0799

BOX:
331
FOLDER:
3140
DESCRIPTION:
Boylsten, Anna
DATE:
12/17/88

3140

293

*Witnesses*

A. Lemyo

Counsel,

Filed, 17 day of Dec 188 8

Pleads, Not guilty 18

THE PEOPLE,

*vs.*

47
215 & 38.

B

Anna Boylston

**ADULTERATED MILK.**

(Chap. 183, Laws of 1885, Section 1, as amended by chap. 577, Laws of 1886, Section 1; Section 186, Sanitary Code, and Section 575 of the N. Y. City Consolidation Act of 1882.

JOHN R. FELLOWS.

Pz Apr 12/89 *District Attorney.*

Plends guilty

Judgt Suspended.

A True Bill. ZCD. G.

William Windmuller

*Foreman.*

0801

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

Allen Levings of No. 301 Mott Street, in the City of New York, being duly sworn, says that he is over the age of twenty-one years, and is a Sanitary Inspector of the Board of Health therein, especially detailed to the inspection of Milk; that on the 21st day of November in the year 1888,

at premises number 215 East 38th St in the City of New York, the said premises being a place where Milk was then kept for sale, one Ann Boylston unlawfully did then and there keep, have and offer for sale three quarts of impure and unwholesome Milk, which had been and was then and there watered, adulterated, reduced and changed by the addition of water or other substance, or by the removal of cream therefrom, and that such impure, unwholesome, watered, adulterated, reduced and changed Milk was then and there, by the said Ann Boylston, unlawfully held, kept and offered for sale in violation of the provisions of the Sanitary Code then and there and at all times thereafter in force and operation, and especially in violation of the provisions of a section and ordinance of such Sanitary Code which was duly passed and adopted by the Board of Health of the Health Department of the said City of New York, and by said Health Department at a meeting thereof, duly held in said city, on the twenty-third day of February, 1876, in the manner and language following, to wit:

"*Resolved*, That, under the power conferred by law upon the Health Department, the following "additional section to the Sanitary Code for the security of life and health be, and the same is hereby, "adopted and declared to form a portion of the Sanitary Code.

"'No Milk which has been watered, adulterated, reduced or changed in any respect by the "'addition of water or other substance, or by the removal of cream, shall be brought into, held, kept "'or offered for sale at any place in the City of New York, nor shall any one keep, have or offer for "'sale in the said city any such Milk.'"

That said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in said city, to wit, in the issues of such newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876, and that said ordinance was, at all times alleged herein, in full force and operation in said city and county.

Allen Levings

*Sworn to before me the* 23d *day of* November 1888.

*Police Justice.*

W.

**Police Court, 4th District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Allen Levings

*vs.*

Ann Boylston

215 East 38th St.

*Affidavit, violation of Section 186 of the Sanitary Code.*

*Dated*.....188 .

.....*Justice.*

.....*Officer.*

*Witnesses*.....

*No.*.....

.....

*No.*.....

.....

$.....*to answer*.....

.....

Grocer sells 30 qts daily
11% added water.

208

0803

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss.

..... District Police Court.

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

*Question.* What is your name?

*Answer.* Annie Boylston

*Question.* How old are you?

*Answer.* 47 years

*Question.* Where were you born?

*Answer.* Germany

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

*Answer.* No 115 East 38th St. 6 years

*Question.* What is your business or profession?

*Answer.* Grocerie

*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

Annie Boylston

*Taken before me this* .....

*day of* ..... 188

..... *Police Justice.*

0804

Sec. 151.

Police Court _____ District.

CITY AND COUNTY OF NEW YORK, } ss.

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

**Whereas,** Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by Allen Levings

of No. 301 Mott Street, that on the 21st day of Nov 1888 at the City of New York, in the County of New York,

one Annie Boylston of 215 East 38th st keeps and offers for sale, three quarts of adulterated milk, in violation of sanitary code of said city.

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

**These are Therefore,** in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant and bring _____ forthwith before me, at the _____ 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* 23d *day of* November 1888

_____ POLICE JUSTICE.

0805

Police Court ..... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Allen Lewings

*vs.*

Ann Boylston

215 East 38th st.

Warrant—General.

*Dated* ..... 188

..... *Magistrate*

Lex. ..... *Officer.*

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

..... *Officer.*

*Dated* November 26 188 8

This Warrant may be executed on Sunday or at night.

..... *Police Justice.*

Lge 47. Gen. Ro 215 E 38 St

The within named

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

*Dated* ..... 188

..... *Police Justice*

0806

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

*Dated* Nov 20 188 7 *Police Justice.*

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

*Dated* Nov 20 188 7 *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.*

0807

**Police Court---** H 1869 **District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Allen Irvings
301 Mott St
Annie Boylston

2 .....

3 .....

4 .....

Offence Violation Sanitary Code

Dated Nov 26 188 8

White .....Magistrate.

Ex .....Officer.

Court .....Precinct.

Witnesses.....

No. .....Street.

.....

No. .....Street.

.....

No. .....Street.

$ 100 to answer

Bailed

.....

.....

BAILED,

No. 1, by Conrad Lopfer

Residence 14 W Houston Street.

No. 2, by .....

Residence .....Street.

No. 3, by .....

Residence .....Street.

No. 4, by .....

Residence .....Street

0808

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
*against*

Anna Boylstein

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

Anna Boylstein

(Chap. 183, Laws of 1885, § 1. as amended by Chap. 577, Laws of 886, § 1.)

of a MISDEMEANOR, committed as follows:

The said Anna Boylstein

late of the City of New York, in the County of New York aforesaid, on the Twenty-first day of November in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, did unlawfully expose for sale three quarts of unclean, impure, unhealthy, adulterated and unwholesome milk (the same not being skimmed milk produced in the said County), 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:

(§ 186, Sanitary Code

**And the Grand Jury aforesaid,** by this indictment, further accuse the said Anna Boylston of the CRIME OF VIOLATING THE SANITARY CODE OF THE BOARD OF HEALTH OF THE HEALTH DEPARTMENT OF THE CITY OF NEW YORK, committed as follows:

The said Anna Boylston

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully keep, have and offer for sale, three quarts of milk which had been and was then and there watered, adulterated, reduced and changed by the addition of water and other substances to the Grand Jury aforesaid unknown, and by the removal of cream, against and in violation of the Sanitary Code of the Board of Health of the Health Department of the City of New York, duly adopted and declared as such at a meeting of the said Board of Health, held in said city on the second day of June, 1873, as amended in accordance with law, and particularly in violation of a certain ordinance thereof, to wit: the one hundred and eighty-sixth section of said code, which is as follows, that is to say:

"No milk which has been watered, adulterated, reduced or changed in any respect by the addition of water or other substance, or by the removal of cream, shall be brought into, held, kept, or offered for sale at any place in the City of New York; nor shall any one keep, have or offer for sale in the said city any such milk."

Which said section and ordinance above set forth was, by a certain resolution, duly passed and adopted by the said Board of Health and by said Health Department, at a meeting thereof duly held in said city on the twenty-third day of February, 1876, added to and made a part of the said Sanitary Code aforesaid, and adopted and declared to form a portion thereof, pursuant to the authority and power conferred by law upon the said Board, and which said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in the said city, to wit: in the issues of such newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876, and which said Sanitary Code so amended and altered was then and there, at the time of the committing of the offense hereinabove alleged, in full force and operation, and was by law declared to be binding and in force in said city, and which said section and ordinance above set forth was then and there in full force and virtue, having been in nowise altered, amended or annulled by said Board of Health, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
**District Attorney.**

08 10

BOX:
331
FOLDER:
3140
DESCRIPTION:
Brennan, Martin
DATE:
12/10/88

3140

*Witnesses:*

G J Wood

Hiram Smith

From the evidence given on trial of the other indictment against the defendant I am of opinion that a conviction cannot be had on this indictment and therefore move for its dismissal

Dec 17/88

Geo Wolff
Ass't Dist Att'y

56.

