06 13

BOX:
259
FOLDER:
2504
DESCRIPTION:
Brown, Albert J.

DATE:
05/09/87

2504

06 14

BOX:
259
FOLDER:
2504
DESCRIPTION:
Brown, William J.

DATE:
05/09/87

2504

06 15

BOX:
259
FOLDER:
2504
DESCRIPTION:
Feeks, John

DATE:
05/09/87

2504

06 16

BOX:
259
FOLDER:
2504
DESCRIPTION:
Burns, James

DATE:
05/09/87

2504

06 17

BOX:
259
FOLDER:
2504
DESCRIPTION:
Sullivan, James

DATE:
05/09/87

2504

06 18

BOX:
259
FOLDER:
2504
DESCRIPTION:
Bender, Charles

DATE:
05/09/87

2504

Witnesses:

Officer Clapp

Upon the annexed report of Dep. Asst. Dist Atty Purdy and for the reasons therein stated I recommend that within indictment be dismissed & that Bail be discharged

Dec 5/87

Randolph B. Martine
Dist Atty.

120

Counsel, Edward Keeney

Filed, 9 day of May 1887

Pleads,

THE PEOPLE

vs.

Albert J. Brown B
William J. Brown B
John Fecks B
James Burns B
James Sullivan B
Charles Bender B

Penal Code.
Section

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

~~Rec'd III June 8/87~~
~~Bail indicted~~

G H Haven *Foreman.*

By order of Dist Atty Bail discht

Dec 5/87

0620

The People &c.

vs.

Albert J. Brown, et al.

City and County of New York, ss:

W. J. Brown, being duly sworn, deposes and says: I am assistant foreman and in charge of the construction of wires and poles along the New York Central Railroad, and am one of the defendants. I was arrested on the 26th day of November last for stringing wires along the New York Central & Hudson River Railroad, with whom our Company had a contract and a privilege, as I believed, of putting up poles and wires when they were necessary. I was acting in perfect good faith and believed that I was authorized under the law to proceed with the stringing of wires along the rights of way of said New York Central & Hudson River Railroad. There was no desire on my part to evade or violate the law as I could have obtained permission from the Commissioners of Electrical Subways had I applied for the same, as we received a permit to string wires, etc., over the highways and along the line of the New York Central Railroad that day or the next day. I have read the indictment and the second count of the indictment charges violation of the law, but we had a permit to do the work.

W. J. Brown

Subscribed and sworn to before me: this 20th day of May, 1887.

Wm. J. Hudnut

Notary Public, Kings Co., N. Y.
Certificate filed in New York Co.

The People &c.

vs.

Albert J. Brown, et al.

City and County of New York, ss:

C. W. Bender, being duly sworn, deposes and says: I am a lineman employed by the Western Union Telegraph Company. On the 26th of November, last, I was engaged in stringing wires along the right of way of the New York Central & Hudson River Railroad, with whom the Western Union Telegraph Company has a contract giving them the privilege and authority to put up poles and string wires along their road. On this day I was acting in good faith, believing that I had full authority to proceed with the work. We received a permit and continued to work a few days after.

Sworn to before me this 20th day of May, 1887.

Chas W. Bender

Wm. J. Harding
Notary Public, Kings Co., N. Y.
Certificate filed in New York Co.

We have severally read the above affidavit of C. W. Bender, and the facts therein stated are true.

Subscribed and sworn to before me this 20th day of May, 1887.

James Stellin

James his X mark Burns

Edm. C. H. Fecks

Wm. J. Harding
Notary Public, Kings Co., N. Y.
Certificate filed in New York Co.

The People &c.

vs.

Albert J. Brown et al.

City and County of New York, ss:

Albert J. Brown, being duly sworn, deposes and says: I am foreman of construction of the Western Union Telegraph Company, and my duties are to superintend the putting up of poles and the stringing of wires in the city and county of New York. On November 26th I was arrested by an officer at Kingsbridge in New York County for stringing wires upon what I considered the right of way of the New York Central & Hudson River Railroad Company, with whom our Company has a contract which gives us the right and privilege to string wires and put up poles when necessary. I was acting in good faith upon that day believing that I was lawfully entitled to have my men string wires when I was arrested. Immediately after my arrest I ascertained that an application had been made to the Subway Commission for a permit covering the highway in question, and a permit was granted on the day I was arrested, or the day after. I have always complied with the law and never have violated the Subway act by stringing wires without authority, except the time in question. The Commissioner of Electrical Subways granted permission on November 30, 1886, which was a short time after my arrest, to the Western Union Company to erect new poles and repair

its existing lines above the Harlem river. The violation of law for which I was arrested was simply for stringing wires across one street following the line of the New York Central & Hudson River Railroad with whom, as I have stated, our Company has a contract giving us that privilege, and I believed I had the right to do so and acted in perfect good faith. Upon examination of the indictment I find that violation is charged in the second count although I had a permit authorizing me to string the wires.

Subscribed and sworn to before:
me this 21st day of May, 1887.:

Wm. J. Harding
Notary Public, Kings Co., N. Y.
Certificate filed in New York Co.

A D Brown

0624

HERBERT E. DICKSON.
COUNSELLOR AT LAW.
195 BROADWAY, NEW YORK.

November 11, 1887.

Hon. Randolph B. Martine,

District Attorney,

New York City.

Dear Sir:

I had a talk with you several days ago in relation to the indictments against seven linemen of the Western Union Telegraph Company for a violation of the Subway Act. You told me your recollection was that you had concluded to have the suits dismissed, and also requested me to drop you a line refreshing your recollection. If, after looking the papers over, you are still of that opinion, will you kindly order them dismissed? and greatly oblige,

Yours very truly,

H. E. Dickson

I wish you would send me the papers in above cases RBM.
Nov 18/87 Return this letter to me.
To Mr Rufner

0625

HERBERT E. DICKSON.
COUNSELLOR AT LAW.
195 BROADWAY, NEW YORK.

December 2, 1887.

Hon. Randolph B. Martine,

District Attorney, N.Y.City.

Dear Sir:

Pardon me for troubling you so often, but I am compelled to go to Kansas City to be gone sometime and am quite anxious to know whether you have had time to look into the question of the indictment of Albert J. Brown, William J. Brown, John Feeks, James Burns, James Sullivan and Charles Bender, charged with stringing wires in violation of the Subway act. You will remember that in the last conversation we had you said you would look into the matter and advise me.

Trusting you may be able to give me an answer by bearer, I am, with great respect,

Yours very truly,

Herbert E. Dickson

0626

No. 651

TEMPORARY PERMIT

To Stretch New Lines of Wires or Cables.

OFFICE OF

Commissioners of Electrical Subways,

No. 1218 BROADWAY, NEW YORK.

Nov 26th 1886

Permission is hereby accorded to The Western Union Telegraph Company *to stretch* 2 *new* Wires *as follows:* Along the line of the Hudson River Railroad above Kingsbridge

This Permit is granted and accepted with the understanding that said line is only authorized pending the providing of underground accommodations for the same, subject to all rules and regulations of the Local Authorities, and without the erecting of new Poles.

For the Board,

Daniel C. Gilman

~~Secretary.~~ Commissioner

Signed Nov 27th

0627

State of New York,

City & County of New York, SS:

Albert J. Brown, being duly sworn says: That on the 26th day of November 1886, he and five of his assistant linemen were arrested on a charge of stringing wires on telegraph poles in violation og Chapter 499 of the laws of 1885. Deponent says that the wires in question were being strung exclusively on private property belonging to the New York Central & Hudson River Railroad Company extending from Spuyten Duyvil to Kingsbridge under and by virtue of a contract between the said Railroad Company and the Western Union Telegraph Company according to the terms of which the Western Union Telegraph Company enjoys the rights of stringing its wires upon the said property of the New York Central and Hudson River Railroad and that no poles were erected nor wires strung in the public streets or highway nor the surfaces thereof disturbed.

~~(signed) A. J. Brown.~~

Sworn to before me this

27th day of November, 1886.

Geo. H. Fearons,

Notary Public, N.Y.Co.

A J Brown

0628

Police Court, ... District.

City and County of New York, } ss.

Policeman of ~~No.~~ the 35th Precinct of Police of the City of New York ~~James~~ Ira M. Clapp Street, aged ..... years, occupation ..... being duly sworn, deposes and says, that on the 26 day of Nov 1886, at the City of New York, in the County of New York, he arrested Albert J Brown William J Brown John Fields, James Burns, James Sullivan and Charles Bender all now here while said defendants were in the act of stringing or extending aerial electric wires or cables across a street or highway of the city of New York without having any permit authorizing them so to do from the Board of Commissioners of Electrical subways in violation of the provisions of Chap 499 of the Laws of 1885 At about 3 o'clock in the afternoon of said day, ~~defendant~~ deponent saw said defendants extending wires across Broadway at Kingsbridge. Said Sullivan was on a telegraph pole on the East side of Broadway fastening to said pole a wire which was stretched across the roadway. Said Bender and said Burns were holding & stretching said wire from the ground. Said Fields was on a pole on the west side of Broadway holding said wire which said William A. Brown was lifting from the roadway; and said Albert J. Brown was giving directions to the other defendants & superintending the work. A second wire was also being stretched across said street in like manner by said defendants

Signed Ira ~~Jas~~ M Clapp

Sworn to before me this 27 day of Nov 1886

Chas Welde

Police Justice

0629

Police Court--_____District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Ira M. Clapp

vs.

Albert J. Brown
1 William J. Brown
2 John Fericks
3 James Burns
4 James Sullivan
Charles Bender

Offence,

Dated Nov 27th 188

Charles Welde 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.*

C O P Y.

New York, November 6th. 1886

Hon. John Newton,

Commissioner of Public Works.

Sir:

I am in receipt of your communication under date of November 3rd. 1886 enclosing application for permission for stringing telegraph or electric wires in the northern part of the city. The applicants are (1) The Business Men's Telegraph & Messenger Co. and, (2) The Harlem Electric Illuminating Co. As these several companies claim to derive their respective rights under distinct and different statutes, their claims may more properly be discussed in separate communications. This letter, therefore, refers only to the Business Men's Telegraph & Messenger Co. Hereafter I shall advise you as to the other company.

The subjects on which you request advice are embraced in the following questions contained in your letter:

First: Is the Business Men's Telegraph & Messenger Co. legally incorporated underthe Laws of this State. If so, does such incorporation confer upon it the right to suspend or lay wires in the streets of the city?

Second: If the privilege sought by the applicant is subject to the control or consent of local or municipal authorities, is the Commissioner of the Department of Public Works the local authority to give such consent or approval?

Third: If the preceding question be answered in the affirmative, can the Commissioner of Public Works exercise his

discretion as to granting or witholding consent or approval?

FOURTH: Is not the action and approval of the Commissioner of Electric Subways on any application for suspending or laying wires necessary before the department of public works can take into consideration its own action on such application?

First: I have been furnished by a representative with a certified copy of incorporation. It is apparently correct in form and appears to have been filed October 16th. 1886. The company is incorporated under what is known as the general telegraph law Chapter 265 of the Laws of 1848, and the several acts amendatory thereof, for the purpose of owning, constructing, using and maintaining lines of telegraph within and partly beyond the limits of this state. It possesses, therefore, all rights conferred by those acts upon corporations created thereunder. Among these is the right to construct lines of tele graph along and upon any of the public roads and highways of this state, provided the same shall not be so constructed as to incommode the public use of said roads or highways (Chap. 265 of 1884 Sec. 5) and to erect and construct the necessary fixtures for such lines of telegraph upon, over or under any of the public roads, streets and highways with the same proviso, (Chap 471 of 1853 Sec. 2) and also to erect and construct such fixtures upon their or over any other land subject to the rights of the owner or owners thereof to full compensation for the same (Id Sec. 2)

These rights, however, are subject to certain restrictions. Under the general ordinances of this city, the location of any poles it may desire to erect in the streets must con-

form to certain requirements and the permits of the Commissioner of Public Works must be obtained before street surfaces can be disturbed for the purpose of erecting poles or other appliances for the use of its line. I understand, however, does not intend to erect poles nor to disturb the street surfaces in any way. It only claims to be allowed to string wires, above the streets, upon supports, which supports are located entirely upon private property. This it would have a perfect right to do, and without any permit from the Commissioner of Public Works, were it not for Chapter 534 of 1884 and Chap. 499 of 1885. These latter statutes expressly prohibit the stringing of wires for telegraph purposes above the streets. This prohibition, however, may be sustained or dispensed with by the Commissioners of Electric Subways. It is provided in Chap. 499 of 1885 that whenever in sparsely inhabited or unoccupies portions of the city the public interests do not require the conductors to be placed underground; and whenever, in any other locality, it is deemed by the board to be, for any cause, impracticable to construct and operate underground the electrical conductor required, then permits to deviate from the underground system may be granted (Chap. 499 of 1885 Sec. 4)

If the permission referred to in the section quoted ~~xxxxxx~~ given to the Company by the Commissioners of Electric Subways, it may string its wires upon the streets and avenues enumerated in such permit, and so long as it supports those wires on private property it needs no permit from your Department therefor.

