

CHARLES F. GILMAN being sworn says, that he was in the employ of Mr. E. A. Newell on the 27th day of October 1885.

That deponent remembers a customer to whom he sold Eight dollars and a half worth of goods on that day, but whether it was Daniel W. Herman of 19 West 30th Street or not deponent cannot tell.

That the purchases were made in the following manner. First, a purchase of a bill of Three dollars and a half for which this deponent made the check which is attached to the ~~papers on the indictment on file in the District Attorney's Office~~; and before deponent could start for the desk a second ~~purchase~~ was made of Five dollars worth of goods, for which this deponent made a separate check of Five dollars. That deponent returned both of these checks to the desk and delivered them to the person in charge of the desk at the time, together with the two five dollar bills which were received from the purchaser, and on deponent's receiving the One dollar and a half change, he gave it to the purchaser. *That if the said Daniel W. Herman made any purchase of goods from deponent and paid deponent therefor, deponent paid over the money to the person in charge of the desk.* That deponent remembers this matter so distinctly

by reason of the fact of his arrest on the complaint of Mr. Newell within a day or two of this transaction.

Sworn to before me this, )

16th day of January, 1890 )

Charles F. Gilman

D. E. Seybold  
Notary Public  
N.Y.C.

0012

Statement of Charles F. Gilman, charged by E. A. Newell with having been guilty of having taken from the said Newell, his employer, the sum of Ten dollars on a sale of scarfs and gloves to one Francis L. Stetson on the 28th of October 1885; and further charged by his said employer with having retained Five dollars on a sale by the said Charles Gilman to one Daniel W. Herman on the 27th day of October 1885; and with having been guilty of having taken from the said Newell a gold watch, chain and locket of the aggregate value of not less than One Hundred Dollars, and which he is alleged to have converted to his own use on or about the 6th day of November 1885.

I was born at *Meredith* in the State of New Hampshire, on the *1<sup>st</sup>* day of *August* 18*49*

My parents names were *Charles P.* Gilman and *Peris* *Mc* Gilman.

We resided at *Meredith* in the State of New Hampshire until my father's death, which occurred on or about the day of *April* 1865

After my father's death and in or about the month of September or October 1865, I came to the City of New York, where I have ever since resided.

In October 1865, or thereabouts, I entered the employment of the clothing house of Brooks Brothers, under the promise of an increase of salary after the first of January. Finding

0013

that none was likely to be made, I looked for other employment and entered into the employment of Edward A. Newell in January 1866.

I remained in the employ of Mr. Newell until the latter part of the month of October 1885.

No matter of difference of any kind occurred between Mr. Newell and myself until the month of June 1870. In the early part of this month Mr. Newell received a summons to attend as a juror in the Court of General Sessions in this City, and directed me to go down and represent him under the idea that nothing more would be done that day than to call the names of the jurors. Before going he instructed me to answer his name when called.

At this time I was under twenty-one years of age, and had no knowledge as to such matters, and did as I was told, never having been in a Court Room before.

When I returned in the evening I told Mr. Newell that I had answered to his name when called to serve and I was informed by him that I would have to go down the following day, and by his direction and against my own protests, I went down there and served in his name, place and stead whenever his name was called.

No charge of any kind or character was made against me by Mr. Newell prior to the 8th day of January 1880.

On the 8th day of January 1880, about the middle of the day and while some, if <sup>not</sup> ~~any~~ all, the clerks in the employ of Mr. Newell were out of the store, with the exception of John Newell a brother of Edward A. Newell, Mr. E. A. Newell came

0014

in from lunch and with him or soon after his entry into the store came a young man whose name I subsequently heard was Chipman. Mr. Newell asked the young man if I was the young man, to which he replied, yes, when Mr. Newell said to him, that is all, and thanked him. The young man then went out. I did not know <sup>who</sup> the young man at the time, never did know him, and never to my knowledge saw him before or since.

Mr. Newell then said to me, I want to see you in the back part of the store, and we went there, Mr. John Newell as I remember going out of hearing, and toward the front end of the store. Mr. Newell then said to me, you have been robbing me, and I said I had not; he said he had been losing small sums of money from time to time and he had come to the conclusion I was the one who had been taking it, and he sent the young man who had just been into the store to make a purchase of three dollars worth of goods with marked money, and that I had only turned in one dollar. I denied this point blank and told him I had never seen the man before and knew nothing about it.

I understand from the testimony of Mr. Newell in a suit recently tried against me in the Civil Courts and to which I shall refer hereafter, to say that this young man is dead.

The method of making memorandums of sale in his store at that time was, when a sale was made to take a little slip of blank paper, put the amount of the sale on it and ~~on the reverse side~~ the number of the salesman and take it with the money to the Cashier's desk, the slip being put upon a common wire file which was within the place called the Cashiers desk.

00 15

Any one could reach this file, and it was very easy for any one having a motive or purpose to do so to remove any check placed thereon and destroy it, and then claim that no check had been placed there. These slips were destroyed shortly after the days business by the Cashier, or Mr. Newell, or some one by Mr. Newell's direction.

After my denial of the charge of having taken the two dollars which Mr. Newell charged me with having taken, Mr. Newell said, I have got you cornered and I want your bank book and pawn tickets. I told Mr. Newell I had neither, and had never been in a pawn shop in my life. He asked me if I suspected any one, and I said no, and did not believe there was any one in the store who would do it.

The discussion between us went on for nearly a half hour when Mr. Newell informed me that he had an officer at the door that I would be taken to the Tombs, and also informed me that with his influence with the District Attorney he would have me railroaded to Sing Sing and I would be there next day. I knew that he had been on Juries in the Criminal Courts, and had been on the Grand Jury, and that he had friendly relations with the Office of the District Attorney.

He also informed me that he had a warrant to search my home. This was between two and three o'clock in the afternoon. I begged him for God's sake not to do this as I was innocent, and as he well knew my mother was and had been dangerously sick and that any shock might be fatal to her. He then told me that the young man would swear that he had bought the goods, and that he, Mr. Newell, would swear there

was no ticket on the file, and that nothing could save me.

I then asked him what he wanted me to do, and said to him, do you want me to confess that I took this money when I did not? His reply to this was to ask me if I had any money, and I told him no. He then asked me if my mother had any money, and I told him she had a little, about a thousand or twelve hundred dollars. He said I must have that, it is the only thing that will save you. He told me if I would get this money he would not prosecute me.

I refused to get the money; he then said, taking out his watch, I will give you a half hour to decide what you will do, I think you will get the money.

He left me for a half hour or thereabouts, when he came back and asked me what I had decided; I told him I could think of nothing. He then said, I will think for you. You give me the money and you can remain here as though nothing had happened and no one but ourselves will know of it, and if you do not do this you will serve a sentence in Sing Sing and be disgraced for life. He then said, not only that, but I have been standing between you and the law in the matter of that Jury business, and I will do it no longer, and that will come up and you will be punished for that as well as this. He then said if I thought so much of my mother I would get the money and spare her the pain and mortification of the disgrace upon me.

I was overwhelmed and dazed, and with all these threats and with the knowledge I had of Mr. Newell's character and his alleged relations with the criminal courts, I yielded,

0017

4  
3  
2  
and went with his Cashier, McDonald, and got my mother's bank book and her signature and got back to the store with the money about five o'clock, about dark, and gave him \$1119.10.

He took the money and then asked me for my watch and chain, which he took off my person with his own hands, and then said, I might as well give him the rest of my jewelry, and he took my scarf pin, sleeve buttons and ring. He then said, you may go home now, it has been a hard day for you and you may come back in the morning as though nothing had happened.

I will here say that no part of the jewelry just referred to by me had cost me a penny or been purchased by me, the watch was my father's and had been given to me as a memento of him; Mr. Joseph Colvin a friend of mine gave me the chain; Mr. Christie gave me the sleeve buttons; the ring was given to me by *Mr. Christie also* and a young lady gave me the scarf pin.

The following morning I returned to the store as usual. In the course of the morning Mr. Newell came to me and said, I have been thinking over the matter which we were talking about last night, and I have not got money enough; I told him he had all that I could give him, and I thought the thing had been settled when I gave him the money the night before. He told me it was not, and that he could bring it up within five years from that time. He asked me if I had friends whom I could ask for some money, and I said no, and if I had I would not ask them for it, and that I would not give him another penny.

Later in the day he told me to remain when the others

0018

went away: I did so, and he went all over the ground again and said that by taking the money from me he had made himself liable for having compounded a felony and he was afraid I might leave him and might be vindictive, and under the circumstances he thought the least I could do would be to give him a note for Twelve hundred dollars, and a chattel mortgage for Three hundred dollars, and then he should feel as though I <sup>could</sup> ~~would~~ not leave him and he would have a hold upon me; and after more conversation and statements as to what he would and could do, I did it.

Just previous to this time my mother had had a very severe paralytic stroke and the Doctor had stated to me and my sisters that any shock would be likely to prove fatal. Mr. Newell knew of this condition of my mother, and was in the habit of asking me each day, or nearly every day, how she was.

This Eleven hundred dollars which my mother had was made up in the following manner. After my father's death when the estate was cleared up and settled she received between five and six hundred dollars, the exact amount I do not now remember, as her share in that estate. I had been with Mr. Newell fifteen years, and had saved a portion of the balance, and the rest of the moneys were sums of money which had been given me by my cousins Harry and Cobe Gilman.

The reason why the account was put in my mother's name was knowing that in case of anything happening to me she would not have anything to live on, or income to depend upon, I applied to a Life Insurance Company in this City for a policy

00 19

of insurance on my life, and on going to the Doctor to be examined he informed me that he could not pass me as an insurable person for the reason that I had some heart trouble. I then determined that whatever moneys I could save should be put in my mother's name so that in the event of anything happening to me some day she could without expense or trouble get whatever money I might leave.

At the time I gave the note and the chattel mortgage Mr. Newell said to me, now that I may have the matter beyond any question so that you cannot leave me I shall ask you to say in the presence of McDonald the Cashier (and I think Mr. Conner another of the Clerks), that you give me this note and chattel mortgage freely, and I want you to say yes, and he brought these people into my presence or I went with him into their presence and he asked me the question and I said as he directed me to.

Mr. Newell said that I could pay this note at the rate of Ten Dollars a month, which I did for a few months when I told Mr. Newell I could not and would not make any further payments, and Mr. Newell said I will increase your salary Two dollars a week so that substantially the amount you pay on account of the note will not come out of you. He did so, and I remained in his employ until as I have said the latter part of the month of October 1885. During the latter year and a half of this period I declined to and did not make any payments on that note.

During the latter part of the period of my employment by Mr. Newell I learned that during the years 1881, '82, '83, '84

0020

and '85, Mr. Newell had on his return from his trips to Europe during those years brought with him quantities of goods which were first sent to his own house or the houses of friends, and from these places brought to his store and put on sale, and which goods he had brought in without disclosing to the Custom House authorities and without paying any duties thereon.

Mr. Newell had often promised to return the note.

One evening in the latter part of October 1885, he said to me that he desired me to remain late in the store to help prepare some goods for sale and delivery to Michaelis & Roman: I said to him, Mr. Newell I cannot remain the early part of the evening, but will return here at eleven or twelve o'clock if you desire and remain as long as you wish, or I will come in the morning early at such hour as you may name. Mr. Newell chose the next morning, and I was there between five and six and he came to the store between six and seven. Mr. Newell then directed me to take and remove some new goods from the new boxes which they were in and put in place of the new goods so removed old goods which had been in stock for some time, and send them to the firm of Michaelis & Roman as though they were new goods. I said to him Mr. Newell that firm were not fools and they knew as much about these things as he did, and he said you mind your own business. I declined to do as he directed about the goods and then said, Mr. Newell you have promised again and again to give me that note and I wish you would do it. At this Mr. Newell got angry and said young man you have been carrying yourself too high lately and I have a way of pulling you down: and I being angry said, well I have a way of bringing you down as well as you have of

bringing me, I know that you have been smuggling goods into this country for years past without paying the duty on them and selling those goods as having been regularly imported. Mr. Newell replied, you will regret that statement the longest day you live.

The next thing I knew I was arrested and taken to the Police Court for the Second District. I was arrested on the 30th day of October 1885 and taken to the Second District Police Court where I was charged by Mr. Newell with having taken the sum of Five Dollars a part of the moneys claimed to have been received by me from a sale to one Daniel W. Herman. I pleaded not guilty and was held to await the action of the Grand Jury, which on or about the 23rd day of November 1885, indicted me on this charge.

On or about the 6th day of November 1885, Mr. Newell having in the meanwhile returned me the gold watch, chain and locket, taking from me a receipt for the same, made a written demand upon me for the return of the watch, chain and locket.

After my arrest on the Five dollar charge and after I had given bail thereon to await the action of the Grand Jury, I saw Mr. Charles P. Miller who had known me for some time and after telling him my story he volunteered to act as my counsel, and on receiving the letter from Mr. Newell of Nov. 6th, 1885, demanding the return of the watch, chain and locket he advised me to decline to return the watch, chain and locket and I acted on his advice.

On or about the 23rd day of November 1885, an indictment was obtained at the instance of Mr. Newell against me for

0022

grand larceny, charging me with having converted to my own use the gold watch, chain and locket above referred to.

On or about the 17th day of November 1885, Mr. Newell also procured an indictment to be found against me by the Grand Jury charging me with a further crime of petit larceny in that he charged that I had appropriated to my own use Ten dollars of the Sixteen dollar sale to Mr. Francis Lynde Stetson an attorney and counsellor at law of this City.

I was held under all these indictments and pleaded not guilty to each, and gave bail for appearance and trial.

These several indictments I believe are numbered 236, 237 and 340, and were all pleaded to on or about the 4th day of December 1885.

On or about the 12th day of May 1886, Mr. Miller, my counsel, though not believing that Mr. Newell had any right to the gold watch, chain and locket, advised me as my counsel to return, or offer to return the watch, chain and locket, which I did in writing by letter dated the 12th day of May 1886, and which letter was in the words and figures following:

"New York May 12, 1886.

"E. A. Newell, Esq.,

"Dear Sir:--

"I herewith return to you the watch, chain and  
"locket which you by letter dated Nov. 6th, 1885, requested  
"me to return, but which at that time I retained in my pos-  
"session by advise of my counsel Mr. Charles P. Miller; Mr.  
"Miller now advised me to return the articles.

"Yours &c.,

"C. F. Gilman".

That this letter was delivered to Mr. Newell in person as I am informed by Mr. Joseph Fettretch, my present counsel.

That Mr. Newell did not accept such watch, chain and locket and was informed that the same were in the possession of Fettretch, Silkman & Seybel, attorneys, and could be had by him at any time he desired.

That on or about the            day of May 1886, this deponent was brought to trial in the General Sessions before the Hon. Rufus B. Cowing, Judge, and on which trial Mr. Newell, Mr. McDonald, Mr. Stetson, Mr. John E. Newell and Mr. Connor were called as witnesses for the prosecution, and this deponent and four other persons were called as witnesses on my behalf and who testified only as to my character and to prove documents.

That the trial lasted between five and six hours and the Jury after an absence of less than twenty minutes brought in a verdict acquitting this deponent of the charge made against him by Mr. Newell.

That neither of the other indictments against this deponent and which were obtained by Mr. Newell have ever been moved for trial, although this deponent has been at all times ready to appear for trial.

That on or about the 25th day of June 1888, Mr. Newell brought a suit in the Supreme Court of this State against me in which he seeks to recover the sum of Seven hundred and ten dollars the alleged balance of principal claimed by him to be due upon the note given on the 9th day of January 1880, under the circumstances hereinbefore set forth.

In my answer in such action I set forth all the facts and circumstances hereinbefore detailed as having occurred on January 8th and 9th, 1880, except the matter of serving on the Jury and the alleged smuggling on the part of Mr. Newell, and all the facts and circumstances except the fact of the smuggling on the part of Mr. Newell were brought up and deponent offered and was allowed to prove the Jury matter, but proof of the matter of the smuggling was excluded.

In my answer I demanded return of the moneys I paid on January 8, 1880, and the note and chattel mortgage given on the 9th of January 1880.

After a three days trial before Judge Lawrence and a Jury in the Supreme Court on the 25th, 26th and 27th days of November 1889, where deponent was the only witness in his own behalf as to the transactions of January 8th, and 9th, 1880, the Jury disagreed and by a written communication sent to the Court just before they were discharged said that they stood six for the defendant.

That deponent believes that the motive of Mr. Newell in charging him in January 1880, with theft and embezzlement was that without any knowledge of the law governing the case Mr. Newell became fearful that a charge might be brought against him in connection with the Jury matter, and that he wanted to have some hold upon this deponent and devised the scheme of the alleged sale to Chipman as a foundation for the other claim that deponent had been dishonest for years. That it was easy enough to abstract the check really made by deponent and placed on file.

That one of Mr. Newell's sons was found with his hand in the cash drawer within two weeks of the time his father accused me of taking moneys. The Cashier a witness for Mr. Newell before Judge Lawrence testified to catching him in the act.

That Mr. Newell had been guilty of smuggling is evident beyond any question, his own letters being his accusers.

Mr. Newell had in his employ during all the period from January 1880 to the present time one J. E. Connor. In a letter written by Mr. Newell to Mr. Connor dated Paris Monday August 16, '81, Mr. Newell writes: "I shall bring a few things in my trunk for presents that will if ruled strictly be dutiable, but I shall declare them as personal property and take my chances; they will not be anything that I think the Officers will object to even though they see them, but if your friend is on the dock and you can arrange to get me off without too close an inspection and without delay, I shall be glad, and that I may know whether you have or not- when you see me- and if you have done anything to facilitate this take your hat off and swing it in the air as a welcome- but if you can do nothing, keep your hat on".

In another letter written from London on the 25th of August 1881, he writes to the same person, in referring to his wish for Mr. Connor to meet him he says, "And then you can meet me at the Dock as instructed in a prior letter".

In a letter written from Paris September 6th, 1882, to the same person he says, "I shall draw on you today for 80 or perhaps 100 Pounds, I don't know just how much this morning.

0026

"We go to London tomorrow morning and from all I can see now  
"shall sail on Adriatic September 12th, but will write you  
"from there- if by any chance you do not hear from me again  
"you may look for me on her, and in that case when the time  
"comes for her arrival see if Roe or Little Brownie as they  
"call him are in town and if so, suggest to them to go down  
"(one of them), Brown preferred, and see me come home; they  
"may know some Custom House man that will put me through  
"quick. If they do go tell them I shall have nothing to  
"amount to much, nothing but what will easily pass if the C.H.  
"man is half way decent, so they need not lead any one to ex-  
"pect much of a fee". And again in the same letter he  
writes, "In case they do not go with you perhaps you or  
"Charley (if he should be with you) can run across one of the  
"C. H. men that looks like the proper person to approach and  
"tell him you have a friend and wife on board and who will be  
"in a hurry to get off and if he will be on hand to examine  
"promptly you feel sure he will give him something for his  
"special attention, but do not intimate that I wish (or you)  
"anything but haste. Can look us all over, but be quick.  
"We really have nothing but what will pass all right with a  
"decent fellow; to such a one I shall give say \$5."

