

0633

BOX:

483

FOLDER:

4415

DESCRIPTION:

Bowne, Edward

DATE:

06/02/92



4415

0634

Witnesses:

Court ofayer and Terminer.

Counsel,

Filed,

Pleads,

THE PEOPLE

vs.

B

Edward Brown

VIOLATION OF EXCISE LAW.
Selling on Sunday, etc. 1938, ss 21, and
[III. Rev. Stat. (7th Edition) page 1989, ss 3.]

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

Foreman.

0635

2037

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Bowne

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

The said

Edward Bowne

late of the City of New York, in the County of New York aforesaid, on the *sixteenth*
 day of *November* in the year of our Lord one thousand eight hundred and
 ninety- , 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

Robert H. Day

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
 New York and their dignity.

SECOND COUNT—

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

Edward Bowne

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

Edward Bowne

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.

DE LANCEY NICOLL,

District Attorney.

0636

BOX:

483

FOLDER:

4415

DESCRIPTION:

Brady, Joseph

DATE:

06/02/92



4415

0637

Court ofayer and Terminer.

Counsel,

Filed, 2 day of June 1892

Pleas, Not Guilty (S)

THE PEOPLE

vs.

B

Joseph W. Brady

VIOLATION OF EXCISE LAW.
[Ill. Rev. Stat. (7th Edition), page 1988, § 21, and page 1989, § 6.]
Securing on Sunday, Etc.

DENANCEY NICOLL

District Attorney.

A TRUE BILL.

[Signature]
Foreman.

Witnesses:

0638

2087

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Joseph W. Brady

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

The said *Joseph W. Brady*

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

Richard A. Finck
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
New York and their dignity.

SECOND COUNT—

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

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

The said *Joseph W. Brady*

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.

DE LANCEY NICOLL,

District Attorney.

0639

BOX:

483

FOLDER:

4415

DESCRIPTION:

Brasse, Frederick

DATE:

06/02/92



4415

Witnesses:

Wm. H. Macy Sept 14

Counsel,

Filed day of

Pleads,

THE PEOPLE

vs.

Frederick Brace

VIOLATION OF EXCISE LAW.
(Selling on Sunday, Etc.)
[Ill. Rev. Stat. (7th Edition), page 1083, Sec. 21, and
page 1089, Sec. 5.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL

John C. Catlin

Foreman.

June 27/92

Frank J. Paul

0641

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Fredrick Bassell

Question. How old are you?

Answer.

26 years old

Question. Where were you born?

Answer.

Germany

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

Answer.

10 5th Ave New York

Question. What is your business or profession?

Answer.

Butcher

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 jury trial*

*Fr. Brann*Taken before me this
day of

[Signature]
188
Police Justice.

0642

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

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

Dated May 18 1881 [Signature] Police Justice.

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

Dated May 18 1881 [Signature] 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.

0643

BAILED.

No. 1, by Diedrich Brakman

Residence 52 E 115 Street.

No. 2, by August Brakman

Residence 166 W. 122 Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Selling on Sunday.
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mark Hughes
vs.
Frederick Brakman

2 _____
3 _____
4 _____

Dated May 11 1891

Mark Hughes Magistrate

Frederick Brakman Officer.

Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 100 to answer

Bailed



Excise Violation-Selling on Sunday.

POLICE COURT-2 DISTRICT,

City and County } ss.
of New York, }

City and County } ss.
of New York, }
of the 27 Present David Cagney
Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 15 day
of January 1888, in the City of New York, in the County of New York,
at premises No. 1535 3rd Avenue St. Paul

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

WHEREFORE, deponent prays that said Maaser Kyuch
may be arrested and dealt with according to law.

Sworn to before me, this 16 day
of March 1888

Sworn to before me, this 16 day
of January 1888 } David. Gaynes.

Wm. H. ... Police Justice.

0645

Excise Violation-Selling on Sunday.

POLICE COURT-

DISTRICT.

City and County } ss.
of New York,of Patrick Haughey 172nd Precinct Police Street,of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 17 dayof May 1887, in the City of New York, in the County of New York, atpremises No. 1885 6th Avenue Street,Frederick Russell (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN A WAY under his

direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,

to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Frederick Russell
may be arrested and dealt with according to law.Sworn to before me, this 18 day

of

1887.Patrick Haughey
Police Justice.

0646

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Maurice Lynch 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.

Maurice Lynch

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

181 East 78 Street 3 months

Question. What is your business or profession?

Answer.

Bar tender.

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

Answer.

I am not guilty and demand a trial by jury

Maurice Lynch

Taken before me this

16

day of

January

1888

John J. Brennan
Police Justice.

0647

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

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

Dated *January 16* 1888

John J. ... Police Justice.

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

Dated *January 16* 1888

John J. ... 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.

0648

2-9

W2J

BAILED,

No. 1, by *Robert D. Hunt*
Residence *253 East 84* Street.

No. 2, by *Abner Kahn*
Residence *101 E 111* Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

✓
Police Court-- *5* District. *114*

THE PEOPLE, &c.,
ON THE COMPLAINT OF

David Cagney

1 *Maurice Lynch*

2 _____

3 _____

4 _____

Offence
Cyrene

Dated *January 19* 1888

Gorman Magistrate.

Cagney Officer.

27 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *100* to answer *G.S.*

Bailed



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frederick Brasse

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

The said

Frederick Brasse

late of the City of New York, in the County of New York aforesaid, on the 17th
day of *May* in the year of our Lord one thousand eight hundred and
ninety-*one*, 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 *Patrick Haughey*

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

Frederick Brasse
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

Frederick Brasse

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.

DE LANCEY NICOLL,

District Attorney.

0650

BOX:

483

FOLDER:

4415

DESCRIPTION:

Breeding, Robert

DATE:

06/14/92



4415

0651

Def's true name is Hedding

Witnesses:

Henry Schomack

Off. Kennell 14 P

Forster

H. W. Parnum

375 Kenton St

C. Nickerson

247 Kenton St

Kenton St

Mr. Sattelberg

Corner Broadway

Barney's

Saloon

#296

Counsel,

Filed

Pleads,

14 June 1892

Grand Larceny, Second Degree
[Sections 528, 58/22 Penal Code]

THE PEOPLE

vs.

Robert Breeding

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Frank Higgins Foreman.

June 14/92

S.P. 296 S 3 sub,
June 14/92 P.B.M.

17

0652

(1885)

Police Court—3 District.

Affidavit—Larceny.

City and County }
of New York, } ss.of No. 302 Sixth Henry Schornack
occupation waiter Street, aged 26 years,being duly sworn,
deposes and says, that on the 22nd day of October 1897 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property, viz:About forty five dollars lawful
money of the United States and
a coat valued five 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 Robert Bredding (now here)for the reasons that deponent and
defendant were fellow lodgers
occupying the same room at
premises 73 Avenue A, and at
about one a.m. deponent came
to said lodgings and found that the
defendant had was asleep and
deponent undressed and also retired
to sleep and ^{a portion of} said money was in
the pockets of deponent's clothes and
the remainder was in a pocketbook
which deponent placed under the
pillow in his bed. Said coat was
in the closet in said room. ThatSworn to before me, this
day
189

Police Justice.

0653

during the said day deponent missed
said money and said coat. Deponent
awaited the return of the defendants
but he never returned. Deponent identifies
the coat now worn on the defendant's
person as the one stolen from deponent
aforesaid.

Sworn to before me
10th day of June 1892

J. K. Kithen

Police Justice

0654

(1335)

Sec. 198-200.

3 - District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK.

Robert Breeding being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is *h. l.* 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. l.* waiver cannot be used against *h* on the trial.

Question. What is your name?

Answer.

Robert Breeding

Question. How old are you?

Answer.

33 years

Question. Where were you born?

Answer.

Germany

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

Answer.

110 Forsyth St 5 weeks

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 am not Guilty.
R. Breeding

Taken before me this *10*
day of *June* 189 *7*

Police Justice.

[Signature]

0655

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 *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, *June 10* 189 *J. H. Smith* Police Justice.

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

Dated,.....189.....Police Justice.

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

Dated,.....189.....Police Justice.

0656

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Police Court,

3rd

District,

706

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Schornack
Edw 6 St
Robert Bredding

1

2

3

4

Offense

and garden

Dated,

June 10th
Wilbur
C. Enner
14th

1892

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

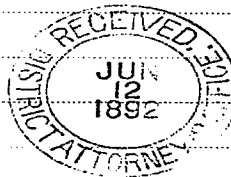
No.

Street.

No.

Street.

\$ 1000 to answer



CS
Wm G
New

0657

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

533

THE PEOPLE OF THE STATE OF NEW YORK,

against

Robert Bredding

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

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

The said

Robert Bredding

late of the City of New York in the County of New York aforesaid, on the *22nd* day of
October in the year of our Lord one thousand eight hundred and ninety-*one*
at the City and County aforesaid, with force and arms, in the *night* - time of said day,
divers promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *forty-five*
dollars; divers other promissory notes for the payment of money, being then and there due and un-
satisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *forty-five*
dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury
aforesaid unknown, of the value of *forty-five*
dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury
aforesaid unknown, of the value of *forty-five*
dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of
the value of *forty-five* dollars, and one
coat of the value of five dollars

of the goods, chattels and personal property of one

Henry Shornack
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.

DE LANCEY NICOLL,

District Attorney.

Second COUNT:—

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

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

The said *Robert Bredding*

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,

*the same goods, chattels and
personal property described in the
first count of this indictment*

of the goods, chattels and personal property of one

Henry Schornack

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

Henry Schornack

unlawfully and unjustly, did feloniously receive and have;

he

the said

Robert Bredding

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.