Second: If the privilege sought by the applicant is subjedt to the approval or consent of local or municipal authorities, is the

Commissioner of the Department of Public Works the local authority to give such consent or approval?

This question is already answered. The approval or consent of the local authorities is not needed where nothing is to be erected in the streets, nor the surfaces thereof disturbed.

Third: If the preceding question be answered in the affirmative, can the Commissioner of Public Works exercise his discretion as to granting or witholding consent or approval?

This question is already answered: There is no discretion to be exercised by the Commissioner of Public Works, either as to granting or witholding consent.

Fourth: Is not the action and approval of the Commissioner of Electrical Subways on any application for suspending or laying wires necessary before the Department of Public Works can take into consideration its own action on such application?

The approval of the Commissioner of the Electrical Subways must be obtained beforethis company can suspend any wires above the streets, but no permit or subsequent action of the Commissioner of Public Works is necessary.

I am, Sir,

Very respectfully yours,

E.Henry La Combe

Counsel to the Corporation

0634

Western Union Telegraph Company.

George H. Furness
Attorney.

New York, May 11th. 1887

Hon. Randolph B. Martine,

District Attorney,

New York City.

Dear Sir:--

On the 26th. day of November, 1886, in the 31st. Precinct of Police, an arrest was made by Policeman Ira M. Glapp of the following employes of the Western Union Telegraph Company, to wit: Albert J. Brown, William J. Brown, John Feicks, James Burns, James Sullivan, and Charles Bender, on a charge of violating the provisions of Chapter 499 of the Laws of 1885, in stringing telegraph wires in the City of New York, without having any permit authorizing them so to do, from the Board of Commissioners of Electrical Subways. The wires in question were being strung by these employes across Broadway at Kings Bridge on poles situated along the line of the Hudson River Railroad.

It is true that the Foreman, Albert J. Brown, under whom these men were working at the time of the arrest, did not have in his possession a permit; but it is not true that the wires were being strung without the authority of the Electrical Subway Commissioners. The permit in question is dated upon the day on

which the arrest was made, November 26th., and the men were sent to string the wires in accordance therewith, but the permit was not received by the Company up to the time of the departure of the men from our main office, the Commissioners, through oversight, having neglected to deliver it to us promptly, but the permit had been verbally granted.

The authority to string wires under the permit of the Electrical Subway Commissioners is, I believe, unquestioned. I respectfully refer to a written opinion given by Mr. Lacombe, Counsel to the Corporation, on November 6th. 1886, at the request of the Hon. John Newton, Commissioner of Public Works of the City of New York, a copy of which is hereto attached and from which I quote:

> " It only claims to be allowed to string wires upon sup-
> " ports, which supports are located entirely upon private
> " property. This it would have a perfect right to do,
> " and without any permit from the Commissioner of Public
> " Works, were it not for Chapter 534 of the Laws of 1884
> " and Chapter 499 of the Laws of 1885. These latter
> " Statutes expressly prohibit the strining of wires for
> " telegraph purposes above the streets. <u>This prohibition</u>

" however, may be sustained or dispensed with by the
" Commissioners of Electrical Subways. (Chapter 499 of
" the Laws of 1885, Section 4)."

The authority under which this Company was stringing wires across Broadway at Kings Bridge on poles located along the line of the Hudson River Railroad on November 26th, 1886, we understood to be fully covered by the permit granted this Company on that day by Commissioner Gibbons, the original of which is hereto attached. It was not and could not have been this Company's intent to violate the statute, because of the application for a permit to string the wires in question, and there was no violation of the statute because of the permit which was issued. I am satisfied that the examining magistrate would have discharged the prisoners had the young gentleman who appeared before him in their behalf had time to investigate the facts and been given the opportunity of ascertaining from the Company's officers whether a permit had been granted and which he could have produced had the indulgence of the Court permitted.

I am,

With great respect,

Atty.

0637

Form 9.

Sixth District Police Court.

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

policeman of ~~No.~~ the 35th Precinct Police ~~street~~, of the City of New York being duly sworn, deposes and says, Ira M. Clapp, 50 years old

that on the twenty eighth day of November 1886 at the City of New York, ~~in the~~ County of New York, he arrested Albert J. Brunn, William A. Brunn, John ~~Sheeks~~ Fleeks, James Burns, James Sullivan and Charles Bender, all now here, while said defendants were in the act of stringing or extending aerial electric wires or cables across a street or highway of the city of New York, in ~~violation~~ having any permit authorizing them so to do from the Board of Commissioners of Electrical Subways, in violation of the provisions of Chapter 499 of the laws of 1885. At about three o'clock on the afternoon of said day deponent saw said defendants extending wires across Broadway at Kingsbridge. Said Sullivan was on a telegraph pole on the East side of Broadway fastening to said pole a wire which was stretched across the roadway. Said Bender and said Burns were holding and stretching said wire from the opposite side. Said ~~Sheeks~~ Fleeks was on a pole on the West side of Broadway holding said wire, which said William A. Brunn was lifting from the roadway; and said Albert J. Brunn was giving directions to the other defendants and superintending the work. A second wire was also being stretched across said street in like manner by said defendants.

Sworn to before me
this 27 day of November 1886

Ira M. Clapp

Police Justice

STATE of NEW YORK

CITY & COUNTY of NEW YORK ss

Albert J. Brown

Being duly sworn says:

That on the 26th. day of November 1886, he and five of his assistant linemen were arrested on a charge of stringing wires on telegraph poles in violation of Chapter 499 of the laws of 1885.

Deponent says that the wires in question were being strung exclusively on private property belonging to the New York Central & Hudson River Railroad Company extending from Spuyten Duyvil to Kingsbridge under and by virtue of a contract between the said Railroad Company and the Western Union Telegraph Company according to the terms of which the Western Union Telegraph Company enjoys the rights of stringing its wires upon the said property of the New York Central & Hudson River Railroad and that no poles were erected nor wires strung in the public streets or highway nor the surfaces thereof disturbed.

Sworn to before me
this 27th. day of November 1886

0639

Sec. 198—200.

6 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

James Sullivan 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. James Sullivan

Question How old are you?

Answer 44 years

Question. Where were you born?

Answer Rhode Island

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

Answer. 1602 3d Avenue, 1 year

Question What is your business or profession?

Answer. Telegraph Fireman

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

James Sullivan

Taken before me this 21 *day of* November 1887

Police Justice.

0640

Sec. 198—200.

6 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Charles Bender 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 Bender

Question How old are you?

Answer 48 years

Question. Where were you born?

Answer Philadelphia, Pa.

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

Answer. 744 – 6th Avenue, 4 months

Question What is your business or profession?

Answer. Telegraph Lineman

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 Bender

Taken before me this 27 *day of* November 188[illegible]

[illegible] *Police Justice.*

0641

Sec. 198—200.

6 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

William J. 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 William J. Brown

Question. How old are you?

Answer 37 years

Question. Where were you born?

Answer. Massachusetts

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

Answer. 144th Street near 4th Avenue; 2 years

Question What is your business or profession?

Answer. Telegraph Lineman

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.

W. J. Brown

Taken before me this 27 *day of* November 1886

Police Justice.

0642

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss

6 District Police Court.

John Feeks, 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 Feeks

Question. How old are you?

Answer 34 years

Question. Where were you born?

Answer. Westchester Co, N.Y.

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

Answer. No 213 W. 124th St; 3 months

Question What is your business or profession?

Answer. Telegraph Lineman

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 am discharged a trial by Jury

John E. H. Feeks

Taken before me this 27 *day of* November 1881

Police Justice.

0643

Sec. 198—200.

6 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question. What is your name?

Answer. James Burns

Question How old are you?

Answer 40 years

Question. Where were you born?

Answer Ireland

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

Answer. 127 Liberty street; 12 years

Question What is your business or profession?

Answer. Laborer

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

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

James his X mark Burns

Taken before me this 27 *day of* November 1884

Police Justice.

0644

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss

District Police Court.

Albert J. 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 Albert J. Brown

Question. How old are you?

Answer 42 years

Question. Where were you born?

Answer. New York City

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

Answer. No 229 E. 82d St; 2 years

Question What is your business or profession?

Answer. Telegraph Foreman

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.

A. J. Brown

Taken before me this 27 *day of* November 1884

Police Justice.

0645

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 Three *Hundred Dollars,* Each *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated November 27 188 1 *Police Justice.*

I have admitted the above-named Che Zemmano

to bail to answer by the undertaking hereto annexed.

Dated Nov. 27th 188 6 *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.*

0646

1773

Police Court 6 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Fra McClapp

vs.

1 Albert J. Brunn
2 William J. Brunn
3 John Betts
4 James Burns
5 James Sullivan
6 Charles Bender

Offence Misdemeanor
Violation Sunday Act
Chap 499. Laws 1885

Dated November 27 188 6

Welde Magistrate.

Clapp Officer.

35 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 each to answer G.S.

Bailed

all

BAILED,

No. 1, by Walter C. Dumoline

Residence 143 Madison Street.

No. 2, by Brooklyn

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

----------X

The People &c.

vs.

Albert J. Brown, William J. Brown, John Feeks, James Burns, James S. Sullivan and Charles Bender

----------X

Hon. Randolph B. Martine,

District Attorney.

Sir :

The above named defendants are charged in the indictment with violating the provisions of Chap. 499 of the Laws of 1885, in stringing telegraph wires in the City of New York, without having a permit authorizing them so to do from the Board of Commissioners of Electrical Subways. A misdemeanor is charged in the indictment.

On examination of the affidavits presented, and the facts in the case, it appears that the men were technically guilty of a misdemeanor, in not having the necessary permit from the Subway Commissioners. This is so if a permit in writing is necessary, but it does appear, that the Western Union Telegraph Co. had obtained a permit from Commissioner Gibbons, but that the Company sent their men out before they had actually received the permit, owing, it is claimed, to an oversight by the Subway Commissioners. The permit is dated the day on which

the arrest was made, and from all the evidence in the case it would appear that the Western Union Co. was acting in good faith and with no intention to violate the law.

From these facts it is clear that an honest mistake has been made, or that at best, the defendants have been guilty of a merely technical violation of the Act. In either case it would seem that the County ought not to be put to the expense of trying these men, and the interests of justice would, in my judgment, be fully subserved by dismissing this indictment.

Very respectfully,

H. S. Purdy

0649

The People,

vs

Albert J. Brown
et al.

REPORT.

For the District Attorney.

Approved
Dec. 5/87 P.B.M.
Dist Atty.

Dated Dec. 2 1887

A. H. Purdy Assistant.

0650

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

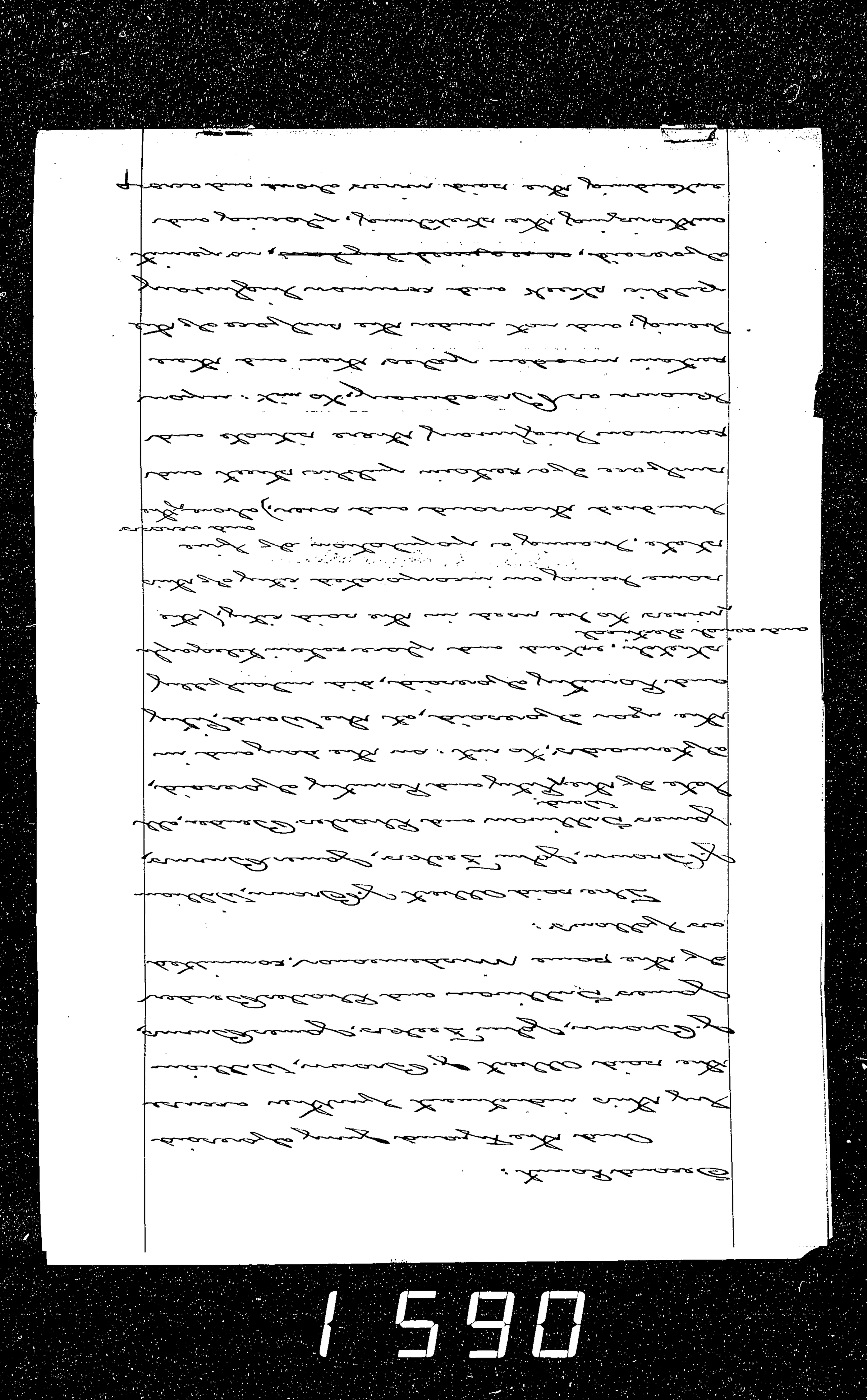
THE PEOPLE OF THE STATE OF NEW YORK

against

Albert J. Brown, William J. Brown, John Eaders, James Brown, James Sullivan and Charles Bender