By a letter written from London July 29th, 1885, he  
writes, "Mr. Valentine has kindly taken a real Vicuna rug  
"(shawl) which sell at \$40. Kaskell's price for same is \$45."

In a letter from London on the 19th of August 1882, Mr.  
Newell writes to Mr. Connor, "A <sup>George</sup> Mr. Merritt who crossed with  
"me and has been stopping at the Hotel with me here, sails  
"tomorrow on the Adriatic and takes with him all the goods

"checked in pencil on the annexed invoice. The half dozen  
 "best super pants he will not take, but some one else will I  
 "hope. These goods are a part of the regular order I gave  
 "and will go regularly into stock after boxes are made for  
 "them (forward boxes I mean). Mr. Merritt will send them  
 "over from Brooklyn by Express, and of course we will pay the  
 "charges. He also has three silk mufflers, two Persion- all  
 "our patterns at 16/6- a large French made one with a set  
 "figure (a part of the same lot that Smith, Marshall Field's  
 "man took at 15 francs I think). I wish I could find some  
 "one else to lug the balance of the lot. Give this invoice  
 "to Mac, and he will take care of it until I come home".

And in a letter written to Mr. Connor from London on the  
 9th of September 1882, he says, "I shall order a few umbrellas  
 "and canes here on Monday. I ordered the gowns for Potter  
 "and Turnbull, also the pajamas for Strong I had made here  
 "and will bring along".

The genuineness of these letters have been admitted by  
 Mr. Newell on the trial of the indictment in the General Ses-  
 sions in the Stetson case, and also in the trial of the civil  
 action in Newell against me.

The goods brought over by Mr. Newell in this way were  
 usually taken to his own house and the houses of the persons  
 who brought them over for him, and were afterward sent to the  
 store, and offered for sale and sold.

As showing the extent to which Mr. Newell carried on this  
 practice I beg leave to refer to the following letter written  
 by Hon. C. S. Fairchild, Assistant Secretary of the Treasury  
 to my former counsel, Mr. Charles P. Miller.

0028

"Treasury Department,

Office of the Secretary,

Washington, D. C. January 14, 1886.

"Chas. P. Miller Esq.,

"261 Broadway, New York.

"Sir:--

"Your letter of the 11th instant is received, in which  
"you enquire whether the claims of the Government against Mr.  
"E. A. Newell, for the value of goods alleged to have been  
"imported by him during the last four years without payment  
"of duties thereon, have been settled on the terms proposed  
"by him.

"The offer of Mr. Newell was to pay \$794.57 which was  
"accepted by the Department on the recommendation of the  
"District Attorney and the Solicitor of the Treasury. A copy  
"of the letter of the Solicitor of the 30<sup>th</sup> ultimo, recommend-  
"ing the settlement is herewith enclosed, which does not, how-  
"ever, set forth in detail the reasons of his action. It is  
"presumed, however, that they were substantially such as in-  
"fluenced the decision of this office. These were that a  
"suit for value could only be sustained against Mr. Newell,  
"under section 16 of the act amending the Customs revenue laws  
"&c., of June 22, 1874. To succeed in a suit of this charac-  
"ter, it would be necessary not merely to show what specific  
"articles were illegally imported, but their particular values  
"and the date of importation, but to establish before a Jury  
"the fraudulent intent of the importer. It seemed on a care-  
"ful consideration of so much of the evidence in the case of  
"Mr. Newell as was presented here, that no greater sum could

0029

"be secured, after a prosecution that must necessarily be very  
"greatly protracted, than what was tendered by him, even if  
"the Government did not fail altogether. Upon the question  
"whether a prosecution would be more to the advantage of the  
"Government than to accept this offer, there could be little  
"reason to choose the former course.

"It is to be understood, however, that the compromise  
"entered into does in no manner condone or settle any criminal  
"liability of the proponent, which stands precisely on the  
"same footing as if his offer had not been accepted.

"Respectfully Yours,

"C. S. Fairchild,

"Assistant Secretary".

To show the extent of Mr. Newell's smuggling during the  
years 1883, '84 and '85, I have procured a copy of his affi-  
davit and Schedules.

The fact that Mr. Newell brought these goods into this  
country without paying the duty was well known in the store.

At the time I represented Mr. Newell as a jurymen I felt  
I was doing wrong and begged Mr. Newell not to send me down  
after the first day, but was compelled to go by Mr. Newell,  
who declared that if I did not go he would have me punished.

I emphatically deny that I ever took any money or prop-  
erty of any kind whatever from Mr. Newell, and declare as I  
did upon the trial in the action before Judge Lawrence that  
I was innocent, and that the money I gave him and the note and  
chattel mortgage and jewelry were obtained from me while I was  
in such a state of mind as to be incapable of acting for my-

0030

self and because I was terrorized by Mr. Newell.

N. Y. Dec. 14, 1889.

Subscribed and sworn to before:

me this 14<sup>th</sup> day of December :  
1889, at the City of New York.:

*C. T. Gilman*

*D. E. Seydel*  
*Notary Public*  
*N. Y. C.*

0031

CITY AND COUNTY OF NEW YORK, S. S.

EDWARD AUGUSTUS NEWELL being duly sworn deposes and says that he resides in the city of New York, and carries on the trade of Men's Furnishing Goods in that city; that at various times, in the years of 1883, 1884 and 1885 he has travelled in Europe and Great Britain and on some of these occasions he has brought over in his own small state-room trunk and valise, certain articles of personal apparel and personal baggage and samples of merchandise which he had purchased at different times and places, and that on two or three occasions friends of his (one friend on each occasion) brought over a few such personal effects and samples to oblige him; that he believed that such personal effects and samples were duty free, and that when he arrived here in America he had a perfect right then to dispose of them, and that he has disposed of some few of such goods that the following list hereto annexed contains a full statement of all such goods and samples ever brought over by him, to the best of his knowledge and belief, which he has now paid duty upon; that he believed, until otherwise advised by his counsel, that these articles aforesaid were duty free and he now asks the Custom House authorities if it is true in fact that they were not duty free, to fix the amount of duties due on the goods on this list annexed, and allow him to pay the same, with interest if so desired, as he does not wish to rest for a moment under any allegations or even thought of wrong doing in the matter.

Sworn before me :  
this 9th day of : Edward A. Newell.  
November, 1885. :  
Joseph Roure,  
Notary Public,  
Kings Co. crt. filed N.Y.Co.

*A True Copy of  
Original in the files  
of the Custom House  
of New York.  
D. J. Phelps  
Deputy Collector*

0032

1883.

4 heavy silk undershirts	25/-:24:33
4 prs. " " <i>Drawers</i>	25/-:24:33
4 medium " <i>undershirts</i>	15/-:14:59
4 prs. " <i>Drawers.</i>	15/-:14:59
2 silk umbrellas (samples)	23/-:11:19
1 cane	6/-: 1:46
24 prs. <del>4</del> silk hose	6/-:35:03
6 silk scarfs (samples)	7/-:10:22
4 "mufflers	12/-:11:68
1 silk gown	16/-:38:93
1 " jacket	57/6:13:99
1 fluk bath gown	30frs 5;79
2 silk card cases	15/-: 5:79
1 silk sachet	50" :9 :65
6 prs. cotton suspenders, samples,	18" :20:93

1884.

4 heavy silk undershirts	25/-:24:33
4 medium " "	15/-:14:59
4 prs. heavy "drawers	25/-:24:33
4 medium " "	15/-:14:59
12 prs. " hose	5/-:14:59
1 " gown	120/-:29:19
1 " plush jacket	84/-:2043
4 " mufflers	12/-:11:68
2 " umbrellas	30/-:14:59
2 canes (samples)	12/-: 5:83
1 " "	25/-: 6:08
6 silk scarfs	7/-:10:22
12 prs. gloves	4/6:13:14
6 " cotton suspenders	15frs:17:37
3 scarf pins	6" :3:47
6 silk purses.	250" : 2:89

0033

1885.

4 heavy silk undershorts,	30/-:29:19
2 medium " "	22/-:10:70
4 prs. heavy" drawers	30/-:29:19
2 " medium " "	22/-:10:70
12" prs. medium hose, (sample)	3/6:10:22
18" embd. hose "	9/-:39:42
12" docked hose, silk, "	7/-:20:43
1 silk umbrellas "	25/-: 6:08
6 silk night-caps, sample,	5/6: 8:02
1 cane "	6/6: 1:58
1 wool gown, "	67/6:16:41
1 wool jacket, "	25/-: 6:08
4 silk mufflers "	15frs11:58
4 " night-shirts "	30" :23:25
4 " " "	36" :27:88
4 " " "	40" :30:97
1 embd. cotton shirt, "	22" : 4:24
1 doz. linen hkdfs. "	45" : 8:68
1 " " " "	54" :10:42
4 silk undershirts	27/-:26:28
4 pr. " drawers	27/-:26:28
12 pr. " hose "	4/6:13:14
6 " undershirts	28/-:40:88
6 " " "	16/6:24:08
6 prs. drawers	28/-:40:88
6 prs. " "	17/-:24:82
6 prs. hose "	3/6: 5:10
	<u>\$976.32</u>

0034

2 Rugs.	1883.	
1 Waterproof hold all	e a n	70/-:34:06
		10/-: 3:89
2 Rugs	1884.	
3 " (Friends)	e a n	60/-:31:62
1 Waterproof Coat		70/-:51:09
	e a n	40/-:09:73
2 Rugs.	1885.	
1 Waterproof coat	e a n	63/-:30:65
1 " hold all	e a n	42/-:10:22
3 Rugs Friend	"	16/-: 3:89
1 shawl "		66/-:48:17
1 Waterproof coat, friend,		55/-:13:38
		40/-: 9 :73
		\$246.43

0035

District Attorney's Office.

PEOPLE

vs.

Chas. T. Gilman

P. Lavery

Ind found Dec 3/85

Tried and convicted

May 17/86

by Canning J.

W.A.

0036

New York, Nov. 20<sup>th</sup> 1885

Hon. Randolph B. Martin.

District Attorney -

Sir -

Upon the complaint of  
E. Stowell I was arrested  
Oct 29<sup>th</sup> at 5.30 P.M. charged  
with stealing the sum of  
five dollars. At the time  
of my arrest I asked an  
explanation from him which  
was refused. I was taken to  
the Charles St Station, looked  
up over my shoulder and denied  
the prime legs of committing  
with my friends - The next  
morning I was taken to  
the Jefferson Mkt Police  
Court and held in bail for  
the sum of one thousand  
dollars to await the action  
of the Grand Jury. I had  
worked for E. Stowell  
since boyhood - twenty  
one years - Fifteen years  
ago Stowell had hired  
a furman to attend the

TORN PAGE

0037

Court of General Sessions -  
As it did not suit his  
convenience to go that  
day, he directed me to  
go in his place. I was  
barely twenty one years  
of age, entirely un-  
acquainted with court  
matters and being ac-  
customed to obey him  
implicitly in every par-  
ticular, I went. He  
told me that on the  
first day there would  
be no business done  
beyond organizing  
and when the name of  
E. Stoddard was  
called, I was to answer  
"here" For some reason  
or other the preliminary  
business was done and  
a jury empanelled before  
noon. The name of  
E. Stoddard was again  
called, I answered  
"here" and was directed  
to take my place with  
the other jurymen -

TORN PAGE

0038

I was very much alarmed  
and frightened and when I got  
back to the store I told him  
all the particulars and begged  
him to let me off. He made  
light of the whole matter -  
said it was too late to  
back out and that I would  
make a good fellow  
and must serve the term  
of thirty days which I did.  
I was once chosen to be  
foreman and as my ex-  
treme youth attracted  
considerable attention I  
became very nervous and  
as important cases came  
on I was greatly worried  
but was comforted by Mr.  
Nell that he could  
protect me. After it  
was over he advised me  
to keep quiet and say  
nothing about it for if  
found out I could be  
sent to State Prison and  
that the worst that could  
be done to him was to  
inflame the general feeling.

0039

for non-attendance. That,  
was the beginning of my  
service from her. At the time  
and from that time I  
have had no peace. I  
realized the terrible position  
he had forced me into  
and it was the subject of  
frequent discussions between  
us, and I have reason  
to believe that this, and  
one or two other occurrences  
was the means of his  
bringing against me five  
years ago the charge  
of stealing from his which  
was as false as the  
one he now charges me  
with. At that time -  
five years ago my  
mother was very low with  
paralysis and I knew  
that the least shock  
or excitement of any  
kind might be fatal  
to her and for

TORN PAGE

0040

her sake I gave him what  
money we had in the bank,  
my mother and mine - and  
signed papers at his com-  
mand the contents of which  
I was and am to this day  
partially ignorant of.

From that time he has  
never charged me with  
any offense - except on  
one occasion Sep when  
I explained he apologized  
and said he was sorry -

I have reason to know that  
he knew I was liable to  
leave him at any time to  
go in business for myself  
and he has taken this method  
to disguise me so that I  
could not possibly do so.  
He has told me repeatedly  
that I did not dare to  
leave his employ. and I  
have been made to believe  
that I was entirely in his  
power. He is the only  
man in the world who  
ever accused me of a

TORN PAGE

his honest action does.  
 In regard to this last  
 charge I am entirely  
 innocent of any criminal  
 intent and if given an  
 opportunity. Could explain  
 what I did and why  
 I did it, and I  
 respectfully request that  
 I may be given an  
 opportunity of testifying  
 before the grand jury

Respectfully,  
 Charles F. Gilman

9.13  
 9.13  
 9.13

The People

City & County of New York ss:

Edward A. Newell

Being duly sworn says that he resides in the City of New York, and carries on a trade in men's furnishing goods at No. 859 Broadway in that City and that by this Affidavit made on information and belief he charges one Charles Francis Gilman with the crime of Petit Larceny committed in the <sup>deponent's</sup> said place of business on Oct. 28<sup>th</sup> 1885. Deponent says that the said Gilman on that day was a salesman in his store, and had, as such, a control of the goods and money received from the sale of goods by him. Deponent further alleges that he is informed and believes that on said Oct. 28. 1885 one Francis Lynde Stetson purchased from said Gilman as salesman eight scarfs valued at sixteen dollars, and five pairs of gloves valued at ten dollars, a total value all taken <sup>together</sup> of twenty six dollars, <sup>and paid that sum therefor</sup> that the said Gilman as salesman instead of turning into the Cashier the sum of twenty six dollars told him that he had sold the scarfs for sixteen dollars, but said nothing about the sale of the five pairs of gloves, but deponent is informed and believes that the said Gilman retained fraudulently and with intent to steal the same the sum of ten dollars, the lawful property of deponent, being the

0043

proceeds of the sale of the said gloves  
Sworn to before me

this 17 day of November 1885 }

Joseph Brown      Edward A. Newell  
Notary Public  
Kings Co cert filed N.Y. Co

City & County of New York SS:

Francis Lynde Stetson

being duly sworn says that he is an Attorney and Counsellor-at-Law, practicing as such in the City of New York - That on Oct. 28<sup>th</sup> 1885 he went to the store of E. A. Newell, Esq dealer in men's furnishing goods at N<sup>o</sup> 889 Broadway in this City and desired to see some gloves and scarfs; that he was waited upon by a Salesman in the store known to him as "Frank" by name; that he purchased from the said Salesman, whom he knows as Frank, five pairs of gloves for ten dollars, and Eight Scarfs for sixteen dollars; and that then and there in payment for said gloves & scarfs, so purchased, he delivered and paid to the said Salesman, the sum of twenty six dollars -

Sworn to before me }  
this day of Nov. 1885 }

City & County of New York ss:

Daniel M'Donnell

being duly sworn says I am Book-keeper and acting Cashier for Edward A. Newell in the business carried on by him at No 859 Broadway in the City of New York. That on Oct. 28<sup>th</sup> 1885 he saw one Francis L. Stetson examining some gloves and scarfs which were being shown him by one Charles Francis Gilman a salesman in the store in the employ of Mr E. A. Newell. That when Mr Stetson left, the said Gilman came to him and said as nearly as deponent recollects the words used "Credit F. L. Stetson with sixteen dollars on the Special Order Book" That he, <sup>the said Gilman,</sup> never subsequently ~~told~~ or previously on that day turned in the sum of ten dollars on any one sale, to him, <sup>deponent</sup> as Cashier, or Book-keeper, or individually. Sworn to before me

This 18<sup>th</sup> day of Nov. 1885 } D M'Donnell

Chas. W. Bogert Jr

Notary Public 1884

New York co.

340.

People etc

vs.

Charles F. Gilman

ComplaintWitnesses:

E. A. Newell.

889 Broadway.

F. L. Stetson.

45 William.

D. McDonnell.

889 Broadway.

James C. Corns.

859 Broadway.

City and County }  
of New York } ss:

Edward A. Newell

Being duly sworn deposes and says that he resides in the City and County and State of New York and that by this affidavit sworn and subscribed to by him he charges one Charles Francis Gilman with the crime of Grand Larceny in having unlawfully and feloniously stolen one gold watch<sup>60</sup> one gold watch chain<sup>30</sup>, and one gold locket<sup>10</sup> which taken together are valued at not less than the sum of one hundred dollars, and which said articles are the property of deponent and were stolen from him in the following manner. Namely by the terms of a written agreement hereto annexed Deponent loaned the said Gilman the aforesaid articles to wear until a simple demand should be made on the said Gilman, by deponent, for the return of the same and upon such demand the aforesaid Gilman promised to return the articles aforesaid without delay. Deponent on the 6<sup>th</sup> day of November, 1885, delivered to one William H. Newell a written demand on Gilman for the return of the aforesaid property as by the terms of the agreement, and of which written demand the following is a true copy

" E. A. Newell  
" Men's outfitter  
" 859 Broadway

New York Nov. 6<sup>th</sup> 1885

Wm. C. F. Gilman 21. East 16<sup>th</sup> St.

" Dear Sir: Please deliver to bearer the gold watch, chain, and locket which  
" I loaned to you June 3<sup>d</sup> 1880 and for which I hold your receipt  
Yours truly - E. A. Newell"

That said notice was put in an envelope directed to said Gilman, and sealed up; and that William H. Newell aforesaid was instructed to deliver the same personally to the said Gilman. That deponent is informed and believes that the said notice was so delivered by William H. Newell as appears by the affidavit of the said William H. Newell which is hereto annexed -

✓ Deponent further says that - days have since elapsed and that the said Gilman has not yet returned the aforesaid property to deponent but fraudulently retains the same and with intent to steal defraud and take away the same from deponent as deponent says and truly believes.