DE LANCEY NICOLL, *District Attorney.*

0659

BOX:

483

FOLDER:

4415

DESCRIPTION:

Breen, Simon

DATE:

06/08/92



4415

0660

673
dated Monday 28

Court ofayer and Terminer.

Counsel,

Filed, 8 day of June 1892

Transferred to the Circuit Court for the District of Columbia, for trial and judgment.

Pursuant to the 9th

THE PEOPLE

vs.

B

Simon Green

VIOLATION OF EXCISE LAW.
[Ill. Rev. Stat. (7th Edition), page 1988, § 21, and page 1989, § 5.]
Selling on Sunday, Etc.

DE LANCEY NICOLL

District Attorney.

Admitted to the bar of the District of Columbia, the Court of the District of Columbia, on the 28th day of June 1892.

A TRUE BILL.

[Signature]

Foreman.

Witnesses:

0661

Court of Oyer and Terminer

2087

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Simon Brew

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

The said *Simon Brew*

late of the City of New York, in the County of New York aforesaid, on the *twenty eighth*
day of *June* in the year of our Lord one thousand eight hundred and
ninety-*one*, 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

Robert J. Riedell
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
New York and their dignity.

SECOND COUNT—

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

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.

DE LANCEY NICOLL,

District Attorney.

0662

BOX:

483

FOLDER:

4415

DESCRIPTION:

Brodsky, Harris

DATE:

06/24/92



4415

0663

Witnesses:

Isaac Greenberg
Isaac Greenberg
Off. Place 11/11/11

Counsel

Filed

Pleads

189

(day of June)

THE PEOPLE

vs.

RECEIVING STOLEN GOODS
(Section 550, Penal Code.)

Harris Brodsky

H.D.

The person accused of the theft of the property in which case having been acquitted I consent to the dismissal of the within indictment

July 8. 92
Isaac Greenberg
J. A. A.

DE LANCEY NICOLL,

Part 2 - July 8. 92
in witness of which I
Indictment Criminal

A TRUE BILL.

Francis Higgins

Foreman.

0664

Police Court, B District.City and County } ss.
of New York,of No. 21 Bowery Street, aged 42 years,
occupation Tailor being duly sworn, deposes and says,
that on the 2nd day of June 1892 at the City of New
York, in the County of New York, Harrie Brodsky

(now here) did buy and received stolen property knowing the same to have been stolen for the reasons that ~~about~~ on said day there was stolen from deponent's possession about fifty pairs of pantaloons of the value of about One hundred and fifty dollars the property in deponent's care and charge and deponent has cause to suspect that said property was stolen by Hyman Silberman ~~from~~ deponent is informed ~~that~~ Isaac Greenberg (now here) who was in deponent's employ as a Tailor that on said day he carried a bundle containing a large quantity of pantaloons to the premises 311 Ludlow Street and that he took said pantaloons to the defendant at the request of said Silberman who was a watchman in deponent's employ. That said property was taken without deponent's knowledge and consent but was wrongfully appropriated which fact the defendant well knew.

Sworn to before me }
this 20th June, 1892 } Isaac Greenberg
Charles W. Linton }
Police Justice }

0665

CITY AND COUNTY }
OF NEW YORK, } ss.

Lesser Deuberg
aged *25* years, occupation *Tailor* of No.

No home Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Isaac Greenberg*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

31 *June* 18*93* *Lesser Deuberg*
Charles Kaminer
Police Justice.

0666

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Harris Brodsky 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 sees 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. *Harris Brodsky*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *31 Ludlow Street. 4 years*

Question. What is your business or profession?

Answer. *Clothing*

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*
H. Brodsky

Taken before me this

21st

day of August 1934

Charles W. Stanton

Police Justice.

0667

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

defendant

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

Dated *June 21* 189 *Charles K. Mount* Police Justice.

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

Dated, *June 21* 189 *Charles K. Mount* Police Justice.

There being no sufficient cause to believe the within named

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

Dated, 189 Police Justice.

0668

762

Police Court, 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Isaac Greenberg
Harris Brodsky

Rec. Stolen goods

HOUSE OF DETENTION CASE

Dated, June 31 1892

Tamlor Magistrate.
Smith & Place Officer.

Isenberg Precinct.

Witnesses Isenberg
House of Detention Street.

No. Morris Isenberg Street.

No. 500 Street.

House of Detention

No. 500 Street.

500 Street.



Com Paules

BAILED,

No. 1, by Harris Gossett
Residence 62 Bayter Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

0669

489

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Harris Brodsky

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

Harris Brodsky

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

The said *Harris Brodsky*

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

*fifty pairs of trousers of the value
of three dollars each pair*

of the goods, chattels and personal property of one

Isaac Greenberg
by Hyman Silverman, and

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

unlawfully and unjustly did feloniously receive and have; the said

Harris Brodsky

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.

DE LANCEY NICOLL,

District Attorney.

0670

BOX:

483

FOLDER:

4415

DESCRIPTION:

Brooks, Edward L

DATE:

06/20/92



4415

0671

Witnesses:

#509

Counsel,

Filed

day of

June 1899

Pleads,

THE PEOPLE

vs.

B

Edward L. Barker

[Signature]

DE LANCEY NICOLI,

District Attorney.

A TRUE BILL.

[Signature]
Foreman.

VIOLATION OF EXCISE LAW.
(Selling on Sunday, Etc.)
[III. Rev. Stat., 7th Edition, page 1888, Sec. 21, and
page 1889, Sec. 2.]

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 L Brooks

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

The said

Edward L Brooks.

late of the City of New York, in the County of New York aforesaid, on the 21st
day of June, in the year of our Lord one thousand eight hundred and
ninety-one, 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 *John Pennington*

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

Edward L Brooks

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

Edward L Brooks.

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.

DE LANCEY NICOLL,

District Attorney.

0673

BOX:

483

FOLDER:

4415

DESCRIPTION:

Brower, William E

DATE:

06/22/92



4415

0674

Court ofayer and Terminer.

Counsel,

Filed, 22 day of June 1892

Pleads,

THE PEOPLE

vs.

William E. Brower

VIOLATION OF EXCISE LAW.
[Ill. Rev. Stat. (7th Edition), page 1983, § 21, and
page 1989, § 6.]
Selling on Sunday, Etc.

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

Foreman.

Witnesses:

John Clark and Joseph

0675

Excise Violation-Selling on Sunday.

POLICE COURT- 3 DISTRICT.

City and County } ss.
of New York,

of No. 144th Precinct Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 29 day
of March 1889, in the City of New York, in the County of New York,

at premises No. 319 East 12th Street,
William E. Brown (now here)

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

WHEREFORE, deponent prays that said William E. Brown
may be ~~arrested~~ and dealt with according to law.

Sworn to before me, this 30 day
of March 1889 }

Emanuel Meyer

Wm. Murray Police Justice.

0676

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK

Wm. E. Brown 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 *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 *h* waiver cannot be used against *him* on the trial.

Question. What is your name?

Answer. *Wm. E. Brown*

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. *349 East 12th St. 2 weeks*

Question. What is your business or profession?

Answer. *Bar tender*

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

Answer. *I am not guilty and if held I demand a trial by Jury*
Wm. E. Brown

Taken before me this

Wm. E. Brown

Wm. E. Brown

Police Justice.

0677

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

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

Dated March 30 1887 Samuel J. Murray Police Justice.

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

Dated March 30 1887 Samuel J. Murray 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.

0678

Selling on Sunday.

431

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Emanuel Meyer
Mar. E. Brown

W. E. Gaudin
Offence

1 _____
2 _____
3 _____
4 _____

Dated *March 30 91* 1891

Murray Magistrate.
Meyer Officer.
14 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *100* answer *W. E. Gaudin*



BAILED,

No. 1, by *Martin H. Mackey*
Residence *352 E 8 1/2 St.* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William E. Brower

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

The said *William E. Brower*,

late of the City of New York, in the County of New York aforesaid, on the *29th*
day of *March*, in the year of our Lord one thousand eight hundred and
ninety-*one*, at the City and County aforesaid, the same being the first day of the week,
commonly called and known as Sunday, with force and arms, certain intoxicating liquors, and certain
wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of
whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one
gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown,
unlawfully did sell, as a beverage to one *Emanuel Meyer*.

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

SECOND COUNT—

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

William E. Brower

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 E. Brower*,

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.

DE LANCEY NICOLL,

District Attorney.

0680

BOX:

483

FOLDER:

4415

DESCRIPTION:

Brown, Blanche

DATE:

06/02/92



4415

Witnesses:

Counsel,

Filed

day of

June 1892

Pleads,

THE PEOPLE

vs.

Blanche Brown

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

Part 2...Franklin...1893

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis. actin

Foreman.

VIOLATION OF EXCISE LAW.
(Selling without License.)
[Ill. Rev. Stat. (7th Edition), page 1851, § 13, and
of 1883, Chap. 310, § 5.]

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Blanche Brown

The Grand Jury of the City and County of New York, by this indictment accuse
Blanche Brown
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES WITHOUT A LICENSE, committed as follows:

III. Revised Statutes, 7th edition, page 1991, Sec. 13.

The said

Blanche Brown

late of the City of New York, in the County of New York aforesaid, on the day of *April* in the year of our Lord one thousand eight hundred and ninety-*one*, at the City and County aforesaid, certain strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at a time, to

Matthew Mc Connell and to
certain *other* persons whose names are to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883, Chapter 840, Sec. 5.)

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said
Blanche Brown
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER, WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

Blanche Brown

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and at the premises there situate, known as number *One*
hundred and thirty-two West Fifteenth Street
certain strong and spirituous liquors, and certain ales, wines and beer, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to
Matthew Mc Connell and to
certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be drank upon the premises aforesaid, without having a license therefor, 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.