The Grand Jury of the City and County of New York, by this indictment, accuse Albert J. Brown, William J. Brown, John Eaders, James Brown, James Sullivan and Charles Bender of ~~the Crime of~~ a Misdemeanor, committed as follows:

The said Albert J. Brown, William J. Brown, John Eaders, James Brown, James Sullivan and Charles Bender, all late of the 24th Ward of the City of New York, in the County of New York aforesaid, on the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, did wilfully, knowingly, extend and place and cause to be placed certain telegraph poles to be used in the said City, the same being an incorporated city of this State, having a population of five hundred thousand and over, and above the surface of a certain public street and common highway, and known as Broadway, there situate, to wit: upon certain wooden poles then and there being, and not under the surface of the public street and common highway aforesaid, as required by law, 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, their dignity



1590

the subject of
the said public street and commencing
highway having been duly applied
for and granted by the Board of
Commissioners of Electrical Supervision
of the said City, as required by law,
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.

Richard W. Burnett

District Attorney.

0653

BOX:
259
FOLDER:
2504
DESCRIPTION:
Brown, Edward

DATE:
05/24/87

2504

0654

BOX:
259
FOLDER:
2504
DESCRIPTION:
Barenburg, Philip

DATE:
05/24/87

2504

445

Witnesses:

C A Fritz
Sergt Crokes

Counsel,

Filed 24 day of May 1887

Pleads, Not Guilty 20

THE PEOPLE

vs.

Edward Brown
Indictment
Philip Barenburg

Burglary in the Third Degree.
[Sections 405, 506, 52 and 5324

RANDOLPH B. MARTINE,
District Attorney.

Bail fixed $2 May 27/87
Bail fixed $2.
Each Per 30 days.

A True Bill.

Foreman

0656

Police Court—2d District.

City and County of New York, } ss.:

Charles A. Fritz

of No. 6 Cornelia Street, aged 25 years,

occupation Grocer being duly sworn

deposes and says, that the premises No 6 Cornelia Street,

in the City and County aforesaid, the said being a Three Story Wooden and Brick Building

and which was occupied by deponent as a Grocery Store and Dwelling

and in which there was at the time a human being, by name Mr McCarthy and other persons whose names are unknown to deponent

were BURGLARIOUSLY entered by means of forcibly breaking three panes of glass in a door leading from a yard into said Store and by them pushing back a bolt on said door

on the 22nd day of May 1887 in the night time, and the following property feloniously taken, stolen, and carried away, viz.:

Good and lawful money of the United States of the amount and value of Twenty Cents

the property of deponent

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

for the reasons following, to wit: that deponent securely closed and bolted the said door on leaving the said premises the evening previous to said burglary and deponent is informed by Sergeant John A Croker of the 9th Precinct Police that he Croker heard a noise in said premises and on entering discovered said Brown and Barenbury concealed behind a door in said premises

Charles A Fritz

Sworn to before me this 22d day of May 1887

Police Justice

0657

CITY AND COUNTY
OF NEW YORK, } ss.

John A. Croker

aged 47 years, occupation Sergeant of Police of ~~No.~~

the 9th Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Charles A. Fritz

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

knowledge.

Sworn to before me, this 22

day of May 1887

John A. Croker

Police Justice.

0658

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Edward 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. Edward Brown

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. New York

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

Answer. No 395 - 1st Avenue & about 1 month

Question What is your business or profession?

Answer. Waiter

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 dont remember going into the place, I was under the influence of liquor

Edward Brown

Taken before me this 4th *day of* May 188

Police Justice.

0659

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Philip Barenburg 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. Philip Barenburg

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. New York

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

Answer. No 229 Sullivan Street & about 4 months

Question What is your business or profession?

Answer. Clerk

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

Answer. I am not guilty Philip Barenburg

Taken before me this 1st day of Nov 188 } *Police Justice.*

0660

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 Edward Brown and Philip Barenburg *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 May 22 188) ..... *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.*

0661

Police Court-- 9 d 756 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles A. Fritz
6 Cornelia
1 Edward Brown
2 Philip Barenburg
3
4

Offence Burglary

Dated May 22 188 7

Henry Morgan Magistrate.

Sgt Croker + Hurley Officer.

9th Precinct.

Witnesses John J. Hurley
~~No.~~ 9th Prec't Police ~~Street.~~

No. Street.

No Street.

$ 1000-00 to answer

(Corn)

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No 4, by

Residence Street.

0662

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Brown and Gilding Bonadurer

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

Edward Brown and Gilding Bonadurer

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said Edward Brown and Gilding Bonadurer, both —

late of the — Ninth — Ward of the City of New York, in the County of New York, aforesaid, on the twenty-first day of May, in the year of our Lord one thousand eight hundred and eighty-seven, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the Store of one

— Theodore A. Finkey, —

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

Theodore A. Finkey, —

in the said Store then and there being, then and there feloniously and burglariously to 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 Edward Brown and Philip Barenburg

of the CRIME OF Petit LARCENY, — committed as follows:

The said Edward Brown and Philip Barenburg, both —

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the night time of the said day, with force and arms, knowingly, willfully, feloniously and unlawfully, did steal, take and carry away, of the goods, chattels and personal property of one Charles A. Fitch, —

in the store of the said Charles A. Fitch, —

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

Randolph W. Broderick

District Attorney.

0664

BOX:
259
FOLDER:
2504
DESCRIPTION:
Brown, Richard

DATE:
05/18/87

2504

380

A & A

Counsel, ...

Filed 18 day of May 1887

Pleads Not guilty 30.

THE PEOPLE

vs.

B

Richard Brown

POOL SELLING.
[Section 351, Penal Code].

Pr Jun 29. 1888
Bail discharged.

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

G. H. Farrar

Foreman.

Witnesses:

Off Collins

After discussion on the effect of a former trial of a pool case upon the case at bar, Judge Cowing directed that defendants bail be discharged and at the same time suggesting that the District Attorney examine all these pool or betting cases

Jun-27 88 J. W. Goff
" Asst Dist Atty

0666

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss

1st District Police Court.

Richard 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 Richard Brown

Question. How old are you?

Answer 29 years

Question. Where were you born?

Answer. Missouri

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

Answer. No 162 Elm. Three years, 5 years

Question What is your business or profession?

Answer Clerk

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

Answer. I am not guilty

Richard Brown

Taken before me this 6 *day of* March 1880

Police Justice.

Eugene W. Collins being cross examined by Counsel for Douglas & Lovain Jr. says —

Q What did you say to him at the time you purchased the tickets defendant

A I told me Barbara for two dollars that is the exact language. Nothing further passed between us except he took the money and gave me a ticket which he wrote upon I have not seen him do any other writing except the writing on the tickets — I do not know of my own knowledge that there was a race at New Orleans or that a horse by name of Barbara was to run a race there. I do not know not of any horse or mare of the name of Barbara

Sworn to before me Eugene W. Collins this 6th day of March 1889

[illegible]
Police Justice

0668

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 Edward Conroy

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 3 *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 March 188 ..... *Police Justice.*

I have admitted the above-named Edward Conroy

to bail to answer by the undertaking hereto annexed.

Dated March 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.*

0669

303

Police Court 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Eugene O. Collins
P. C. 6
Richard Brown
2
3
4

Offence Assault

BAILED,
No. 1, by Reynolds Levin
Residence 68 E 4th Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

Dated March 6 188 1
Duffy Magistrate.
Collins Officer.
6 Precinct.

Witnesses
No. Street.
No. Street.
No. Street.
$ 300 to answer G. J.
Bailed

0670

AR 471

POLICE COURT, 1 DISTRICT.

Eugene D. Collins

Office Street, aged 27 years,

Clerk being duly sworn deposes and says

that on the 5th day of March 188

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

now here did unlawfully sell defendant

for the sum of two dollars a pool

ticket upon the result of a race

or contest of speed between horses, viz

horses and mares, at a race track

situated in New Orleans in the State

of Louisiana, that said Richard

Brown for said sum of money

by him defendant received from

defendant issued to defendant the aforesaid ticket or which

is a pool ticket on a horse called

Sworn to before me, this day of 188

Police Justice.

3 Barclay Street.

M

1887

0671

Bartow" by said defendant which is to run with divers other horses on said race track at said New Orleans in a trial of speed in violation of section 357 of the Penal Code of the State of Louisiana.

Sworn to before me this 6th day of March 1897

Eugene O. Callico

Police Court, District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 188

Magistrate.

Officer.

Witness,

Disposition,

0672

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 Brown

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

— Richard Brown —

of the CRIME OF RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said Richard Brown,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the — fifth — day of March, in the year of our Lord one thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid, with force and arms, did unlawfully record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between Eugene R. Collins and a certain other person or persons to this Grand Jury unknown,

upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called "Barbara" and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at New Orleans, ~~in the County of~~ — in the State of Louisiana, and commonly called the New Orleans, Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, 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.—And the Grand Jury aforesaid, by this indictment, further accuse the said Richard Brown —

of the CRIME OF RECORDING AND REGISTERING BETS AND WAGERS, committed as follows:

The said Richard Brown,

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, with force and arms did unlawfully record and register, and cause to be recorded and registered, divers bets and divers wagers then and there made by and between divers persons to the Grand Jury aforesaid unknown (a more particular description of which said bets and wagers is to the Grand Jury aforesaid unknown), upon the result of divers trials and contests of speed and power of endurance of and between divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at New Orleans, ~~in the County of~~ in the State of Louisiana, and commonly called the New Orleans Race Track,

and which said trials and contests were had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trials and contests is to the Grand Jury aforesaid unknown), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Third Count.—And the Grand Jury aforesaid, by this indictment, further accuse the said Richard Brown —

of the Crime of Selling a Pool upon the result of a trial and contest of speed and power of endurance of horses, committed as follows:

The said Richard Brown,

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, with force and arms, did unlawfully sell, and cause to be sold, to one Eugene D. Collins and to divers other persons to the Grand Jury aforesaid unknown, —

a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at New ~~in the County of~~ Orleans, in the State of Louisiana, and commonly called the New Orleans Race Track,

and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Fourth Count.—And the Grand Jury aforesaid, by this indictment, further accuse the said Richard Brown

of the Crime of Selling Pools upon the result of trials and contests of speed and power of endurance of horses, committed as follows :

The said Richard Brown,

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, with force and arms, did unlawfully sell and cause to be sold to divers persons to the Grand Jury aforesaid unknown, divers pools upon the result of divers trials and contests of speed and power of endurance of and between divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown), thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at New Orleans, in the ~~County of~~ in the State of Louisiana and commonly called the New Orleans Race Track

and which said trials and contests were had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trials and contests, and of the pools aforesaid upon the same, 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.

RANDOLPH B. MARTINE,
District Attorney.

0675

BOX:
259
FOLDER:
2504
DESCRIPTION:
Buel, Clarence

DATE:
05/27/87

2504

459.

Witnesses :

Counsel, ...