Counsel,

Filed 10 day of Dec 188 9

Pleads, Not guilty

THE PEOPLE

*vs.*

Martin Brennan

(2 cases)

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

JOHN R. FELLOWS,

*District Attorney.*

**A True Bill.**

William Woodruff
*Foreman.*

Part 3. December 17. 1888.
Indictment dismissed.

08 12

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 1 DISTRICT.

Michael Larkin

of ~~No.~~ 28 Precinct Police ~~Street~~, aged 43 years,

occupation Police officer being duly sworn deposes and says,

that ~~on the~~ ~~day of~~ ~~188~~

~~at the City of New York, in the County of New York,~~ Harrison Smith

the within named witness is an important and material witness for the prosecution in a case of Martin Brennan charged with two offences

Deponent says that said Harrison Smith is a seafaring man and has no permanent place of abode and asks that he said Harrison Smith give surety for his appearance herein

Michael Larkin

Sworn to before me, this 6 day of Dec 188 8

Police Justice.

0813

Police Court— 1 District.

Affidavit—Larceny.

City and County of New York, } ss.:

George Clark

of No. 113 Wall Street, aged 39 years, occupation Supt. being duly sworn deposes and says, that on the 3 day of December 1888 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:

Three bales of Sponges of the value of One hundred & one dollars

the property of James E Ward and copartners in the care and charge of deponent—

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Martin Brennan (non res)

from the fact that deponent is informed by Harrison Smith that he saw said defendant in a Boat containing said property in the water of the East River two feet of Maiden Lane in said City

George Clark

Sworn to before me, this 6 day of Dec 1888

Benj C Wright Police Justice.

0814

CITY AND COUNTY OF NEW YORK, } ss.

Harrison Smith

aged 20 years, occupation Baker of No. Pier 18 East River Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of John J. Wood and that the facts stated therein on information of deponent are true of deponents' own knowledge.

*Sworn to before me, this* 6th *day of* Dec 188 8 } Harry C Smith

Jas C O'Neill
*Police Justice.*

*Answer.*

I am not guilty of the charge
M. Brennan.

*Taken before me this* 6 *day of* Dec 188 8

Jas C O'Neill
*Police Justice.*

08 15

*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* Defendent

*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* DEC 6 188 8 *Police Justice.*

*I have admitted the above-named*

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

*Dated* 188 *Police Justice.*

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

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

*Dated* 188 *Police Justice.*

0816

Witness Harrison Smith
Bailed by
Thomas H. Miller
41 Old Slip

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

~~54~~ 57/1883

Police Court--- 130 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
George Clark
vs. 113 Wall St
Martin Brennan
2 .....
3 .....
4 .....

Offence Larceny

Dated 6 Dec 188 8
L O Reilly Magistrate.
Larkin + Grady Officer.
28 Precinct.
Witnesses Harrison Smith
Pier 18, East River Street.
~~Committed to the House of Detention in default~~ Bailed Street.
of $100 to appear and testify.
No. I ~~[illegible]~~ Police Justice
$ 500 to answer
Charge
COMPLAINT

RECEIVED, CLERK'S OFFICE, DEC 6 1888

0817

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

Martin Brennan

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

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

The said Martin Brennan,

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

three bales of asparagus of the value of thirty-seven dollars each bale,

of the goods, chattels and personal property of one James F. Wand

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

SECOND COUNT—

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

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

The said Martin Brennan,

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,

three holes by appearance of the value of thirty four dollars each hole,

of the goods, chattels and personal property of one Ernest Edwards,

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

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

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

~~JOHN R. FELLOWS~~,
~~District Attorney.~~

0819

Third COUNT:—

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

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

The said Martin Brennan,

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

three trades of newspapers of the value of thirty cents dollars each trade,

of the goods, chattels and personal property of one George Clarke,

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

Fourth COUNT:—

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

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

The said Martin Brennan,

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,

three trades of a passenger of the value of thirty four dollars each trade,

of the goods, chattels and personal property of one George Clark,

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

unlawfully and unjustly, did feloniously receive and have; — he — the said — Martin Brennan —

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

JOHN R. FELLOWS, District Attorney.

*Witnesses:*

Geo Clash
Jos. Larkin
Wm. F. Morel

57.

Counsel, Hattemer

Filed 10 day of Dec 188 8

Pleads, C. Wendell T. N.

THE PEOPLE

*vs.*

Martin Brennan

(2 cases)

Grand Larceny, 1st degree.
[Sections 528, 531, 56q Penal Code].

Dec 17 1888

JOHN R. FELLOWS,
*District Attorney.*

**A True Bill.**

William Wardwell
*Foreman.*

Part III December 17/88.

Tried and Acquitted.

0822

Police Court— 1 District. **Affidavit—Larceny.**

City and County of New York, } ss.:

John J Wood

of No. 125 Roosevelt Street, aged 58 years, occupation Labor being duly sworn deposes and says, that on the 3d day of December 1888 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:

One Boat of the value of Eighty 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 Martin Brennan (now here) from the fact that deponent is informed by Harrison Smith that he saw said property in the possession of said defendant on the water of the East River to wit at the foot of Madison Lane in said City Deponent further says that he charged said defendant with taking

Sworn to before me, this day of 188

Police Justice.

0823

said property and he said defendant
acknowledged and confessed in the
presence and hearing of George T Wood
deponents Son that he would return
the same before the following morning

John F Wood
mark

Sworn to before me
this 6th day of DEC 1888
Chas C Rice 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* 188 *Police Justice.*

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

*Dated* 188 *Police Justice.*

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

*Dated* 188 *Police Justice.*

Police Court, ____ District.

*Offence*—LARCENY.

*THE PEOPLE, &c.,*
*on the complaint of*

*vs.*

1
2
3
4

*Dated* 188

*Magistrate.*

*Officer.*

*Clerk.*

*Witnesses,*

*No.* *Street,*

*No.* *Street,*

*No.* *Street,*

$ *to answer* *Sessions.*

0824

CITY AND COUNTY
OF NEW YORK, } ss.

Harrison Smith

aged 20 years, occupation Sailor of No.
Pier 18 East River Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of
and that the facts stated therein on information of deponent are true of deponents' own knowledge.

*Sworn to before me, this* 3
*day of* Dec 183 8

Henry C. Smith

*Police Justice.*

0825

CITY AND COUNTY OF NEW YORK, } ss.

George T. Wood

aged 14 years, occupation out of employment of No. 125 Roosevelt Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of John T. Wood and that the facts stated therein on information of deponent are true of deponents' own knowledge.

*Sworn to before me, this* 6 *day of* Dec 188 George Wood

Police Justice.

0026

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

*Question.* What is your name?

*Answer.* Martin Brennan

*Question.* How old are you?

*Answer.* 21 years

*Question.* Where were you born?

*Answer.* Ireland

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

*Answer.* 125 Roosevelt St 2½ mos

*Question.* What is your business or profession?