DE LANCEY NICOLL,

District Attorney.

0683

BOX:

483

FOLDER:

4415

DESCRIPTION:

Brown, Victoria

DATE:

06/21/92



4415

0684

Witnesses:

Off. J. Madden

Counsel,

Filed

31 day of June 1892

Pleads,

Murder

THE PEOPLE

vs.

Victoria Brown

PETIT LARCENY.

Sections 528, 532, Penal Code.

De LANCEY NICOLL,

District Attorney.

June 13.

A TRUE BILL.

Amos Haggan

Foreman.

*P. 2. Aug 1 1892
Phads Gully, P.R.
Filed 125*

0685

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

Edward Clark

of No. 301 - 6th Avenue Street, aged _____ years,
occupation _____ being duly sworn,deposes and says, that on the 16 day of June 1892 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:

Four ladies Silver Hat pins
~~all together~~ valued Five Dollars
 One ladies belt valued at one ²⁵/₁₀₀
 Dollars - Altogether valued at six
²⁵/₁₀₀ Dollars (\$6 ²⁵/₁₀₀)

the property of Altman & Co and in the
 care and custody 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 Victoria Brown (now here)

for the reasons following to wit:
 On said date deponent saw the
 defendant feloniously take said property
 from a counter in the store of Altman
 & Co - at 301 - 6th Avenue - and secret
 the same in an umbrella that she then
 and there held in her hand.
 Defendant went out of said store into
 the street and deponent followed her
 and caused her arrest and found
 said property in her possession -
 deponent fully identified said property
 as the property of Altman & Co and
 that the same had been stolen.

Edward A Clark

Sworn to before me, this

16

day

1892

of _____
 Police Justice

0686

(1835)

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Victoria Brown 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* *h*; that the statement is designed to enable *h* *h* if he see fit to answer the charge and explain the facts alleged against *h* that *h* is at liberty to waive making a statement, and that *h* *h* waiver cannot be used against *h* *h* on the trial.

Question. What is your name?

Answer.

Victoria Brown

Question. How old are you?

Answer.

42 years

Question. Where were you born?

Answer.

New York

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

Answer.

150 - N - 60th St - 3 months

Question. What is your business or profession?

Answer.

None

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
Victoria Brown

Taken before me this

16

day of

June 1897

John J. Brady
Police Justice.

0687

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

Dated, *June 10* 189..... *Thos. H. Brady* Police Justice.

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

Dated, *June 10* 189..... *Thos. H. Brady* Police Justice.

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

Dated,..... 189..... Police Justice.

0688

The presiding magistrate
is authorized to receive
and accept of the sum of
\$300.00 in full of the
fine and costs of the
case.

Bondsman Identified
by Edward Grosse

BAILED,

No. 1, by Max Bowsky
Residence 421-E-58 Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court, 24 District. 745

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward Clark
301 E. Avenue
Victoria Brown

1 _____
2 _____
3 _____
4 _____

Offense, Larceny

Dated, June 16 1892

Driver Magistrate.
Madden Officer.
19 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 300 to answer G. I.
\$300 - June 18 - 10 am

Bailed

0689

472

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Victoria Brown

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

Victoria Brown

of the CRIME OF PETIT LARCENY, committed as follows:

The said

Victoria Brown

late of the City of New York, in the County of New York aforesaid, on the 16th
day of *June* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*four hat-pins of the value of one
dollar and twenty-five cents each,
one belt of the value of one dollar
and twenty-five cents*

of the goods, chattels and personal property of one

Benjamin Altman

then and there being found, then and there unlawfully 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.

De Lancey Nicoll
District Attorney

0690

BOX:

483

FOLDER:

4415

DESCRIPTION:

Brugman, Frieda

DATE:

06/21/92



4415

Witnesses:
W. Schindler

W. Schindler
Counsel,
Filed, 21 day of June 1893
Plends, - *trigged up*

THE PEOPLE
vs.
B
Frieda Brugnman
June 22
Sent to the Court of Appeals
Sessions for trial, by request
Counsel for Defendant.

KEEPING A HOUSE OF ILL-FAME, ETC.
(Sections 322 and 385, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Wm. H. Higgins
Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Frieda Brugman

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

Frieda Brugman

(Sec. 322,
Penal Code.)

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

The said

Frieda Brugman

late of the *14th* Ward of the City of New York, in the County of New York aforesaid, on the *tenth* day of *June* in the year of our Lord one thousand eight hundred and ninety-*two*, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in said house divers ill-disposed persons, as well men as women, and common prostitutes, ~~on the days and times aforesaid~~, as well as in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Frieda Brugman

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offenses on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Frieda Brugman

(Sec. 385,
Penal Code.)

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

The said

Frieda Brugman

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

ninety-*two* — , and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* said house for *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT:

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

Frieda Brugman —

(Sec. 222,
Penal Code.) of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said *Frieda Brugman* —

late of the Ward, City and County aforesaid, afterwards, to wit: on the *tenth* — day of *June* — in the year of our Lord one thousand eight hundred and ninety-*two* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *her* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are habitually disturbed, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0694

BOX:

483

FOLDER:

4415

DESCRIPTION:

Bryce, James A

DATE:

06/28/92



4415

Witness:

Ed. W. Beardsall
Officer, Frankfort
Frankfort Central Office

Call for at
#200 122

640

Counsel.

Filed, 28

day of June 1892

Pleads, Not Guilty (July 6)

B71 June 28/192

33

THE PEOPLE

Frankfort Ky.

vs.

F

Frankfort Ky.

(Sections 528 and 53 / of the Penal Code.)

James A. Bryce

James A. Bryce

an. T. Com. July 6 192

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Wm. C. Skaggs

July 12/192

Foreman.

Ready for Larceny

Sentence suspended

0696

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

City and County } ss.
of New York,

of No. 254 Pearl Street, aged 43 years,
occupation Manager being duly sworn, deposes and says,
that on the 17th day of June 1892, at the City of New
York, in the County of New York,

the sum of sixty dollars in money was
stolen from deponent's employer, E. B.
Estes and Sons, a corporation, by one,
James A. Bryce in the following manner
to wit:

On the 16th day of June the said James A.
Bryce, who was in the employ of said corporation, to-
deposit ^{in the pocket of} the said sum of money, to
deposit ^{in the pocket of} together with certain checks to deposit to the
account of said E. B. Estes and Sons, Depo-
nent has been informed by T. Jeff. Stevens, Receiving
Teller of said bank that on the said 17th
day of June, the said checks were deposited
but the said sum of money was not so deposited. The
said James A. Bryce did not come to the place
of business of deponent until Monday June 20th
He remained there but a few minutes and
then disappeared. Nothing further has been
seen ^{heard} of him until he was arrested in
Rutherford, New Jersey.

Wherefore deponent charges the said
James A. Bryce with the larceny of the
said sum of money.

Sworn to before me
this 28th day of June, 1892

Edmund W. Pearsall

Justices

Concealed

Edmund W. Pearsall

0697

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edmund W. Pearsall

vs.

James A. Bryce

Offence Grand Larceny
2nd degree.

Dated June 28th 1892

Witnesses, J. Jeff. Stevens
Market & Fulton, real Bank
No. 81 & 83 Fulton Street,

Off Armstrong
No. 60. Street,

No. Street,

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

THE PEOPLE OF THE STATE OF NEW YORK

against

James A. Bryce

The Grand Jury of the City and County of New York, by this indictment, accuse
James A. Bryce
of the CRIME OF *Grand* LARCENY, in the second degree, committed
as follows:

The said

James A. Bryce
late of the City of New York, in the County of New York aforesaid, on the *17th*
day of *June* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, being then and there the *clerk*
and servant of a certain Corporation, commonly
known as *E. B. Estes and Sons*

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

corporation

the true owner thereof, to wit:

the sum of sixty dollars
in money, lawful money of the
United States of America and of
the value of sixty dollars;

the said

James A. Bryce afterwards, to wit:
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,
did feloniously appropriate the said *sum of money*

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

of the same, and of the use and benefit thereof; and the same goods, chattels and personal
property of the said *corporation*

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

DE LANCEY NICOLL,
District Attorney.

0699

BOX:

483

FOLDER:

4415

DESCRIPTION:

Buchanan, Robert W

DATE:

06/09/92



4415

0700

POOR QUALITY
ORIGINAL

Witnesses:

Dr H. P. Loonua
Dr Chas. A. Doxmu
Dr Henry B. Watson
Dr Burnett B. Mac Ditzgen
R. W. Macomber
Mrs Sarah B. Childs

Journal

Filed

Clerk

Day of

189

THE PEOPLE

vs.

P

Robert W. Buchanan

Murder in the First Degree.
(Section 183, Penal Code.)

DE LANCEY NICOLL,

District Attorney

Indictment of Death
against the body of
Robert W. Buchanan
TRUE BILL Oct 2 1893
May 14/93

Frank Higgins
Foreman.

Part 3 April 26 1893

Indicted and convicted

of Murder in the first degree

POOR QUALITY
ORIGINAL

0701

Witnesses:

Dr H. P. Loomis
Dr Chas A. Doremus
Dr Henry B. Watson
Dr Burnett C. Mac Intyre
R. W. Macomber
Mrs Sarah Childs

Counsel,

Filed

day of June 1891

Pleads,

THE PEOPLE

vs.

Robert W. Buchanan

Murder in the First Degree.
(Section 183, Penal Code.)

DE LANCEY NICOLI,

District Attorney.

Indictment of Death
returned to the Court.
Commencing Monday
A TRUE BILL OCT 2^o 1893

Frank H. Higgins

Foreman.

Part 3. April 26. 1893.