Filed, 29 day of May 188 7

Pleads, Not guilty plead

THE PEOPLE

50. vs. Bud

88-42 Dr

Clarence M. Bud

[Section — Penal Code].

RANDOLPH B. MARTINE,

Pr. June 20/87 *District Attorney.*

Yes I do guilty

24.

A True Bill.

G. H. Haven

Foreman.

4 yrs C. Prison

TORN PAGE

0677

Law office of Orlando L. Stewart,
~~Park Row & Beekman St.,~~
45 Broadway ~~POTTER BUILDING.~~
New York, June 24 1887

People
vs
Clarence M. Buel
Dr Judge

Dear Sir: This case comes before your Court for Sentence this morning. I shall be engaged in Common Pleas finishing the trial of a Short Cause. Will you kindly defer Sentence until I can get through. It will take but a Short time before the Recorder. Probably before 12. A.C.

Yours &c
Orlando L. Stewart

0678

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

Aug. 1, 1889.

Sir:

Application for Executive clemency having been made on behalf of **Clarence M. Buel**..... who was convicted of **perjury**..... .....in the county of **New York**.....and sentenced **June 27, 1887**, to imprisonment in the **Sing Sing Prison**..... for the term of **four years, six months**..... I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

very respectfully yours,

Irving T. Cragin
Acting Private Secretary.

Hon. Frederick Smyth,
Recorder,
New York City.

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

Aug. 1, 1889.

Sir:

Application for Executive clemency having been made on behalf of Clarence M. Buel..... who was convicted of perjury..... .....in the county of New York.....and sentenced June 27, 1887, to imprisonment in the Sing Sing Prison..... for the term of four years, six months..... I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

very respectfully yours,

Irving F. Cragin
Acting Private Secretary.

Hon. John R. Fellows,
District Attorney,
New York City.

Answered
August 8/89
J. R. S.
Buccaneer
Dist acct
Aug. 30 '89

0681

2

Re Clarence M. Buel

State of New York
City and County of New York } Charles Fox being duly sworn deposes and says that he is an attorney and counsellor at law, in the office of F. F. Marbury counsel for the 7th Ward National Bank of New York: that the said bank in an action brought against Max Von Angern, to recover the sum of $4485, for fraud and deceit, in the Supreme Court in this County, on the 10th day of April 1885, obtained an order of arrest, and the defendant Von Angern was required to give bail in the sum of $2500. That Von Angern was arrested on the same day. That on the 27th day of May 1885, the plaintiffs attorney was served by the Sheriff with a copy of the undertaking of bail by the defendant (which is attached to the complaint in this proceeding) with the said Clarence M. Buel and Zebulon D. Lansing as sureties. On the 28th day of May 1885, the plaintiff's attorney served upon the Sheriff notice of exception to the sufficiency of the sureties. . . On the 29th day of May 1885 he received notice of the justification of the sureties, on the 3d day of June 1885 at 11 am. On June 3d 1885, the justification was adjourned to June 5th. On June 5th the examination of the surety Lansing was commenced and adjourned to June 9th 1885: on June 9th 1885, the justification

was adjourned to June 11th and on that day adjourned to June 13th and then adjourned to June 16th 1885, when the said Buel was examined and his examination completed: on the same day the examination of the surety Lansing was continued and adjourned to June 17th: on the 17th of June, in the examination of Lansing certain questions were put to him, which he declined to answer, and the Court on submission of the question decided that he must answer them and adjournement was had to June 19th 1885, on June 19th the justification was adjourned to the 22d of June: on June 22. the justification was adjourned to June 24th and then to the 25th day of June 1887, when the bail was accepted The defendant Von Augen having paid $754.70 on account of the plaintiffs claim and agreed to sell certain cement which he had pledged through a warehouse receipt with the bank, and apply the proceeds to the payment of the claim of the bank

That afterwards on the 3d day of July 1885, the defendant Von Augen, submitted a proposition to the bank, in settlement of the action against him, to give his note at four months from July 1, 1885, for $3830 endorsed by the sureties on his bail bond, Buel and Lansing. The bank relying solely as to the responsibility as endorsers of the sureties, upon their justification as bail. The bank accepted this proposition, and took from the defendant

0683

his note for $3830 endorsed by Buel and Lansing.
"This note has never been paid or any part thereof
"The action against Von Angern upon receipt of the note so endorsed was discontinued and the order of arrest vacated by stipulation in the action
Judgment has been recovered against Lansing and execution returned wholly unsatisfied
Von Angern shortly after the discontinuance of the action and before the note became due left for Europe and has been there ever since so far as deponent has been able to learn from inquiries he has made.

Chas Fox

Sworn to before me this 22 day of June 1887
Walter L. McCorkle.
Notary Public.
(10) New York Co-

Re. Clarence M. Buell

Affidavit of Charles
TX

0685

Court of General Sessions.
The People vs.
Against
Clarence M. Bond.
Defendant

City & County of New York ss. Philip Kugler
Residing in Brooklyn and having
an office in Temple Court in
this City, being duly sworn says
I have known defendant Clarence
M. Bond since the year 1860;
He is a Mining Engineer now. He
was connected with the Eudaens
Springs, at Memphis, Tenn. I was at
the time a Resident of Little
Rock, Ark. I have known him
on a off & on since. He was always
a good business man. his only fault
was that he was addicted to drink
and at times he was not in con-
dition to transact business in a
proper way. He has a family con-
sisting of a wife and several chil-
dren, all respectable and engaged
in honorable occupations, I mean
his sons who are grown up.
I received a [illegible] agreeable

0686

his character for truth
in business matters.
I am agent for the Refrigerating
Company and General Commission
merchant in this city

Sworn to before me this
22 day of June 1887.

Philip Kegler

H. Goodwin
Notary Public
N.Y. Co.

General Sessions

The People &c

vs

Clarence M. Buel

Aff'd Phillips

Kaufler —

0688

General Sessions

The People vs
Lyst
Clarence M. Buel

City and County of New York ss

James J. Post,
being duly sworn says. I know the defendant Clarence M. Buel. I have known him for years, in fact from his boyhood. I am the General baggage agent of the Erie Railroad Company and have such since 1852. Buel was for a long time in the employ of that Co. I have always found him an honest man. I believe him to be such. I never heard any thing against his character until this charge was made against him. I believe this case of his is a proper one for all the clemency that can be shown him by the Court.

Sworn to before me this 28th day of June 1887)
James J. Post

James H. Gates
Notary Public
(124) N.Y. Co

People ex
rel
Clarence M. Bruce
vs
Affidavits -

0690

0691

Mr Recorder,

I, an unfortunate prisoner in the Tombs, beseech you to show me such clemency as you can, for the following reasons:—

First, That when I committed this offence I was under the influence of liquor, brought to that condition by those who wished to and afterward did profit by my inebriety and fled or are at large.

Second It took place was Inspector of Trains on the Erie Railway, in the years 1860 and 1862, when Mr Charles Minot was Superintendent of the Road, while on the top of a car passing the Tatious or Great Bend Railway Bridge at or near Nicholson and in the act of giving a signal to the Engineer my head came in contact with the Skull of the bridge and compressed my brain was fractured — a fact to which Mr Hood — of Binghamton can or would testify if he were not alive or is and at times, particularly under the influence of liquor I have undoubtedly suffered from aberration of mind — a fact of which the jury fully at present under consideration is sure sufficient proof — and then was scarcely accountable in a moral point of view.

0692

Third. I profited nothing by this unhappy transaction, one Baron Von Lucow, whom I sought time and time again without I succeeded to be an honest man and Merchant — who was associated with me in the matter deserved the whole benefit. I have repeatedly defrauded to my unfortunate family who are liable to be left destitute if I am confined for any length of time — my ~~[illegible]~~ connection with the affair.

Fourth. I wish to say that I was thrown among evil associates who profiting by my tendency to drink, induced me to write under the influence of liquor to sign my name to what at the time I knew not, but what I subsequently discovered to seriously criminate me. ~~to my ruin~~

Fifth. That conscious of my freedom from intentional guilt, I have never sought to escape or to conceal myself — while those, the only ones who profited by my unhappy but unconscious fault, have fled or are at large.

Sixth. That I could, if time and opportunity were afforded me, produce real and written evidence to my good character in many capacities and to my fidelity in many, among others as employee for years on the Erie Railway, Adams Express and as a mining Engineer.

0693

(3)

Seventh. I have ~~[illegible]~~ a number of letters recommendatory of me from authorities connected with the two corporations named and from others.

[illegible]

Form 183.

ADAMS EXPRESS COMPANY,

59 Broadway,

New York, May 28 1878

To whom it may concern.
I have known Mr. Burr for a number of years in his connection with the Hamden Express and the Public Prof. and I have no hesitancy in ~~stating that he was the capable~~ and efficient executive officer on Railroad or Express

Yours truly
Chas J. Parker

0695

Form 9.

First ~~Ninth~~ District Police Court.

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

Charles Fox

of No. 5 Broad street, being duly sworn, deposes and says, that on the 16th day of June 1885 at the City of New York, in the County of New York,

Clarence W. Burel did knowingly and feloniously commit wilful and corrupt perjury in that he did swear and testify falsely to certain material facts and matters before George P. Andrews, a Justice of the Supreme Court of said State, in a cause or action then pending before said Justice, as deponent is informed and verily believes.

That an order of arrest had been granted by George C. Barrett, a Justice of said Court, against one Max Von Angern, and said defendant then and there appeared before the said Justice Andrews as a surety on a Sheriffs Bond for said Max Von Angern and testified under oath that he was the owner of premises 565 Eighteenth Street in the City of Brooklyn and County of

0696

Kings, when in truth and in fact he was not then the owner of said premises and had no interest or ownership therein. said premises being owned and occupied by Byron Griffin whom deponent can produce in Court when required. That the affidavit of said defendant sworn to before said Justice Andrews, in which said false and perjured statements occur is hereto attached together with a copy of the undertaking upon arrest given to the Sheriff of the City and County of New York.

Deponent therefore prays said defendant may be arrested and dealt with as the law may direct.

Sworn to before me this 6th day of January 1886

Chas Fox

Solon B Smith

Police Justice

Form 9.

POLICE COURT—SIXTH DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

187

Magistrate.

Office.

Dated

Clarence W. Buck one of said sureties being duly sworn did depose and say; I reside at No 285 Twenty-fifth Street in the City of Brooklyn. I have reside there about a year. I resided previous to that at No 275 Eighteenth Street in the City of Brooklyn. I resided there about a year. Previous to that I resided at No 227 - 27th Street in the City of Brooklyn. I resided there five years. I am a mining engineer and chemist. I have been engaged in that business for thirty years. My place of business is at Ellenville, Ulster Co. New York. I have been there seven months. Previous to that I was at Elkknob Watauga County, North Carolina and had charge of the Elk knob Copper Company for three years. I signed the defendants undertaking of bail in this action on the 22nd day of May 1885, at the corner of Reade Street & City Hall Place in a restaurant. It was brought to me by Mr Waters the Notary Public, who took my affidavit to the undertaking. I know the defendant in this action. I have known him

one or two years. I first became acquain-
ted with him in Front Street New York
in connection with my business a
an analyzist and chemist. I
have met him different times since
about once or twice a week while
I was in the City. I have been here
in the City forty or fifty times since
I became acquainted with the defend-
ant, and saw him every time I was
here I saw him two or three times
I met him at Belons and
other places. The defendant him-
self requested me to go on this
bond. He offered me no consideration
reward inducement or advantage
for going on this bond. I done it
as a matter of friendship. I am
a freeholder in this State. I own
house and lot No 365 Eighteenth Street
Brooklyn. I purchased it about
June in the year 1872, from Joseph
and William Thompson. They lived
in 21st Brooklyn between 5th & 6th
Avenues: that is to say William
lived there. Joseph lived at
Islip. L.I. They done business
in Twenty first Street Brooklyn

they were builders and contractors
The deed was taken in my name
The consideration was Twenty three
hundred dollars which I paid in
cash. I have owned that property
ever since. I have never incum-
bered it by mortgage. There is no
mortgage upon it now. I have not sold
it or agreed to sell it. There is no
lien upon it except the taxes of 1884
I have improved the property since
I purchased it and could sell
it readily for Three thousand dollars
if I chose it. I know do not,
know a house similar to mine
opposite to it, which sold for
Three thousand dollars about
a year ago. I think the name
of the owner of that house was
Macy. I own six lots on the Northerly
side of Fifty first Street Brooklyn 150
feet West of Fifth Avenue. I purchased
them in 1896 from Thomas R. Hunt
I paid Three hundred dollars a lot
for them in cash. They are unen-
cumbered and have been so since
I purchased them. There is no mort
gage or other lien upon them except
the taxes of last year. I have not

sold or agreed to sell or transfer these lots. I was offered last year by a Mr Williams, who is engaged in the strawhat business, and lives in 49th Street Brooklyn five hundred dollars a lot for them last January, about the holidays I own 53 acres of land in the town of Naples, Ontario County New York, that I inherited from my father. It is situated at the head of Canandaigua Lake. It is in grapes and peaches. Let it out to Wm T Maxwell. It is known as Maxwell's point. I think it is worth at least one hundred dollars an acre. It is unencumbered by mortgage or other lien The lease upon it has about eight years to run. This is all the real property I own in this State I own personal property, it consists of engines boilers and other machinery connected with mining and milling and chemical laboratory. I own no shares of stocks in any company and I am not a trustee

0701

in any companies. I have no moneys in bank, savings bank or trust company, I have no judgments against me in any Court of this State or of the United States. I am not now upon any bond or undertaking, nor am security for any person except for my son for $100. I do not owe at the present time to any person or persons more than Forty dollars I am worth at least Fifteen thousand dollars over and above all my debts and liabilities and property exempt by law from execution

Ex^d by defendants counsel.