*Answer.* Baker

*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

M. Brennan

*Taken before me this* 6 *day of* Dec 188 8

Police Justice.

0827

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

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

*Dated* DEC 6 188 8

Police *Justice.*

*I have admitted the above-named* .....

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

*Dated* ..... 188

..... *Police Justice.*

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

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

*Dated* ..... 188

..... *Police Justice.*

0828

56

BD 1883

**Police Court---** 1 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John J Wood

*vs.*

Martin Brennan

2

3

4

Offence Larceny Felony

Dated Dec 6 188 8

D O Reilly Magistrate.

Lawlor & Grady Officer.

28 Precinct.

Witnesses Harrison Smith.

No. Pier 18 East River Street.

George T Wood

No. 125 Roosevelt Street.

No. Street.

$ 500 to answer G. S

COMMITTED.

RECEIVED DEC 6 1883 DISTRICT ATTORNEY'S OFFICE

BAILED,

*No. 1, by*

*Residence* *Street.*

*No. 2, by*

*Residence* *Street.*

*No. 3, by*

*Residence* *Street.*

*No. 4, by*

*Residence* *Street.*

0829

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

Martin Brennan

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

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

The said Martin Brennan,

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

one book of the value of eighty dollars.

of the goods, chattels and personal property of one John Doe,

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

SECOND COUNT—

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

Martin Brennan

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

The said Martin Brennan,

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,

one hook of the value of eighty dollars,

of the goods, chattels and personal property of one John Ryan,

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

John Ryan,

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

Martin Brennan

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

JOHN R. FELLOWS,
**District Attorney.**

0831

BOX:
331
FOLDER:
3140
DESCRIPTION:
Brown, Charles
DATE:
12/18/88

3140

0832

BOX:
331
FOLDER:
3140

DESCRIPTION:
Arnd, Henry

DATE:
12/18/88

3140

366

McCullagh

Witnesses:

Francis Rias

Counsel,

Filed 18 day of Dec 1888

Pleads, Not guilty

THE PEOPLE

*vs.*

Charles Brown
and
Henry Arnd
H. D.

Grand Larceny, ~~degree~~ degree.

[Sections 528, 531 —, Penal Code].

JOHN R. FELLOWS,

*District Attorney.*

Pr. Jany 15/89
Both tried & acquitted

A TRUE BILL.

William Woodruff

*Foreman.*

~~Dec~~
Jany 8th
1889

I.

0834

Trial District
Police Court

Francis Rivers
age 24
Charles Brown
Henry Arnold

Charged with
Grand Larceny
Before Hon
Samuel O'Reilly
Police Justice
December 4th 1888.

Complainant being sworn by
Mr Flanigan defendants Counsel
through an interpreter)

Q How did he come in the premises of
the defendant?

A with his friend

Q Had he been drinking before he
went in there?

Answer

Q Did the defendant Brown push
him out for annoying a waiter?

Answer

Q Did he charge a 50c beer for the
defendant?

Answer

Q Did not he send for a pint of beer with this $5.00 bill ?

Ans. Yes sir and the woman of the house is the one that returned the change.

Q How much did she return ?

A $4.30 cents.

Q Did not he give his friend $5.00 and take $5.00 dollars himself and keep the balance of the change ?

Ans. No I gave him $2.00 and kept the balance myself.

Q Did not he send for a pint of beer after that ?

Ans. No sir

Q How many pints of beer did he send for ?

A. I cannot tell at one time they brought rum and another time beer and they set me drunk

Q Did you go to bed ?

Ans. Yes sir

Q and before going to bed did he fall down ?

A. No.

Q. Did you put out any little pence before he went to bed for being drunk and noisy?

A. No Sir

Q. How much money did he have in his possession when he went in there?

A. $55.00 dollars.

Q. And what did it consist of?

A. 9 five dollar bills & one ten dollar bill.

Q. And he spent 50 dollars?

A. Yes sir.

Q. From where did they get this money?

A. On board of the steamer yesterday they gave me $11 dollars for seven days onboard and friday they paid me $19.50, and I had some money from the last voyage

Q. Were you paid in American or gold money?

A. United States bank notes.

Q. When did you discover that this money was first gone?

A. About 1/2 past 12 o'clock at night

Q. About what time did he go in the place?

A. 8 o'clock

Q. And about what time did he go to the Slater house?

A. 1/4 to one.

Q. When he took off his clothes did he have the watch & chain & that money?

A. Yes sir

Q. What did he do with the watch and chain?

A. It was returned with my clothes

Q. When he took off his clothes did he have his watch & chain?

A. Yes sir in my vest pocket. And I gave it to the man with my clothes

Q. Did he say anything to the deputy at the time he handed him his clothes?

A. No sir

Q. Did you testify there was any money in your clothes?

A. No sir

Q. When was it that you missed your money? previous to leaving

0838

4

the house.?

Aspersi w/ Immediate a demand for it
an be taken and suit

0839

Joseph Santo witness being duly sworn deposes and says, called by the prosecution.

Cross Examined by Mr Finnegan

Q What is your occupation?

A Fruiterer

Q Are you conducting a fruit store at present?

Ans Yes

Q Did he go in the premises of the defendant with the complainants?

Ans Yes

Q Around the complainants drink at the time he went in there?

Ans Yes

Q Didn't he buy beer when he went there?

Ans Yes

Q And whiskey, rum & etc?

Ans Yes

Q Was he present when the complainant went to bed and gave him his coat & vest?

A No I was asked already

Charles Brown the defendant being duly sworn deposes & says (Direct Examination)

By Mr Finnigan

Q What is your business

A Horses mules and carriage trimmer

Q Where do you live?

A 711 Washington Street

Q Tell the Court what happened last Friday?

A Both of these men came in and had drinks, and made a noise and I told them to go out of the place, and they went out and came back again, and sat on the end of the bed, and they wanted more liquor and were making a disturbance, and ordered them out & they wanted not go and they were so drunk I gave each man a separate bed, one having made a mess all over the bed, and the complainant gave me his watch

My chair and told me to keep it for
himself in morning and I did
he took his clothes & put them
on top of the trunk where I put
the watch & chain, and he went
to bed after awhile, he says give
me my dollar that I owed you
for the bed back again, and I
said you paid me for the bed
and I wont give it to you if you
don't give me my dollar I owe
you and get a receiving and he
got one.

Q Did no two men that put them
out?

Answer they invited my wife
and called her names.

Q Did you see this dollar bill
that he brought in?

Answer, my wife got them the
change

By the court.

Q Among you got cash accepted
bed?

0842

8

Ayeo Si

Q This man says he gave you $200 is that so?

Ans Si he gave me one dollar for it, there was a lady afraid of my wife that came in from the country and she tapped store.

Q When did you then and she sleep with?

A. Yes body at all she was lying on my bed.

Henry Arnold a dependent being duly sworn deposes & says

Q. Where do you reside?

A. 71 Washington St

Q. What is your occupation?

A. Paver

Q. Did you hear your story of what occurred last night?

A. The complainant came in drunk & wanted to accompany, and Brown said I didn't keep you here to fight because you are to drunk and they should go out & they did not want to go away and they got a few pints of beer and he gave me a 500 bill and I went and got the beer & gave him the change

Q. What occurred after that?

A. After that they had a dollar for the bed & went to bed, and the complainant gave the watch & chain to Brown, I didn't see him have any money here and I

0844

90

ain't got any money, because he must go aboard the ship at o'clock because I can see him. I called him at twelve, and Brown gathered his clothes & he said he wanted his 100 dollars back and Brown said I wouldn't do that you slept here and he went out & got a policeman I didn't see any money with him.