Tried and convicted

of Murder in the first degree.

To go after Affidavits

Archer

NEW YORK GENERAL SESSIONS.

-----x
 T h e P e o p l e
 against
 Robert W. Buchanan.
 -----x

For the People, De Lancey Nicoll and J.
 W. Osborne;
 For defendant, Charles W. Brooke.

SMYTH, RECORDER:

The trial of this case commenced on the twentieth of March, 1893, and was concluded on the twenty-sixth of April following by the rendition of a verdict convicting the defendant of murder in the first degree. Seven days were occupied in the selection of the jury from among about two hundred talesmen who were examined as to their qualifications as jurors. The trial was an unusually protracted one, the evidence very voluminous on both sides and mainly circumstantial and expert in its character, requiring a higher order of intelligence than is usually found in petty jurors as well as great care on the part of the jury in its consideration. That the jurors selected possessed those requirements to a very high degree was conceded by both the counsel for the People and for the defendant.

A verdict having been rendered against the defendant, and before judgment was pronounced upon it, the defendant moves, first, that the judgment be arrested, and,

second, that the verdict be set aside and a new trial awarded to him.

A motion in arrest of judgment can only be granted upon the following grounds: First, that the Court had no jurisdiction of the subject matter of the indictment and, second, that the facts stated in the indictment do not constitute a crime.

Code Civil Procedure, sections 331 & 467;
People against Kelly, 94 N. Y., 362;
People against Buddensieck, 103 N.Y., 487.

The defendant's counsel on the argument of this motion conceded that the Court had jurisdiction of the subject matter contained in the indictment, and also that the count of the indictment upon which the conviction was had stated facts constituting a crime. (See Mr. Brooke's admission, stenographer's notes, pages 23-24.)

Inspection of the record itself shows that the concession made by the counsel is correct and it follows under well established rules of law that the motion in arrest of judgment must fail.

The motion for a new trial is founded, first, upon the exceptions taken on the trial to the rulings of the Court, upon the admission and rejection of evidence and upon the refusal of the Court to charge certain specific requests submitted by the defendant's counsel. No exception to the charge itself was taken.

I have given careful examination and consideration to the numerous exceptions appearing upon the stenog-

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rapher's notes and to the authorities bearing upon the questions presented by those exceptions, and have come to the conclusion that in the several rulings made by me upon the trial, so far as the admission and rejection of evidence is concerned, and in refusing to charge such of the requests as were refused, no error was committed prejudicial to the interests of the defendant.

Healy

The second ground upon which it is claimed that a new trial should be granted is based upon the alleged separation of the jury after the case was submitted to them, without the permission of the Court so to do and on the further ground that the verdict should be set aside because one of the jurors (Mr. Paradise) became so ill as to be physically and mentally incapable of performing his duty as a juror, and that the Court erred in refusing to discharge the jury upon the application of the defendant's counsel for those reasons.

It becomes necessary for the proper determination of these two last-mentioned grounds upon which the motion is made for a new trial and to set aside the verdict to state the facts as they appear upon the record of the trial and the additional facts presented by affidavits in support of and in opposition to the granting of the motion. Those facts appear to be as follows: On the afternoon of the 24th of April the case was submitted to the jury under the charge of the Court, immediately after which the jury retired in the custody of officers to whom the statutory oath had been duly administered. At 12 o'clock that night,

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the jury not having agreed upon a verdict, they were locked up in one of the jury rooms in the Court House. They remained there until the next morning in the care of officers, and were then taken, under an order of the Court, in a body to a hotel near the Court House accompanied by the officers having them in charge, for the purpose of obtaining suitable food, after which they again returned in a body, in the custody of the officers, to the jury room and remained there until they were brought into court at their request for the purpose of having certain parts of the evidence read to them from the stenographic notes of the trial. This having been done, the jury again retired to their room in the charge of said officers. At 6 o'clock that evening, a verdict not having been agreed upon, the Recorder, before whom the case was tried, left the Court House for his home, having made an order that the jury should be furnished with suitable food and should be taken in charge of sworn officers to the Astor House, a public hotel near the Court House. Before they were taken to the Astor House pursuant to the requirements of the order of the Court and at about half-past six o'clock they notified one of the officers having them in charge that they had agreed upon their verdict and that they desired to be taken into court. The officer was about to comply with the request of the jurors when he learned that the Recorder had not yet returned to the Court House. Within a short time thereafter the jury were taken in a body to the Astor House accompanied by five sworn officers. On arriving there they were taken to a small private dining

room and while they were at dinner in the care of the officers Mr. Paradise, one of their number, became suddenly ill, fainted and fell, or almost fell, from his chair and was thereupon carried out of the dining room by one or more of the officers, who were assisted by several of the jurors, to an alcove on the same floor and close to the dining room occupied by the jury. A physician was at once summoned who proceeded to examine the condition of Mr. Paradise, he being then unconscious and by his direction Mr. Paradise was carried to a bedroom on the floor next above the dining room. The officers who carried Mr. Paradise to that room were assisted by several of the jurors. Mr. Paradise was placed upon a bed and an officer continued in the room with him from that time to the time when Mr. Paradise was able to leave it. After the remaining jurors had finished their meal, they were removed from the dining room to said alcove, where they remained in the constant custody and under the supervision of the officers having them in charge.

Between eight and nine o'clock of the same evening the Recorder having returned to the Court House, was informed by one of said officers of what had transpired at the Astor House. He sent for Dr. Stewart, the physician in attendance upon Mr. Paradise, examined him upon oath as to the juror's physical and mental condition in the presence of counsel for both sides and in this examination both counsel participated. The physician reported that Mr. Paradise was at that time in such a condition as to be neither phys-

ically nor mentally fit to be brought into court or to perform his duty as a juror. Under the direction of the Court, the same physician returned to Mr. Paradise for the purpose of rendering to him such further medical care and attention as the necessity of his condition required and to make a further examination so as to be enabled to give to the Court a definite opinion as to the probability of the juror recovering from his attack of illness sufficiently to enable him to continue the performance of his duty as such juror.

At about ten o'clock the physician again reported to the Court the then condition of the juror. He was further examined by the Court under oath in the presence of both counsel, and was again directed to return to the sick juror and when in his opinion and judgment the juror was in such a physical and mental condition as to be able to perform his duties and to be safely taken to the court, to permit it to be done. At about eleven o'clock the juror, in the opinion of the physician, having sufficiently recovered from his sickness was assisted from the bedroom where he lay by officers and some of his fellow jurors, attended by the physician, to the floor below, where the remaining jurors were, and then all the jurors in a body and in the charge of the officers left the hotel. On arriving on the street Mr. Paradise, by the direction of the physician, was placed in a carriage, accompanied by one of the officers and his son. He was driven over to the Court House and the remaining jurors in a body walked from the

Portman

hotel in charge of the remaining officers. After they reached the Court House they were joined by Mr. Paradise and in a body entered the court room and resumed their seats. The physician then reported to the Court that Mr. Paradise had so far recovered from his illness as to be able to perform his duty, but that he was as yet somewhat weak physically from the effects of the attack of illness through which he had recently passed. The usual formality of calling the names of the jurors was then proceeded with by the Clerk, and each juror having responded as his name was called, the foreman announced that the jury had agreed upon their verdict. Before he declared what the verdict was, the Court addressed the jury, stating to them briefly and substantially the facts as above detailed and advised the jury to retire to a room which had been prepared for them in the court building and further consider of their verdict. This was deemed advisable under the circumstances of the case and as a matter of precaution based upon the facts which were then in the possession of the Court as to the condition of Mr. Paradise. The jury retired and shortly afterwards returned in a body to the court room; again each responded as his name was called by the Clerk, the foreman announced the verdict of the jury and, on being polled at the request of the defendant's counsel, each juror confirmed the verdict as the same had been announced by their foreman.

I have thus far stated the facts as they appeared bearing upon the question of the separation of the

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jury and the cause of such separation up to the time of the rendition of their verdict. I will now proceed to state the additional facts established by the affidavits presented on the part of the defendant and the People which bear upon the question now under consideration.

Thomas R. Barrett, a night-watchman employed in the Astor House, states in his original affidavit that while he was sitting at the head of the stairs leading to Vesey Street, he saw the dining room door open and several men come out bearing with them the body of another man whom they laid on the floor of the alcove. This man seemed very ill, he was suffering apparently from convulsions, twitching violently, and requiring the strength of three or four men to hold him down. A doctor was sent for who treated him and then, with the assistance of "some of the others", carried him upstairs to room 7 on the floor above, where the man was left in care of the physician. Some of the jurors, he says, remained downstairs in the alcove, and some went up with the doctor; that "they were constantly running backward and forward to the sick man's room, not in a body but singly or in twos and threes", and "one of them went downstairs or around the hall in the direction of the bar and closets"; that "about eleven o'clock they brought the sick man down, two men holding him by the arms, put him in a cab with the doctor", and the balance of those above referred to who were running around and going back and forth to his room and waiting in the alcove went away in a body.

Waverly E. Scott, a hall-man in the Astor House,

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W. J. M. M.

states that he saw the jurors in this case in a body; that he knew them to be the jurors, having been told so; that one of them became sick and was taken to a room and was left there for two hours; that he saw him when he first became sick lying on the floor and the others all around him, and when he came downstairs assisted by two men and ~~go~~^{went} away; that while the sick man was laying upstairs the jurors were roaming around the hall near the alcove; some would run up to the sick man's room, leaving the others, and some remained upstairs with him, and that about nine o'clock he was asked by a gentleman, who left his fellows, to forward a telegram, the gentleman at the time giving him the money to pay for it; that he did so and returned and reported to the juror.