I told defendant that I would be at the Register's office in the City of New York about one o'clock of that day. Mr Waters the Notary came there and I had goods I had and words was left there where I was and the Notary came to where I was lick chip and I then and there signed the bond.

Sworn to before me this 16th day of June 1885

Clerk

Clarence M. Buel

0702

New York Supreme Court

The Seventh Ward National Bank of New York PLAINTIFF,

against

Max Von Angern DEFENDANT.

Undertaking upon Arrest.

The above-named Defendant Max Von Angern

having been arrested by ALEXANDER V. DAVIDSON, the Sheriff of the City and County of New York, upon an order to arrest granted by the Hon. George C Barrett in a certain action commenced in the above-named Court by the above-named Plaintiff against the above-named Defendant,

WE Max Von Angern of No. 207 West 23d St in the City of New York by occupation Commission Merchant and Clarence M Buel of No. 285 23d Street in the City of Brooklyn by occupation Mining Engineer and Y Douglass Lansing of No. 407 Pacific Street in the City of Brooklyn by occupation Broker

hereby undertake jointly and severally in the sum of Twenty five hundred Dollars that the above-named Defendant arrested as aforesaid, shall at all times render himself amenable to any mandate which may be issued to enforce a final judgment against him in the action.

Signed and delivered in the presence of

~~Frank Walter~~

Frank Walter

Max Von Angern

Clarence M Buel

Y Douglass Lansing

0703

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

On this 25th day of May in the year one thousand eight hundred and eighty-five before me personally came Wm Van Rugeven & Z Douglass Lansing known to me, and to me known to be the same persons described in and who executed the foregoing undertaking, and thereupon they severally acknowledged to me that they executed the same.

Frank Waters
Notary Public
NY Co

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

On this 22d day of May in the year one thousand eight hundred and eighty-five before me personally came Clarence Buel known to me, and to me known to be one of the same persons described in and who executed the foregoing undertaking, and acknowledged to me that he executed the same.

Frank Waters
Notary Public
NY Co

Clarence M Buel

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

of No. 285-23rd St in the City of Brooklyn one of the within-named sureties, being duly sworn, says that he is a resident of the State of New York, and a free *holder* therein, and is worth the amount specified in the within undertaking over all his debts and liabilities, exclusive of property exempt from execution, and amongst other property deponent is the owner and holder, in his own right, of the following, viz.:

House & Lot No 365-18th Street in the City of Brooklyn Valued at $3000 also 6 Lots in 84th West of 5th Avenue Brooklyn Valued at $3000 Unincumbered

Sworn to before me, this 22 *day of* May 1885

Frank Waters Notary Public NY Co

Z Douglass Lansing

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

of No. 407 Pacific St in the City of Brooklyn one of the within-named sureties, being duly sworn, says that he is a resident of the State of New York, and a free *holder* therein, and is worth the amount specified in the within undertaking over all his debts and liabilities, exclusive of property exempt from execution, and amongst other property deponent is the owner and holder, in his own right, of the following, viz.: in Town of Deming Ulster County State of New York Known as Lots Number 135-94-82 & 62 Excepting out of South East Corner of 62-18 acres containing 642 acres of the Valued at $420 also 1/2 interest in Quarry Orange County Part in Town of Cedar Park & Part in Sullivan County State of NY Valued at $3000 one in the Town of Forestburgh 1/2 Interest $15-000 Z Douglass Lansing

Sworn to before me, this 25 *day of* May 1885

Frank Waters
Notary Public
NY Co

The within-named bail having attended before me upon their justification, and being by me found sufficient, I hereby allow the within Undertaking and bail.

Dated NEW YORK, ...188

hereby admit due service by the Sheriff of a certified copy of the within Undertaking of bail, and hereby approve said Undertaking as to form and manner of execution, and accept the bail therein named.

Dated NEW YORK, ...188

.....

Plaintiff's Attorney.

Plaintiff's Attorney,

.....

Defendant's Attorney,

.....

Copy served .....
Exception received ..... } 188
Exception served .....

New York, Supreme Court
The Seventh Ward Bank of New York
against
Max Von Angern

UNDERTAKING

UPON ARREST.

$2500

I Certify, That the Defendant

.....

in this action has been held to bail by me, pursuant to the order of arrest issued herein; and

I further certify, that the within is a true copy of the Undertaking of the bail taken by me under the said order.

A W Davidson
Sheriff.

D McGonigal
Deputy.

To 77 Marbury Jr
31 Broad St
Plaintiff's Attorney.

Dated New York, the 27 day of May 1885

A Davidson Sheriff in Sheriff's Book

Recd May 27/85 12 15 PM

0705

State of New York
City & County of New York } Bryan Griffin being duly sworn deposes and says that he resides at No 365. Eighteenth Street in the City of Brooklyn, County of Kings and State of New York that he is the owner in his own right of the said property: that he purchased said property from Morris & Pearsall, in the year 1871, and that his deed to said premises was duly recorded in the office of the Register of the County of Kings: that he has resided in said premises since the purchase thereof by him and has never heard his title thereto disputed and he has never known the said premises to be designated by any other number than 365 Eighteenth Street. That Clarence M. Buel has no interest in said property of any kind or description

Sworn to before me this
20th day of November 1888
Chas E. Fox
Notary Public
Kings Co
(Cert filed in N.Y. Co)

Bryan Griffin

0706

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Thomas M Buel 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 Thomas M Buel

Question. How old are you?

Answer 50 years

Question. Where were you born?

Answer. [illegible]

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

Answer. 412 2nd St & 2 Ave. Brooklyn.

Question What is your business or profession?

Answer Money Engineer

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

Thomas M Buel

Taken before me this 17 *day of* May 188 [illegible]

[illegible] *Police Justice.*

0707

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 Twenty 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 _____ 188 John J. Gorman *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.*

0708

$2500 bail for
Ex. May 19.
9.30 AM
The presiding justice here
in my absence hereby
authorized to proceed with
the 3d hearing in the
case in that I will be
absent from the jurisdiction
W. J. Power
J.P.

VII 459 732

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles F. Ot
3 Broad
Clarence M. Deuel

Offence Assault

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

1 .....
2 .....
3 .....
4 .....

Dated January 6th 188 7

J. Smith Magistrate

..... Officer.

..... Precinct.

Witnesses Frank Waters Notary

No. 217 Broadway Street.

No. ..... Street,

No. ..... Street,

$ 2 to answer

Ex. May 19 9.30
$2500 — 15 Ans Ch
Com.

COURT OF GENERAL SESSIONS OF THE PEACE
Of the city and County of New York.

----------X

The People of the State of New York:

Against :

Clarence M. Buel :

----------X

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment accuse, Clarence M. Buel of the crime of Perjury, committed as follows:

Heretofore, to wit: on the 25th day of May, 1885, one Max Von Angern, the defendant in a certain action for fraud and deceit then lately before commenced in the Supreme Court of the State of New York, to wit, in and for the First Judicial District, by the Seventh Ward National Bank of New York, as plaintiff, against the said Max Von - Angern, was duly arrested by the Sheriff of the City and County of New York, upon and by virtue of an order of arrest theretofore duly granted by the Hon. George C. Barrett, one of the Justices of the said Supreme Court, in the said action; and on the day and in the year aforesaid, the said Max Von Angern duly gave bail upon the said order of arrest, by delivering to the said Sheriff a written undertaking in the sum of twenty-five hundred dollars (the same being the sum specified in the said order of arrest) executed by himself, the said Max Von - Angern and by the said Clarence M. Buel and one Z. Douglas

Lansing, as bail and sureties, to the effect that the said Max Von Angern, such defendant as aforesaid, should at all times render himself amenable to any mandate which might be issued to enforce a final judgment against him in the said action.

And thereafter, to wit: on the 28th day of May in the year aforesaid, the said Sheriff having delivered to the attorney for the said the Seventh Ward National Bank of New York, such plaintiff as aforesaid, copies certified by him of the said order of arrest and the return thereto and the undertaking aforesaid, he the said plaintiff's attorney did duly serve upon the said Sheriff, a notice that he did not accept the said bail, whereupon, to wit, on the twenty-ninth day of May in the year aforesaid, the said Max Von Angern, such defendant as aforesaid, by his attorney, did duly serve upon the said plaitiff's attorney a notice of the justification of the same bail aforesaid, in due form of law, before one of the Justices of the said Supreme Court at a special term thereof then to be held at the Court House in the City of New York, on the third day of June then next ensuing.

And afterwards, to wit: on the Sixteenth day of June in the year aforesaid, the said Clarence M. Buel, such bail as aforesaid, personally attended before the Hon. George P. Andrews, one of the Justices of the said Supreme Court, for examination on oath, on the part of the said the Seventh Ward National Bank, such plaintiff as afore-

said, touching his sufficiency as such bail and surety upon said undertaking, the examination having been by due adjournments in that behalf duly had, regularly adjourned to the day last aforesaid.

And the said Clarence M. Buel was then and there in due form of law sworn and did take this corporal oath by and before the said the Hon. George P. Andrews, Justice as aforesaid, touching and concerning ~~the~~ his sufficiency, as such bail and surety upon the said undertaking, it being then and there necessary and material that the said Honorable George P. Andrews Justice as aforesaid, should know the true circumstances and property of the said Clarence M. Buel in order that he might determine whether he would and should accept and allow the said Clarence M. Buel as such bail and surety upon the said undertaking.

And the said Clarence M. Buel being so sworn as aforesaid, then and there, towit on the said sixteenth day of June in the year aforesaid, of the City and County aforesaid, upon the said examination, before the said, the Hon. George P. Andrews, Justice as aforesaid, touching his sufficiency as such bail and surety upon the said undertaking, upon his oath aforesaid, then and there feloniously, wilfully, knowingly and corruptly did falsely swear, declare and say, of and concerning his circumstances and property and his responsibility as such bail and surety, amongst other things in substance and to the effect following,

that is to say:

That the said Clarence M. Buel was then and there a free holder in the City of New York, and then owned a house and lot known as number 365 Eighteenth Street, in the City of Brooklyn, in the County of Kings in the State of New York; that he purchased the said house and lot about the month of June in the year 1872 from Joseph and William Thompson; that the deed of the said property was taken in his name and the consideration paid therefor by him the said Clarence M. Buel was Twenty three hundred dollars which sum of money he the said Clarence M. Buel paid in cash; that he the said Clarence M. Buel had owned the said property ever since the said month of June in the year 1872; that he the said Clarence M. Buel had improved the said property since he purchased it, and could then sell it readily for three thousand dollars if he chose to; that the said Clarence M. Buell then owned six lots on the northerly side of Fifty first street in the said City of Brooklyn, one hundred and fifty feet west of Fifth Avenue; that he purchased the said last mentioned six lots in the year 1876, from Thomas P. Hunt; that he paid three hundred dollars a lot for them in cash; that he the said Clarence M. Buel then owner fifty three acres of land in the town of Naples, Ontario County in the State of New York, that he had inherited the said land from his father; that the same was situated at

the head of Canandaigua lake, and was known as Maxwells Point; that he the said Clarence M. Buel, then owned personal property consisting of engines, boilers and other machinery connected with mining and milling and chemical labaratory; that the said Clarence M. Buel did not then owe to any person or persons more than forty dollars, and was then worth at least fifteen thousand dollars over and above all his debts and liabilities and property exempt by law from execution.

Whereas in truth and in fact he the said Clarence M. Buel was not then a free holder ~~in~~ in the said State of New York and did not then own the said house and lot known as number 365 Eighteenth Street, in the said City of Brooklyn, and did not purchase the same about the said month of June in the year 1872, and the deed of the said property was not taken in his name; and the said Clarence M. Buel did not pay the sum of twenty-~~five~~ three hundred dollars in cash as the consideration therefor, and had not owned the said property ever since the said time and did not improve the said property since he purchased it, and could not then readily sell it for three thousand dollars if he chose to.