//

Officer Stevens 2d Precinct being duly sworn deposes and says:

By the Court

Q How did you come to make this arrest.

A This man came after a policeman and I was after coming from an ambulance call, and another officer reported him home and he told me the story that he had had a row and I went there and I went there and found one ~~man~~ woman in bed and the other one standing around with night clothes on I saw these two men there

Q Did you have any conversation with them?

Answer, I asked to look under the bed and as I did the deceased Paul Brown jumped to a box & I found $8/$ 1st dollars under the bed and I took them to the station house & brought the this-

after money with me, he took this money out of above and put it in his pocket.

Q. Where was the bag.

A. In a trunk near the door, he tried to put it in his pocket

Q. About other conversation did you have with him in relation to the money? Did he say anything about giving a description of the money? that you took from him

A. He said there was 9 5 dollar bill and 1 ten dollar bill. He asked the defendant where the denomination was this morning when said some 5, two and one's and a ten dollar bill and there was two 20 bills

Q. And did he tell you he only had to a one ten dollar bill?

A. yes sir

Q. and you found two 10 dollar bills

A. yes sir

Q. What time was it you made the

0847

13

the arrest
at 10 o'clock this morning
Gen as the commandant under
the influence of liquor;
assume that he was

0848

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 1 DISTRICT.

Charles W. Stevens

of No. Second Precinct Police Street, aged 34 years,

occupation Police Officer being duly sworn deposes and says,

that on the 11 day of November 188 4.

at the City of New York, in the County of New York, Francisco Rivas (now here), Joseph Soto are material witnesses for the People against Charles Brown and Henry Arndt, charged with Grand Larceny and deponent believing that the said Rivas and Soto will not appear when wanted prays they may be committed to the House of Detention for Witnesses. Charles W. Stevens

Sworn to before me, this 11 day of November 188 4

Police Justice,

0849

Police Court— 1st District. Affidavit—Larceny.

City and County of New York, } ss.:

Francis Piras

of No. Steamship "Allemania" Pier 55 N.R. Street, aged 24 years, occupation Seaman being duly sworn deposes and says, that on the 8th day of December 188 8 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the ~~night~~ time, the following property viz:

Good and lawful money of the United States of the amount and value of Fifty 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 Charles Brown and Henry Arnold (both now here) who were acting in concert for the reasons following, to wit: on the said date deponent was in a room in ~~Rear~~ Washington St. premises and had the said money in a purse in his vest. The defendant told deponent that he would "mind" deponent's clothes for him while he slept. Deponent gave to defendant his clothes among which was the said vest containing said money when deponent awoke he found that the said money was missing

Sworn to before me, this day of 188

Police Justice.

# Police Court, _____ District.

*THE PEOPLE, &c.,*
*on the complaint of*

*vs.*

1 _____
2 _____
3 _____
4 _____

*Offence*—LARCENY.

*Dated* _____ 188 . *Magistrate.*
_____ *Officer.*
_____ *Clerk.*
*Witnesses,* _____
*No.* _____ *Street,*
_____
*No.* _____ *Street,*
_____
*No.* _____ *Street,*
_____
*$* _____ *to answer* _____ *Sessions.*

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

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

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

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

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

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

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

Barney Gallagher
Police Justice

James Johnson } Complaint
vs. } Larceny
Jno. J. Ryan } Receiving Stolen Goods

Came John Ryan residing at 1 Rivington Street and deposed and said that on the 9th day of January 188 at the City of New York the prisoner named the defendant did receive and have in his possession the goods and chattels of the said complainant, knowing the same to have been stolen, and that the said goods and chattels were of the value of Twenty Five Dollars.

0580

0851

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Henry Arnold 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.* Henry Arnold.

*Question.* How old are you?

*Answer.* 25 years.

*Question.* Where were you born?

*Answer.* Germany.

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

*Answer.* 71 Washington St. 2 months

*Question.* What is your business or profession?

*Answer.* Farmer

*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 — his Henry x Arnold mark

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

[illegible] *Police Justice.*

0852

Sec. 198—200.

First District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Brown 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 Brown

*Question.* How old are you?

*Answer.* 26 years

*Question.* Where were you born?

*Answer.* Germany

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

*Answer.* No 71 Washington Street 5 Months

*Question.* What is your business or profession?

*Answer.* Harness Maker

*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

Chas Brown

*Taken before me this* 8 th *day of* December 1887

Dennis Collins

*Police Justice.*

0853

*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* Redfundants

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

*Dated* 188 8. *Police Justice.*

*I have admitted the above-named*

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

*Dated* 188 *Police Justice.*

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

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

*Dated* 188 *Police Justice.*

0854

Police Court--- 1927 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Francis Rivas
vs.
1 Charles Brown
2 Henry Ford
3
4

Offence Grand Larceny

Dated Dec 8 188

O'Reilly Magistrate.

Sterno Officer.

2 Precinct.

Witnesses Joseph Soto.
No. Ship "Ellen" Pier 55 Street N.R.
Complainant & witness committed to House of Detention in default of $100. Bail

No. Street.

No. Street.

$ 10000 to answer GS

Oman

RECEIVED DEC 13 1888

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0855

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 Brown and Henry Ford

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse Charles Brown and Henry Ford of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Charles Brown and Henry Ford, both late of the City of New York, in the County of New York aforesaid, on the eighth day of December, in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms, in the night time of the same day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of twenty dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of twenty dollars; divers United States Silver Certificates of a number and denomination to the Grand Jury aforesaid unknown, of the value of twenty dollars; divers United States Gold Certificates of a number and denomination to the Grand Jury aforesaid unknown, of the value of twenty dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of twenty dollars,

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

JOHN R. FELLOWS, *District Attorney.*

0856

BOX:
331
FOLDER:
3140
DESCRIPTION:
Brown, George

DATE:
12/14/88

3140

His maiden name is Reynolds - RBM.

Witnesses;

F. Berger

Offr Murphy

Indy 366

Counsel,

Filed 14 day of Dec 188

Pleads, Not guilty

THE PEOPLE

vs.

23 444 Wg 2 railroad

George Brown

Grand Larceny, Second Degree.

(From the Person.)

[Sections 528, 53 ——— Penal Code].

JOHN R. FELLOWS,

*District Attorney.*

**A True Bill.**

*Foreman.*

Paid February 21/89.

Paid Feby 25 at 21/89.

Discharged and Counted.

Jan 31/89

0858

Police Court— 2 —District.

Affidavit—Larceny.

City and County of New York, } ss.:

Frederick Bergen

of No. 849 E 31 Street, aged 39 years, occupation Work in a Piano factory being duly sworn deposes and says, that on the 9th day of December 188- 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: And

Person

One Double case brass watch of the value of four dollars ($4.00)

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 Brown (now here) from the fact that at about the hour of 1 o'clock am said date deponent was walking on West 35th st. and at that time deponent had said watch in the lower left hand pocket of his vest with a chain attached to it the other end of said chain made fast to a button hole of said vest. When the said defendant came up to deponent and catching hold of said chain broke it and snatched said watch from deponents pocket and ran away with it. Deponent gave the alarm and

Sworn to before me this 3rd day of December 1884

Police Justice.