Thomas E. Franceville, one of the jurors, in his affidavit states that the jury were taken in the custody of the officers to a room in the Astor House for the purpose of dining, that this room opened upon the hall as did the public dining rooms and public parlors of the hotel; that while Mr. Paradise was seated at the table with the other members of the jury he became suddenly ill and was about to fall from his chair; some one caught him as he was in the act of falling and in the excitement several of us carried him out, "probably with the assistance of officers," to the alcove room, on the floor of which he was laid. He went down like a shot, was unconscious, was supported and held by several persons, a physician was sent for, who shortly appeared, finding him still unconscious. He

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was subsequently removed to a room upstairs, where he remained several hours . That several of the jurors went to his room, not in a body, but two or three at a time and were constantly running up and down stairs, reporting his condition; the guests of the hotel were passing through the corridor, and that "a person, said to be a Herald reporter, and the servants mingled about us"; that while Mr. Paradise was confined to the room above those of the jurors who were not running backwards and forwards to and from his room were either lingering about the alcove or wandering about the corridor of the hotel; that one was missed from among them and was seen coming from the direction of the stairs which led to the bar room and public water-closets alone.

This comprises all the evidence presented on the motion by the defendant bearing upon the question of the separation of the jury. The affidavit of Mr. Franceville was objected to by the District Attorney upon the ground that jurors will not be permitted to impeach or in any way impair their verdict. This objection under well settled rules of law is fatal to the consideration of Mr. Franceville's affidavit.

Dalrymple vs. Williams, 63 N.Y., 361;
Williams vs. Montgomery, 60 N. Y., 648.

The affidavit was read subject to the objection of the District Attorney and, while I recognize the rule above cited, I have deemed it proper to look into this affidavit so far as the statements therein contained refer to the separation of the jury.

0712

Memo

In opposition to this branch of the motion the District Attorney read the affidavits of the five officers having charge of the jury and of ten of the jurors, and also the affidavits made by Barrett and Scott in explanation of material statements contained in the original affidavits made by them and which were read by defendant's counsel.

The testimony of the court officers and jurors clearly and conclusively, in my opinion, establishes the following facts: (1) That the officers were duly sworn in the manner required by law and were placed in charge of the jury, and that at no time while the jury were at the Astor House were they permitted to separate, and that they did not separate unaccompanied by one or more of said officers; (2) That the juror Paradise, from the time he became ill and until the jury were discharged by the Court, having rendered their verdict, was in the constant care of one of said officers; that when he was being removed from the dining room to the alcove, and from thence to the bedroom on the upper floor, he and the jurors who assisted in his removal were in the constant care of said officers; (3) That the main body of the jurors after they had finished their meal, were removed from the dining room to the alcove by the officers having them in charge and there remained in their care and under their constant supervision; (4) That on several occasions after the removal of Mr. Paradise from the alcove to the bedroom some of the jurors left the main body in the alcove and proceeded to the room of Mr. Paradise, always accompanied by officers, for the

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purpose of ascertaining the condition of Mr. Paradise and the prospect of his recovery; that on those occasions the main body of the jury remained in the alcove in the care and under the supervision of said officers; (5) That none of the jurors conversed amongst themselves about the case, and that no person was permitted to or did approach them or converse with any of them in reference to the case; (6) That Mr. Farrell, one of the jurors, delivered a telegraphic dispatch to the hall-man Scott for the purpose of having it forwarded to his family; that the only conversation that occurred between him and Scott was to give the necessary directions as to how the dispatch should be forwarded; (7) That the juror, Paradise, having sufficiently recovered from his illness, joined the remaining eleven jurors, and was taken from the Astor House, by direction of the physician, in a carriage, to the Court House in charge of one of said officers and in the company of his son, and that the remaining eleven jurors were taken in a body in the care of officers to the Court House, where they rejoined Mr. Paradise, and thereupon the jury in a body entered the court room and resumed their seats in the jury box.

The testimony of Barrett and Scott referring to the separation of the jurors is materially affected and weakened by the affidavits subsequently made by them. Barrett now says that he did not know the officers who had charge of the jury and could not distinguish them from jurors; that he did not know whether the men whom he stated

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were running backwards and forwards to the sick man's room were officers or jurors, nor does he know that the person he saw going downstairs and around the hall in the direction of the closet was a court officer or a juror.

DeLong
Scott says in his subsequent affidavit that he could not distinguish the officers from the jurors and that he did not intend to say in his original affidavit that the jurors were roaming around the hallway near the alcove, that he did intend to say that they were roaming around the alcove, and that the only time he saw the jurors in the hallway was when they went from the dining room to the alcove and when some of them went upstairs to the sick man's room. He further says that he is unable to distinguish between the officers and the jurors.

A most careful review of all of the evidence bearing upon the question now under consideration leads me to the conclusion that the separation of the jury was not an improper one nor was it of that character which the law prohibits and condemns. That it was caused solely by the sudden illness of Mr. Paradise is clearly proved and is not controverted and it also appears that at no time was any of the jurors separated from their fellows except when some of them assisted the officers in carrying the sick man from the dining room to the alcove and from thence to the bedroom on the floor above, and on the occasions when some of them left the main body of their fellows and then in the custody of officers to go to the sick man's room and for the

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sole purpose of inquiring as to his condition.

It is not alleged in the moving papers that any of the jurors were approached or that any person conversed with them about the case or attempted to do so or in any way to influence them, and but a single act of alleged impropriety on the part of any of the jurors was charged, viz., that one of their number was seen in the hall leading to the bar room and water-closets of the hotel and unattended by an officer. The name of the supposed juror is not stated, nor is it claimed that any one saw him or that he was in the bar room of the hotel, or that he was off the floor where the main body of the jurors were in charge of officers.

Mr. Franceville, who made this vague allegation, when requested by the District Attorney to furnish him with the name of the supposed juror, states that while he recalls the incident stated in his affidavit, he cannot recall the name of the juror therein referred to. It is very clear to my mind that at the time he made the affidavit containing this statement he was laboring under a misapprehension in supposing that the person referred to by him was a juror, and it is affirmatively shown by the affidavits of ten of the jurors that no such incident occurred, and their testimony on that point is confirmed by that of the officers having the jury in charge.

Section 465 of the Code of Criminal Procedure provides that a new trial can be granted only in the cases therein specified. That section also provides that the

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court in which the trial was had has power to grant a new trial when a verdict has been rendered against the defendant by which his substantial rights have been prejudiced in the case.

People against Bradner, 107 N. Y., 1.

Subdivision 3 of said section is as follows: "When the jury have separated without leave of the Court after retiring to deliberate on their verdict, or have been guilty of any misconduct by which a fair and due consideration of the case has been presented". I fail to discover after careful examination of all the evidence bearing upon this question that the separation of the jury under the circumstances was such as is prohibited by law, nor can I find anything in the evidence which would justify even an inference that there was any misconduct on the part of the jurors as a body, or on the part of any one of them, by which a fair and due consideration of the case was prevented or any substantial right of the defendant infringed upon.

The separation of Mr. Paradise from his fellows was not a voluntary act on his part, it was not caused by any wilful or improper act of his or of any of his fellows. The evidence clearly establishes this to be the fact. It was caused by a Power to which all mankind must submit, and it seems to me under all the decisions bearing upon this question that the acts of some of his fellow jurors in separating from the main body for the humane purpose of rendering assistance to the officers in the removal of Mr. Paradise from one room to another in the same hotel, and their subsequent visits to him, accompanied, as they were, by of-

Indy/Hot/Arch

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ficers, and for the mere purpose of ascertaining the state of his health and the prospect of his recovery, was not such a separation of the jury as the law prohibits and condemns. But, assuming that the separation which occurred in this case was of itself sufficient to raise a presumption of misconduct on the part of the jurors by which the substantial rights of the defendant might in some way have been impaired, that presumption has been overcome by the affirmative and positive evidence of the officers in charge of the jury and that of ten of the jurors.

It has been repeatedly held that such a separation of the jury as took place in this case is not within the statute and that when the separation was caused solely by the stress of such necessity as existed here it is incumbent on the part of the defendant to show that he has been prejudiced thereby. No such proof has been offered on this motion.

Section 465 of the Code of Criminal Procedure merely enacts a rule of the common law, and the scope of its application has been strictly limited to cases of gross violation of the rule that no separation of the jury shall take place and where it is made to appear that such separation actually and probably did substantially affect the rights of the defendant to his prejudice.

People against Menken, 36 Hun, 91;
 People vs. Douglass, 4 Cow., 26;
 People vs. Draper, 28 Hun, 1;
 People vs. Carmal, 1 Park. Cr. R., 256;
 Commonwealth vs. McCauley, 30 N.E.R., 76;
 1 Bishop Cr. Proc., Sec. 999;
 Titus vs. The State, 49 N.J.L., 36;
 People vs. Montgomery, 13 Abb.Pr., n.s., 207;
 People vs. Gaffney, 14 Abb.Pr., n.s., 36.

C. J. Jones

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Before the verdict was recorded the counsel for the defendant objected to its reception upon the ground that the examination of the physician who attended Mr. Paradise and that of Mr. Paradise's son indicated the absolute inefficiency, incapacity and inability of Mr. Paradise to join in the deliberation necessary to a verdict. That upon the medical testimony then before the Court it was apparent that Mr. Paradise was mentally unable to confer with his fellow jurors or join in their deliberations as to what their verdict should properly be.