And whereas in truth and in fact he the said Clarence M. Buel did not then own the said six lots on the northerly side of fifty-first Street, Brooklyn, one hundred and fifty feet West of Fifth Avenue, and did not purchase the

~~same fo~~

same in 1876, from Thomas P. Hunt, and did not pay three hundred dollars a lot for them in cash.

And whereas in truth and in fact he the said Clarence M. Buel did not ~~owen~~ own the said fifty-three acres of land in the said town of Naples, known as Maxwells Point, and had not inheritated the same from his father.

And whereas in truth and in fact he the said Clarence M. Buel did not then own personalproperty consisting of engines, boilers and other machinery connected with mining and milling and chemical laboratory, and did then owe to divers persons large sums of money exceeding the sum of forty dollars, and was not then worth at least fifteen thousand dollars over and above all his debts and liabilities and property exempt by law from execution.

And whereas in truth and in fact all the matters aforesaid, so as aforesaid by him the said Clarence M. Buel then and there upon the said examination sworn to, declared and said in manner and form aforesaid, was and were in all things utterly false and untrue, as he the said Clarence M. Buel then and there well knew. And so the Grand Jury aforesaid do say that the said Clarence M. Buel in manner and form aforesaid, feloniously, wilfully, knowingly, falsely and corruptly did commit wilful and corrupt perjury; 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 Clarence M. Buel of the crime of Perjury committed as follows.

Heretofore, to wit: on the 25th day of May, 1885, one Max Von Angern, the defendant in a certain action for fraud and deceit then lately before commenced in the Supreme Court of the State of New York, to wit, in and for the First Judicial District, by the Seventh Ward National Bank of New York, as plaintiff, against the said Max Von-Angern, was duly arrested by the Sheriff of the City and County of New York, upon and by virtue of an order of arrest theretofore duly granted by the Hon: George C. Barrett, one of the justices of the said Supreme Court, in the said action; and on the day and in the year aforesaid, the said Max Von Angern duly gave bail upon the said order of arrest, by delivering to the said Sheriff a written undertaking in the sum of twenty-five hundred dollars (the same being the sum specified in the said order of arrest) executed by himself, the said Max Von-Angern and by the said Clarence M. Buel and one Z. Douglas

Lansing as bail and sureties to the effect that the said Max Von Angern, such defendant as aforesaid, should at all times render himself amenable to any mandate which might be issued to enforce a final judgment against him in the said action.

And thereafter, to wit: on the 28th day of May in the year aforesaid, the said Sheriff having delivered to the attorney for the said the Seventh Ward National Bank of New York, such plaintiff as aforesaid, copies certified by him of the said order of arrest and the return thereto and the undertaking aforesaid, he the said plaintiff's attorney did duly serve upon the said Sheriff, a notice that he did not accept the said bail, whereupon, to wit, on the twenty-ninth day of May in the year aforesaid, the said Max Von Angern, such defendant as aforesaid, by his attorney did duly serve upon the said plaintiff's attorney a notice of the justification of the same bail aforesaid, by his attorney in due form of law, before one of the Justices of the said Supreme Court at a special term thereof then to be held at the Court House in the City of New York, on the third day of June then next ensuing.

And afterwards, to wit: on the Sixteenth day of June in the year aforesaid, the said Clarence N. Ruel, such bail as aforesaid, personally attended before the Hon. George P. Andrews, one of the Justices of the said Supreme Court, for examination on oath, on the part of the said the Seventh Ward National Bank, such plaintiff as aforesaid, touching his sufficiency as such bail and surety

upon said undertaking, the examination having been by due adjournments in that behalf duly had, regularly adjourned to the day last aforesaid, and was then and there in due form of law examined touching his sufficiency as aforesaid before the said the Hon. George P. Andrews, justice as aforesaid, which said examination was then and there duly reduced to writing and subscribed by him the said Clarence M Buel; and the said Clarence M. Buel did then and there produce the said examination so reduced to writing as aforesaid to the said the Hon. George P. Andrews, justice as aforesaid. And the said Clarence M. Buel was then and there in due form of law sworn and did take his corporal oath by and before the said the Hon. George P. Andrews, justice as aforesaid, touching and concerning the truth of the matters so contained in the said written examination, and his sufficiency as such bail and surety upon the said undertaking, i being then and there necessary and material that the said Hon. George P. Andrews, justice as aforesaid, should know the true circumstances and property of the said Clarence M. Buel in order that he might determine whether he would and should accept and allow the said Clarence M. Buel as such bail and surety upon the said undertaking. And the said Clarence M. Buel being so sworn as aforesaid, then and there, to wit, on the said sixteenth day of June in the year aforesaid, at the City and County aforesaid, before the said, the Hon. George P. Andrews, justice as aforesaid, touching his sufficiency as such bail and surety upon the said undertaking, upon his oath aforesaid in and by his said written examination, then and there feloniously, wilfully, knowingly and corruptly did falsely swear, depose and say, of and concerning his circumstances and property, and his responsibility as such bail and surety amongst other things in substance and to the effect following :

TORN PAGE

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that is to say:

That the said Clarence H. Ruel was then and there a free holder in the City of New York, and then owned a house and lot known as number 395 Eight Second Street, in the City of Brooklyn, in the County of Kings in the State of New York; that he purchased the said house and lot about the month of June in the year 1873 from Joseph and William Thompson; that the deed of the said premises was taken in his name and the consideration paid therefor by him the said Clarence H. Ruel, was twenty three hundred dollars which said of money he the said Clarence H. Ruel paid in cash; that he the said Clarence H. Ruel had owned the said property ever since the said month of June in the year 1873; that he he said Clarence H. Ruel had improved the said property since he purchased it, and could then sell it readily for three thousand dollars if he chose to; that the said Clarence H. Ruell then owned six lots on the northerly side of Fifty first street in the said City of Brooklyn, one hundred and fifty feet west of Fifth Avenue; that he purchased the said last mentioned six lots in the year 1876, from Thomas P. Hunt; that he paid three hundred dollars a lot for them in cash; that he the said Clarence H. Ruel then owner fifty three acres of land in the town of Naples, Ontario County in the State of New York, that he had inherited the said land from his father; that the same was situated at

the deed of Schenandaigua Lake, and was known as Hawkins Point; that he the said Clarence H.Buel, then owned personal property consisting of engines, boilers and other machinery connected with mining and milling and chemical laboratory; that the said Clarence H.Buel did not then owe to any person or persons more than forty dollars, and was then worth at least fifteen thousand dollars over and above all his debts and liabilities and property on and by him free execution.

Thereon in truth and in fact he the said Clarence H. Buel was not then a free holder in the said state of New York and did not then own the said house and lot known as number 505 Eighteenth Street, in the said City of Brooklyn, and did not purchase the same about the said month of June in the year 1872, and the deed of the said property was not

H.Buel did not pay the sum of twenty-three hundred dollars in cash as the consideration therefor, and had not owned the said property ever since the said time and did not improve the said property since he purchased it, and could not then readily sell it for three thousand dollars if he chose to.

And whereas in truth and in fact the said Clarence H.Buel did not then own the said six lots on the northerly side of fifty-first Street, Brooklyn, one hundred and fifty feet West of Fifth Avenue, and did not purchase the ~~same fo~~

same in 1870, from Thomas P. Hunt, and did not pay three hundred dollars a lot for them in cash.

And whereas in truth and in fact he the said Clarence M. Buel did not ~~have~~ own the said fifty-three acres of land in the said town of Naples, known as Maxwells Point, and had not inherited the same from his father.

And whereas in truth and in fact the said Clarence M. Buel did not then own personalproperty consisting of engines, boilers and other machinery connected with mining and milling and chemical laboratory, and did then owe to divers persons large sums of money exceeding the sum of forty dollars, and was not then worth at least fifteen thousand dollars over and above all his debts and liabilities and property exempt by law from execution.

And whereas in truth and in fact all the matters aforesaid so as aforesaid by him the said Clarence M. Buel then and there ~~upon the said~~ in and by his said sworn examination sworn to, ~~declared~~ declared, and said, in manner and form aforesaid, was and were in all things utterly false and untrue, as he the said Clarence M. Buel then and there well knew, And so the Grand Jury aforesaid do say that the said Clarence M. Buel in manner and form aforesaid, feloniously, wilfully, knowingly, falsely and corruptly did commit wilful and corrupt perjury; 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 M. Brewster

District Attorney.

0721

BOX:
259
FOLDER:
2504
DESCRIPTION:
Burke, Michael

DATE:
05/25/87

2504

5244

Witnesses:

Counsel, W r B.

Filed 25 day of May 1887

Pleads, Not guilty N. G.

THE PEOPLE

vs.

Michael J Burke

Indictment.

ASSAULT IN THE THIRD DEGREE.

(Section 219, Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

G G Hann

Foreman

0723

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Burke

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

— Michael Burke —

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

The said Michael Burke,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the 15th day of May, in the year of our Lord one thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid, in and upon the body of one William Rimple, — in the peace of the said people then and there being, with force and arms, unlawfully did make an assault and him the said William Rimple, — did then and there unlawfully beat, wound and illtreat, to the great damage of the said William Rimple, 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.

0724

BOX:
259
FOLDER:
2504
DESCRIPTION:
Burlando, Augustino

DATE:
05/16/87

2504

295
May 29
Wed

Filed,
City & County

Counsel,

Filed 6 day of May 1887

Pleads Chrysuelly (1)

THE PEOPLE

vs.

Augustino Burlando

May 11 H P M
Part II and C

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

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Bail forfeited June 1/87
P.3.

G G Green
Foreman.

May 11

0726

Police Court— 1 District.

City and County of New York, } ss.:

John J. Winner

of No. the 6th Precinct Street, aged 27 years,

occupation Police Officer being duly sworn

deposes and says, that on 11th day of July 188 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Augustino

Orlando Moro Present. That

said Orlando did wilfully and

maliciously point and aim a pistol

loaded with powder and lead

at deponent and fired and

discharged said pistol several

times while the same was so

pointed and aimed

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 22 day

of July 188 } John J. Winner

Geo. W. Simms Police Justice.

0727

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Augustino Burlando 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 Augustino Burlando

Question. How old are you?

Answer 46 Years

Question. Where were you born?

Answer. Italy

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

Answer. 19 Mott St about Seven Months

Question What is your business or profession?

Answer Work at Silver Plating Mirrors

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 I was shot in the Arm

his
Augustino X Burlando
mark

Taken before me this 29 *day of* May 188 9

William Brunner

Police Justice.

0728

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 Augustus Furlando

~~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 July 22 188 6 [illegible] *Police Justice.*

I have admitted the above-named [illegible]

to bail to answer by the undertaking hereto annexed.

Dated July 2 188 6 ..... *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.*

0729

The Justice presiding at the 1st Dist Court hereby gives my consent to take bail in my absence

Police Justice

Police Court 1 654 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John J. Turner
6th Precct

vs.

Augustino Burlando

2

3

4

Offence

BAILED,

No. 1, by Louis Amelini

Residence ~~69 Mulberry~~ Street.

No. 2, by 26 Park Place Brooklyn

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated July 22 188 6

Murray Magistrate.

Winnick Officer.

6th Precinct.

Witnesses Edward Conroy

No. 6th Street.

No. Street.

227 Street.

No. Street.

$ 2000 to answer

Filed

Dominick Lynch 94 Park Pl

Corn

RECEIVED DISTRICT ATTORNEY'S OFFICE 1887

0730

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, July 11 188 6

To Wm T. McCann
This is to certify
that Augustina Maud
age 4 was brought to this
Hospital from 5th Precinct
Police Station House at
about 1.30 this am, suffering
from a severe lacerated
shot wound of upper
arm

G. M. White M.D.

0731

~~Grand Jury Room.~~

Part B

PEOPLE

vs.

Augustino Burlando

For true

May 29

the two Officers

Personel may 25

the Other So

out since

date Bail goes

to Brooklyn

May 26

0732

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Augustino Andando

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

The said Augustino Andando,

late of the City of New York, in the County of New York aforesaid, on the seventh day of — July — in the year of our Lord one thousand eight hundred and eighty-nine, with force of arms, at the City and County aforesaid, in and upon the body of one John G. Dimmer, in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said John G. Dimmer, a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Augustino Andando in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent him the said John G. Dimmer — 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 — Augustino Andando — of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Augustino Andando,

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 John G. Dimmer — in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and to, at and against him the said John G. Dimmer — a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said Augustino Andando — 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 shoot off and discharge, 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.

0733

BOX:
259
FOLDER:
2504
DESCRIPTION:
Burmeister, William

DATE:
05/17/87

2504

104

D Fuis

Counsel, 25 Chapman

Filed, 17 day of May 1887

Pleads, Nolo Contd 19.

THE PEOPLE

vs.

B

William Burmeister

296 & 10

VIOLATION OF EXCISE LAW.

(Keeping Open on Sunday.)

[III Rev. Stat. (7th Edition), page 1080, Sec. 5].