Sworn to before me

this 17 day of Nov. 1885 }

Joseph R. Brown

Edwards A. Newell

Notary Public

Kings Co. not filed N.Y. Co

0049

E. A. Newell,  
Men's Furnishing Goods

<sup>857</sup>  
~~727~~ Broadway,

New York, June 3<sup>rd</sup>, 1886

Received from E. A. Newell one gold watch,  
Hunting Case, n<sup>o</sup> 36695 - made by M. D. Tobias & Co. Liverpool  
one gold watch chain, cable link - also one gold watch,  
with blood stone sides, watch engraved on one side  
C. F. G. in monogram - All of the above articles are  
the property, and rightfully belong to said Newell,  
having been sold, or paid to him by me, on January 20<sup>th</sup>,  
1880 - for valuable considerations - and I hereby accept  
them from him as a temporary loan, to be worn by  
me, and returned to said Newell on demand - without  
default, or delay, in as good condition as they now are,  
reasonable wear excepted.

Charles F. Gilman

City & County of New York SS:

William H. Newell  
being duly sworn says that Edward A. Newell  
to him known, gave to him a sealed letter  
on November 6<sup>th</sup> 1885 and instructed him to  
serve the same personally on one Charles  
Francis Gilman of 21. East 16<sup>th</sup> St in this City  
Deponent further says that he delivered  
the identical sealed letter to the said Charles  
Francis Gilman, known to him to be the  
person intended as the recipient of said letter,  
into his personal possession, and left the  
same with him -

Sworn to before me  
this 17 day of Nov. 1885 }

Joseph A. Brown

William H. Newell

Notary Public

Russ Co art file N.Y. Co

236

Peopletre.

vs.

Charles F. Sullivan.

Complaint,

Witnesses:

E. A. Newell.

By Bivay.

Wm. H. Newell.

By Bivay.

0052

LOUIS WAEFELAER, President.

CHARLES S. STEPHENS, Sec'y and Treas.

Louis Waefelaer Company, Limited,  
 SANITARY SPECIALTIES,  
 PLUMBERS', STEAM AND GAS FITTERS' SUPPLIES,  
 81 BEEKMAN STREET,

New York, Dec 16<sup>th</sup> 1885

Mr Randolph. B. Martine

District Attorney.

Dear Sir,

After waiting for 2 1/2 hours at your office for Mr Paris, who had made a special appointment with us, you were kind enough to give my wife, a lady, a letter for Mr E. F. Gerry.

We were received most brutally by him or his representative. He wanted my wife and child to tell him the circumstances of the painful case before every one in the waiting room.

If that is benevolence, he has usurped his reputation. I had that rascal, Peter Herion arrested for the sake of Society and because I know I cannot take the law in my own hands and lynch him. We have been going from Court to Court for the last 3 weeks and we are asked if there was a witness. How Stupid! Had there been a witness, the fiend would not have attempted the rape on my little darling.

Mrs Gilbert 48 West 12<sup>th</sup> St when the crime was attempted and prevented only by some one ringing the bell just in time, had positively told us that she would care for our child as she did for her own little girls, much older however. We had made it a special condition and she charged us \$4. per week for the child. She told me that there was no doubt about the crime, after confessing the child, and said she would give Peter such a scolding he would never attempt it again. As if that was to satisfy me! I did not tell her I was going to have him arrested or she would have made him escape.

I hope, Dear Sir, that justice will be done and that we shall not be put to further trouble and expense. We want the child to forget but it is kept up so long that both she and the mother are in a fearful nervous state.

Yours respectfully  
Edward C. Cornelius

50 West 15<sup>th</sup> St

Bookkeeper with above firm.

0054



*The New York Society for the  
Prevention of Cruelty to Children.*

NO 100 EAST 23<sup>D</sup> STREET, (CORNER 4<sup>TH</sup> AVE.)

*New York* December 16, 1885

Hon. Randolph B. Martine,

District Attorney &c.

Dear Sir:

In the case of The People v. Peter Nixon, the colored man charged with the assault of the child of Mrs. Cornelis, our officers made a careful investigation of the case. The statement of the child is entirely uncorroborated by any evidence whatever. Under these circumstances, in my judgment it is simply impossible to secure a conviction. For this reason I notified your Chief Clerk that the Society would not prosecute the case.

Sincerely yours,

*Wm. O. Gerry*  
President &c.

0055

† 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 E. Fiddman*

The Grand Jury of the City and County of New York, by this indictment, accuse *Charles E. Fiddman* — committed of the CRIME OF *Petit* LARCENY, — as follows:

The said *Charles E. Fiddman*.

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *twenty eighth* day of *October*, in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, being then and there the clerk and servant of *one Edward A. Russell*, —

and as such clerk and servant then and there having in his possession, custody and control certain moneys, goods, chattels and personal property of the said

*Edward A. Russell*, —

the true owner thereof, to wit: *the sum of ten dollars*

*in money, lawful money of the*

*United States, and of the value*

*of ten dollars.*

the said *Charles E. Fiddman*, afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, did feloniously appropriate the said *sum of money*.

to his own use, with intent to deprive and defraud the said *Edward A. Russell*, —

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and personal property of the said *Edward A. Russell*.

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

RANDOLPH B. MARTINE,

District Attorney.

Witnesses:

*[Signature]*  
*[Signature]*  
*[Signature]*

340 Miller

Counsel, *[Signature]*  
Filed *3* day of *Dec* 188*8*  
Pleads *Not Guilty (u)*

THE PEOPLE

vs.

*B*

*Shas. S. Fitzmaurice*

*(Seaver)*

[Sections 598 and 592 of the Penal Code]  
(MISAPPROPRIATION.)  
Larceny, —

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*Rec'd*  
*2 Cases for*

*May 10 1886.*

Foreman.

*Sperry Acquitted*

0057

Chas. P. Miller.

Miller & Macfarlane.

Miller & Macfarlane,  
Law Offices.

261 Broadway.

New York, February 4<sup>th</sup> 1886

Entrance to Elevator  
on Warren Street.

Hon. Randolph B. Martine

Dear Sir:-

I expect to leave New York on Saturday of this week for Florida and shall not in all probability return much before the end of the month.

As you are aware I have been ailing and in the Doctor's hands more or less for the last month and he has advised me to go South for a few weeks.

I write because two cases in which I appear for the defendants, the Aird & Gilman cases, may possibly appear on the calendar during my absence. If they come up please have them put over until I return and oblige.

Yours Very Truly  
Chas. P. Miller

0058

File with  
report in  
case  
Supple  
Epilumans  
or find

TORN PAGE

0059

288 Lexington Avenue.

My Dear Martine,  
I am kept in-  
doors under the  
doctor's orders, and  
may have to go  
South for ten days  
or two weeks, at  
any rate. I am  
forbidden to leave  
my room before  
next Monday, and  
shall certainly not  
be in a condition  
for hard work  
for some time.  
I understand

TORN PAGE

0060

month

And other

James H

C. D. Miller

Ans R. B. Martine

TORN PAGE

0061

that Gilman's case  
is on the calendar  
this morning, and  
though as I have  
already told you  
I am not afraid  
of the result of  
a trial, I am  
not anxious to  
hurry the case  
along; and aside  
from that I am  
absolutely incapa-  
ble of taking hold  
of it at present.  
Please let it  
go off until next

TORN PAGE

0062

The People  
vs  
Chas. F. Gilman

TORN PAGE

0063

POOR QUALITY  
ORIGINAL

E. A. NEWELL,  
MEN'S OUTFITTER,  
859 BROADWAY.

NEW YORK,

May 15<sup>th</sup> 1886

Mr. Gunning Bedford

Dear Sir

You will please excuse  
me for addressing you on a matter of  
business, at your residence, but in consid-  
eration of the fact that Polyzade Stetson  
is to be my principal witness, in the case  
v.s. G. P. Gilman, for petit larceny,  
and as you know he is a very busy man,  
and also for my own interests, in having  
my Cashier, and Clerk-away - as witnesses.  
Can I ask that if consistently with  
your other plans, that you try the  
case against Gilman first.

0064

TORN PAGE

on Monday morning.

I am not sure that  
you may remember me personally - but  
you may as being in business under the  
New York Hotel for many years - and  
also as foreman of the Grand Jury of  
your Court a year ago this month, and  
at previous times.

Hoping I have  
not presumed too much.

I remain

Yours truly

E. Howell

0065

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 E. Fildman

The Grand Jury of the City and County of New York, by this indictment, accuse Charles E. Fildman of the CRIME OF Grand LARCENY, in the second degree, committed as follows:

The said Charles E. Fildman,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the ~~ninth~~ day of November, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, being then and there the clerk and servant of ~~the said~~ *Edward A. Russell*, and as such clerk and servant then and there having in his possession, custody and control ~~certain moneys~~ goods, chattels and personal property of the said *Edward A. Russell*, —

the true owner thereof, to wit: *one watch of the value of thirty dollars, one chain of the value of thirty dollars, and one pocket of the value of ten dollars.*

the said Charles E. Fildman, afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, did feloniously appropriate the said *goods, chattels and personal property* — to his own use, with intent to deprive and defraud the said *Edward A. Russell*, — of the same, and of the use and benefit thereof; and the same ~~moneys~~ goods, chattels and personal property of the said *Edward A. Russell*.

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

~~RANDOLPH B. MARTINE,~~

~~District Attorney.~~

0066

Second COUNT.

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

Charles F. Fighman  
of the CRIME OF Grand Larceny in the second degree,  
committed as follows:

The said Charles F. Fighman,  
late of the First Ward of the City of New York, in the County of New York, on the  
— fifth — day of November, in the year of our Lord one thousand  
eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms,  
one watch of the value of fifty dollars,  
one chain of the value of thirty  
dollars, and one pocket of the value  
of ten dollars, of the goods, chattels and  
personal property of one Edward A.  
Newell, 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  
and dignity of the said People.

Randolph B. Martin

District Attorney.

**SSES**

E. A. Howell  
L. H. Newman  
E. A. Howell  
M. A. Howell

Bailed on three  
Indictments in the  
sum of \$2000 by  
William J. Gross  
335- West 15th St.

For reasons stated on  
other instrument I recommend  
that this instrument be  
dismissed. I submit  
Respectfully

236 Miller

Counsel, \_\_\_\_\_  
 Filed 23 day of Nov 1885  
 Pleads Not Guilty - (4)

THE PEOPLE

28.

~~B~~ ~~#~~

Charles C. Zimmerman

(3 cases)

Grand Larceny, 2nd degree

(MISAPPROPRIATION.)

[Sections 528 and 534 of the Penal Code]

RANDOLPH B. MARTINE,

*Indict on ~~the~~ indictment  
rec. May 17/86*

J. Carter Jr.  
 P2 Jan'y 17/90  
 Indictment dismissed  
 & bail discharged C.A.

0068

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:  
of New York, }of No. 859 Broadway Street, aged 48 years,  
occupation Merchantdeposes and says, that on the 27 day of October 1885 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:Gold and silver money to the  
amount and value of five  
dollarsthe property 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 Charles F. Gilman

from the fact that said Gilman,  
who was then a salesmen in  
deponent's employment, sold goods  
to one Mr. Herman of 19 West  
30th Street to the amount of eight  
dollars and fifty cents. That he  
received in payment of the same  
from said Herman, the sum of  
ten dollars. That he made and  
wrote the receipt ticket duly  
representing that he had sold  
but three dollars and fifty cents  
worth of goods to said Herman  
and turned in to the Cashier the  
sum of three paper dollars keeping

Supervisor of the City of New York

1885

J. M. H. H. H.

0069

and appropriating to his own use  
the said sum of five dollars. That  
deponent is informed and believes that  
said Hermann informed deponents Cook  
Keeper that he, Hermann, had given  
said defendant two five dollar bills  
in payment of said goods and that  
reciving the sum of one 50/100 dollars  
change. Deponent therefore says said  
defendant may be arrested and dealt  
with as the law directs.

Signed before me this } Edward A. Newell  
29 day of October 1885 }  
Solomon B. Smith  
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 1885  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1885  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1885  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—LARCENY.

Edward A. Newell

vs.  
Charles J. Hermann

1885

October 29

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

to answer

Sessions.

0070

CITY AND COUNTY  
OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

Daniel M. Herrman  
of No. 19 West 30<sup>th</sup> Street, aged 23 years,  
occupation Dry Goods Shopkeeper being duly sworn deposes and says  
that on the 27<sup>th</sup> day of October 1885

at the City of New York, in the County of New York, Dependent paid  
to Charles F. Gilman, now here,  
the sum of ten dollars for  
articles purchased by dependent  
at the Store of Edward A. Newell  
at 85-9 Broadway, where said de-  
pendent, Gilman, is a salesman,  
and received back in change the  
sum of one dollar and a quarter  
or one dollar and a half, Dependent  
is not positive which. That dependent  
purchased the article of said Gilman.

Daniel M. Herrman

Sworn to before me, this

of

October

1885

day

John D. Smith  
Police Justice.

0071

POLICE COURT 2 DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

On Complaint of

For

Edward Kernal  
Peter Kernal  
Charles F. Gilman demand

After being informed of my rights under the law, I hereby ~~waive~~ <sup>demand</sup> a trial, by Jury, on this complaint, and demand a trial at the COURT OF ~~SPECIAL~~ <sup>General</sup> SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated Dec 30 1885

Charles F. Gilman  
Police Justice.

Charles F. Gilman

0072

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, { ss

2 District Police Court.

*Charles F. Gorman*  
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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I taken before me this  
day of *Dec* 19*20*  
at *New York*  
City.  
Justice.

*I am not guilty*

*Charles F. Gorman*

0073

Sec. 151.

2

District Police Court.

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police Justices in and for the said City, by *Edward A. Newell*

of No. *859 Broadway* Street, that on the *27* day of *October* 188*5* at the City of New York, in the County of New York, the following article to wit :

*Good and lawful money of the United States to the amount and*  
of the value of *Five* Dollars,  
the property of *the said Edward A. Newell*  
w *as* taken, stolen and carried away and as the said complainant has cause to suspect, and does suspect and believe, by *Charles F. Gilman*

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 *2* DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this *29* day of *October* 188*5*  
*Solomon* POLICE JUSTICE.

0074

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Edward A. Newell

vs.

Charles F. Gilman

Warrant-Larceny.

Dated October 29 1885

Smith Magistrate

Curry Officer

Grace F. Gilman  
The Defendant

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

Samuel Curry Officer.

Dated 188

This Warrant may be executed on Sunday or at  
night.

Solomon Smith  
Police Justice.

REMARKS.

Time of Arrest Oct 31 1885

Native of U.S.

Age, 25

Sex

Complexion,

Color White

Profession, Clerk

Married

Single, Yes

Read, Yes

Write, Yes

21 8 10 57

0075

*Bail ordered*

FILED

No. 1, by *Wm J Strauss*  
Residence *335 West 15* Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

237 Police Court 1194 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Edward A. Gennell*  
vs.  
*Charles F. Gennell*

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

Dated *Oct 30* 188 *3*  
*Smith*  
*2nd* Precinct.

Witnesses  
*Marie A. Herpin*  
No. *194 West 30* Street.  
*John J. Wetzel*  
No. *859 Broadway* Street.  
*Mr. J. J. Sullivan*  
No. *1000* to answer S.S.

*Bailed*

*been committed, and that there is sufficient cause to believe the within named*

*guilty thereof, order that he be held to answer the same and he be admitted to bail in the sum of*

*of the City of New York, until he give such bond*  
Dated *Oct 30* 188 *Police Justice.*

*I have admitted the above-named*  
*to bail to answer by the undertaking hereto annexed*  
Dated *Oct 30* 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.*

0076

E. A. NEWELL.  
MEN'S OUTFITTER; -  
859 BROADWAY.

NEW YORK, May 10<sup>th</sup> 1886

Hon. Randolph B. Martine

Dear Sir

Yours through  
Mr. Penney, inclosing note from  
Mr. Stearns, just to hand.

If agreeable  
to you, I will consider the  
case set down as the 17<sup>th</sup> instead  
of the 13<sup>th</sup>?

Yours faithfully  
E. A. Newell

0077

*[Faint, mostly illegible handwritten text, possibly a letter or memo.]*

Tell Mr. Newell & Mr. Stetson  
that this case is set down  
for the 17<sup>th</sup>  
Gilman case

0078

District Attorney's Office.

PEOPLE

vs.

Charles F. Gilman,

Have copies of these  
Indictments made  
for Charles P. Miller,  
Apr 23/86 R.B.M.,

0079

District Attorney's Office.

PEOPLE

vs.

Charles F. Gilman  
Pl.

Let this case  
be set for 28<sup>th</sup>  
inst. Then to  
be tried peremptory.  
april 21/86 R.B.M.  
to Mr Fitzgerald

0080

POOR QUALITY  
ORIGINAL

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

18

Mr. Grosse

Let Mr. Newell have the

document he wants in the

case of C. Frank Johnson

indicted for larceny about 1886

but case was not entered.

J. H. Tracy

Took one affidavit of E. A. Newell  
dated Nov. 5, 1885 to be returned and  
demanded.  
E. Newell

0081

Jan. 17/90  
C. F. Gilman -  
Dr. Sir - On Jan 8/80 there  
was drawn from a/c Persis M. Gilman  
in this bank, the sum of \$1019<sup>10</sup>/<sub>100</sub>.  
which was the full amount of that  
acct. \*387.592

BANK FOR SAVINGS,  
67 BLEECKER ST.,  
NEW YORK.

H. M. Gibson  
Book-keeper

0082

Di  
E. N. Herman  
19 N. 30

0083

3  
10/10 350

0084

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 E. Fighman*

The Grand Jury of the City and County of New York, by this indictment, accuse *Charles E. Fighman* — of the CRIME OF  *Petit* LARCENY, — committed as follows:

The said *Charles E. Fighman*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *27th* day of *October*, in the year of our Lord one thousand eight hundred and eighty*three*, at the Ward, City and County aforesaid, being then and there the clerk and servant of *one Edward A. Newell*,

and as such clerk and servant then and there having in his possession, custody and control certain moneys, goods, chattels and personal property of the said *Edward A. Newell*,

the true owner thereof, to wit: *the sum of five dollars in money, lawful money of the United States, and of the value of five dollars,*

the said *Charles E. Fighman*, afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, did feloniously appropriate the said *sum of money*,

to his own use, with intent to deprive and defraud the said

*Edward A. Newell*,

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and personal property of the said *Edward A. Newell*,

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

RANDOLPH B. MARTINE,

District Attorney.