The medical evidence then before the Court and upon which it concluded that the objection was not well taken was that of Dr. Stewart, who had been examined under oath both by the Court and counsel, as already stated. Dr. Stewart testified that when he was called upon to attend the juror at about eight o'clock he found him lying on the floor, perfectly unconscious, his heart was very weak, and as the doctor looked at him he thought it was simply a fainting fit, "syncope". He administered brandy and other remedies by means of which he brought the juror around enough to open his eyes and to call for his wife. He continued twitching, although still retaining consciousness as much as to partially open his eyes and look around and asked others where he was. He was then carried upstairs, his coat and vest taken off, his clothes loosened and he was laid on a bed and ice cloths put to his head. He said he felt very much better and he was rational enough to say that. He called for his wife and cried out that he

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did not poison that woman and that Buchanan came to him on Sunday and told him he had poisoned his wife. That he found him getting more delirious so far as talking was concerned and, for the purpose of quieting him, he administered a small quantity of morphine which for a moment partially quieted him, but not amounting to anything. At this time the doctor considered the attack the juror was suffering from nervous exhaustion caused by the severe strain which he had undergone, and in his opinion he was not then in a condition to perform his duty or to be brought into court.

Hazleton

A further report was made at about half-past ten to me by the doctor as to the then condition of the juror. By this report it appeared that on his returning to the juror he had found him sitting up in bed and rational. The juror informed him in answer to questions put by him, that he had been subject to these attacks and that the last one occurred in December, that his family physician told him he was suffering from nervous prostration. Dr. Stewart questioned the juror closely for the purpose of ascertaining whether the attacks were epileptic in character. In his answers to these questions he gave no history of epileptic attacks, but did state that he had consulted a physician while in Germany and was informed by him that his nervous system was very weak and that he should under no circumstances undergo severe excitement. The juror then wanted to come to court and said that he was all right, but Dr. Stewart recommended that he should remain for a short time

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longer where he was and keep himself quiet and that if he did so he would be in a condition to return to the court within an hour and to discharge his duties in a rational manner. Being questioned by the defendant's counsel, the doctor stated that when he last left the juror he was perfectly rational, but a little weak physically. The doctor again returned to the juror and about eleven o'clock, the juror having been brought to the Court House, the doctor informed the Court that he was then mentally capable of performing his duty and to clearly understand what he was doing.

This was all the evidence before me as to the mental and physical condition of the juror at that time; and upon it I determined that, although the juror had been taken suddenly ill and was for a time mentally and physically incapable of performing his duty, he had then sufficiently recovered from his attack of illness, and was fully able to perform the duty imposed upon him by law.

Section 416 of the Code of Criminal Procedure provides that "If before the conclusion of the trial a juror becomes sick so as to be unable to perform his duty the Court may order him to be discharged and another jury to be then or afterwards empaneled".

Under this section of the statute it clearly became the duty of the Court to investigate the cause of the juror's illness and if upon such investigation the Court ascertain that the illness was of such a character as to render the juror unable to perform his duty, he might

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discharge him, but not otherwise.

Section 428, Code of Criminal Procedure provides that "after the jury have retired to consider their verdict they can be discharged only (1) upon the occurrence of some injury or casualty affecting the defendant, the jury or some one of them or the Court, rendering it inexpedient to keep them longer together". It is clear that the casualty mentioned in this section of the statute must be such as in the judgment of the Court to render the further keeping of the jury inexpedient. The necessity must be imperative. Illness of a juror is not of itself a sufficient ground to justify the Court in discharging the jury. It must be of such a character as to render the juror unable at least within a reasonable time to perform his duty; and when that fact is established to the satisfaction of the Court by proper evidence a case of inexpediency of keeping the jury longer together is shown, calling for the exercise of the discretionary power vested in the Court to discharge the jury.

The evidence of Dr. Stewart, to which reference has been made, clearly shows that the case did not come within the provisions of the statute or of well-established rules of law governing such cases. The facts as testified to by Dr. Stewart show that the illness of the juror was only temporary, that it had passed over and that he was able when brought into court to perform the duty imposed upon him by law.

"If one of the jurymen be taken ill during the

trial, though of a capital offense, so as to be incapable of agreeing in the verdict, or die, the jury may be discharged, though the evidence of the crime is nearly gone through, and the prisoner must be tried afresh. If a juryman be taken ill another juryman may be permitted by the Court to attend him, accompanied by a bailiff sworn to remain constantly with him and, on his return, he may himself be questioned on his oath to make true answers to such questions as the Court shall demand of him as to the state of the individual whom he has left, and if it appear from his evidence that there is a probability of the juror speedily recovering, he may be allowed proper refreshment, but if there be no probability that he will be able to return to pursue his duties, a new panel may be ordered, returnable instant, upon which all the others are competent to serve."

1 Chitty Criminal Law, page 269.

In Regina vs. Newton it was held that if after the jury are locked up to consider their verdict in a capital case the Judge will allow a medical man to see him and anything which he will give as medicine he may have, but not sustenance, but if it be proved by the medical man that if one of the jurors is further confined it will be dangerous to his life, and the jury state that they are not likely to agree on their verdict, the Judge will discharge them, but not from any consideration of the time during which they had been locked up.

Regina vs. Newton, 6 Carr & Kerw., 85.

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To the same effect are the cases of

Rex. vs. Barrett, Jebb's Crown Cases, 104;
Rex vs Scalbert, 2 Leech's Crown Cases,
706;
Regina vs. Beere, 2 Moody & Robertson, 472;
Rex vs. Edwards, 4 Taunton Rep., 309.

In Commonwealth vs. Clew two jurors were taken ill after the jury had retired to deliberate upon their verdict. They were confined over a day apparently without refreshment. A physician was appointed to visit the jurors in their room and after examination reported that the life of one juror was not in immediate danger, but that he was ill and that his health would be endangered if he continued to remain in his present state of privation. Whereupon the Court discharged the jury. This, on appeal was held to be error, Gibson, C. J., saying that food and refreshment should have been furnished to recruit their forces. It is only in the absence of a probability to perform his (the sick juror's) duties that a new panel may be ordered. There is no doubt but that the indisposition of the two jurors would have been speedily removed by appropriate nourishment and their temporary exhaustion was not an available ground to divest the interest the prisoner had in the verdict.

Com. vs. Clew, Sergt. & Rawle, 503.

In Nichols vs. Nichols the Court adjourned from Friday to Monday, the jury being left in charge of an officer with directions to discharge them when they agreed. After the Judge had left the court the foreman told the of-

ficer in charge that a juror was sick with a chill and required brandy. The officer saw the juror, thought he was sick, sent for brandy which he delivered to the foreman. Afterwards another juror fell upon the floor in a fit. A physician was sent for, who administered to the juror and he recovered. Subsequently the jury agreed upon a verdict for the plaintiff, sealed it, delivered it to the officer and were discharged. On appeal, Allen, Justice, said "The question of the effect of the introduction of the physician into the jury room for the purpose of giving medical aid and relief to the juror, who appears to have stood in pressing need thereof, is not free from difficulty. It is, however, obvious that a merely temporary attack of sickness, though it may for the time being incapacitate the juror, is not a necessary ground for the discharge of the jury. It is proper when the circumstances will admit, to await the result and see if within a reasonable time he so far recovers as to enable the trial to proceed or a verdict to be returned. If such sickness is brought to the attention of the Court while the jury are deliberating on their verdict, and medical attention appears to be necessary, the better way ordinarily would seem to be for the Court to select a suitable physician and to caution him in advance not to converse with any of the jury upon the case, except such as may be connected with the immediate relief of the disorder. The Court must have the power in its discretion to allow suitable and necessary medicine and medical attention to be furnished to the jury and, indeed, it is its plain duty to

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see to it that such are furnished in case of urgent need. In the present case (as in this) the Judge was not accessible at the time, but nothing appears to have been done differently from what may well have been ordered by him. The officer and physician were both competent as witnesses to testify as to the extent of their communications with the jury, and there is no reason to suppose that either of them said anything to any juror which in any way bore upon the case under consideration or that the sources of substantial justice were to any extent perverted by what occurred. This was a matter especially for the presiding Judge to investigate." * * *

"In the various emergencies which are liable to occur irregularities must occur sometimes while the Court will always seek to guard against them and especially to keep the jury as far as possible from all influences which can cast a suspicion upon the integrity of their verdict. It nevertheless ought not to be swift to grant a new trial on account of irregularities not attended with any intentional wrong and where it is made substantially to appear that the party complaining is not and could not have sustained any injury from them".

Nichols vs. Nichols, 136 Mass., 256;
Goersen vs. Com., 106 Penn. S. R., 477.

It would seem therefore, to be clear from the above authorities that upon the case as it stood when the motion was made to discharge the jury that no error was committed in refusing to grant the motion.

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Hamilton

The second branch of the motion to set aside the verdict against the defendant is based upon the opinions as to the mental capacity of the juror, Paradise, expressed in affidavits made by each of the following named physicians, viz.: Doctors Hamilton, Dana, Gray, Morton and Hammond. The opinions of Doctors Hamilton and Dana are formed upon the testimony of Doctor Stewart, who attended the juror during his illness at the Astor House, of Harry Paradise, son of the juror, and upon the affidavits of Thomas R. Barrett and John H. Welsh. Those of Doctors Gray, Morton and Hammond are founded upon the same testimony and also upon the affidavit of Mr. Franceville, one of the jurors in the case. Dr. Hamilton says that, after a careful consideration of the evidence presented him he has arrived at the opinion that Mr. Paradise had probably for some time been the victim of nervous disease ; that the attack occurring at the Astor House was of an epileptiform character as shown particularly by the statements of Dr. Stewart and of the affiant Barrett; that it is clear that the attack was simply the climax of a state of very great nervous excitement and mental strain, and that the disorder and confusion of ^{*mind*} ~~state~~ which permitted Paradise to say "I didn't poison that woman" in all probability began some hours before the actual mental explosion and was an expression of gradually deranged judgment which rendered him unable to properly weigh the grave issues which finally resulted in the conviction of the prisoner. The genesis of these delusions, he says, he cannot but believe from his experience to be a sudden occurrence and to be

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simply a post-epileptic expression. He is, moreover, clearly of the opinion that at no time before midnight was the juryman able to intelligently and clearly weigh the facts of the case or form an unbiased opinion, and he adds that it would furthermore appear from the affidavit of John H. Welsh that the vote for the conviction given by said Paradise was not that of a free agent and strengthens the conclusion he has already expressed regarding the volitional impairment of the sick juror.