# Police Court, _____ District.

*THE PEOPLE, &c.,*

*on the complaint of*

*vs.*

1 _____

2 _____

3 _____

4 _____

*Offence*—LARCENY.

*Dated* _____ 188

*Magistrate.*

*Officer.*

*Clerk.*

*Witnesses,*

No. _____ *Street,*

No. _____ *Street,*

No. _____ *Street,*

$ _____ *to answer* _____ *Sessions.*

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

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

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

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

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

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

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

Complaint of William Hallinan, Esq. Against Thos. Ryan & William Ryan for Larceny of Gold Watch & Chain & Diamond Finger Ring & Other Articles, Amount Unknown, Value Unknown, Property of Complainant, Stolen on the Night of the 25th Dec. 1887.

Adjudication

Police Justice

00594

0860

CITY AND COUNTY
OF NEW YORK, } ss.

aged ..... years, occupation John Carey Police Officer of No. 1st Precinct Police Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Frederick Benger and that the facts stated therein on information of deponent are true of deponents' own knowledge.

*Sworn to before me, this* 9
*day of* Dec 188 John Carey

John J Thomas

*Police Justice.*

0861

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss.

District Police Court.

George Brown 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 Brown

*Question.* How old are you?

*Answer.* 23 years old

*Question.* Where were you born?

*Answer.* New York

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

*Answer.* 262. 8 years

*Question.* What is your business or profession?

*Answer.* Bakerman

*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

George Brown

*Taken before me this* 5 *day of* Oct 188[illegible]

John Flannery

*Police Justice.*

0862

POOR QUALITY ORIGINAL

*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* Alfred Smith

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

*Dated* Nov 9 188 *Police Justice.*

*I have admitted the above-named*

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

*Dated* 188 *Police Justice.*

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

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

*Dated* 188 *Police Justice.*

0863

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street

Police Court--- 3 ..... District. 1910

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Frederick Berger

349 vs. 831

Jennie Brown

1 .....

2 .....

3 .....

4 .....

Offence Larceny Felony

Dated Dec 9 ..... 188

Gorman ..... Magistrate.

Wm H. Murphy ..... Officer.

19 ..... Precinct.

Witnesses Off John Carey

No. 1 Bth Pct Det ..... Street.

No. ..... Street.

No. ..... Street.

$ 1000 ..... to answer

Chm

9 P.M. Jenson

COURT OF GENERAL SESSIONS, PART III.

| | |
|---|---|
| THE PEOPLE<br>v.<br>GEORGE BROWN. | Before<br>Hon. Randolph B. Martine<br>and a Jury. |

Indictment filed December 14th., 1888.

Indicted for grand larceny in the First Degree.

New York, February 20th., 1889.

APPEARANCES:

For the People,

Assistant District-Attorney W. J. Jerome.

For the Defendant,

A. H. Purdy, Esq.

FREDERICK BURGER, a witness for the People, sworn, testified:

I am a piano maker and live in this city. On the night of December 9th. 1888, at one o'clock in the morning I was in West 35th. Street between Seventh Avenue and Broadway. I had a double case watch with a chain attached in my vest pocket. The watch I value at four dollars.

When I got near Seventh Avenue this defendant at the bar hit me on the shoulder and I fell down. I called "Police" and "Watch" and he ran right into the hands of a policeman who arrested him. During that evening I drank four or five glasses of beer in a saloon. I was on the up-town side of West 35th. Street at the time I saw the defendant; he stood outside of a house by the door and when I came up to him he hit me on the shoulder. I did not see him before he struck me. There was a light a couple of houses up the street, an electric light. He ran away and I felt for my watch and it was gone. I had last seen it at about ten o'clock and this was one o'clock. There was another man there at the time the defendant struck me. I did not see the defendant then; he had a brown coat on. The man who struck me ran towards Broadway; at the time I was struck I was about in the middle of the block. After I got up I went to the Station House and made a complaint and I saw this man the following Sunday morning in Jefferson Market; I also saw my watch in the Court on that Sunday morning.

C R O S S  E X A M I N A T I O N:

Q Was the defendant in sight when you got up from the ground ?

A He was ten paces away.

Q You saw him running and you got up and followed him ?

A Yes, sir.

Q How long did you keep him in sight ?

A About two minutes.

Q Where did you go then ?

A He ran towards Sixth Avenue and I did not see him again.

Q Where did the officers take up the pursuit ?

A The policeman came from Broadway and he ran towards Broadway.

Q Where was the policeman when you first saw him ?

A At Broadway.

Q How far from the policeman was the defendant ?

A He was running towards Broadway and he ran into his very hands.

Q The policeman was standing corner of 35th. Street and Broadway ?

A Yes, sir.

Q And this defendant was running towards Broadway on the North side of 35th. Street ?

A Yes, sir.

Q You saw him run right up to the policeman ?

A Yes, sir.

Q How long have you been in this country ?

A Twenty years.

Q Were you drunk on this night ?

A I had four or five glasses of beer and two glasses of wine. I was not drunk. I was on my way home when I was struck by this man.

Q Did the beer and wine which you had so affect you that

you couldn't walk straight ?

A No, sir.

Q Did the man who struck you on the shoulder come from in front or behind you ?

A He came from sideways, out from the door; he came out from the house and hit me on the shoulder and as he hit me I dropped down on my knees. While I was falling down he tore the watch and chain away.

Q Was it the blow you received or what you had been drinking that made you fall ?

A It was the blow that made me fall.

Q Did you see the man's face ?

A I saw him not right; I saw him a little.

Q Do you say that this defendant is the man ?

A I saw him on Sunday morning at Jefferson Market.

Q Is he the man ?

A I think that is the man, sure.

Q I don't ask you whether you think it; did you see the man's face sufficiently to recognize him ?

A I saw him that night and he had a brown coat on.

Q Did you see his face well enough to recognize him ?.

A I saw his face but not exactly.

Q After you fell down you got up off your knees and called "Police"?

A Yes, sir.

Q And you say this man ran away towards Broadway ?

A He ran away; yes, sir.

Q How long did you keep him in sight after you got up from your knees ?

A About two minutes. I saw him until he ran into the arms of the policeman. I saw the policeman catch hold of him.

Q How far was that from where you were robbed ?

A About half a block. This occurred on West 35th. Street about the middle of the block between Broadway and Seventh Avenue.

Q You have been talking with the officers about this case?

A No, sir, not five seconds in the whole case. I did not talk with officer Carey about it. I was locked up on the night that this occurred in the Station House. I do not know what I was locked up for.

W I L L I A M H. M U R P H Y, a witness for the People, sworn, testified:

I am an officer of the Municipal Police in this city. I arrested the defendant on the morning of December 9th. 1888 on 34th. Street between Seventh and Eighth Avenues at about quarter of one o'clock. As I was coming through 35th. Street from Broadway I heard a cry of "Police" and "Watch" and I ran down the street as fast as I could and when I got midway down the block I saw the prisoner at the bar leaving a man who was just getting up and looked as if he had been knocked down or fell down. I gave

chase towards Seventh Avenue and the defendant turned as he was under an electric light to see if I was after him and I recognized his face. I have seen the defendant before in my precinct. Officer Carey then took up the chase and got the man on the West side of the Avenue. I ran down on the north side of the street and I lost sight of the man but when I turned the corner he was going towards the south side of the street. I only lost sight of him for probably three seconds. The defendant ran on the north side of the street and officer Carey fired a shot from his revolver. A policeman came from behind a tree and the defendant ran into his arms. When I turned the corner of 34th. Street and Seventh Avenue the only person in sight was the defendant and he was running. I only lost sight of the defendant for the time that it took me to run 150 feet and turn the corner. When the defendant was arrested he did not say anything. I asked him why he took the watch and he said he didn't know anything about a watch. The watch was afterwards picked up by some officer. When I got to the prisoner he was in the custody of Officer Carey. Another officer whose name I don't recall went inside of a railing and picked up the watch which was afterwards identified in the Police Court by the complainant. On the way to the Station House I asked the defendant why he had stolen the watch and he said again he didn't know anything about it. He denied it at all times. At the Station House the

Sergeant asked him why he had done it and he said he did not do it. The complainant was locked up in the Station House that night. He was more excited than intoxicated.