0085

BOX:

196

FOLDER:

1968

DESCRIPTION:

Girolamo, Guisepppe

DATE:

11/18/85



1968

0086

188.

Witnesses:  
*J. S. Adams*  
*J. S. Adams*

Counsel,  
Filed *18* day of *Nov* 188*8*  
Pleads *Voluntarily*

THE PEOPLE

ASSAULT IN THE FIRST DEGREE, Etc.  
(Sections 217 and 218, Penal Code).

vs.

*R*

*Ernesto Espinoza*

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*L. Carter for*  
*Dec 19/88*  
*Foreman*  
*Prize & acquitted*

0087

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

of No. 90 Baxter Street, aged 23 years,  
 occupation Cover Steam pipes being duly sworn  
 deposes and says, that on the 3<sup>rd</sup> day of November 1885 at the City of New  
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Giuseppe Girolamo (nowhere) who did  
willfully cut and stab deponent in the  
left-side of deponent's body and on the left  
hand with the blade of a knife then  
and there held in defendant's hands  
and said assault was committed

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

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

Sworn to before me, this

of

November1885Henry Murray

Police Justice

Jos. Massone

0088

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss

151- District Police Court.

*Giuseppe Girolamo* 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. *Giuseppe Girolamo*

Question. How old are you?

Answer. *17 Years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *90 Baxter Street 5 Months*

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*  
*Giuseppe Girolamo*  
*mark*

Taken before me this

day of

1888

Police Justice.

0089

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

Giralamo  
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 Nov 12<sup>th</sup> 1885 J. Henry Murray 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.

0090

Police Court

154246 District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Joseph Massone  
90 Bayter  
Giuseppe Girolamo

Office  
Seamus Adams

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

Nov 12

1885

Magistrate

Murray  
Gerrit Chrysler

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

1500

to answer

Q. B.

0091

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Agnes Rinaldo*

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

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

The said *Agnes Rinaldo*,

late of the City of New York, in the County of New York aforesaid, on the  
*third* day of *November*, in the year of our Lord  
one thousand eight hundred and eighty *five*, with force of arms, at the City and  
County aforesaid, in and upon the body of one *Joseph Marrone*  
in the peace of the said People then and there being, feloniously did make an assault  
and *in* the said *Joseph Marrone*  
with a certain *knife*

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

with intent *in* the said *Joseph Marrone*  
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  
*Agnes Rinaldo*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Agnes Rinaldo*,

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 one *Joseph Marrone*  
in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make an assault, and *in* the said *Joseph Marrone*,

with a certain *knife*

which *he* the said *Agnes Rinaldo*  
in *his* right hand then and there had and held, the same being an  
*instrument* likely to produce grievous bodily harm, then and  
there feloniously did wilfully and wrongfully beat, strike, stab, cut 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.

*Randolph Martin*  
District Attorney

0092

BOX:

196

FOLDER:

1968

DESCRIPTION:

Golden, John

DATE:

11/30/85



1968

187

Witnesses:  
Allen M. M. M.  
Geo. W. M. M.  
W. M. M.

Counsel,  
Filed 30  
Pleas,  
1887

THE PEOPLE  
vs.  
Grand Larceny, 2nd Degree.  
[Sections 528, 531, — Penal Code.]

John E. M. M.

W. M. M.

RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.

J. C. M. Jr.  
Foreman.  
Dec 2/87  
P. M. M.  
S. P. 2 of 100.

0094

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

of No.

121<sup>st</sup> 3 Ave

Street, aged

25

years,

occupation

Laborer

being duly sworn

deposes and says, that on the 24 day of November 1887 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

One pocket book containing  
Three dollars and a sixty two cent  
all together of the value of  
Four dollars

the property of

Ellen Nordant and that  
deponent was a witness to said  
theft—

and that this deponent

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

John Golden (now here)  
from the fact that deponent was  
walking on 3rd Avenue near  
95<sup>th</sup> Street and then and there  
said said Golden approach  
said Ellen Nordant and seize  
and snatch said pocket book  
and money out of the hand  
and from the possession of said  
Ellen Nordant and that said  
Golden then ran away and that  
deponent saw said Golden arrested  
with said property in his (Golden's)  
possession and that

Sworn to before me, this  
1887 day

of New York  
Charles Smith  
Police Justice.

0095

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss

District Police Court.

*John Golden* 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

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question What is your business or profession?

Answer.

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

Answer.

*Hunger Compelled me to  
steal*  
*John Golden*

Taken before me this

day of

188

Police Justice.

0096

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

John Goldene  
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 Jun 21 188 Andrew 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.

0097

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

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

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

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

1306  
Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John W. Shyres  
1217 3rd St  
John Goldner

1  
2  
3  
4

Dated Nov 7 1887

Appointed Magistrate  
Richard H. H. Officer.  
93 Precinct.

Witnesses Ellen Mordant

No. 158 9th Street.

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

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

\$ 500 to answer

Curry

0098

**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 Liddan*

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

*John Liddan* —

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

The said

*John Liddan,*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *Twenty fourth* day of *November*, in the year of our Lord one thousand eight hundred and eighty-*five*, in the *day* time of the said day, at the Ward, City and County aforesaid, with force and arms,

*one pocket watch of the value of*  
*fifty cents, one United States*  
*Treasury Note of the denomination*  
*and value of two dollars, one United*  
*States Treasury Note of the denomination*  
*and value of one dollar, and divers*  
*coins, of a number, kind and*  
*denomination to the Grand Jury aforesaid*  
*unknown, of the value of three*  
*dollars and sixty two cents.*

of the goods, chattels and personal property of one *Allen Mordant*,  
on the person of the said *Allen Mordant*,  
then and there being found, from the person of the said *Allen Mordant*,  
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.

*Randolph B. Martin,*  
*District Attorney*

0099

BOX:

196

FOLDER:

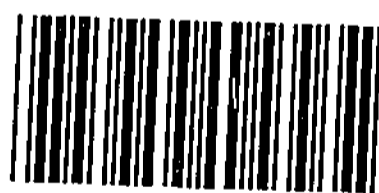
1968

DESCRIPTION:

Gray, Richard

DATE:

11/16/85



1968

0100

BOX:

196

FOLDER:

1968

DESCRIPTION:

Trimble, Frank

DATE:

11/16/85



1968

**Witnesses:**

'Offer consolation with other  
Comstock, the complainant herein,  
warrant for the arrest of the defen-  
dant of Vice; I am convinced  
that the interests of justice will  
be satisfied by the imposition of  
a light fine, and recommending  
that, if defendant pleads guilty,  
he should not be re-arrested therefor  
the sake of the deft. boy.

The soft humble beauty  
on his late pleased girl's forehead  
inducement of a smiling nature, or  
her ~~entirely~~ <sup>entirely</sup> attention, I remember  
that if he pleased my <sup>him</sup> in sea-  
son, he surpassed by the coast.

Dec 20/07  
 Randolph S. Martine  
 Dr. Am.

Dir. 20th

103  
L. G. Smith

Counsel, .....  
 Filed 16 day of Nov 1885  
 Pleads Not guilty (17).....

[Section 325, 326, 329, 343, 344 Penal Code].

# THE PEOPLE

23.

Richard Ford

3

Grande Kinder  
(2 rows)

Dec 20 PM 1888  
Randolph B. Martine,  
District Attorney.

## A True Bill.

Dear Mr.  
 Foreman  
 Dear Sir,  
 With Very Respectfully  
 Yrs. each  
 25 pp

City, County and State } ss  
of New York.

Anthony Cornstock of 150 Nassau St New York City, being duly sworn deposes and says, he is informed, has just came to believe, that Frank Trimble and Richard Gray here present did on <sup>or about</sup> the 21<sup>st</sup> ~~and 22<sup>nd</sup>~~ days of October 1885, at number 207 West 29<sup>th</sup> Street in said City of New York aforesaid, unlawfully acting together, contrive, propose and draw a lottery, and assist in contriving proposing and drawing a lottery where money was dependent upon the result of said lottery, against the form of the statutes of the People of the State of New York, and their dignity -

Deponent further says, that the source of ~~the~~ his information and belief is founded upon the fact, ~~that~~ set out in the affidavit of Mr. J. Sullivan hereto annexed, and statements made to deponent by one Dennis O'Connor, and from a personal visitation of said premises so occupied by the said Frank Trimble and Richard Gray

(Subscribed and sworn to before me  
this 23<sup>rd</sup> day of October 1885  
John J. Moran  
Police Justice

Anthony Cornstock.

Michael J. Sullivan



0104

395

~~395~~

W. O. C.  
W. J. Sullivan  
20

City, County and  
State of New York.

~~Anthony Comstock~~ Michael J. Sullivan  
of 150 Nassau Street New York City, being duly  
sworn deposes and says, that on the 21<sup>st</sup> day of  
October 1885, he visited the premises number 207  
West 29<sup>th</sup> Street New York City, and there saw  
Richard Gray and Frank Trimble there in  
charge, that the said Gray was attending to an  
inside door, that he occupied a position near  
to said Trimble, and while said Trimble was  
selling chances, tickets and interests in and  
proposing, contriving and drawing a lottery  
where money was dependent upon the  
results thereof, the said Gray was  
assisting, aiding and abetting the said Trimble  
in the same, by watching out for persons entering  
said premises, and by pulling a string or  
rope back of a cigar case, which string was  
connected with said Cigar Case and  
an inner door ~~which~~ in a board partition,  
which string or rope, was attached to the  
spring catch or lock of said door, and which  
string or rope the said Gray would pull to  
allow persons to enter or depart from  
the portion of the floor or room where the  
said Trimble was operating. That the  
said Gray opened said door as aforesaid

for deponent and others to enter, and after deponent entered, the said Trimble then and there and in full view and presence of said Gray, sold to deponent a certain share, ticket, and interest in said lottery as aforesaid, and further deponent purchased a certain share, ticket and interest in said lottery, and paid the said Trimble the sum of ten cents, for said share, ticket and interest in said lottery and said share, ticket and interest is hereto annexed. Afterwards the said Trimble in the presence and view of said Gray, did draw said lottery, and after drawing an Envelope from a box containing a number of other Envelopes, the said Trimble did take out a paper containing certain numbers, and did record said numbers upon a black board as the numbers drawn in said lottery; Deponent further says, that after said drawing which was known as number 395, the deponent paid the said Trimble another 10 cents for an interest in another lottery, then proposed and contrived and about to be drawn known as Series No. 396. that the said Trimble in presence and view of said Gray, took said money, and placed the figures 396 upon deponent's ticket share and interest and paper hereto

annexed, and then again drew another envelope from said box, and again posted said numbers upon the black boards as the said numbers drawn in lottery number 396. as aforesaid -

Deponent further says that the said Gray was present aiding assisting and abetting the same Trumble the entire time and within a few feet of said Trumble at all times while the above transactions were going on.

Subscribed and sworn to before me  
this 23rd day of October 1888  
J. J. [illegible]  
Police Justice

Michael J. Sullivan

The People

vs.

Frank Trumble

Richard Gray

0108

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY {  
OF NEW YORK, { ss

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

Question. What is your name?

Answer.

Richard Gray

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

Schenectady New York

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

Answer.

207 West 29 Street, since last May

Question. What is your business or profession?

Answer.

Cigar Dealer.

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

Answer.

I am not guilty

Richard Gray

Taken before me this

day of May 188 88

John J. Moran Police Justice.

0109

Sec. 151.

CITY OF New York COUNTY OF New York }  
AND STATE OF NEW YORK, } ss.

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

In the name of the People of the State of New York; To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of New York, or to any Marshal, Constable or Policeman of the City of New York. GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Michael J. Sullivan and Anthony Branstetter of No. 207 West 29<sup>th</sup> Street, charging that on the 21<sup>st</sup> day of October 1885 at the City of New York, in the County of New York that the crime of selling what is commonly called a lottery policy

has been committed, and accusing John Doe, whose real name is unknown but who can be identified by deponent thereof.

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, Deputy Sheriff's, Peace Officers, Marshals, Constables and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith 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 22<sup>nd</sup> day of October 1885

John J. Brown POLICE JUSTICE.

0110

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*M. J. Sullivan*

vs.

*John Doe*

Warrant-General.

Dated 188

Magistrate.

Officer.

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at night.

Police Justice.

## REMARKS.

Time of Arrest,

Native of,

Age,

Sex,

Complexion,

Color,

Profession,

Married,

Single,

Read,

Write,

0111

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 \$100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Nov 5 1885 John J. Hoffman Police Justice.

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

Dated Nov 5 1885 John J. Hoffman Police Justice.

There being no sufficient cause to believe the within named

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0112

Police Court

St 1228 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Constock  
150 Nassau St  
Richard, Conn.

2  
3  
4

Office of the Clerk  
John

BAILED,

No. 1, by Austin Crawford  
Residence 220 W. 28 Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Dated Oct 23 188 ✓

Magistrate  
Sters Officer.  
1090 Precinct.

Witnesses Michael J Sullivan  
No. 150 Nassau Street.

No. Street,

No. Street,  
\$ 1000 to answer G. S.

By Mr. S.  
Bailed

0113



THE  
New York Society for the Suppression of Vice.

150 NASSAU STREET,

(Dictated.)

Room 9.

*New York,* Sept-24-1886. 188

Hon. Randolph B. Martine,  
District Attorney, New York City.

Dear Sir: -

I am in receipt of subpoenae in the case of Albert A. Rawson and Richard Gray and others for trial in Part II to-day.

I beg to state that I am under subpoenae for cases on trial in Brooklyn, and that myself and the witnesses who would have to be in your court, have been under subpoenae and in court the entire week of last week, and for two days of this week; and other cases are on for trial this morning in which we were subpoenaed several days ago. There is a bare possibility that the case in Brooklyn may not be taken up this morning in Brooklyn. If so, I will report at once, but, if not, I would respectfully ask that under the circumstances these cases may be adjourned till Wednesday or Thursday of next week.

Of course, we are very anxious indeed to have the cases in your courts disposed of, and I regret exceedingly that I am so situated, that neither myself nor the witnesses can be present in response to these subpoenae. I beg to assure you, however, that it is not any fault of mine, nor of the witnesses that we do not appear. We have to be in court in Brooklyn at 10 o'clock. Consequently it is impossible

0114



THE  
New York Society for the Suppression of Vice.  
150 NASSAU STREET,  
ROOM 9.

2

New York, ..... 188

for me to see you personally this morning.

Very truly yours,

Anton J. Loomis  
Secretary.

0115

District Attorney's Office.

PEOPLE

vs.

~~Albert A. Simpson~~

Richard Gray -  
Lottery.

Let this case  
go off the calendar.

People's witnesses  
not ready - RB.M.  
Sept 24/86

To Judge Bedford,

0116

District Attorney's Office.

PEOPLE

vs.

Alfred P. Ransom  
Lottery

Let this case  
go off the calendar,  
People's witnesses  
not ready, RB.M,  
Sept 24/86  
To Judge Bedford

0117

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Richard Rysan and*  
*Franka Grindle*

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

*Richard Rysan and Franka Grindle*

(Section 343) of the CRIME OF KEEPING A *room* TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said *Richard Rysan and Franka Grindle*  
*Grindle, each*

late of the *Twenty-first* Ward of the City of New York in the County of New York aforesaid, on the *Twenty-first* day of *October*, in the year of our Lord one thousand eight hundred and eighty-*three*, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a *certain room* in a certain *building*—there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called *the "envelope game"*, where money and property was dependent upon the result, 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. (Section 343.)

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

*Richard Rysan and Franka Grindle*

of the CRIME OF KEEPING A *room* TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said *Richard Rysan and Franka Grindle*  
*Grindle, each*

late of the *Twenty-first* Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said *Twenty-first* day of *October*, in the year of our Lord one thousand eight hundred and eighty-*three*, at the Ward, City and County aforesaid, unlawfully did keep a *certain room* in a certain *building*—there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public *and* private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers, and documents, 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.

0118

THIRD COUNT. (Section 242)

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

*Richard Gray and Frank Grindle*  
of the CRIME OF KNOWINGLY PERMITTING A room TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said *Richard Gray and Frank Grindle*  
*Grindle, each* \_\_\_\_\_

late of the *Twenty-fifth* Ward of the City of New York in the County of New York  
aforesaid, afterwards, to wit: on the said *Twenty-first* day of *October*,  
in the year of our Lord one thousand eight hundred and eighty-*three*, being then  
and there the *owners* of a certain *room in a building* there situate,  
known as number *Two-hundred-and-seven West*  
*Twenty-ninth Street,*

in the said Ward, City and County, at the Ward, City and County aforesaid, with force and  
arms, unlawfully did knowingly permit the said room  
\_\_\_\_\_ to be used for gambling by divers common gamblers whose names are

to the Grand Jury aforesaid unknown, whom in the said room  
the said *Richard Gray and Frank Grindle*  
did then and there knowingly permit to engage as players in a certain gambling game commonly  
called *"de'sendore game"*, where money and property was dependent upon the result,  
against the form of the Statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

FOURTH COUNT. (Section 242)

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

*Richard Gray and Frank Grindle*  
of the CRIME OF KNOWINGLY PERMITTING A room TO BE USED FOR THE PURPOSE OF  
SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said *Richard Gray and Frank Grindle, each*  
late of the *Twenty-fifth* Ward of the City of New York in the County of New York  
aforesaid, afterwards, to wit: on the *Twenty-first* day of *October*,  
in the year of our Lord one thousand eight hundred and eighty-*three*, being then and  
there the *owners* of a certain *room in a building* there situate,  
known as number *Two-hundred-and-seven West*  
*Twenty-ninth Street,*  
in the said City and County, with force and arms, at the Ward, City and County aforesaid, un-  
lawfully did knowingly permit the said room  
\_\_\_\_\_ to be used by *one or more* *divers common gamblers whose names*  
of therein selling and offering to sell what are commonly called Lottery Policies, and divers  
writings, papers and documents, in the nature of bets, wagers and insurances upon the drawing  
or drawn numbers of certain public *and* private lotteries, and for therein endorsing and using  
books and other documents for the purpose of enabling divers persons to sell and offer to sell  
lottery policies and other such writings, papers and documents, 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.

City of New York COUNTY. (Section 329)

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

Richard Spang and Frank Simile

of the CRIME OF Receiving and Concealing Stolen Goods and other moneys and other valuable property, and other unlawful purposes, committed as follows:

The said Richard Spang and Frank Simile, each late of the Twenty-fifth Ward of the City of New York, in the County of New York, on the Twenty-first day of October, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, with force and arms, did unlawfully keep a certain office and place, in a certain building there situate, known as number two-hundred-and-seven West Twenty-ninth Street, for registering the numbers of tickets in a certain lottery within this State, (the same being a scheme for the distribution of property, to wit: money, by chance among persons who had paid or agreed to pay a valuable consideration for such chance) and for making, receiving and registering bets and stakes for the drawing and result of the said lottery, a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and can not now be given; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Sixth Count: (Section 325)

And the Grand Jury aforesaid by this indictment further accuse the said Richard Gray and Frank Trumble of the crime of Contriving and proposing a lottery, committed as follows: The said Frank Trumble and Richard Gray, each 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, did unlawfully contrive and propose, and assist in contriving and proposing, a lottery, the same being a scheme for the distribution of property, to wit: money, by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown and cannot now be given) against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

Seventh Count: (Section 325.)