RANDOLPH B. MARTINE,

District Attorney.

Jos. Ewin

A True Bill. Form III June 6/87

complaint and Affidavit

Stephen

G H Reiven *Foreman.*

Witnesses:

Off Haas

0735

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
William Cummiston

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

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

The said William Cummiston,

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

RANDOLPH B. MARTINE, District Attorney.

0736

BOX:
259
FOLDER:
2504
DESCRIPTION:
Burns, John

DATE:
05/03/87

2504

13

Witnesses:

Margaret Burns
~~Rev. Mr. J. Dougherty~~
Officer O'Connor
Catharine Rock

Counsel, 8

Filed, ... day of May 1887

Pleads, Not guilty

THE PEOPLE

vs.

John Burns
May 9th
Pleads Guilty

BIGAMY.
[Section 298, Penal Code].

RANDOLPH B. MARTINE,
District Attorney.

14 yr 8 Mos S.P.

A True Bill.

Geo Farm *Foreman.*

0738

PERSONAL.

INFORMATION IS WANTED of William Bowley, who sailed from England about 18 years ago on the Dilla Foram, supposed to be living in New Jersey, by his cousin, Mrs. Mary A. Boydon, 63 North Moore st., New York City.

INFORMATION WANTED OF MARGARET Byrne, who disappeared in March, 1889; when last heard from was in a restaurant at Coney Island. Information concerning her will be thankfully received by Mrs. Marra, 410 W. 57th st., New York.

For two months a woman named Margaret Burns has been wandering in the streets with a child of 6, sleeping in hallways and police stations. The woman was lying drunk on a stoop at Thirty-fifth street and second avenue, and the child was sitting by, watching her, when, of Saturday, an officer of Mr. Gerry's society arrested them. Mrs. Burns was charged by Mr.

INFORMATION WANTED OF Margaret Byrne, who disappeared in March, 1889; when last heard from was in a restaurant at Coney Island. Information concerning her will be thankfully received by Mrs. Marra, 410 W. 57th st., New York.

18.

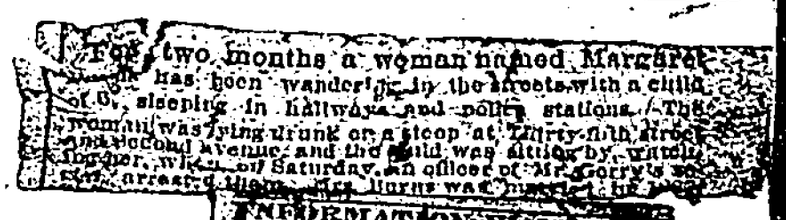
0739

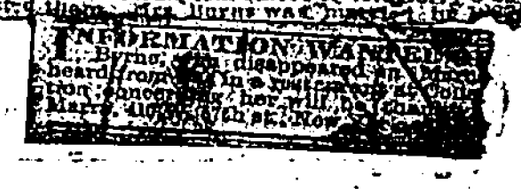
Court of General Sessions

The People
— against —
John Byrne

City and County of New York ss.


PERSONAL
INFORMATION IS WANTED of William [illegible] who sailed from England about 18 years ago [illegible] Dilla Foram, supposed to be living in New Jersey [illegible] gepsin, Mrs. Mary A. Bowdon, 63 North Moore st., [illegible] York City.
INFORMATION WANTED OF HARRIAN [illegible] Byrne, who disappeared in March, 1889, [illegible] heard from was in a restaurant at Coney Island [illegible] tion concerning her will be thankfully received [illegible] Marra, 410 W. 57th st., New York.


For two months a woman named Margaret [illegible] has been wandering in the streets with a child [illegible] of 6, sleeping in hallways and police stations. The woman was lying drunk on a stoop at Thirty-ninth street and Second avenue, and the child was sitting by, crying [illegible] together, when on Saturday an officer of Mr. Gerry's society arrested them. Mrs. Byrne was [illegible]


INFORMATION WANTED [illegible] Byrne, who disappeared in [illegible] heard from [illegible] in a restaurant at Coney [illegible] tion concerning her will be thankfully [illegible] Marra, 410 W. 57th st., New York.

John Byrne the above named defendant says that he was married to complaining witness Margrit Byrne on the 4th day of [illegible] and that he has five children living. That about a few years after the marriage she began to drink very hard; and to neglect our children: In 1876 I was forced to move to Brooklyn thinking that by taking my wife away from her associations she would reform, At that time she not only squandered all my wages in drink and pledged almost all my clothing and household effects. But left me in debt to the grocer & Butcher; Even the wedding ring from her finger was pawned a dozen times. Her relatives as well as my own used every endeavor to keep her from drinking. On untold occasions she went to the Church and took the Pledge only to be broken immediately after, My children were kept in a filthy condition: and it became absolutely unsafe to trust them to her

in my absence. Finally I was forced to go before Justice Kilbreth and have her arrested for being an Habitual Drunkard. I afterwards relented: and on her promise to keep sober the Justice discharged her: after calling the attention of the Society for the prevention of cruelty to children to her,

It was only a few days after she behaved so bad that the landlord notified me to quit the premises. At this time her sister Annie who was living out at service left her place with the hope she would break her of drink she took her again to Father Flood from whom she took the pledge But broke it as usual, and her sister went away disgusted. On the 20th of April 1881 she was sentenced to 6 months imprisonment by Justice Murray having been found drunk in the street ~~drunk~~ with my youngest child ~~on the pavement~~ lying beside her as will be seen by the notice hereto attached, At this time I broke up my house and sent my youngest children to the institutions my two oldest I have kept with myself. Since that time I have been looking for her continually. I received some information about three years ago that she was working on Coney Island I took one of my boys along and went down there: they told me she was taken away from there for being drunk and that she was sent to the Inebriate asylum at Bay Ridge. I went there and could not find out any thing about her. I also got

0741

some information that she has sent out west by some society I advertised out there + for her In the City Papers I advertised for weeks one of which is here annexed.

I am a hard working man & sober and always endeavored to provide for my children to the best of my ability. At the time I got married this last time I firmly believed my first wife was dead I was also led to believe that her absence for so long a time gave me the Right to marry Then many People told me to be the Law. and I being anxious to provide a home for my children: who were scattered all over: I unfortunately. believed them, In this any bonna fide act by the fact, that my last marriage took place in this City and was known to all my friends and acquaintances. there was no secret about it whatever.

I therefore Pray that this Honorable Court grant me the privilege to pay and in doing so to my five small children who are depending on me for support

Sworn to before me
This 9th day of May 1887

Court of General Sessions
Part 1-

The People
- agst -
John Byrn's

Affidavit.

0743

CERTIFICATE OF MARRIAGE.

CHURCH OF THE HOLY CROSS,

WEST 42d STREET.

New York, May 1st 1887

This is to certify that John Burns and Catherine Rock were married at this Church, by the Rev. Maurice J. Dougherty on the 13th day of April 1887 according to the rite of the R. C. Church, the witnesses being Hugh White and Catherine Daly as appears from the Marriage Registry of the Church of the Holy Cross.

Maurice J. Dougherty, Assistant Pastor.

0744

Police Court, 1st **District.**

City and County of New York, } ss.

Margaret Burns

of No. 101 Greenwich Street, aged 45 years, occupation Married Woman being duly sworn, deposes and says, that on the 13th day of April 1887, at the City of New York, in the County of New York,

John O'Burns did feloniously inter-marry with one Catherine Rock and take said Catherine to wife, he well knowing at that time that deponent his lawful wife was then living and in full life That deponent was married to defendant by the Rev Michael J O'Farrell at St Peters Roman Catholic Church in Barclay Street in the City of New York on the 4th day of July 1869 and for the period of Sixteen Years lived and cohabited together as husband and wife that deponent has five children living of which he is the father

That deponent is informed and believes that said defendant was married at the City and County of New York to Catherine Rock by the Rev Maurice J Dougherty on the 13th

0745

day of April 1887 according to the rites of the Roman Catholic Church the witnesses being Hugh White and Catherine Daly as appears from the copy Marriage Register of the Church of Holy Cross Reketo attached

Wherefore deponent prays that the said defendant may be apprehended and dealt with as the law directs in violation 3 Section 298 of the Penal Code of the State of New York

Sworn to before me this 26th day of April 1887

her
Margaret L Burns
mark

Solon 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 _____ 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.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

_____

vs.

1 _____
2 _____
3 _____
4 _____

Offence, _____

Dated _____ 188

Magistrate. _____

Officer. _____

Clerk. _____

Witnesses, _____

No. _____ Street, _____

_____

No. _____ Street, _____

_____

No. _____ Street. _____

$ _____ to answer _____ Sessions

_____

_____

0746

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 1st DISTRICT.

Thomas J. Byrnes

of No. 103 West Broadway Street, aged 14 years,

occupation School Boy being duly sworn deposes and says

that on the 28th day of April 188?

at the City of New York, in the County of New York, he is the son of John & Margret Burns, the complainant and defendant in the within case, he has been living with the said John Byrne and said Catherine Ross and believes that the said defendant has married the said Catherine Ross as he has seen the said John Byrne and said Catherine Ross living as man and wife and the said Catherine Ross admitted to deponent that she had married the said defendant.

Thos. J. Byrne

Sworn to before me, this 29 day of April 188?

Police Justice.

0747

CERTIFICATE OF MARRIAGE.

CHURCH OF THE HOLY CROSS,

WEST 42d STREET.

New York, April 25th 1887

This is to certify that John Burns and Catherine Rock were married at this Church, by the Rev. Maurice J. Doughty on the 13th day of April 1887 according to the rite of the R. C. Church, the witnesses being Hugh White and Catherine Daly as appears from the Marriage Registry of the Church of the Holy Cross.

Richard J. Ruffer Pastor.

0748

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 1st DISTRICT.

Catherine Rock

of No. 103 West Broadway ~~Street~~, aged 23 years,

occupation Domestic being duly sworn deposes and says,

that on the 13th day of April 188

at the City of New York, in the County of New York, she was married to the defendant John Burns by the Rev Maurice Doherty of the church of the Holy Cross - 1st West 42nd Street between the 9th & 10th Avenues and at the time deponent - Married said defendant he informed deponent - that he was a widower and that his first wife was dead and he showed deponent - Newspapers in which he had advertised for his first wife Kate Rooke

Sworn to before me, this 16th day of April 188

John Ryan

Police Justice.

0749

Sec. 198—200.

152 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer John O'Burns

Question How old are you?

Answer 40 years

Question. Where were you born?

Answer. Ireland

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

Answer. 103 West Broadway ten days

Question What is your business or profession?

Answer Porter

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

John Burns

Taken before me this 14 *day of* October *188*

Police Justice.

0750

Sec. 151.

Police Court 1st 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 Margaret Burns of No. 186 Greenwich Street, that on the 13 day of April 188 at the City of New York, in the County of New York, John Burns did wilfully and feloniously commit the crime of Bigamy in violation of Section 298 of the Penal Code of the State of New York

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the 1st *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 26th *day of* April 188

Solon B. Smith POLICE JUSTICE.

0751

Police Court 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Margaret Burns
vs
John Burns

Warrant—General.

Dated April 26 1887

Smith Magistrate.

O'Connor Officer.

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

Edward O'Connor Officer.

Dated April 26 1887

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, April 26 - 87
John Burns.
103 W Broadway

Native of Ireland

Age, 40

Sex, M

Complexion, fair

Color, W

Profession, Porter

Married, Yes

Single,

Read, Yes

Write,

0752

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 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 June 26th 188 Solon B 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.*

0753

Witnesses

Thos Byrnes 410 W 57

Catharine Rock 591 9 ave c/o mrs Lee

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

(W) 1st 581

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Margaret Burns 110 Greenwich

1 John Devine

2

3

4

Offence Bigamy

Dated April 26th 188

Smith Magistrate

O'Connor Officer.

Leon Precinct.

Witnesses Thos J Byrne

No. ~~12 3rd Ave~~ Street.

Catharine Rock

No. 2nd Ave Street.

~~Rev Michael J O'Farrell St Peter's Church Barclay~~

No. W. 42 St Street.

$ 1000 to answer GJ

Corr

Rev. Mich'l J. O'Farrell

St Peter Church

Barclay

0754

Lord Jesus! by Thy thirst on the Cross, save us from Intemperance.