Dr. Dana bases his opinion upon the same evidence upon which Dr. Hamilton acted, and states it to be his opinion that the juryman suffered from an epileptiform attack; that that being the case, the presumption, in his opinion, is that the man's mind was not clear and sound and capable of judgment for at least three hours after the attack. He further says that in a personal experience with over two hundred epileptic cases, having seen many seizures, he has always found the severe convulsive seizures of the type which Mr. Paradise appears to have had followed by a nervousness feebleness and confusion of thought, or by an actual delirium or mania lasting for several hours, and that such seizures are sometimes preceded by mental disturbances also, and at times they are simply the expression of a certain form of insanity.

Dr. Gray, in his opinion based upon the same evidence which was before Doctors Hamilton and Dana and also upon the affidavit of Mr. Franceville, says that he is positively of the opinion that the attack was epileptic in char-

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Kuno Combs

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acter and that the juror was laboring under what is commonly termed an epileptic fit; that the circumstances to which his attention had been called indicate that such epilepsy was of confirmed condition and had apparently been of long continuance; that the evidences of previous convulsive seizure in the history of the juror as given to the attending physician are indicative of a probably permanent epileptic condition, and that the symptoms seemed to be susceptible of no other explanation except that which would illustrate a convulsive seizure due to organic disease of the brain; that Mr. Paradise's case was evidently a symptom of organic disease of the brain, so that he went into the jury box therewith, ^{that is} ~~evidently~~, had its explosion in the past as illustrated by his previous attack, and that the organic affection is further suggested by his subsequent conversation with Welsh. That his intellectual reasoning faculties had for some hours prior to the seizure, and certainly for some hours thereafter, been disturbed, confused and perverted; his judgment suspended and that he was the creature not of his will but of his unfortunate malady, and that under such circumstances he should regard his mental action as unreliable and its results as valueless and should consider him incapable of arriving at any rational conclusion where judgment would be indispensable and in summing up his judgment and opinion he declares it to be his belief that the juror subsequent to the attack referred ^{to} and in all probability for hours before was incapable of exercising any intelligent judgment and of appreciating and weighing the im-

portant question submitted to him for decision, and that he should regard his mental action as perverted and valueless because of the absolute suspension of all control over his reasoning faculties.

of Bailey

Dr. Morton, in his opinion, which is based upon the same evidence as that upon which Dr. Gray acted, says that he is positive that the attack was epileptiform in its character and indicated apparently a permanent epileptic condition; that the symptoms described in the testimony and affidavits were the special symptoms of an epileptic fit and that there could be but one other explanation of such an attack and that would be the convulsive seizure of general paresis, in which case his mental responsibility would be still more irresponsible than if the attack was epileptic; that subsequent to the attack the juror was incapable of exercising any intelligent judgment, and prior to it probably the same condition existed for many hours, and that he should not regard the juror's mental action during the influence of such an attack as of any value whatsoever, reason and judgment being entirely suspended. Dr. Hammond also arrived at his opinion upon the same evidence upon which Dr. Gray acted. He says, judging from the matters presented to him as aforesaid, he has no hesitation in expressing the opinion that Mr. Paradise had an epileptic seizure, and the probability is that he had suffered from many similar attacks for a long time. This, he says, is sufficient for him to form the judgment that he suffered from organic epilepsy; that he has no doubt for several hours preceding

Levy

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the attack and for several hours following the juror's mental condition was weakened or perverted to such an extent as to render its manifestation valueless; he was incompetent to exercise his reasoning faculties and his judgment in a normal manner; that he, Dr. Hammond, unhesitatingly is of the opinion that the juror was mentally and morally unfit to serve upon a jury and incapable of intelligently discharging his duties and responsibilities in such capacity; that the juror was unable to confer with his fellows in the matters involved or to ~~confer in~~ understanding or appreciate any result or verdict; that he was mentally unfit to serve as a juror at all. He adds that, although from the data presented to him the proof is not conclusive, yet there is sufficient to warrant his belief that the juror was and is suffering from general paresis.

The District Attorney read in opposition to the case thus presented by the moving papers and on this branch of the motion (1) the affidavits of Mr. Paradise, his wife, those of ten of his fellow jurors, of Richard Schram and Joel A. Kraus and also certain letters written by Mr. Paradise to his wife and to Mr. Richard Schram, his employer, during his absence from New York in May and June; (2) the affidavits of Doctors Pritchard, Schram, Carlos F. McDonald, Starr and Alexander E. McDonald.

I propose to consider (1) that part of the evidence which bears upon the history of Mr. Paradise's life and occupation so far as the same is disclosed by it; (2)

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Adams

that which refers to Mr. Paradise's conduct and actions from the time he was sworn as a juror ~~and down~~ to the time the jury was discharged; (3) that which refers to Mr. Paradise's actions after the discharge of the jury; (4) that part which refers to the conversation which it is alleged took place between Welsh and Paradise on the third of May last, and (5) the testimony of the medical witnesses bearing upon the question of Mr. Paradise's mental condition before and at the time of the rendition of the verdict and subsequent thereto.

First: It appears that Mr. Paradise was born in Germany in the year 1851, that he came to the city of New York in the year 1872, and that from that time he has been constantly and actively engaged in business as a merchant in this city for several years on his own account and latterly, as an employe. He was married in 1874 and is the father of two children; that during all this time he appears to have been in the enjoyment of more than ordinary good health and in the full possession of all his mental faculties except upon four occasions when he became temporarily unconscious when suffering from fainting fits. Those fits occurred at long intervals, were not severe in their character and lasted but a short time and did not interfere with the intelligent prosecution of his business. The first of those fits was produced by his being overheated; the second by nervousness brought on by insomnia; the third by excitement and grief caused by the death of his father and the fourth was the fit which took place in the

Astor House in this city.

Mr. Paradise's evidence as to his occupation and general good health is corroborated by his wife, his present employer and by Doctors Pritchard and Schram, both of whom for several years attended him and his family professionally. Dr. Schram states that during the time he knew him, which was for over seven years, he frequently saw him, that in May, 1888, he treated him for malarial headache from which he recovered in a day or two. In May, 1889, he treated him for malarial fever which confined him to his bed for two days; in June, 1890, he treated him for grip which confined him to bed for about a week, and in March and April following he suffered from a slight attack of nervous prostration caused by the grip and overwork, but was not confined to his bed; in September, 1890, he had a slight attack of cholera morbus which confined him to bed for part of a day; in January, 1891, he had a like attack from which he recovered in twenty-four hours; on two occasions he knew Mr. Paradise to have fainted, the first, caused by headache of malarial origin and the second caused by exhaustion consequent on fever. The doctor adds that none of the attacks were serious and that he considers him to be a man whose general health was good; that during his treatment of him he did not observe any symptoms of an epileptic form or character, and that he is positively of the opinion, formed upon his knowledge of Mr. Paradise, that he has not paresis or epilepsy or any form of either.

Dr. Pritchard was the family physician of Mr.

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Paradise for four years and his testimony is to the same effect as that of Dr. Schram.

Second: The conduct of the Juror Paradise.

Judge
When Mr. Paradise was called as a juror he was challenged by the District Attorney, who submitted him to a searching examination as to his qualifications and fitness as a juror. His answers to the questions put to him show that he was an intelligent and conscientious man, able to distinguish between circumstantial and direct evidence, and that he understood the rules of law governing that class of evidence, and the duties of a juror. His answers were so clear and satisfactory that the defendant's counsel did not deem it necessary to renew the challenge and accepted him as a juror and he was thereupon sworn.

Mr. Trede, the foreman of the jury, states that during the progress of the trial he found Mr. Paradise in all his acts and conversation to be rational and extremely intelligent. That from the beginning of the deliberations of the jury he entered into their discussion with great intelligence and showed himself to be thoroughly familiar with the evidence in the case.

Mr. Wortman, another of the jurors, says that during the progress of the trial he found Paradise in all his acts and conversations to be rational and extremely intelligent. That on the second ballot the jury stood nine for conviction of murder in the first degree, Mr. Paradise being one of the nine who so voted. That the jury agreed

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Jeune

upon their verdict about a quarter past six o'clock P. M. and that at about eight o'clock of the same evening Mr. Paradise fainted while at dinner. That after the jury were brought into court and were ready to render their verdict, but before doing so, they, by direction of the Recorder, retired from the court room to a room provided for that purpose and again ballotted. That Mr. Paradise said in substance on that occasion that, inasmuch as his capacity to perform his duties had been called in question, he wished to show them that he was now perfectly recovered and capable of performing his duty, and he then and there wrote his ballot, and the affiant further states that at all times while in his presence Mr. Paradise's acts and conversations were perfectly rational.

Jurors Miller, Segrave, Geischen, Bopp, Farrel, Thomas, Adams and Nickerson fully corroborate the testimony of Mr. Trede, their foreman.