And the Grand Jury aforesaid, by this indictment further accuse the said Richard Gray and Frank Trumble of the crime of Drawing a lottery, committed as follows: The said Richard Gray and Frank Trumble, each 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, did unlawfully draw, and assist in drawing a lottery.

0121

paid or agreed to pay a valuable consideration for such chance; (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and can not now be given) against the form of the Statute in such case made and provided, and against the Peace and dignity of the said People.

First COUNT. (Section 344)

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

Richard Gray and Frank Grindle

of the crime of "Selling to another what is commonly known as a Lottery Policy," committed as follows:

The said Richard Gray and Frank Grindle, each late of the Twenty-first late of the First Ward, in the City and County aforesaid, on the Twenty-first day of October, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

Michael J. Sullivan

a certain paper, instrument and writing, commonly called a lottery policy, which said paper, instrument and writing, called a lottery policy, is as follows, that is to say:

395<sup>286</sup>

28-36-5-22-55

10 JH

(a more particular description of which said instrument and writing so commonly called a lottery policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the Peace of the People of the State of New York, and their dignity.

Second COUNT. (Section 344)

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

Richard Gray and Frank Grindle

of the crime of "Selling to others what are commonly called Lottery Policies," committed as follows:

The said Richard Gray and Frank Grindle, each,

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, ~~was~~ <sup>were and yet are</sup> common gamblers, and on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to divers persons (whose names are to the Grand Jury aforesaid unknown and cannot now be given), certain instruments and writings, commonly called lottery policies (a more particular description of which is to the Grand Jury aforesaid unknown and cannot now be given), against the form of the statute in such case made and provided, and against Peace of the People of the State of New York and their dignity.

0122

Seventh COUNT— (Section 244)

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

*Richard Gray and Frank Grindle*

of the crime of "Selling a paper and writing, in the nature of a bet and wager upon the drawn numbers of a Lottery," committed as follows:

The said *Richard Gray and Frank Grindle*,  
each late of the County of New York

late of the First Ward, in the City and County aforesaid, on the ~~twenty-first~~ day of ~~October~~, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

*Richard G. Sullivan,*

a certain paper and writing, in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper and writing is as follows, that is to say:

395<sup>296</sup>

28 - 36 - 51 - 22 - 55

*10/28*

(a more particular description of which said paper and writing is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the Peace of the People of the State of New York and their dignity.

Eighth COUNT— (Section 244)

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

*Richard Gray and Frank Grindle*

of the crime of "Selling a writing, paper and document in the nature of an insurance upon the drawing of a Lottery," committed as follows:

The said *Richard Gray and Frank Grindle*,  
each late of the County of New York

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, ~~was and yet is a common gambler~~, and on the day and in the year aforesaid, at the Ward, City and

County aforesaid, with force and arms,

did feloniously

0123

County aforesaid, with force and arms,  
did feloniously sell to one Michael J.  
Dullivan, a certain paper, writing and  
document in the nature of an  
insurance upon the drawing of a  
lottery, the same being a scheme for  
the distribution of property by chance  
among persons who had paid or  
agreed to pay a valuable consideration  
for such chance (a more particular  
description of which said lottery is to  
the Grand Jury aforesaid unknown,  
and cannot now be given), which  
said paper, writing and document  
is as follows, that is to say:

395386

28-36-51-22-55

10 JF

(a more particular description of which  
said paper, writing and document is  
to the Grand Jury aforesaid unknown,  
and cannot now be given), against  
the form of the Statute in such case  
made and provided, and against  
the peace of the People of the State  
of New York, and their dignity.

0124

*Franklin D.* COUNT. (Section 326.)

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*Richard Gray and Franka Grindale*  
of the CRIME OF SELLING A PAPER AND INSTRUMENT, PURPORTING TO BE AND TO REPRESENT A LOTTERY TICKET,  
committed as follows :

The said *Richard Gray and Franka Grindale*,  
each late of the Ward, City and County  
aforesaid, afterwards, to wit: \_\_\_\_\_  
late of the City and County of New York, on the *Twenty-first* \_\_\_\_\_ day of  
*October*, in the year of our Lord one thousand eight hundred and eighty-*five*.  
with force and arms, at the City and County aforesaid, unlawfully did then and there sell to one

*Michael J. Sullivan*,  
a certain paper and instrument, purporting to be and to represent a ticket in and dependent upon the event  
of a certain lottery called \_\_\_\_\_

thereafter, to wit: on the *said Twenty-first* day of *October*,  
in the year aforesaid, to be drawn *then and there*, \_\_\_\_\_

the same being a scheme for the distribution of property by chance among persons who had paid or agreed  
to pay a valuable consideration for such chance, which said paper and instrument is as follows, that is to say :

*395<sup>396</sup>*

*28 - 36 - 5 - 22 - 55*

*10 J P*

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

0125

Sixteenth COUNT. (Section 326.)

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

Ryan and Frank Brindle,

of the CRIME OF GIVING TO ANOTHER A PAPER AND INSTRUMENT, PURPORTING TO BE AND TO REPRESENT A LOTTERY TICKET, committed as follows:

The said Richard Ryan and Frank Brindle,  
each late of the Ward, City and County aforesaid,

~~late of the City and County of New York,~~ afterwards, to wit: on the said twenty first day of October, in the year of our Lord one thousand eight hundred and eighty-~~four~~  
four at the City and County aforesaid, with force and arms, unlawfully did then and there give to one

Michael J. Sullivan  
a certain paper and instrument purporting to be and to represent a ticket in and dependent upon the event of a certain lottery called

thereafter, to wit: on the said twenty first day of October, in the year aforesaid, to be drawn then and there,

the same being a scheme for the distribution of property by chance, among persons who had paid or agreed to pay a valuable consideration for such chance, which said paper and instrument is as follows, that is to say:

395<sup>296</sup>

28 - 36 - 51 - 22 - 55

W. J. Ryan

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.

Sixteenth COUNT. (Section 326.)

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

Ryan and Frank Brindle

of the CRIME OF SELLING A PAPER AND INSTRUMENT, PURPORTING TO BE AND TO REPRESENT A SHARE AND INTEREST IN AND DEPENDENT UPON THE EVENT OF A LOTTERY, committed as follows:

0126

The said *Richard Rigan and Frank Trumble*,  
each late of the Ward City and County aforesaid,  
~~late of the City and County of New York~~ afterwards to wit: on the *Twenty first* day of  
*October*, in the year of our Lord one thousand eight hundred and eighty-*five*,  
at the City and County aforesaid, with force and arms, unlawfully did then and there sell to one

*Michael J. Sullivan*  
a certain paper and instrument, purporting to be and to represent a share and interest in and dependent upon  
the event of a certain lottery called

thereafter, to wit: on the *said Twenty first* day of *October*,  
in the year aforesaid, to be drawn *then and there*,

the same being a scheme for the distribution of property by chance among persons who had paid or agreed  
to pay a valuable consideration for such chance, which said paper and instrument is as follows, that is to say:

396  
395

28-36-51-22-55

10 *Jan*

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.

Sixteenth COUNT. (Section 326)

And the Grand Jury aforesaid, by this indictment, further accuse the said *Richard*  
*Rigan and Frank Trumble*  
of the CRIME OF GIVING TO ANOTHER A PAPER AND INSTRUMENT, PURPORTING TO BE AND TO REPRESENT A SHARE  
AND INTEREST IN AND DEPENDENT UPON THE EVENT OF A LOTTERY, committed as follows:

The said *Richard Rigan and Frank Trumble*, each  
late of the Ward, City and County aforesaid,  
~~late of the City and County of New York~~ afterwards, to wit: on the *said Twenty first* day of  
*October*, in the year of our Lord one thousand eight hundred and eighty-*five*,

0127

at the <sup>Ward</sup> City and County aforesaid, with force and arms, unlawfully did then and there give to one

Michael J. Sullivan  
a certain paper and instrument, purporting to be and to represent a share and interest in and dependent upon  
the event of a certain lottery, called

thereafter, to wit: on the said Twenty-first day of October,  
in the year aforesaid, to be drawn then and there

the same being a scheme for the distribution of property by chance, among persons who had paid or agreed  
to pay a valuable consideration for such chance, which said paper and instrument is as follows, that is to say:

395

396

28-36-51-22-55

o J P

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.

Donald J. Martine  
District Attorney.

0128

BOX:

196

FOLDER:

1968

DESCRIPTION:

Gries, George

DATE:

11/20/85



1968

0129

BOX:

196

FOLDER:

1968

DESCRIPTION:

Griesmeyer, Charles

DATE:

11/20/85



1968

0130

Witnesses:

J. C. Brown  
A. Graft  
J. Graft  
Off. Chelly

Demmerer allma

W. H. G.

By order of my primary  
Deputy Sheriff, I do hereby  
certify that the within  
is a true and correct  
copy of the original  
as shown to me by the  
Deputy Sheriff, and  
under signed as true  
and correct.

W. H. Graft  
June 13/1887

223

Counsel, *Chas. W. Graft*  
Filed *20* day of *Nov* 188*7*  
Filed *Nov 24*

THE PEOPLE

vs.

*B*  
*Rogers & Friers*

and

*B*

*Dr. J. J. Graft*  
(2 cases)

[Sections 528 and 582, Penal Code]  
(False pretenses).  
LARCENY,

RANDOLPH B. MARTINE,

District Attorney.

*Answer allowed*  
*by Court*  
A TRUE BILL. *Apr 16/88*

*J. C. Graft*

*foreman*  
*April 14*  
*1887*

0131

Police Court—4<sup>th</sup> District.

Affidavit—Larceny.

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

Joseph Ernst

of No. 1940 3<sup>rd</sup> Avenue Street, aged 43 years,  
occupation Saloon Keeper being duly sworn

deposes and says, that on the 12<sup>th</sup> day of August 1885 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 :

gold and lawful money of the issue  
of the United States to the amount  
and of the value of fifteen dollars

the property of deponent.

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by George Gries and Charles Griesmeyer

(both now here) from the fact, that on  
or about said 12<sup>th</sup> day of August 1885  
the said defendants came to deponent's  
Saloon at the aforesaid place, when said Gries requested deponent  
to give him Gries the money for the  
the hereto annexed Check purporting to  
be made by Charles Griesmeyer and  
payable at the German Exchange Bank  
for the sum of fifteen dollars.

Deponent asked said Gries who  
is Griesmeyer the maker of said check  
when said Gries answered deponent, that  
he Griesmeyer is the owner of Two Houses

of  
Sworn to before me, this

1885

Police Justice.

0132

and perfectly responsible and that Gries  
indorses the check, and if not paid  
he Gries was good for the payment  
of the same.

That all such conversation  
took place in the presence of said  
Griesmeyer, who was at that time  
understandably dependent upon Gries  
to be loaned him said money for said check.  
Deposited said check  
in the Germania Bank for collection  
and the same was returned to depositor  
as being worthless.

Depositor charges that said  
Gries and said Griesmeyer did feloniously  
conspire together to steal depositor's property  
and by means of said false and  
worthless taken, and false and fraudulent  
representation made by said Gries, in the presence  
of said Griesmeyer, did steal said money  
from depositor, as aforesaid.

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 188  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 188  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated 188  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—LARCENY.

1  
2  
3  
4

Dated

Magistrate.

Officer.

Clerk.

Witness,

No.

No.

No.

to answer

Sessions.

known to before  
to be loaned him  
said money for  
said check.  
Depositor  
charges that  
said Gries and  
said Griesmeyer  
did feloniously  
conspire together  
to steal depositor's  
property and by  
means of said  
false and worthless  
taken, and false  
and fraudulent  
representation  
made by said  
Gries, in the  
presence of  
said Griesmeyer,  
did steal said  
money from  
depositor, as  
aforesaid.

0133

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK,

District Police Court.

*Charles Griswold* 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.

*Charles Griswold*

Question. How old are you?

Answer

*36 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*81 Rivington Street 7 years*

Question. What is your business or profession?

Answer.

*Real Estate Broker*

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*

*Chas Griswold*

Taken before me this

*13*

day of *March* 188*7*

Police Justice.

0134

Sec. 198—200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss

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

Question. What is your name?

Answer. *George Griss*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *1452 3<sup>rd</sup> Avenue 2 1/2 months*

Question. What is your business or profession?

Answer. *Cigar dealer*

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

Answer. *I am not guilty and demand a trial by jury*  
*George Griss*

Taken before me this

day of *Monday* 188*5*

*Police Justice.*



0136

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

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

Dated November 13 1885 John J. Horan Police Justice.

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

Dated Nov 13 1885 John J. Horan 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.

0137

Police Court

1208 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Rust  
1970-3 Ave  
1 Perry Gries.  
Chas. Greenmeyer.  
3  
4

Offence Larceny

BAILED,

No. 1, by John G. Heize  
Residence 290 Spring Street.

No. 2, by Lawrence Bandman  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Dated Nov 13 1885  
Gorman Magistrate.  
Shelly Officer.  
19 Precinct.

Witnesses Alford Graft,  
No. 1646 30th Avenue Street

Joseph Quinn  
No. 338 East 38 Street,

No. Street.  
\$ 500 to answer Paul Sessions.

Bailed

0138

District Attorney's Office  
City & County of  
New York

The People, ex  
                  <sup>o</sup>ft  
George Gries &  
Charles Griesmeyer }

The defendants demur  
to the indictment on the  
ground that it does not  
contain facts sufficient  
to constitute an indictable  
offense.

Chas. F. Welch  
Attorney for dfts

0139

people &  
v  
Gries, &  
Griesmeyer

demurer

Ch. Becker  
Atty for dfo

demurer  
sustained  
Pl. H. 4

filed apr 16 1985

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against

*George Figier*  
and  
*Charles Figiermeyer*

The Grand Jury of the City and County of New York, by this Indictment, accuse  
*George Figier and Charles Figiermeyer*  
of the CRIME OF *Petit* LARCENY, —  
committed as follows:

The said *George Figier and Charles Figiermeyer*, each —  
late of the City of New York, in the County of New York aforesaid, on the *twelfth*  
day of *August*, in the year of our Lord one thousand eight hundred and  
eighty-*five*, at the City and County aforesaid, with force and arms, with intent to  
deprive and defraud *one Joseph Kunst*,

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the  
use and benefit thereof, and to appropriate the same to *their* own use, did then and  
there feloniously, fraudulently and falsely pretend and represent to *the said*  
*Joseph Kunst*, —

That a certain paper writing in the  
words and figures following,  
that is to say:

*No. 44*      *New York August 12 1885*  
*The Figier Exchange Bank*  
*Pay to the order of George Figier*  
*Twenty Five Dollars*  
*\$25.00*      *C. Figiermeyer*

which *the said George Figier*  
and *Charles Figiermeyer* then and  
there produced and delivered to  
the said *Joseph Kunst*, was then  
and there a good and valid order  
for the payment of money and of  
the value of *Twenty Five Dollars*;

0141

By color and by aid of which said false and fraudulent pretenses and representations, the said *George Cyrie* and *Charles Cyrie*, did then and there feloniously obtain from the possession of the said *Joseph Ernst*, a sum of money, to wit: the sum of fifteen dollars in money, lawful money of the United States and of the value of fifteen dollars,

of the proper moneys, goods, chattels and personal property of the said *Joseph Ernst*, with intent to deprive and defraud the said *Joseph Ernst*, of the same, and of the use and benefit thereof, and to appropriate the same to *their own* use.

Whereas, in truth and in fact, the said *paper writing* which they the said *George Cyrie* and *Charles Cyrie* so as aforesaid then and there produced and delivered to the said *Joseph Ernst*, was not then and there a good and valid order for the payment of money, and was not then and there of the value of fifteen dollars, or of any value whatsoever, but was in truth then and there utterly void and worthless,

0142

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said *George Cyris* *Charles Cyris*, to the said *Joseph Ernst*, was and were then and there in all respects utterly false and untrue, as *they* the said *George Cyris* and *Charles Cyris*, at the time of making the same then and there well knew.

And so the Grand Jury aforesaid do say: That the said *George Cyris* and *Charles Cyris*, the day and year first aforesaid, at the City and County aforesaid, in the manner and form aforesaid, and by the means aforesaid, with force and arms, the said proper moneys, goods, chattels and personal property of the said *Joseph Ernst*, 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.

**RANDOLPH B. MARTINE,**  
District Attorney.

Witnesses:

J. C. Martin

A. H. Hays

J. Grant

W. H. Kelly

Demmer allowed,

W. H. Kelly

By order of Court, this  
Atty. Randolph Chase in  
77 vs. Herman & Co.  
Docket Feb 18. D. Ct. order  
that Geo. Green has been  
received by the name  
Geo. H. Green

Atty. F. & C. J. H. Green

Jan 13 1887

222 Exhibit 2  
Nov 16/87  
W. H. Kelly

Counsel, Charles H. Kelly

Filed 20 day of Nov 1887

W. H. Kelly

THE PEOPLE

vs.  
George H. Green

and

W. H. Kelly  
(Deceased)

[Sections 628 and 682, Penal Code]  
(False pretenses)  
LARCENY,

RANDOLPH B. MARTINE,

District Attorney,

demurred allowed  
by Court -  
A TRUE BILL. April 16/86

J. C. Martin Jr.

Foreman

Atty. F. & C. J. H. Green  
J. H. Green

0143

0144

Police Court— District.

Affidavit—Larceny.

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

of No. 338 East 38 Joseph Masini Street, aged 35 years,  
 occupation Saloon Keeper. being duly sworn  
 deposes and says, that on the 12 day of August 1885 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:

Gold and lawful money of the  
United States, to the  
amount and of the value of  
fifteen dollars

the property of deponent,

and that this deponent  
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
 and carried away by George Gries Charles Griesmeyer

(both nowhere) upon the fact that on  
 or about the 12 day of August 1885  
 the two defendants came to deponent's  
 place of business at the aforesaid  
 premises, where said Gries told  
 deponent that he was short on money  
 and he requested deponent to give  
 him Gries the cash for the check  
 hereto annexed. Deponent told said  
 Gries that he could not do that, that he  
 does not know the maker of said check  
 and does not know if said check was  
 good. When said Gries told deponent  
 that Griesmeyer, is the owner of two bars

of  
 sworn to before me, this

188

Police Justice.