C R O S S  E X A M I N A T I O N:

Q While the complainant was a little under the influence of liquor he wasn't drunk at all, was he ?

A He was under the influence.

Q Not what you would call drunk ?

A No, sir.

Q He knew perfectly well what he was doing ?

A Yes, sir.

Q He gave a connected account of how he came to be robbed?

A He spoke to the Sergeant in the German language.

Q Where were you when you heard the cry for police ?

A About 100 feet from Broadway, at Broadway and Seventh Avenue on the north side of the street. The first thing I saw was this complainant getting up from the street and a man running from him. I pursued the man down 35th. Street towards Seventh Avenue and ran to the corner of Seventh Avenue and turned to look back.

Q How far away from him were you when he turned ?

A Probably fifty feet away from him when he turned. I didn't draw my revolver but Officer Carey did and fired it.

Q You lost sight of the defendant as he turned the corner?

A Yes, sir. I took the defendant to the Station House and his pedigree was taken by the Sergeant at the desk.

Q Where did you find the complainant ?

A I left him in charge of Officer Dolan to bring him to the Station House.

Q This complainant says that he saw the prisoner arrested and said that he was arrested in 35th. Street and he saw him come into the hands of the officer, is that true ?

A He didn't see him come into the hands of an officer. That statement is false so far as that goes.

Q The complainant says the prisoner was running towards Broadway, who is right you or he ?

A I followed him.

Q What did you do with the watch ?

A I took it to Court next morning and the complainant identified it.

Q Did you hear the complainant give his address ?

A Yes, sir; he gave it in German, No. 431 East 31st. Street.

JOHN CAREY, a witness called for the People, sworn, testified:

I am an officer of the Municipal Police attached to the Sixteenth Precinct. On the early morning of the 9th. of December, 1888, I was on my way home. When I got to the corner of Seventh Avenue and 34th. Street I

saw the defendant coming from the Southeast corner of 35th. Street and Seventh Avenue. I joined in the chase and went across 34th. Street and followed on the up-town side towards Eighth Avenue. I fired one shot in the air and the prisoner said he would stop. I said to him: "Reynolds, is this you: is this the kind of business you are up to? I am not surprised; you are following in the footsteps of your brother". Then several other officers came up and one of them took the prisoner to the Station House. One of the officers handed me the watch and it was identified at the Station House by the complainant.

C R O S S E X A M I N A T I O N:

Q Did you see Officer Murphy running after the prisoner ?

A I did not see Murphy running after him but I saw him running towards me and I fired my pistol in the air.

Q You arrested the man ?

A Yes, sir; when I fired my pistol in the air he said he would stop. When he did stop I recognized him and had the conversation with him I have related. When officer Murphy came up he said he had knocked a man down and stolen his watch in West 35th. Street. When Officer Murphy came up I repeated what I said to him telling him that his brother was in State Prison and that his name was Reynolds. The prisoner was running very suspiciously and as I had been informed by an officer from the 20th.

Precinct that he had thrown something into an alley-way I then fired my revolver.

Q You have known this man some time ?

A Yes, sir.

Q He had a little difficulty with you ?

A No, sir; never.

Q Did you ever know of him being arrested charged with crime in his life before ?

A No, sir.

Q Why do you come up to him because he happens to be running on the street at night and tell him that he is going to State Prison in the footsteps of his brother ?

A Because he had been keeping company with persons whose pictures are in the Rogues' Gallery.

Q How long had you the prisoner in custody when Officer Murphy came up ?

A The whole transaction didn't take a minute from the time I first saw him.

OFFICER MURPHY, re-called:

Q Tell me again where you were on post ?

A In 35th. Street. My post runs from Fourth to Seventh Avenues. I was between Broadway and Seventh Avenue when I heard a cry. I then saw one man running away from another who was lying on the ground. As I passed the man who was lying on the ground he said: "My watch is

gone".

Q Have you talked with Mr. Carey since you left the stand?

A No, sir.

Q Why didn't you tell us on your direct examination that as you passed this man said "My watch is gone" ?

A It slipped my memory.

Q You testified that another officer arrested this man ?

A Yes, sir.

Q You testified that this man ran right into the arms of another officer and that you saw him arrested ?

A So far as I could see at that distance. I think his name was Carroll. Carey came up afterwards.

Q You saw this officer Carroll come from behind a tree ?

A Yes, sir.

Q That was in 34th. Street ?

A Yes, sir.

Q It looked to you as if he had gone into the officer's arms ?

A Yes, sir.

F R E D E R I C K B U R G E R, re-called:

Q After you fell down on your knees what did you say ?

A I said nothing.

Q When you got up what did you say ?

A I don't know. I said "Police", "Watch" when I fell

down. I remember very well that I did not say anything.

Q You were entirely sober, were you ?

A I was not entirely sober.

D E F E N C E.

G E O R G E B R O W N, the defendant, sworn, testified:

My true name is James Reynolds. I have known Officer Carey for many years and he knew my name. My family is respectable with the exception of one brother. On the night of the 9th. of December, I was coming through 34th. Street. I was coming across from Long Island City from the residence of my sister who gave me a message to deliver at 42nd. Street. I left my sister's house in Long Island City at about half past eleven o'clock. I came over the ferry. I couldn't see any white car which would bring me to 42nd. Street. I wanted to go to the West Shore Depot to see a conductor on the West Shore Railroad and tell him that my sister's husband was dying. I walked through 34th. Street expecting to get a green car and I didn't see any green car. I saw an Eighth Avenue car coming along and I ran along too. I got to 34th. Street and Seventh Avenue at about half past twelve or one o'clock. While I was running for the car I heard a pistol shot and when I heard it I

turned and walked back three or four houses. Officer Carey came along with something in his hand and said to me: "Come on". I says: "What is the matter with you?" and he says: "What are you running for?". I said I was running for the car. He said I lied and he took the butt end of the pistol and he hit me in the face with it. He said: "Don't open your mouth again or I will put this down your mouth". He brought me near to Seventh Avenue and another officer caught hold of me. I couldn't say who the other officer was because Officer Carey was punching me in the face all the time with the butt end of the pistol and would not let me explain where I was going or anything else. I was brought to the Station House. I didn't run into the arms of any officer. Officer Carey didn't say a word to me about following in the footsteps of my brother. I was perfectly sober. I had not been drinking that evening. I didn't see any watch found there by any officer. In the Station House the Sergeant had to tell Carey to keep quiet. The Sergeant talked in German to the complainant and I couldn't understand what was said. Carey would not let me say a word in the Station House as he was all the time hitting me with the pistol. I have been in the railroad business. I have worked on the Manhattan Elevated Railroad in the 145th. Street Yard. I have also worked on the Long Island Railroad during the summer. I have never been ar-

rested charged with any crime in my life. I was not in West 35th. Street at all on that night. I have one brother who is in Sing Sing for assault. I did not run down Seventh Avenue that night. I was in 34th. Street when I ran after the car.