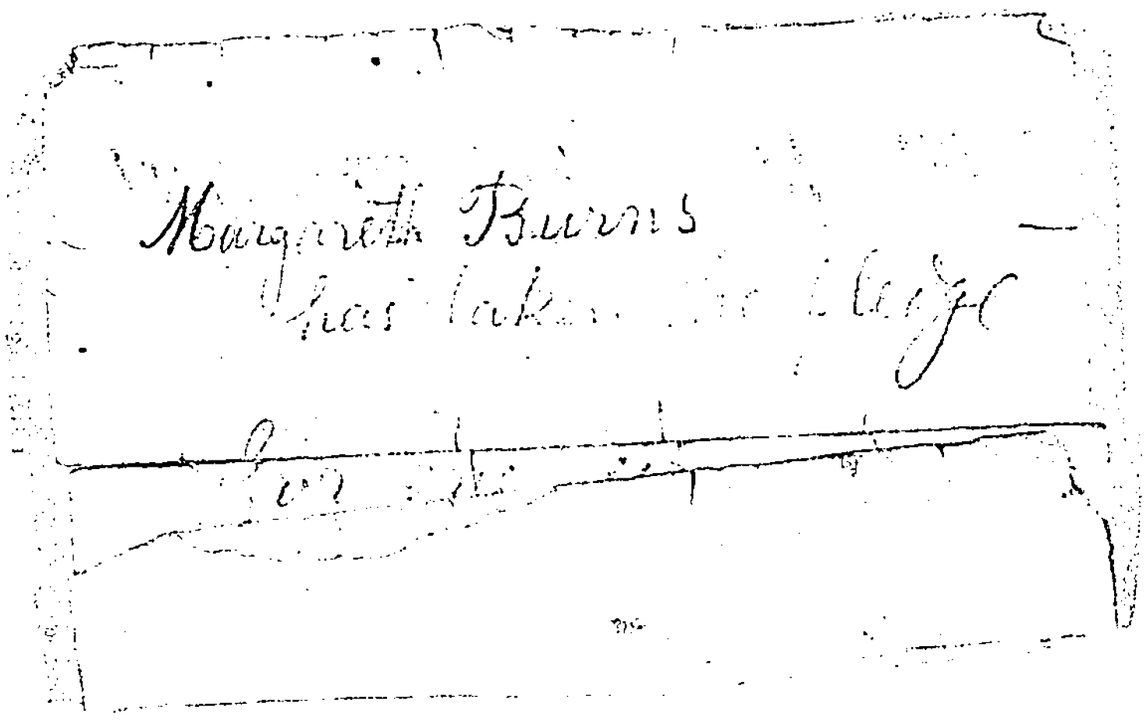
Margaret Burns

Has taken the PLEDGE June 22 1883.

FATHER Conior, C.C.

(OVER.)

0755



0756

St John the Bap. Church
September 28. 1882

This is to Certify that
Margaretta Burns
has, this day, taken
the Pledge from me
for twenty years

Rev. Fr. Augustine O.M.Cap

0757

TOTAL ABSTINENCE PLEDGE.

For the love of God and the good of my soul, and with the help of the Blessed Virgin Mary, I promise to abstain from all intoxicating drinks of every name and kind for one year

May Our Lord Jesus Christ give me grace and strength to keep this pledge.

Name, Margaret Burns

Date, July 24 81

In presence of J. Kellier

Priest of the Congregation of St. Paul.

0758

St. Columba's Church,

West 25th Street, New York City.

Pledge.

I PROMISE, WITH THE DIVINE ASSISTANCE, TO ABSTAIN FROM ALL INTOXICATING LIQUORS, AND TO PREVENT, AS MUCH AS POSSIBLE, BY ADVICE AND EXAMPLE, INTEMPERANCE IN OTHERS.

Margaret Byrns

Took the above Abstinence PLEDGE this 19th day of February 1883

H. Pratt Pastor.

0759

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 Summers

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

— John Summers —

of the CRIME OF BIGAMY, committed as follows:

The said John Summers,

late of the City of New York, in the County of New York aforesaid, on the Ninth day of — July, — in the year of our Lord one thousand eight hundred and sixty-nine, at the City and County aforesaid, —

did marry one Margaret Summers, and then the said Margaret Summers, did then and there have for his wife; and the said John Summers, —

afterwards, to wit, on the Fifteenth day of — April, — in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, —

did feloniously marry and take as his wife, one Rathania Rode, and to the said Rathania Rode, was then and there married, the said Margaret Summers, — being then living and in full life, 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.

0760

BOX:
259
FOLDER:
2504
DESCRIPTION:
Burns, Patrick

DATE:
05/16/87

2504

281

Sherwin

Witnesses:

Off Jackson

Counsel,

Filed, 16 day of May 1887

Pleads, Not guilty

THE PEOPLE

vs.

Patrick Burns

I hereby consent that this be transferred to the Court of Special Sessions for trial and final disposition.

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
Rev. Stat. (7th Edition), page 1930, Sec. 5].

Dated 1887

RANDOLPH B. MARTINE,

District Attorney.

Counsel for Defendants.

A True Bill.

G Sherwin

Foreman.

0762

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 Burns

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

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

The said Patrick Burns,

late of the City of New York, in the County of New York aforesaid, on the 24th day of April, in the year of our Lord one thousand eight hundred and eighty-[illegible], the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did open, and cause and procure, and suffer and permit, to be open, and to remain open; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE, District Attorney.

07663

BOX:
259
FOLDER:
2504
DESCRIPTION:
Butler, William B.

DATE:
05/27/87

2504

WITNESSES:

G. Martin

571 P.G.

Counsel,

Filed 27 day of May 1887

Pleads Guilty from 1.

THE PEOPLE,

vs.

B

William B. Butler

147 Eldridge St.

Sent to the Court of Special Sessions for trial, by request of Counsel for Defendant.

Violation of Excise Law.

(Selling on Sunday, &c.)

[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and page 1989, Sec. 5.]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

G. H. Farm *Foreman.*

Not Guilty

Dec 7/87

0765

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiffs
against
William B. Butler
Defendant.

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

The said defendant, late of the City of New York, in the County of New York aforesaid, on the Eighth day of May, in the year of our Lord one thousand eight hundred and eighty-seven at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one Hugh Martin, —

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

SECOND COUNT:

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

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

RANDOLPH B. MARTINE,
District Attorney.

0766

BOX:
259
FOLDER:
2504
DESCRIPTION:
Bynaue, George M.

DATE:
05/13/87

2504

255

Witnesses:

Henry Rohes

Off Feeney

Defendants demand one clean for appeal.

Eric Shanes

not be admitted

RB

Counsel,

Filed 13 day of May 1887

Pleads Originally (1)

THE PEOPLE

vs.

George M. Bymane

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

J. J. Worthington

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

[illegible] Foreman.

May 18 87

Assault 2 deg

1 ct. Pen Code

0768

Police Court— 1st District.

CITY AND COUNTY OF NEW YORK, } ss.

of No. 35 Bleecker Street,

Henry Rohrs being duly sworn, deposes and says, that

on Tuesday the 31st day of May

in the year 188 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

George Byrnane (nor there)

did wilfully and maliciously attempt to cut deponent on the body with the blade of a pen knife by making a thrust at deponent with said knife the defendant held in his hand 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 1st *day of* May 188 .

Henry Rohrs

POLICE JUSTICE.

0769

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

George Bynane 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 Bynane

Question. How old are you?

Answer 27 years

Question. Where were you born?

Answer. New York City

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

Answer. 107 Washington Street 6 months

Question What is your business or profession?

Answer Driver

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

Answer. I am not guilty
George M Bynane

Taken before me this 7th *day of* May 188 } G. Williams *Police Justice.*

0770

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 Dugandau

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 *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 4 188 ..... *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.*

0771

Police Court ..... District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Rohrs
35 Greenwich St
1 George Bynane
2
3
4

Offence Larceny Grand

Dated May 4 188 9
Kilbreth Magistrate
Patk Feeney Officer.
2 Precinct.

Witnesses
No. ..... Street.
No. ..... Street.
No. ..... Street.

RECEIVED MAY 6 1887 DIST. ATTORNEY'S OFF.

$ 1000 to answer GS.
Cell

BAILED.

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

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

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

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

0772

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

[illegible]

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

— [illegible] —

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

The said [illegible],

late of the City and County of New York, on the [illegible] day of [illegible], in the year of our Lord one thousand eight hundred and eighty [illegible], with force and arms, at the City and County aforesaid, in and upon one

— [illegible] —

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

with a certain [illegible] which [illegible] the said

— [illegible] —

in [illegible] right hand then and there had and held, the same being then and there a [illegible] likely to produce grievous bodily harm, [illegible], the said [illegible], then and there feloniously did wilfully and wrongfully strike, beat, [illegible] bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

[illegible]

District Attorney.

0773

BOX:
259
FOLDER:
2504
DESCRIPTION:
Byron, Ada

DATE:
05/03/87

2504

0774

BOX:
259
FOLDER:
2504
DESCRIPTION:
Burns, Richard

DATE:
05/03/87

2504

No 4
1 — B. vs
2 — A+N

Witnesses:

Frank Green

Off Frank Brinna

Counsel, 3

Filed, 3 day of May 1887

Pleads, Arraigned

THE PEOPLE

vs.

1 Ada Byron

and

2 Richard Burns

Grand Larceny degree

[Sections 528, 531 Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

12 May 1887

#1 said + acquitted

#2 said + acquitted.

A True Bill. Found

G. S. Farr

Foreman.

0776

Police Court— 2 District.

Affidavit—Larceny.

City and County of New York, } ss.

Frank Genin

of No. 26 E 54th Street, aged 30 years, occupation Decorator being duly sworn deposes and says, that on the 24 day of April 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 gold Watch and chain attached of the value of two hundred dollars; One diamond Stud of the value of one hundred dollars all of the value of three hundred 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 Ada Byron and Richard Burns (both now here) from the fact that deponent went to bed in premises No 131 West 29th Street in said City with said Ada Byron at the hour of 1.30 a.M on said date and when he awoke he missed said property and said Ada Byron had left said premises. Deponent says that said Ada Byron acknowledged and confessed in the presence and hearing of Officer Kirzinger that she took said property and thereafter gave the same to said Burns.

Deponent further says that he is informed Paul Brisme of No 472 6th

Sworn to before me, this day of 188

Police Justice.

Avenue in said City that he loaned
said Richard Burns the sum of Fifteen
dollars on said watch and chain as
aforesaid

Wherefore deponent charges
said defendants with feloniously taking
stealing and carrying away said property

Frank B. Gunn.

Sworn to before me
this 26 day of April 1887
Saml C. Bell, Police Justice

0778

CITY AND COUNTY
OF NEW YORK, } ss.

Paul Brisme

aged 33 years, occupation Oyster Saloon Keeper of No.

472 Sixth Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Frank D Gunn

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

knowledge.

Sworn to before me, this 27
day of April 1887 } Paul Brisme

Daniel O'Reilly
Police Justice.

0779

CITY AND COUNTY
OF NEW YORK, } ss.

aged 28 years, occupation John Olzinger Police Officer of ~~No.~~ the 19th Precinct Police ~~Street~~, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Frank B. Green and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 26 *day of* April 1887 } John Olzinger

Saml C. Hull *Police Justice.*

0780

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question. What is your name?

Answer. Ada Byron

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. New York

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

Answer. 131 W 29th St 3 mos

Question What is your business or profession?

Answer. Refused

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 guilty of the charge

Ada Byron

Taken before me this 26 day of April 1887

Police Justice.

0781

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Richard Burns 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. Richard Burns

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. New York

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

Answer. 52 W 30th St 5 mo's

Question What is your business or profession?

Answer. Photographer

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. Ada Byron gave me the ~~Wat~~ Watch and Chain to pledge for her and I borrowed $15 from Paul Brisme on the same which I gave to her

Richard Burns

Taken before me this 26 *day of* April, 188 }

Leonard Corkhill *Police Justice.*

0782

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

Dated Apr 26 188 7 Saml C Reed *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.*

0783

5795

Police Court-- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank Genin
26 or 36 yr. E 54

1 Ada Byron
2 Richard Burns
3
4

Offence Larceny Felony

Dated April 26 1887

S O Reilly Magistrate.

John O'Connor Officer.

Precinct.

Witnesses John O'Connor
19th Precinct Street.
Paul Brisme
No. 472 Sixth Ave Street.
Watch & chain sent to
the property Clerk Street.
$ 1000 to answer G S
Committed

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No 4, by

Residence Street.

0784

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Ada Burgess and Richard Burns

The Grand Jury of the City and County of New York, by this indictment, accuse Ada Burgess and Richard Burns of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Ada Burgess and Richard Burns, both —

late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, with force and arms,

one watch of the value of one hundred and twenty-five dollars, one chain of the value of twenty-five dollars, and one stud of the value of one hundred dollars,

of the goods, chattels and personal property of one Frank B. Figueira,

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.

0785

SECOND COUNT—

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

Richard Summers —

of the Crime of CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said Richard Summers,

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, with force and arms,

one watch of the value of one hundred and seventy five dollars, one chain of the value of twenty five dollars, and one stud of the value of one hundred dollars,

of the goods, chattels and personal property of one Frank B. Tyrrell, Eugene Alva Burgess, and —

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

Frank B. Tyrrell, —

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

Richard Summers —

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.

RANDOLPH B. MARTINE,

District Attorney.