0145

and perfectly responsible, and that he Grier will  
indorse said check, and will pay the same  
if the maker did not pay.

That said conversation took place  
in the presence of said Griemeyer,  
who was at that time unknown to defendant.

That defendant gave said check for  
deposit and collection and was returned  
to defendant as ~~mentioned~~ believing said  
representation to be true gave said fifteen  
dollars to said Grier, in the presence of  
said Griemeyer, and defendant took  
said check, which defendant gave for  
deposit and collection and the same was  
returned to defendant as being of no value.

Defendant charges that said Grier  
and Griemeyer did feloniously conspire with  
each other and by means of false representation  
and false taken stole defendant's property  
and did deprive the true owner of the use  
and benefit thereof.

Joseph Martin

188

Dated

Police Justice

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

There being no sufficient cause to believe the within named

188

Dated

Police Justice

to bail to answer by the undertaking hereto annexed.

I have admitted the above named

188

Dated

Police Justice

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

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

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

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—LARCENY.

vs.

1

2

3

4

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$

to answer

Sessions.

Received of Joseph Martin  
\$15.00 on account of bail  
for the sum of \$100.00  
for the sum of \$100.00

0146

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer. *George Gries*

Question. How old are you?

Answer. *29 years.*

Question. Where were you born?

Answer. *Germany*

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

Answer. *1452 3<sup>rd</sup> Ave 24 months*

Question. What is your business or profession?

Answer. *Cigar dealer.*

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

Answer. *I am not guilty and demand a Trial by jury*  
*George Gries*

Taken before me this

day of *July* 188*7**John J. Moran*  
Police Justice.

0147

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss.

District Police Court.

*Charles Griswold* 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

*Charles Griswold*

Question. How old are you?

Answer

*36 years*

Question. Where were you born?

Answer

*Germany*

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

Answer

*81 Rensselaer Street 2 weeks*

Question. What is your business or profession?

Answer

*Real Estate Broker*

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*

*Charles Griswold*

Taken before me this

day of *March* 188*8*

*John J. Moran* Police Justice.

0148

THE PEOPLE, &c.,  
ON COMPLAINT OF

District Police Court.

Joseph Masini

vs.

Examination of Surety.

George Greis  
Charles GreismeyerJohn G. Heinze  
Charles Greismeyerbeing duly sworn as to his sufficiency as bail for  
in the above entitled proceedings, says in answer to the  
following questions, as follows:

Question. What is your name?

Answer.

John G. Heinze

Question. Where do you reside?

Answer.

290 Spring Street

Question. What is your business?

Answer.

Lumber packer

Question. Do you own any Real Estate,—if so, where situated, and of what does it consist?

Answer.

yes 2, 4 & 6 Robison Avenue  
Houses & Lots

Question. When did you purchase, of whom, and what did you pay?

Answer.

Three years since, Maggie Klebisch  
traded for a farm on Long Island worth  
\$15,000 & value the houses at eight thousand dollars each

Question. Are there any mortgages upon the same—and if so, to what amount?

Answer.

Yes \$2,500 on each house

Question. When are they due?

Answer.

Has three years to run

Question. Is the property in your own name alone?

Answer.

Yes

Question. Is the Deed or Deeds on record?

Answer.

Yes

Question. Are you surety for anyone else,—and if so, to what amount, and for what?

Answer.

No

Question. Do you owe any money,—and if so, how much?

Answer.

No

Question. Are there any judgments against you?

Answer.

No

Question. Are there any proceedings in foreclosure now pending against you?

Answer.

No.

John George Heinze

Sworn to before me, this 13

day of May 1887

Police Justice.

0149

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

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

Dated May 13 188 John H. ... Police Justice.

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

Dated May 13 188 John H. ... 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.

0150

1256

Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Masini  
338 East 38

George Jones  
Charles Greenway

3  
4

Offence *Drunk*

BAILED,

No. 1, by *John H. Hering*  
Residence *290 Spring* Street.

No. 2, by *John H. Hering*  
Residence *240 Spring* Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Dated *Nov 13* 188*5*

*Greenway* Magistrate.  
*Shelly* Officer.

*19* Precinct.

Witnesses *Alfred Graff.*

No. *1646* *30th Avenue* Street.

*Joseph Ernst*

No. *1970* *30th Avenue* Street,

No. Street.

\$ *500* to answer *Genl.* Sessions.

*Bailed*

0151

District Attorney's Office  
City & County of  
New York

Report of General Sessions.

The People of

against

George Yates +

Charles Grossmeyer

} 2 indictments

The defendants to demur  
to the indictments on the  
ground that it does not  
contain facts sufficient  
to constitute an indictable  
offense

Chas. Wehr

Attorney for dfts

0152

People  
Miss &  
Griesmeyer

demurer

Chas. Kreble  
Atty. Genl.

demurer  
sustained  
R. H. L.

filed Apr 15 1899

0153

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against

*Ignazio Fiquiera and  
Charles Fiquiermeyer*

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

*Ignazio Fiquiera and Charles Fiquiermeyer*  
of the CRIME OF *Petit* LARCENY, —  
committed as follows:

The said *Ignazio Fiquiera and Charles  
Fiquiermeyer, each* —

late of the City of New York, in the County of New York aforesaid, on the *twelfth* day of *August*, in the year of our Lord one thousand eight hundred and eighty *five*, at the City and County aforesaid, with force and arms, with intent to deprive and defraud *one Joseph Martin*, —

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to *their* own use, did then and there feloniously, fraudulently and falsely pretend and represent to *the said Joseph Martin*, —

That a certain paper writing in the words and figures following, that is to say:

*No. 44 New York August 12<sup>th</sup> 1885*  
*The German Exchange Bank*  
*Pay to the order of Ignazio Fiquiera eight*  
*dolls after date Fifteen Dollars*  
*\$15.00*  
*C. Fiquiermeyer*  
*191 Allen St.*

*which they the said Ignazio Fiquiera and Charles Fiquiermeyer then and there obtained and procured to the said Joseph Martin, —*

*was then and there a good and valid order for the payment of money, and of the value of fifteen dollars, —*

0154

By color and by aid of which said false and fraudulent pretenses and representations, the said *Georg Fyler and Charles Fylermeier*, did then and there feloniously obtain from the possession of the said *Joseph Martin*, a sum of money, to wit: The sum of fifteen dollars in money, lawful money of the United States and of the value of fifteen dollars,

of the proper moneys, goods, chattels and personal property of the said *Joseph Martin*, \_\_\_\_\_, with intent to deprive and defraud the said \_\_\_\_\_ *Joseph Martin*, \_\_\_\_\_ of the same, and of the use and benefit thereof, and to appropriate the same to *their own* use.

Whereas, in truth and in fact, the said *paper instrument* they the said *Georg Fyler and Charles Fylermeier* as as aforesaid drew and there produced and delivered to the said *Joseph Martin*, was not then and there a good and valid order for the payment of money, and was not of the value of fifteen dollars, or of any value whatsoever, but was in truth utterly void and worthless,

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said George Aguir and Charles Aguirre, to the said Joseph Martin, was and were then and there in all respects utterly false and untrue, as Sheweth the said George Aguir and Charles Aguirre, at the time of making the same then and there well knew.

And so the Grand Jury aforesaid do say : That the said George Aguir and Charles Aguirre, the day and year first aforesaid, at the City and County aforesaid, in the manner and form aforesaid, and by the means aforesaid, with force and arms, the said proper moneys, goods, chattels and personal property of the said Joseph Martin,

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.

**RANDOLPH B. MARTINE,**  
District Attorney.

0156

BOX:

196

FOLDER:

1968

DESCRIPTION:

Gross, Albert

DATE:

11/24/85



1968

0157

Fresh District Police Court.

STATE OF NEW YORK  
CITY AND COUNTY OF NEW YORK. } ss.Augustine Wilson  
of Number 100 East 23<sup>rd</sup> Street being duly sworn,  
deposes and says, that on the Tuesday 14<sup>th</sup> day of November 1885, at the  
City of New York, in the County of New York, one Albert Gross

now present, did, - as deponent is  
informed, and has just come to  
believe, - wilfully and unlawfully take  
a certain female named Minnie  
Arbuthnot who was then and  
there a female under the age of  
sixteen years, to wit, of the age  
of fourteen years, for the purpose  
of prostitution and sexual inter-  
course into a certain premises  
known as a hotel and lodging-house  
situate at No 103 Bowery said  
City, and said Albert Gross did  
therein have sexual intercourse  
with said Minnie, and did  
afterwards pay said Minnie  
\$2.<sup>00</sup> for such act

Wherefore the complainant prays that the said

Albert Gross

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

Sworn to before me, this

day of November 188519<sup>th</sup>

Augustine Wilson

P. J. Duffy

Police Justice.

0158

POLICE COURT *1st* DISTRICT.

THE PEOPLE, &C.,

ON THE COMPLAINT OF



CRUELTY TO CHILDREN.

*Henry A. McCaffrey & Co. 282*

DATED *J. J. Goffar* 188*5*

Magistrate.

Clerk.

Officer.

Witnesses:

*E. Fellows Jenkins, Supt.*

*100 East 23d Street.*

Disposition,

0159

This certifies that  
upon examination of Minnie  
Arbucknot I find the orifice  
to the vagina very much  
inflamed, & bleeding readily  
when touched by the ~~exam~~  
examining finger.

I find that full penetra-  
tion has taken place & that  
much force has been used  
to accomplish the act as  
the vaginal opening is badly  
lacerated.

Carroll S. Scraps on M.C.  
November 18th S. Leighton Ave  
1885  
City

0160

20995

Certificate  
of  
Minnie Arbutnot  
November 18<sup>th</sup>  
1882

0161

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK

*Frick* District Police Court.

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

Question What is your name?

Answer *Albert Gross*

Question How old are you?

Answer *39 years*

Question Where were you born?

Answer *France*

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

Answer *281 9<sup>th</sup> 128<sup>th</sup> St West - street, About 4 months*

Question What is your business or profession?

Answer *Musician*

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*

*Albert Gross*

Taken before me this

day of

1918

Police Justice.

0162

committed, and that there is sufficient cause to believe the within named

Albert Gross

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of fifty 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 Nov. 19 1885 P. J. Ruff 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.

0163

1778  
Police Court—*First* District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Augustine Wilson*  
*100 E. 23rd*

1. *Albert Groves*

2.

3.

4.

*Offence Abduction*  
*De chir 287*

BAILED,

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

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

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

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

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

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

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

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

Dated *November 19* 188*5*

*George Broderick* Magistrate  
*George Broderick* Officer.  
6. Precinct.

Witnesses

*Mini Artutnot*

No. *100 East 22nd* Street.

*Nelia Duff*

No. *100 East 22nd* Street.

*Louis Dahin 35 Stanton*

No. *Elizabeth Gray 77 Shipman* Street, Newark

\$ *5000* to answer *5*

*George Deistercher 115 Christie*

*Conn*

*It appeared to me that the defendant was and is*

0164

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

POLICE COURT, First DISTRICT.

Minnie Arthurnot  
age of 14 years  
of No. 77 Shipman and Straits Street, being duly sworn, deposes and says,  
that on the 14<sup>th</sup> day of November 1885

at the City of New York, in the County of New York, on Albert Gross

now present did respectively take this  
deponent who was then and there a female  
under the age of sixteen years, into a hotel  
known as No 103 Bowery said City for the  
purpose of prostitution and sexual  
intercourse, and did then and there  
have sexual intercourse with this  
deponent and did afterwards give  
deponent \$2.<sup>00</sup>

Minnie Arthurnot

Sworn to before me, this

of November

1885

W. J. H. H. H.

Police Justice.

0165

POLICE COURT— 1st DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Minnie Abuthnot

vs

Albert Gross

AFFIDAVIT.

G. H. H. H.

Dated

18 Nov

1885

H. H. H. Magistrate.

Officer.

Witness,

Disposition

0166

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

POLICE COURT, First DISTRICT.

Elizabeth Dreyer

of No. 77 Shipman Street Newark being duly sworn, deposes and says,

that on the 19<sup>th</sup> day of November 1885

at the City of New York, in the County of New York, one Minnie

Arbutnot now present is the daughter of this deponent was fourteen years old on the 10<sup>th</sup> day of July 1885, was born in New Brunswick New Jersey

Elizabeth Dreyer

Sworn to before me, this

of November 1885

19<sup>th</sup> day

John W. Dwyer  
Police Justice.

0167

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

POLICE COURT, First DISTRICT.

Delia Duff aged  
17 years  
of No. 43 Nichols St Newark Street, being duly sworn, deposes and says,  
that on the Tuesday 17 day of November 1885  
at the City of New York, in the County of New York, and Albert Gross

now present did maliciously take this  
deponent who was then and there  
a female under the age of sixteen years  
into a hotel known as No 103  
Dorsey said city for the purpose  
of sexual intercourse and prostitution  
and did then and there offer  
deponent \$2.50

Delia Duff

Sworn to before me, this

of December 1885

day

Wm. Duff  
Police Justice

0160

POLICE COURT—1st DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

H. O. Duffy  
vs.  
Albert Gross

AFFIDAVIT.

Dated 18 Nov 1887

Magistrate.

Officer.

Witness, .....

Disposition .....

0169

COURT OF GENERAL SESSIONS OF THE PEACE  
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

The People

v.

BRIEF FOR THE PEOPLE.

Albert Gross alias Albert Rosse.

STATEMENT OF THE CASE.

The prisoner is indicted under § 282 of the Penal Code for having taken a young girl, named Minnie Arbuthnot, aged 14 years, on Tuesday November 17, 1885, between 2 and 3 P.M., at 100 Bowery in this City, for the purpose of prostitution and sexual intercourse. The prisoner is a Frenchman, said to be a professor and a married man. The girl Minnie, with another young friend, Delia Duffy aged 13 years, came to New York from Newark where they reside, when they were met by the prisoner, who was a stranger to them, and he decoyed them first into the Globe Museum, then into this so-called hotel, where he had connection with the girl Minnie and was surprised and arrested.

EVIDENCE.

MINNIE ARBUTHNOT: - Was 14 years old July 10, 1885. Lives at 77 Shipman Street, Newark, with her parents Herman Dreyer, her stepfather, who is a Jeweller, and her mother Lizzie. She is an only child, is a Protestant and was born in New Brunswick. Arrived in New York with her friend Delia Duffy, aged 13, on Tuesday November 17, and was walking down the Bowery near Spring Street when the prisoner met them and asked them if they wished to find some particular street, and afterwards if they wanted to go to

0170

2

the museum. He took them into the Globe Museum, 298 Bowery, where they remained until after 2 o'clock when they left the museum. He then asked them to have a cup of coffee, and took them to 103 Bowery, a so-called hotel, where he paid a man \$1. for a room, and went inside the room with them and bolted the door. Then he said "Two dollars and a half for you, and two dollars and a half for you," turning to each girl. He then threw witness on the bed, pulled down one leg of her drawers, opened his pantaloons, took off his coat and had connection with her. He hurt her and slightly stained her chemise with blood. Delia Duffy the other girl was present and saw everything. Just as he had finished somebody knocked at the door. He put his foot against it until he had put on his coat and adjusted his pantaloons. Then he opened the door. A woman was there and the man who had received the \$1., and the prisoner was hustled out. They were detained a few minutes and when they went out they met him a short distance off in the street, and the prisoner asked them to come into some place where he could give them the money, and they went into the hall-way of 32 Elizabeth Street where he gave Minnie \$2. and Delia 50 cents. Here in the hall-way they were all arrested.

DELIA DUFFY: - Aged 13 February 13, 1885. Resides at 43 Nicholson Street, Newark, with her parents Thomas and Annie Duffy. Father is a mason. She is a Catholic and was born in East Newark. Witness will corroborate the story told by Minnie.

OFFICER GEORGE BRODERICK: - Officer of the Municipal Police, 6th Precinct. On Tuesday November 17, 1885, his attention was called by George Oestreicher of 115 Chrystie Street, to the suspi-

cious actions of the prisoner and the two girls in the hall-way of 32 Elizabeth Street, and he accordingly arrested all three of them.

GEORGE OESTREICHER: - 115 Chrystie Street. Saw the two girls and the prisoner go into the Globe Museum and afterwards into the hotel 103 Bowery. He shortly after entered and ejected the man and detained the girls a few moments, and subsequently followed them and saw a man meet them, and shortly afterwards drew Officer Broderick's attention to them in the hall-way of 32 Elizabeth Street. Witness is a brother to the hotel keeper of 103 Bowery, which was the reason that he acted so promptly in the case.

LOUIS DAHIN: - Undertaker, residing at 35 Stanton Street. Saw the two girls and the prisoner together in the Bowery, and saw them go into 103 Bowery where they remained 5 or 8 minutes, then saw the prisoner leave alone.

DR. CORNELIA L. SIMPSON: - 57 Lexington Avenue. Is a regular physician. Examined the person of the child Minnie Arbuthnot November 18, 1885, the day after the occurrence. Found the orifice of the vagina very much inflamed and bleeding readily when touched by the examining finger. Found that full penetration had taken place and that much force had been used to accomplish the act, as the vaginal opening was badly lacerated.

ELIZABETH DREYER: - 77 Shipman Street, Newark, is the mother of Minnie Arbuthnot, having married again. Minnie was 14 years old July 10, 1885, and was born in New Brunswick, New Jersey.

**N.Y. GENERAL SESSIONS**

**THE PEOPLE**

**AGAINST**

*Albert Gross*

*alias*

*Albert Rosse*

ABDUCTION.  
PENAL CODE, § 282

**BRIEF FOR THE PEOPLE.**

0172

0173

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Albert Gross, otherwise  
called Albert Rose

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

Albert Gross, otherwise called Albert Rose  
of the CRIME OF Abduction, —

committed as follows:

The said Albert Gross, otherwise called  
Albert Rose, —

late of the First Ward of the City of New York, in the County of New York afore-  
said, on the nineteenth day of November, in the year of our Lord  
one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid,

did feloniously take one Minnie  
Adams for the purpose of  
sexual intercourse, and the said  
Minnie Adams being then  
and there a female under the age  
of sixteen years, to wit: of the age  
of fourteen years, against the  
form of the Statute in such  
case made and provided, and  
against the peace and dignity  
of the said People.

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

called Albert Rose of the Crime  
of Abduction, committed as  
follows:

The said Albert Rose, otherwise  
called Albert Rose, late of the  
Ward Pity and County of Essex,  
afterwards, to wit: on the day  
and in the year aforesaid, and at  
the place aforesaid, did feloniously  
take one Minnie Inductment,  
who was then and there a female  
under the age of sixteen years,  
to wit: of the age of fourteen  
years, for the purpose of  
prostitution, against the  
form of the Statute in such  
case made and provided, and  
against the peace and dignity  
of the said People.