C R O S S E X A M I N A T I O N:

Q Where were you when you first caught sight of the Eighth Avenue car ?

A In 34th. Street near to Seventh Avenue.

Q Did you see anybody running ?A.I couldn't swear that I saw anybody running.

Q While you were running half a block the car moved so that you could see the horse's head from the position you were in ?

A Yes, sir .

Q Could you tell whether the report from the pistol came from behind you or in front of you ?

A I could not tell. I heard an officer hollering. I left my sister's house at half past eleven and the boat took about ten or fifteen minutes to go across. I judge it was forty minutes after eleven when I got in New York at the 34th. Street Ferry at the east side. I waited some time for a car. I was going to see a man named Joe Dodge at the foot of West 42nd. Street. I was born in the City of New York.

Q Where does Joe Dodge Live ?

A In 38th. Street. I think the number is 218. His train gets in on Saturday night from the West and I was informed I could catch him as he got off the train.

Q The first thing that Carey did to you was to strike you in the mouth with his revolver ?

A Yes, sir, and he told me to come on. I walked a short distance with him when Officer Murphy came up and I was taken to the Station House.

Q Did you make a complaint to the Sergeant about being struck ?

A No, sir. I told him I didn't know anything about this.

Q Is this the first time you have gone by the name of George Brown ?

A Yes, sir.

Q Did you hear any officer say anything about the watch in the Station House ?

A It was talked about in the Station House but there was nothing said in 34th. Street about it. I didn't tell the story which I have told here in the Police Court. I was never at Mr. Dodge's house in 38th. Street at any time.

N A T H A N L E W I S, a witness for the defendant, sworn, testified:

I am an Attorney and Counsellor at law and reside

at No. 315 West 32nd. Street. I have known this defendant and his family for ten years. His character is of the best. I have heard others talk about him and they say the same.

C R O S S E X A M I N A T I O N:

I have known opportunities where he had a chance to do mischief and wrong and I have trusted him to every extent in my house. I have seen some of the people with whom he associates.

L E N A D E K E L, a witness for the defence, sworn, testified:

I am a florist and have a place in West 33rd. Street. The defendant has been employed by me. I have known him for seven years. He is perfectly honest and straight-forward. I have trusted him with money.

M A R Y S E S M A N, a witness for the defendant, sworn, testified:

I live at No. 119 Seventh Street, Long Island City. I am the defendant's sister. On the night of the 9th. of December my brother, the defendant, was at my house visiting my husband who was sick. My brother's charac-

ter has always been good. He left my house at about half past eleven and my husband asked him if he would go and ask Joe Dodge, a conductor on the West Shore Road, to come and see him. I made a cup of tea and gave it to him and he left the house. He promised to go and deliver the message to Joe Dodge. A few days afterwards I heard that he was arrested.

G E O R G E R. W E S T E R F I E L D, a witness for the defence, sworn, testified:

I have heard the testimony in this case. I know the locality of 34th. Street and Eighth Avenue very well. Thirty-fourth Street is a wide street with cars running on it.

R E B U T T E L:

W I L L I A M A D A M S, a witness for the People, sworn, testified:

Rebuttal.

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

I am an officer of Police attached to the 19th precinct . On the morning of the 9th of December I was on duty betwee 31st and 35th Streets on Broadway . Officer Murphy was on one corner and I was on the other, and we heard a cry of Police coming from down 35th St. Murphy ran down on the north side and I ran down on the south side. I saw a man stooping over a fallen man, and when he heard us running he ran away . I ran after him to the corner of 34th St. and there Detective Carey fired a shot. The prisoner was never more than two or three hundred feet from me and he ran into another officers arms . One of the officers said that the man had thrown something in the area way; I lit amatch and looked down and found the watch . I gave the watch to Carey . There were no other men running in this street that I saw .

CROSS EXAMINATION:

Q. You say that you saw a man lying on his back on the sidewalk, and saw a man leaving him, how far was the man who was leaving him from him when you saw him ?

A About ten or fifteen feet . I pursued the man . down to 7th Avenue and to 34th St. . I lost sight of him for a time as he turned the corner of 35th St. and 7th Ave. Officer Murphy was on the other side of the street from me . I did not see the man's face at any time .

Q Do you say that you saw this man before he was arres-

rested ? A. I did not see his face . It was Officer Carrol who grabbed the man; and then Officer Carey came up . Carey was in the roadway pursuing this man at the time Carroll caught him . I think I heard something said about his brother being in rprison . It was Officer Carrol who said he saw the man throw something in the area way .

HENRY R. CARROLL, a witness for the People, sworn, testified:

I am an officer of the municipal Police and have been such for 17 years . On the early morning of the 9th of December last I came on post at twelve o'clock; walkedthrough 34th Street to 8th Ave. ; passing from 8th to 7th Avenue I saw a crowd of people running down the street; about midway in the block there was a shot fired; there was a young man running towards me and as soon as he got to me I stoppedhim . The prisoner is the young man . . After I grabbed him I said "What have you been doing "; and with that Officer Carey came up. Before Officer Carey came up the defendant threw something out of his hand into the yard. When Officer Adams came up I told him to look in the yard, that the man threw something away . The watch was found in the yard where I saw the prisoner throw something . I did not see Officer Crey strike the defendant with his pistol at all .

CROSS EXAMINATION:

Q. Officer Carey says that he fired a shot, stopped the prisoner, and arrested him is that so? A. I stopped

himmmyselfand had hold of him before Cwrey came up at all. Carey was in close pursuit of him at the time I caught him. He did not say anything at all when I stopped, but with his hand he threw something into the yard. He did this while I had hold of him and before Carey came up . . Officers Murphy and Adams came very soon after Carey . . I did not hear Carey say anything to the defendant about his brother being in State prison . . When Officer Murphy came up he said "He roobed a man in 35th Street of his watch". . I did not notice any cars passing at that time . I saw other people, citizens, running .

Q. Mr. Carey has sworn here to-day that h arrested this man, that he fired a shot and that the defendant t rned around to him and said "I will stop" and that you came up afterwards, is that true ? A. I am telling the truth; I arrestedthe man . . The cars run along 8th Avenue a out every eight or ten minutes after twelve o8 clock at night . I have not had any conversation with Officer Crey to-day .

The jury returned a verdict of GUILTY of Grand Larceny in the First Degree .

Indictment filed Dec.14-1888

COURT OF GENERAL SESSIONS

Part III.

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The People &c.

against

George Brown.

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Abstract of testimony on trial New York, February 20th 1889.

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0885

# 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 Brown

**The Grand Jury of the City and County of New York,** by this indictment, accuse George Brown of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said George Brown

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

one watch of the value of four dollars

of the goods, chattels and personal property of one Frederick Berger on the person of the said Frederick Berger then and there being found, from the person of the said Frederick Berger then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows
District Attorney.

0886

BOX:
331
FOLDER:
3140
DESCRIPTION:
Brown, Henry
DATE:
12/03/88

3140

8

*Witnesses;*

Chas Mohr

Counsel,

Filed 3 day of Dec 188

Pleads,

THE PEOPLE

*vs.*

Henry Brown

*Grand Larceny in the ~~Second~~ degree.*

(MONEY.)