Randolph B. Martinie,  
District Attorney.

0175

BOX:

196

FOLDER:

1968

DESCRIPTION:

Gross, Henry

DATE:

11/11/85



1968

0176

Witnesses: Elizabeth Wagner  
Off Crystal

90.  
Counsel,  
Filed 11 day of Nov 1885  
Pleads, Nov 14th, 1885

THE PEOPLE  
vs.  
I  
James Rogers  
Grand Larceny, 2nd Degree.  
(From the Person.)  
[Sections 528, 531, Penal Code.]

RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.  
10-20-85  
Pleads Bill  
Foreman.  
J. Carter Jr.  
Per one year

0177

Police Court—5th District.

District.

### Affidavit—Larceny.

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

of No. 37 1/2 Allen Street, aged 38 years,  
occupation Second hand Clothing being duly sworn  
deposes and says, that on the 5<sup>th</sup> day of November 1885 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession of person of deponent, in the Jan time, the following property viz :

a quantity of wearing apparel  
altogether of the amount and value  
of fifteen dollars

*the property of.*

Deponent \_\_\_\_\_

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

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Georg Gros (now here)  
from the fact that deponent sent Louis  
Cohen a boy employed by deponent as an  
errand boy from no 37<sup>th</sup> Alley Street to  
premises no 56 Hester Street <sup>at about the hour of 8 o'clock A.M.</sup> and deponent  
is informed by said Louis Cohen that the  
said defendants met him Cohen at the corner  
of Hester and Orchard <sup>Street</sup> and snatched the  
aforesaid bundle of clothes or wearing  
apparel from his Cohen shoulder and ran  
away ~~the deponent identified them as the~~  
~~defendants were taken of the property~~

Sworn to before me, this \_\_\_\_\_ day

of

Before me, this \_\_\_\_\_ day,

*[Signature]*

Notary Public

0178

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 17 years, occupation Louis Cohen  
Grand Boy of No.

164 Leatham Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Elizabeth Wagner

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

Sworn to before me, this 6th day of Nov 1888 by Luis Kaku

[Signature]  
Police Justice.

0179

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, { ss

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*  
*Erwin Gross*

Taken before me this  
day of

Justice.

0180

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 \_\_\_\_\_

*Henry Gross*

\_\_\_\_\_ guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Three* 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 *Nov 6* 188\_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188\_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188\_\_\_\_\_ Police Justice.

0181

Police Court

1273  
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Elizabeth Wagner  
37 1/2 filler  
Henry Inc

Offence Larceny  
from the Person

BAILED,

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

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

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

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

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

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

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

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

Dated Nov 6 188

G. Duffy Magistrate  
G. Brown and Crystal Officer.  
6 Precinct.

Witnesses Louis Cohen

No. 164 Chatham Street.

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

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

\$ 300 to answer G.S.

Atty.

0182

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Gross

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

— Henry Gross —  
of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Henry Gross,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
— 7th day of November, in the year of our Lord one thousand  
eight hundred and eighty-five, in the day time of the said day, at the Ward, City and  
County aforesaid, with force and arms,

one dress of the value of five dollars,  
one coat of the value of six dollars,  
one vest of the value of one dollar,  
one pair of trousers of the value of  
three dollars, one shirt of the value  
of one dollar, and one bundle con-  
taining divers articles of clothing and  
wearing apparel of a number and  
description to the Grand Jury  
aforesaid unknown of the value  
of fifteen dollars. —

of the goods, chattels and personal property of one Elizabeth Wagner,  
on the person of the said one Saml Cohen. —  
then and there being found, from the person of the said Saml Cohen, —  
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.

Randolph B. Martinie  
District Attorney

0183

BOX:

196

FOLDER:

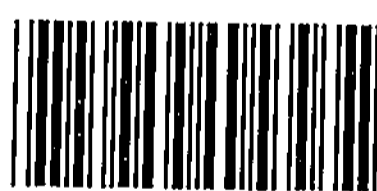
1968

DESCRIPTION:

Guinane, John

DATE:

11/04/85



1968

Witnesses:

Michael Burke

James Burke

Counsel, *St. A. A. K.*  
Filed *4* Day of *Nov* 188*5*  
Pleads. *Wash. Will. J. T.*

# THE PEOPLE

275.

A

Dr. Zimmer

RANDOLPH B. MARTINE,

*Subscribed and sworn to before me at the County of  
District of Columbia, this 1st day of  
August 1908.*

**A True Bill.**

# A True Bill.

Ordered to N. Y. Court of Oyer  
and Terminer for trial January 6, 1881.  
April 1, 1881

April 6, 1886

Charles Mandan after 2<sup>nd</sup> day  
Foreman

Foreman

I Catherine &  
 App<sup>rs</sup> of  
 Messrs. J. & J. Pennington  
 one year 1848

0185



*The New York Society for the  
Prevention of Cruelty to Children.*

NO 100 EAST 23<sup>RD</sup> STREET. (CORNER 4<sup>TH</sup> AVE.)

*New York* January 30, 1886

Hon. Randolph B. Martine,

District Attorney &c.

Dear Sir:

The Society now has in its custody at your request, Chas. Boulin, aged 10, a witness for the People in the case of The People v. Charles Boulin, indicted for homicide; and also Vincenzo Piccorelli, aged 10, a witness for the People in the case of The People v. Andrea dePolido, also indicted for homicide. These boys have become so unruly that it is almost impossible to keep them within proper bounds in our Reception Rooms, and I write to suggest either that the cases should be speedily disposed of, or else that the children should be temporarily committed to the New York Catholic Protectory.

Trusting you will give this matter your immediate attention,

I remain, with great respect,

*Wm. J. Gerry*  
President &c.

*To be attended to  
at an early time.*

0 186

# STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

## AN INQUISITION,

Taken at the house of Coroners' Office

No. 15 Chatham Street in the 4th Ward of the City of New York, in the County of New York, this 11 day of November in the year of our Lord one thousand eight hundred and 85 before

William H. Kennedy Coroner, of the City and County aforesaid, on view of the Body of Patrick Burke

lying dead at

Seven good and lawful men of the State of New York, duly chosen and sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said Patrick Burke came to his death, do upon their Oaths and Affirmations, say: That the said Patrick Burke came to his death by

Peritonitis from Stab-wound of abdomen inflicted at 566 Greenwich St. Oct 27/85 about 7 P.M. We further state that there is not sufficient evidence to determine how or by whom said wound was inflicted.

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

JURORS	
H. B. Le Roy	Charlton
Edward Stone	137- 4 <sup>th</sup> Avenue
Edward M. Gorman	144 East 14 <sup>th</sup> St
R. J. Rensdell	37- 3 <sup>rd</sup> Ave
H. H. Smith	3, Ave
Charles Canole	125 3 <sup>rd</sup> Ave
Charles Moser	86 Broome.

Wm H Kennedy

CORONER, E. S.

0187

STATE OF NEW YORK

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the Coroners' Office  
No. 15 Chatham Street, in the 4<sup>th</sup> Ward of the City of  
New York, in the County of New York, this 11 day of November  
in the year of our Lord one thousand eight hundred and 83 before

**WILLIAM H. KENNEDY, Coroner,**

of the City and County aforesaid, on view of the Body of *Patrick Burke*  
now lying dead at

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

upon their Oaths and Affirmations, say: That the said  
came to h death, do  
came to h death by

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

JURORS.

*W. H. Kennedy*

CORONER, &c. &c.

## TESTIMONY.

Robert Nolan being sworn says, I live at 635 Greenwich st and am a laborer for Johnson the Carpenter at 637 Greenwich. I have known prisoner deceased for about 6 months. On Oct. 27/85 about 7 P.M. I was standing at the store door of 564 Greenwich and heard a noise as of some one fighting in 566 Greenwich st. Patrick Burke came out of the hall way with blood on his forehead. I took hold of him and took him into the store at 566 Greenwich st. At that time ~~the~~ ~~now~~ continued in the hallway. He said "Will you keep me here while they are beating my brother" He went out and back into the hall ~~where the fighting~~ ~~was going on~~. He was gone in the hall about ~~5 or 6~~ ~~three~~ minutes when he was shoved out by his brother. He said to me "I am stabbed. My guts are in my belt." I saw blood on his pants and opening them saw he was cut in the privates. The officer brought back John Sannon the step father of Burke, who is a prisoner here now, and Burke identified him as the one who stabbed him but said he would not go against him. I did not see the prisoner during the fight at all. When Burke went back into the hallway a second time he had no knife, glass or bottle. Burke was taken to the St Vincents Hospital.

Robert Nolan

Sworn to before,

this 11<sup>th</sup> day of Nov. 1885  
J. W. Kennedy

CORONER.

Officer Bernard J. Conolly, 8<sup>th</sup> Prec.  
being sworn says, On Oct. 27/85 about  
7 P.M. while on corner of Spring &  
Greenwich on post a child came  
running down and said "a man  
has been stabbed at 566 Greenwich."  
I went towards the house and met  
the prisoner who was coming with  
a crowd. He was cut across the  
nose and under the eye. He admitted  
to me that he had been fighting in  
the entry ~~and~~ at 566 Greenwich.  
I took him to the station house and  
on being searched a knife was  
found. There were no signs of  
blood upon it. In the morning he  
acknowledged that he had had the  
knife open, but did not remember  
using it in the entry way at 566  
Greenwich st on the night before.  
The prisoner John Sammons was held  
in Jefferson Market Court by  
Judge Smith without bail for  
trial. The deceased was removed  
by another officer in Ambulance to  
St Vincent's Hospital. On going to Court in  
the morning he <sup>the prisoner</sup> asked me what I would do if  
I was cornered by 3 men in a hallway.

Taken before me

this 11<sup>th</sup> day of Nov, 1885

Bernard J. Conolly

J. W. Kennedy

CORONER.

James Burke being sworn says, I live at 566 Greenwich st. I am a laborer. Have been in this country only six weeks. I am a brother of deceased. On Oct. 27/85 about 8:30 P.M. I saw my mother & step father in the hall, <sup>at the door</sup> and my brother the dead man was passing in to go down stairs. There was some dispute about a latch key and some talk about going to Court & bringing my brother's wife down there. My brother Pat. told my mother not to go to his rooms anymore as he did not want her there. My stepfather ~~Suinnane~~ struck him on the head with his fist and I saw blood on his forehead. Pat went out in the street. My mother & I had some words in the hall and ~~Suinnane~~ went for me. ~~in the~~ My brother Michael then came up & said he would not let him touch me. My brother Pat came in at this time and tried to take me away from my stepfather who had hold of me. We were all jostled together and suddenly my brother Pat called out that he was stabbed. I went out to the street with Pat Burke and I know no further about it. I never saw anyone strike Suinnane, but he was cut about the head. Taken before me There was a light in the hall.

this day of James Burke 88 5  
11 Nov 1885  
D. W. Kennedy

CORONER.

0191

## CORONER'S OFFICE.

## TESTIMONY.

46

Michael Burke being sworn says,  
 I live 127 Charlton st. On Dec.  
 27/85 I was living at 566 Greenwich.  
 About 6<sup>40</sup> P.M. on above date I came  
 in to supper at above house. I began  
 to eat supper. There was some dispute  
 about a latch key & some talk about  
 throwing out some one in the morning.  
 After more or less talk I heard a scuffle  
 down stairs in the hall and going down  
 found my brother Pat and my step father  
 quarrelling. I separated them and my  
 brother Pat went out. Then my youngest  
 brother & my mother had some words, and  
 Guinnane went for him. I stopped  
 that quarrel and Guinnane came for  
 me; he had struck me and I struck  
 him. (When I first came down stairs  
 both Guinnane & Pat. Burke had blood  
 on their faces.) Pat. Burke came in and  
 there was a scuffle between all of  
 us; Pat. & Guinnane being clinched &  
 I trying to separate them. Pat. called  
 out suddenly that he was stabbed  
 and when we went out and into the  
 store I saw his trousers cut & blood on them.  
 I opened his trousers and saw he had been stabbed in the  
 privates. He had a rupture into the privates. The  
 knife shown me once belonged to me but has been in my  
 step father's possession for over six months.  
 Taken before me Med Burke

this 11<sup>th</sup> day of Nov. 1885

*W. H. Kennedy*

CORONER.

0192

CORONER'S OFFICE.

TESTIMONY.

(5)

Daniel Manning being sworn says, I live at 566 Greenwich St. I am a 'longshoreman'. I knew both the prisoner and deceased. On Dec. 27/85 about 5:30 P.M. I came home to supper at Mr. Guinnane the prisoner's where I board. We had a pint of beer between us. I went out for a walk and when I came back I saw Mrs. Burke Pat's wife on the stoop. I went into the hall and found Burke & Guinnane in the hall having some words together. I tried to make peace. Burke had a bottle or a glass in his hand. I saw him strike Guinnane and saw blood on Guinnane (after the blow on his face). I then put Burke out.

Mrs. Guinnane & the Burke brother were in the hall also. Then there was a quarrel between the brothers Michael & James & Guinnane. Pat. Burke then came and they all got scuffling together. Guinnane asked me "Would I see him killed?" I said to Michael Burke if you hit him again you'll hit me. Mike Burke put Pat. out and I shoved Guinnane up stairs. His wife helped me. I did not know that any one was stabbed.

Taken before me  
this 11<sup>th</sup> day of Nov. 1885 - Daniel Manning

CORONER.

0193

St Vincent's Hospital <sup>6.</sup>  
Oct 29<sup>th</sup> 1885

Thomas Kelly being duly sworn  
says that he is Headmaster of St Vincent's  
Hospital, that on Oct 27<sup>th</sup> Patrick Burke  
was admitted to the above institution  
suffering from a stab wound of the  
abdomen received at his residence  
at 566 Greenwich St by his step father.  
The wound was found to have entered  
the intestine giving rise to escape  
of matter causing fulminating peritonitis.  
In spite of treatment he died on  
the following day (28<sup>th</sup> Dec) 1885

His Wife lives at 566 Greenwich St

Thomas Kelly M.D.

St Vincent's Hospital

J. W. Kennedy

0194

Vol. 4- 1885

John Burke

0195

TESTIMONY.

7

Dr. W. H. Murray

Mr. D., being sworn says:

I have made a post mortem examination of the body of  
Patricia Burke now lying dead at

St. Vincent Hospital and from such examination  
and history of the case, as per testimony, I am of opinion the cause of death is

perforation of the stomach, the stomach being  
perforated by the knife being used  
in the operation.

The examination of the St. Vincent Hospital  
was made in the body of Patricia Burke.

In the examination of the body, a small  
incision extending around the middle

of the abdomen to remove the doubtless which had  
been made in the operation of laparotomy

the original wound was in the stomach where  
the knife was passing, the position of the

stomach being such that it had been wounded  
by the knife instrument which had penetrated

the stomach. The stomach, the abdominal  
cavity, the lungs, and the pancreas were apparent

in the dissection. The stomach portion of  
the stomach which had been sewed together

by the surgeon, the surgeon of the Hospital  
and all the intestines and peritoneum. The

other organs of the body were normal  
and showed no trace of any change  
or abnormal condition.

W. H. Murray  
Dr.

Sworn to before me,

this 11th day of Nov. 1885

*[Signature]*

CORONER.

0196

MEMORANDA.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE When Reported.
25 Years. — Months. — Days.	Ireland	St Vincent's Hospital	Oct. 29 <sup>th</sup>

Attached in Abdomen  
at 1566 Greenwich  
by St. Vincent's Hospital

W.H.K.

Oct. 29<sup>th</sup>

St. Vincent's

1885

AN INQUISITION

On the VIEW of the BODY of

Patrick Burke

whereby it is found that he came  
to his death by

Inquest taken on the 11 day  
of November 1885, before

WILLIAM H. KENNEDY, Coroner.

283

0197

Shot in Aberdeen  
at 566 Greenwich  
by 8th-father Oct. 24/80

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE When Reported.
25 Years. — Months. — Days.	Ireland	St Vincent Hospital	Oct. 24/80

W. H. K.

No. 263

4th Quar. 1885

AN INQUISITION

On the VIEW of the BODY of

Patrick Burke

whereby it is found that he came  
to his death by

Inquest taken on the 11 day  
of November 1885, before

WILLIAM H. KENNEDY, Coroner.

263

MEMORANDA.

0198

**Coroner's Office,**

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question—What is your name?

Answer—

John Guinane

Question—How old are you?

Answer—

30 years

Question—Where were you born?

Answer—

Ireland

Question—Where do you live?

Answer—

566 Greenwich St.

Question—What is your occupation?

Answer—

Longy Shuman

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

Nothing what ever

John Guinane

Taken before me, this 11 day of Novr 1885

Wm. J. Kennedy

CORONER.

0199

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
25 Years. — Months. — Days.	Ireland	St. Vincent's Hosp.	Oct 29/85

4th - 263 - 1885

HOMICIDE.

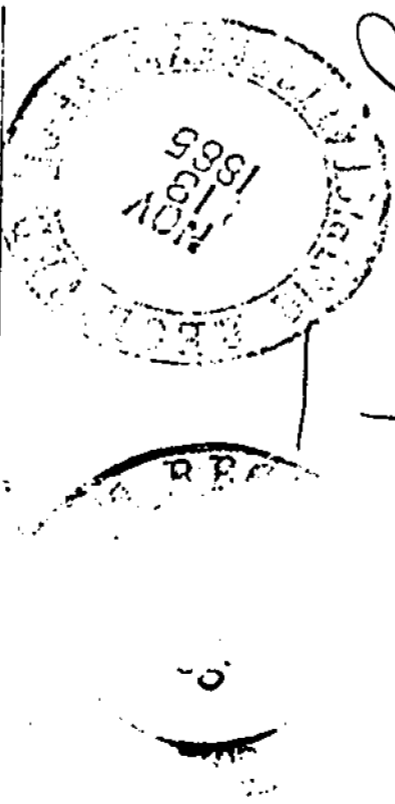
AN INQUISITION

On the VIEW of the BODY of

Patrick Burke

whereby it is found that he came to  
his Death by the hands of

John Quinane



Coroner taken on the 41 day  
of November 1885

before Wm J. H. Coroner.

Committed

Quitted

Discharged

Date of death Oct 28/85

0200

4th - 263 - 1885

HOMICIDE.

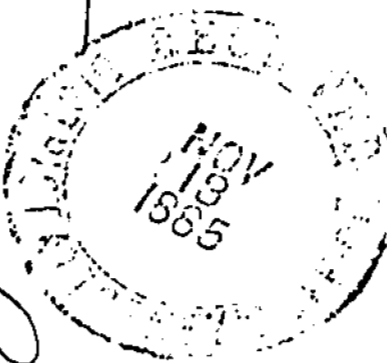
AN INQUISITION

On the VIEW of the BODY of

Patrick Burke

whereby it is found that he came to  
his Death by the hands of

John Guinane



Inquest taken on the 11 day  
of November 1885

before Wm H. Fenner  
Coroner.

Committed

Bailed

Discharged

Date of death Octal 27 1885

MEMORANDUM.

DATE  
When Reported.

WHERE FOUND.

PLACE OF NATIVITY.

AGE.

25 Years. - Months - Days.

M. Vincent's Hook.

Ireland

Oct 29/85

0201

Form 9.

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

Sixth District Police Court.

of No.

street,

that on the

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

*Bernard J. Connolly*  
*8<sup>th</sup> Precinct Police, aged 24 years,*  
*Police Officer*  
 being duly sworn, deposes and says,  
 27<sup>th</sup> day of *October* 1885

*John Guinane, now here,*  
*did wilfully and feloniously*  
*cut and stab one Patrick*  
*Barker in the abdomen with*  
*a knife, with the premeditated*  
*design to effect the death of*  
*said Barker, and from the*  
*effects of said wound the said*  
*Barker died at St. Vincent*  
*Hospital on the 28<sup>th</sup> instant as*  
*deponent is informed and believes.*

*That said Barker was assaulted*  
*in premises 566 Greenwich*  
*Street on the night of the said*  
*27<sup>th</sup> day of October instant by*  
*said Dependent, and deponent*  
*was called in to arrest said*  
*Dependent and upon searching*  
*him, after the arrest, deponent*  
*found a pocket knife in his*  
*possession.*

*That deponent was then and*  
*there informed by Michael Burt*  
*and James Barker, whose*  
*affidavits are hereto attached,*  
*that said Dependent attacked*  
*the deceased in the hall way*  
*of said premises and stabbed*  
*him in the abdomen.*

*That deponent sent for an Ambulance*  
*and caused the deceased to be*  
*taken to St. Vincent Hospital*

0202

When he afterwards died from  
the effect of said stab wound.  
I would beg to see one of the  
31<sup>st</sup> day of October 1885  
Soldier Street  
Police Justice

City and County of New York, S.D.

Michael Barker, of 566 Greenwich  
Street, aged 28 years, Truck-driver, being  
duly sworn dep. that he is a Master  
of the said Court and deposed man  
named in the foregoing affidavit. That  
deponent saw him attacked and  
struck by the defendant John Garrison  
and present, in the back way of said  
premises at about the hour of twelve  
on the evening of Tuesday October 27<sup>th</sup>  
1885. That deponent separated the deceased  
from said defendant and immediately  
thereafter the deceased said to deponent  
"I'm stabbed" and deponent then  
saw that the deceased was cut in  
the abdomen. That the deceased was  
conveyed to St. Vincent Hospital where  
he died the following night from  
the effect of said stab wound as  
the physician in charge of said  
Hospital informed deponent. That  
said deceased was buried on Friday  
the 30<sup>th</sup> instant and deponent attended  
the funeral.  
Michael Barker

Form 9.

POLICE COURT-SIXTH DISTRICT.

THE PEOPLE

vs.

JOHN GARRISON

Dated

Michael Barker  
31<sup>st</sup> day of October 1885  
Soldier Street

0203

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

James Burke  
of No. 566 Greenwich Street, aged 19 years,  
occupation Labourer being duly sworn deposes and says  
that ~~that~~ ~~that~~ ~~that~~

at the City of New York, in the County of New York, Dependent is a  
Witness of Patrick Burke the  
deceased named in the fore-  
going affidavits. That Dependent  
was present when the defendant  
Guinane, here present, struck  
the deceased; and Dependent  
heard the deceased say "I am  
stabbed" and afterwards Dependent  
saw the wound, and saw  
the deceased after his death.  
James Burke

Sworn to before me, this 19 day  
of October 1888

John W. Burke  
Police Justice

0204

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 District Police Court.

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

Question. What is your name?

Answer.

*John Guinane*

Question. How old are you?

Answer.

*30 years of age*

Question. Where were you born?

Answer.

*Ireland*

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

Answer.

*566 Greenwich St., going on 3 years.*

Question. What is your business or profession?

Answer.

*Long-Shore-men*

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. That is all I desire to say at present of advice of my Counsel.*

*John Guinane*

Taken before me this

day of

*John Guinane*  
Subscribed and sworn to before me  
at New York, N.Y.  
this 1st day of June 1904  
John Guinane  
District Justice

0205

A Vincent's Hosp  
Oct 27<sup>th</sup> 83.

This will certify that  
Pat Burke was admitted  
to this institution on  
Oct 27<sup>th</sup> 83. Suffering from  
severe Stomach troubles of  
abdomen, and is in a  
peculiar condition.

Thomas Kelly M.D.  
Huntington

0206

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

of No. the 8th Greenwich Street, aged 24 years,

Occupation being duly sworn deposes and says that on the 24th day of October 1883

at the City of New York, in the County of New York, he arrested  
one John Gannon (now here) of  
366 Greenwich St on belief  
and information, that he  
stabbed and severely wounded  
in the abdomen one  
Patrick Burke, who according  
to the Doctor's Certificate, annexed  
hereto is now in a precarious  
condition, wherefore deponent  
prays that the said John Gannon  
be held to answer the result of the  
injury to said Patrick Burke. Bernard J. Connolly

Sworn to before me, this 24th day of October 1883

John J. Smith  
Police Justice.

0207

Police Court, 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John Jannou* vs.

AFFIDAVIT.

Dated

188

*Smith*

Magistrate.

*W. J. Smith*

Officer.

Witness,

Disposition,

*Ex - award  
result of inquiry  
Oct 3, 1888  
10 AM*

0208

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

John Guinane  
guilty thereof, I order that he be held to answer the same ~~and 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~~ he is discharged

Dated October 30 188 Solo R. 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 h to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0209

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street

No. 4, by

Residence

Street.

Police Court

District.

THE PEOPLE, &c,  
ON THE COMPLAINT OF

Bernard J. Connolly  
vs. Precinct  
John Guinane

Offence Homicide

Dated

October 31

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

566 Greenwich Street.

No.

566 Greenwich Street.

No.

566 Greenwich Street.

No.

566 Greenwich Street.

No.

566 Greenwich Street.

No.

566 Greenwich Street.

No.

566 Greenwich Street.

No.

566 Greenwich Street.

No.

566 Greenwich Street.

No.

566 Greenwich Street.

No.

566 Greenwich Street.

0210

Supreme Court  
City and County of New York.

The People of the State *Indictment*  
of New York. *for*

*vs.*  
John Guinane *Murder*  
*in*  
*First Degree*

On the annexed Petition,  
and on all proceedings herein,  
Let the District Attorney of the  
County of New York, show cause  
before one of the Justices of this  
Court at a Special Term thereof  
to be held, at Chambers thereof  
at the New Court House in the  
City Hall of the City of New York  
on the 5<sup>th</sup> day of December, 1885,  
at 11 o'clock in the forenoon  
of that day, or as soon thereafter  
as Counsel can be heard, unless  
the District Attorney shall elect to  
have the same heard at an  
earlier day in which case the  
same to be brought on on the 3<sup>rd</sup>  
day of November, at the same  
time and place, why the indictment  
mentioned in the annexed Petition

0211

should not be removed to the Court of Oyer and Terminer for the County of New York, and why the Petitioner should not have such other and further relief as may be just.

Sufficient reason existing therefore, it is ordered, that in the meantime, and until the hearing and decision of this motion, all proceedings on the said indictment at the Court of General Sessions for the City and County of New York be, and they hereby are stayed.

Service hereof made ~~on~~ this 24<sup>th</sup> day of November, 1885, to be deemed due and timely.  
Dated November 24<sup>th</sup> 1885.

Noah Davis,  
Justice Supreme Court.

0212

Court of General Sessions

The People of the State of New York  
against John Guinane

Indictment  
for  
Murder in  
First Degree

To the Supreme Court of the  
City and County of New  
York.

The Petition of John Guinane  
respectfully shows:

That at a Court of General  
Sessions held in and for the City  
and County of New York on the  
day of November, 1885, an In-  
dictment was duly presented by  
the Grand Jury of the People of  
the said County to said Court  
against your Petitioner wherein  
your Petitioner was charged  
with having on the 28<sup>th</sup> day  
of October, 1885, at the said  
City and County committed the  
offence of murder in the first  
degree.

That your Petitioner is now

in actual custody charged with the said offence.

That at the November, 1885 Term of said Court of General Sessions, your Petitioner was arraigned on the said Indictment and pleaded not guilty.

That the facts and circumstances of said offence are detailed by the witnesses at the Coroner's Inquest, to which Petitioner refers to this Court.

That your Petitioner has fully and fairly stated the case to Mr. Joseph J. Moss, one of his Attorneys herein, whose Office is No. 87 & 89 Centre Street, New York City; and that he has a good and substantial defence upon the merits of said Indictment as he is informed by his Counsel, after such statement made as aforesaid and which he verily believes to be true.

That upon the trial of said Indictment, as I am advised by my said Counsel, nice and

0214

intricate questions of law will arise, which, together with the facts above set forth, render it proper and expedient that the said Indictment be removed to the next Court of Oyer and Terminer of the County.

That a stay of proceedings of the Court of General Sessions is proper and necessary herein because the trial of your Petitioner on said Indictment is set for the 25<sup>th</sup> day of November 1885, and pursuant to Statute, a notice of ten days is necessary before this application can be determined and unless stayed, the Court will proceed with said trial and any decision made by this Court will thereby be rendered ineffectual.

No prior application has been made to any Justice of this or any other Court for the granting of this Petition

John Gurnea  
Petitioner

0215

0216

N.Y. Court of Oyer & Terminer  
The People of  
John Guinane

City & County of New York ss  
I, Mary Guinane  
being first duly sworn according  
to law do depose and say:  
I am the mother of  
the deceased, Patrick Burke,  
and the wife of the defendant  
John Guinane.

I am the mother of  
nine children, three of whom  
are now living, named, John,  
Michael and James Burke, all  
young men, and of full age.

My deceased son Patrick  
Burke, was a very quarrelsome  
and incorrigible young man,  
very fond of liquor since  
he was thirteen years of age.  
While my said husband (de-  
fendant) was a quiet, peaceable  
and hard working man. and

0217

a good and kind husband.

I was present at the evening of the quarrel, which resulted in the death of my son Patrick Burke.

On the 27 day of October 1845, about 7 o'clock in the evening, I was talking in the hallway of 566 Greenwich Street this City (where I lived at the time of the killing, and where I still live) with my husband John Guinane, and Patrick Burke (the deceased) rushed into the hallway from the street, and said, "What is this talk about the Key?" and then he <sup>(deceased)</sup> said to me, "You will not go up stairs to night, you must go out of the house." and at that moment he caught me by the hair and struck me in the head with his fist.

He then let go of my hair, and pulled from his pocket a bottle, and immediately pushed me away.

0218

with his left hand, and Struck  
the defendant John Guinane  
with the bottle which he held  
in his right hand, over the  
face, breaking the bottle,  
and cutting and bruising my  
husband's face.

Daniel Manning who  
was present at the time put  
my son Patrick Burke (deceased)  
outside the door, and turned  
down the latch.

After my said son, the  
deceased was outside, my other  
son James Burke, struck my  
husband in the face, and  
my other son Michael Burke  
came down stairs, rolled up  
his sleeve, and rushed at  
Guinane (my husband).

Just at that moment  
the deceased rushed in from  
the sidewalk, and all three  
Michael, James, and Patrick  
Burke, commenced to strike  
and beat my husband.

My husband shouted  
for help, and said, "Is there

0219

anyone here to keep them from killing me."

My husband was cut and bleeding. his face was bruised & his clothing all torn.

I screamed for help. and Daniel Manning and myself separated my said sons from further beating my husband.

I did not see my husband stab my son in the back. because they had my husband again the wall & beating him.

My said husband the defendant was always a good kind, hardworking and peaceable man. He worked at longshore, and gave me mostly all his earnings.

For three weeks before the killing my said son Patrick Burke. was constantly drunk.

Shown to me this {  
6 days of April 1876 { May + June  
Mepher 1873  
Commission of deeds of - mark

0220

NY Court of Oyer  
and Terminer.

The People vs  
John Guinane

State of New York  
City and County of New York

I, Daniel Manning  
being duly sworn do depose and  
say:

I am over full age, and  
reside at No 566 Greenwich  
Street this City.

I am a longshoreman,  
and I have known the defen-  
dant John Guinane since I  
have been in this Country, which  
is about three years.

I knew the deceased  
Patrick Burke, about five  
years.

I was present at the  
time of the quarrel between the  
said defendant John Guinane

0221

and the deceased, on the 17<sup>th</sup> day of October 1885 at No 566 Greenwich Street, this City which resulted in the killing of the said Patrick Burke.

About 7 o'clock in the evening of said day, I came from the Barber Shop, and as I was going up the stairs of No 566 Greenwich Street, I saw Patrick Burke (deceased) and John Guinane (defendant) quarrelling. I said to the deceased, "Go down stairs and stop fighting", and he said, "I will not do it" and immediately after that I saw him take something from his pocket that looked like a glass or bottle and strike the defendant John Guinane over the face, breaking the glass or bottle which he (deceased) held in his hand. I caught hold of the deceased, and put him out side of the door, and dropped the latch.

0222

Immediately after Patrick Burke (deceased) was outside, Michael Burke, a brother of the deceased, commenced to fight with the defendant John Gurnane, and they were tussling in the hall way, and then the deceased returned to the hall way. And rushed for the defendant.

I heard the defendant John Gurnane cry out, "Is there anyone here to save me to keep them from killing me."

At that time the defendant's face was cut & bruised, and his coat torn.

Mrs Gurnane was present at the time of the fight. She is a wife of the defendant and mother of the deceased.

I always knew the defendant John Gurnane to be a hard drinking, indistinct, and peaceable man. While the deceased was of a quarrelsome disposition.

I am an friend & neighbor.

0223

with the brothers of the deceased.  
at the present time.

Signed to refer me this ~~By~~ Daniel Manning  
6<sup>th</sup> day of April 1886  
Reph Thos  
Commissioner of Alms  
New York City

0224

N.Y. Court of Dyers & Tanners

The People vs

John Guinane

City & County of New York ss.

I, Mary Madigan  
being first duly sworn according  
to law do depose and say:

I am a married woman  
and reside with my husband &  
family at No 523 Washington  
Street, this City.

My husband is a long-  
shore man, and we have lived  
in this City for the past twenty  
years.

I know the defendant  
John Guinane for about 27 years  
last past, and I knew him  
in Ireland.

I solemnly aver that during  
all the time I knew him, he  
was a hard working, industrious  
peaceable & orderly man; he  
worked constantly, at long-  
shore, and was very careful

0225

in looking after the welfare  
of his home.

Sworn to before me this

6<sup>th</sup> day of April 1886

Joseph T. Jones

Commissioner of Land  
New York City

Wm. Morgan  
Notary

0226

Ny. Court of Orphans & Terminer.

The People re

John Guinane

City and County of New York ss

I, Mary Kennedy,  
being first duly sworn according  
to law do depose and say:

I am a widow lady  
and live with my family at  
No 57, Washington Street, this  
City.

I have known the defendant  
John Guinane, about 30 years,  
since he & myself were children.

During all that time  
I have had occasion to notice  
his conduct and behavior,  
and judge his actions.

He was always an  
honest, upright, hardworking  
industrious and quiet man.

He was very careful  
in looking after the interests  
of his home, and he worked  
daily, at longshore, and

0227

was a good husband  
Doom to be for me this  
6<sup>th</sup> day of April 1846 { Mary he  
Joseph Kennedy  
Commissioner of Lands  
N.Y.C.

0228

N. D. Court of Open & Terminus

The People

against

John Guinane

Defendant.

Affidavit

HOWE & HUMMEL,

Attorneys for *Def*

87 & 89 CENTRE ST., New York City.

Due and timely service of cop of the within  
this day of hereby admitted  
18

Attorney.

To  
*filed Apr 8. 1886*

0229

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

*John Guernsey*

of said city, being duly sworn, deposes and says: That he is the *Petitioner* in the  
within ~~entitled~~ *petition* action; that he has heard read, and knows the contents of the foregoing *Petition*  
and that the same is true of *his* own knowledge, except as to the matters therein stated to be alleged  
on information and belief, and that as to those matters he believes it to be true.

Sworn to before me, this

day of *November* 18 *87*

*John Guernsey*  
*Arthur Hunter*  
*Commissioner of the Court*  
*City of New York*

0230

My dear Mr. Martine. I promised you  
this should be withdrawn. as I never  
yet broke my word with officer of Justice -  
& I must I never shall - I hereby withdraw  
& abandon within motion & agree to vacate  
order. Dec 4<sup>th</sup> 1885 W. H. Howe atty for Guinane,

N. Y. Court of General  
Sessions.

The People &c

Plaintiff,

against

John Guinane

Defendant.

~~Petition~~ And  
Order to  
Abandon Cause

HOWE & HUMMEL,

Attorneys for ~~Left~~

87 & 89 CENTRE St., New York City.

Due and timely service of cop of the within  
this day of Dec 5 hereby admitted  
18

Attorney.

W. H. Martine, Esq.,  
Dist. Atty.

0231

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 Guinane*

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

*John Guinane*

of the CRIME OF *Murder in the first degree,*

committed as follows:

The said *John Guinane,*

late of the *First* Ward of the City of New York, in the County of New York afore-

said, on the *twenty-ninth* day of *October* in the year of our Lord

one thousand eight hundred and eighty-*three*, at the Ward, City and County aforesaid,

with force and arms, in and upon one

*Patrick Connelley*, in the presence of the said

*George Drew* and *John Henry*, feloniously,

intentionally and of his malice aforethought

did make an assault, and with the

said *Patrick Connelley*, with a certain

knife which he the said *John Guinane*

in his right hand then and there

had and held, in and upon the

abdomen of him the said *Patrick*

*Connelley*, then and there feloniously,

intentionally and of his malice aforethought

did strike, stab, cut and wound, giving

unto him the said *Patrick Connelley*

then and there with the knife aforesaid

in and upon the abdomen of him the said Patrick Burke, one mortal wound of the breadth of one inch and of the depth of six inches, of which said mortal wound, he the said Patrick Burke, at the City and County aforesaid, from the day and year aforesaid, until the twenty eighth day of October, in the same year aforesaid, did languish, and languishing did live, on which said twenty eighth day of October in the year aforesaid, he the said Patrick Burke, at the City and County aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say, that the said John Cunnane, him the said Patrick Burke, in the manner and form, and by the means aforesaid, feloniously, wilfully and of his malice aforethought did kill and murder; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

Randolph B. Martin,  
District Attorney.