(Sec. 528 and 53, Penal Code.)

JOHN R. FELLOWS,

*District Attorney.*

**A True Bill.**

Wm. Windsuff

*Foreman.*

Pen Pyt. B.M.

1886

0888

Police Court— 1 Pl District. **Affidavit—Larceny.**

City and County of New York, } ss.:

Charles Mahon

of No. 18 Coenties Slip, aged 24 years, occupation Liquor dealer being duly sworn deposes and says, that on the 21st day of November 188 8 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Good and lawful money of the United States to the amount and of the value of Forty-eight dollars and seventy-five cents

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 Brown, now here, from the fact that said money was stolen and carried away from a drawer in the safe of deponent in said premises.

That the defendant Henry Brown, now here, is in the habit of frequenting the said premises of deponent, and now here in open Court admits stealing said money

Charles Mahon

Sworn to before me, this 21 day of November 188 8

Police Justice.

0889

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Henry Brown 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.* Henry Brown

*Question.* How old are you?

*Answer.* 38 years of age

*Question.* Where were you born?

*Answer.* New York State

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

*Answer.* No. 113 Thompson St. 4 years

*Question.* What is your business or profession?

*Answer.* Laborer

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

*Answer.* I found the paper open in the office of the Complainant and I took the money out of the paper. I have returned the most of the money.

Henry Brown

*Taken before me this* 23 *day of* March 188 8

Police Justice.

0890

*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 Brown

*guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* Two *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 23 188 8 J. M. Patterson *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.*

0891

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Police Court--- 1 ..... District. 1838

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Mahon
18 Cortlandt Slip

Henry Brown

2 .....

3 .....

4 .....

Offence Larceny Felony

Dated November 23 188 8

Patterson ..... Magistrate.

John Dunn ..... Officer.

..... 1st ..... Precinct.

Witnesses John Dunn

No. 1st Police ..... Street.

No. ..... Street.

No. ..... Street.

$ 1000 to answer G. S.

Cond

0892

# 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 Brown.

**The Grand Jury of the City and County of New York,** by this indictment, accuse Henry Brown of the crime of GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Henry Brown

late of the City of New York, in the County of New York, aforesaid, on the twenty-first day of November in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms, in the day time of the same day, two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of twenty dollars, and of the value of twenty dollars each; ($48.75) four promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of ten dollars, and of the value of ten dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of five dollars, and of the value of five dollars each; twenty-four promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of two dollars, and of the value of two dollars each; forty-eight promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of one dollar, and of the value of one dollar each; two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each; four promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each; nine promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; two United States Silver Certificates of the

0893

denomination and value of twenty dollars each ; four United States Silver Certificates of the denomination and value of ten dollars each ; nine United States Silver Certificates of the denomination and value of five dollars each ; twenty-four United States Silver Certificate of the denomination and value of two dollars each ; forty-eight United States Silver Certificates of the denomination and value of one dollar each ; two United States Gold Certificates of the denomination and value of twenty dollars each ; four United States Gold Certificates of the denomination and value of ten dollars each ; nine United States Gold Certificates of the denomination and value of five dollars each ; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of forty-eight dollars and seventy-five cents,

of the proper moneys, goods, chattels and personal property of one Charles Mahon

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

JOHN R. FELLOWS,
**District Attorney.**

0894

BOX:
331
FOLDER:
3140
DESCRIPTION:
Bruen, Patrick
DATE:
12/20/88

3140

Witnesses:

C Bruhn

Off Adrian

From the statement made by the complainant herein the defendant is clearly not guilty. I recommend the dismissal of this indictment.

Jan 24/89 V. M. Davis
Asst.

T

393

Max Allinger

Counsel,

Filed 20 day of Dec 1888

Pleads, Not guilty (2)

THE PEOPLE

*vs.*

Patrick Bruhn

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

JOHN R. FELLOWS,
*District Attorney.*

Jan. 16. 1889 Pl 2. V. M. D.

**A True Bill.**

William Windrum
*Foreman.*

P2 Jan 24/89

On recom. of Dist. Atty, indict. dis. B.M.

Jan 24/89 V.M.D.

0896

# New York General Sessions.

PEOPLE ON MY COMPLAINT,
*VERSUS*

Patrick Bruen

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. The assault occurred on the corner of Christie and Delaney streets in this city - I never saw the defendant before that time - I was standing in a liquor store on the above corner just after having a drink - the defendant rushed in through the door pursued by several men who had been beating him outside - He ran into the store to protect himself from these men I was there at the time - The defendant seized a knife lying upon the lunch counter and while

these strange men were beating him he struck back to defend himself - I interfered to separate them in an effort to prevent bloodshed and in the general melee was slightly cut by the knife in the fleck

I am positive that defendant did not mean to cut harm or injure me

Dated N.Y. Jany 7th 1888

E Brohn

~~Subscribed~~
Sworn to before me this 7th day of January 1889

Jas. H. Driscoll
COMMISSIONER OF DEEDS,
N.Y.C.

0898

Police Court— 8 District.

City and County of New York; } ss.:

Charles Brehm

of No. 159 Chrystie Street, aged 31 years, occupation Machinist being duly sworn deposes and says, that on 13 day of December 188 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Patrick O'Brien now present who did wilfully and maliciously cut and wound deponent upon his neck and finger with and by means of a certain knife and sharp dangerous weapon which the Patrick then held in his hand

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

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

Sworn to before me, this 14 day of December 188. } C Brehm

R G Dunphy Police Justice.

0899

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

*Question.* What is your name?

*Answer.* Patrick O'Brien

*Question.* How old are you?

*Answer.* 33 Years

*Question.* Where were you born?

*Answer.* Ireland

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

*Answer.* No home

*Question.* What is your business or profession?

*Answer.* Metal Smith

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

*Answer.* I am not guilty of the charge

his
Patrick X O'Brien
mark

*Taken before me this* 14 *day of* August 1888

Police Justice.

0900

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

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

*Dated* Dec 14 188 8 J. G. Duffy *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.*

0901

393

Police Court 1 3 District. 1941

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Charles Ruhn
169 Chrystie St
Patrick Bruen
2
3
4

Offence: Felonious Assault

Dated December 14 188 8

Duffy Magistrate.

John S Adrian Officer.

11 Precinct.

Witnesses Peter Wieckman
No. 182 Park Row Street.
Serve officer a blank subpoena for bar-keeper,
No. Street.

No. Street.

$2000 to answer

Bailed

BAILED,

No. 1, by Patrick J. Carroll
Residence 28 Ridge Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

0902

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

Patrick Bruen

**The Grand Jury of the City and County of New York,** by this indictment, accuse Patrick Bruen of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Patrick Bruen

late of the City of New York, in the County of New York aforesaid, on the thirteenth day of December in the year of our Lord one thousand eight hundred and eighty-eight, with force and arms, at the City and County aforesaid, in and upon the body of one Charles Bruhn in the peace of the said People then and there being, feloniously did make an assault, and him the said Charles Bruhn with a certain knife

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

with intent him the said Charles Bruhn 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 Patrick Bruen of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Patrick Bruen

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

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

THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Patrick Bruen of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Patrick Bruen late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said Charles Bruhn in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Charles Bruhn with a certain knife which he the said Patrick Bruen in his right hand then and there had and held, in and upon the neck and finger of him the said Charles Bruhn then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said Charles Bruhn

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

JOHN R. FELLOWS,
**District Attorney.**

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