Third:—As to the actions of Mr. Paradise after the verdict was rendered and recorded, he (Mr. Paradise) testifies that immediately after the verdict was rendered he took a carriage and went to his home. He slept well during the night and arose at about nine A. M. on Thursday, April 27th. That since that day he has been regularly engaged in the transaction of his business. That on Friday the 28th day of April, he left New York, by way of the New York Central Railroad, for Louisville, Ky., where he arrived on Saturday, April 29th; that he remained in Louisville until about eight P. M. on Wednesday, May the third; that he

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Fried

left Louisville. and arrived in Milwaukee on Thursday, May 4th. That during his stay in Louisville he stopped at Seelbach's hotel; that he remained in Milwaukee until Saturday, May 6th, when he left for Chicago, arriving the same day; there he remained until Wednesday, May 10th, and then left for Pittsburgh, where he remained half a day and then left for Harrisburgh, Pa., where he arrived on Thursday, May 11th. He remained until Saturday morning, May 13th, and went to Lancaster, Pa., arriving the same day. He left Lancaster Saturday, May 13th, and arrived in New York city on the same day, and remained in New York until Sunday night, May 14th, when he left for Baltimore; he arrived in Baltimore on Monday morning and remained there until Wednesday, May 17th; from there he went to Washington, where he arrived the same day and remained there until the 26th, when he left for Norfolk, Va., which place he left on the 27th and arrived the same day in the city of Richmond, Va.; he remained in Richmond, Va., until Wednesday, May 31st, then left for Petersburg, where he remained until nine P. M., and from thence he went to Lynchburg, arriving there June 1st; he left Lynchburg the same day for Washington city, where he arrived June 7th; he remained in Washington until five P. M., left for New York city and arrived there at twelve o'clock midnight, and remained in New York until Sunday, June the fourth, when he left for Boston, where he remained until the evening of June the sixth. At all the places mentioned he regularly transacted the business of his employer in the usual manner.

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7-11-11

His evidence is sustained by original letters addressed to the District Attorney, his wife and to his employer, with the envelopes in which the same were contained bearing upon them the post office stamp and showing the times and places of their mailing, and his testimony is also sustained by that of Joel A. Kraus and Otto Seelbach, the person last named being the manager of the hotel at Louisville, where Mr. Paradise stayed, and his testimony is also sustained by that of his wife and of Mr. Richard Schram, his employer.

This testimony completely disposes of and renders worthless the evidence of John H. Welsh which was in part relied upon by the medical experts as a basis for their opinions as to the mental condition of Mr. Paradise. Welsh states that on or about Wednesday, May 3rd, 1893, at two o'clock in the afternoon, while he was engaged in his store at No. 271 Greenwich Street, in the city of New York, discussing with Mr. George W. Rockafellow the cases of Harris and Buchanan, that a dark-complexioned man who looked more like a Cuban than anything else came into the store, and, as Mr. Rockafellow made the remark "I should convict no one on circumstantial evidence" the man that came in asked to see a diamond which was in the store window and, as Welsh turned to show it to him, Mr. Rockafellow left the store. "This gentleman" (the man who came into the store) "said to me (referring to Mr. Rockafellow) 'That gentleman remarked that he would not hang anybody on circumstantial evidence in a murder case'" and that he just came off of the

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On Controversy

jury in the Buchanan case. Welsh said "On what grounds did the jury convict Buchanan?" and the man said that he was Mr. Paradise and that he did not himself acquiesce in the verdict, that he was taken sick at the Astor House and that he was unconscious; that he didn't vote to convict, although the rest of the jury said that he did do so, nor would he do so, and, in answer to the question "Why didn't you tell the proper authorities about that?", he said that he had told the Recorder and the District Attorney and that he had made an affidavit but that the persons who had induced him to make the affidavit didn't want it known. He was then asked why he didn't go and see the counsel for the defendant and he said that he had done so and, furthermore, that the jury had accused him of being bribed before they went out; that he told them that he could give reference for his character, that he had worked for Claflin, that he had commenced for \$2. a week and got \$35. a week when he left there. He said that he lost his situation through this, and that they had put another man in his place on the road; that they had to do so or they would lose their ^{entire} spring trade; that Hugh Grant had been to see his employer and that he was in hopes to get back. The man who represented himself to be Mr. Paradise, the juror in the Buchanan case, said that when the jury first went out upon their first ballot they stood six for conviction, four for acquittal and two for murder in the second degree, and it was in this connection that he said that the jurors had accused him of being bribed. He also said "I will bet \$100.

Buchanan gets a new trial, my affidavit will settle that".

Mr. Paradise in his affidavit denies in the most positive terms that he ever was in Welsh's store or that he ever had any conversation with him and, as shown by the evidence already referred to it is clear that Mr. Paradise the juror was not the man represented in Welsh's affidavit and upon the evidence I am convinced that Welsh's affidavit was concocted for the purpose of obtaining a medical opinion affecting the mental condition of Mr. Paradise and also for the purpose of deceiving the Court. While I have arrived at this conclusion in respect to Welsh's affidavit, I desire to state here that I do not believe that either of the leading counsel engaged in the defence of the prisoner had any knowledge of the manner in which said affidavit was procured.

Fourth:—The medical evidence introduced by the District Attorney, in addition to that of Doctors Pritchard and Schram, already referred to, is that (1) of Dr. Carlos F. McDonald, President of the State Commission in Lunacy of this State, in which he states that on the 13th of June, 1893, in conjunction with Doctors Starr and A. E. McDonald, and in the presence of Doctors Schram and Pritchard, that he made a careful personal examination of Mr. Paradise, for the purpose of determining his mental condition; that such examination embraced his life history and heredity as stated by himself and his medical history as obtained from Doctors Schram and Pritchard; that a minute and detailed examination of Mr. Paradise's physical condi-

Mitchell

tion, including his pulse, tongue, facial expression, tendon reflexes, pupils, skin, co-ordinating powers, motor functions and speech, his memory as to dates and events, his general intelligence and reasoning powers, and the testimony of Dr. Stewart, the physician who attended Mr. Paradise at the Astor House, and the affidavits of Thomas R. Barrett and Waverly E. Scott, to which reference has already been made; as the result of said examination and information, he is of the opinion that Mr. Paradise is not now suffering from any form of mental or nervous disease; that his history shows that he has not at any time suffered from any form of epilepsy or insanity; that in his opinion the symptoms and conditions described in the testimony of Dr. Stewart and the affidavits of Barrett and Scott were those of nervous exhaustion and were of a hysterical character resulting from the long-continued strain and the confinement incident upon his duties as a juror, and, further, that Paradise was at all times during the deliberations of the jury and up to the time of his attack on the evening of the 26th of April, 1893, rational and fully competent to perform his duty as a juror by participating in their deliberations and arriving at a verdict, and that on his recovery from said attack and on his return to court on that evening he was again fully competent to discharge his duty as a juror. (2.) Dr. Moses Allen Starr in his testimony states that he personally questioned and examined Mr. Paradise in association with Dr. A. E. McDonald and Dr. Carlos F. McDonald in the presence of Drs. Schram and Pritchard;

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that he questioned and examined Mr. Paradise obtaining from him his family history, which he found to be good, his father having died of old age at eighty, his mother still living at the age of eighty-six; that she has two sisters living in good health, three brothers died, two in childhood and one in adult life of bowel trouble. Paradise stated that he had always been a healthy man, of good habits and able to attend to his business, excepting for occasional slight ailments of the nature of malaria and grip, for which ailments he had been attended by Dr. Schram, who corroborated his statements as to the nature of these complaints. Paradise also stated that he never had a serious illness during his life, and this statement is corroborated by Dr. Schram, who had known him intimately for eight years; that on four occasions he had fainted away, the last time on April 26th, 1893. The history which he gives of these four faints is clear and intelligent. Each of these attacks occurred subsequent to a nervous strain, to overheating, or to a malarial attack, each has been preceded by a feeling of faintness, in each he has lost consciousness momentarily, and he has recovered rapidly, but still felt nauseated, after which he has been quite conscious and clear as to his sensations. In none of these attacks has he hurt himself or bitten his tongue and, after recovering consciousness, he has never felt weary, has never been stupid, and has never slept heavily; that he never had attacks of vertigo, has never found stains upon his pillow upon awaking in the morning, has never wet the bed; His description of these attacks makes it evident that they are not epileptic.

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form in character and they are not in any manner like the fit of epilepsy. In regard to the attack occurring on April 26th, 1893, Paradise states that he had been under great physical and mental strain during the twenty-nine hours of deliberation; that he had eaten little during that time and felt much exhausted. Soon after entering the very hot dining room in which dinner was served he felt faint and called for brandy, but before it was brought he fainted away. He remembered awaking in bed, the doctors and others being about him; that his tongue was not sore; that he felt no unnatural fatigue or pain in his muscles; that he recognized those about him. The description of his attack is not that of epilepsy, but is quite consistent with the fainting attack due to nervous excitement and exhaustion; that, having read the affidavit or statement of Dr. W. H. Stewart, and also the affidavits of Thomas R. Barrett and Waverly E. Scott regarding the attack, he finds in them no facts which point to the attack having been due to epilepsy or epileptiform in character. The facts all point to the attack having been one of syncope followed by slight nervousness without mental aberration, and that the physical examination of Mr. Paradise fails to reveal any evidence whatever of physical or mental disease; that the pupils are of medium size and ^equal, re-act to light and in accommodation; the eyes are perfect, no tremor of the lips, face or tongue, no deviation of the tongue, no scars upon the tongue, slight indentations of tongue corresponding to defective teeth, all motions of face perfect, no tremor of hands, no ataxis of extremities, stand firmly with eyes.

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closed, constant difference of twenty dynometers between hands, normal knee jerks, no heart murmur of any kind whatever, capillary circulation in extremities good, gait perfect, no tenderness of spine, all movements perfect, no scars of any kind about the head or face, the hair being closely cropped, speech clear without thickness or defective utterance, manner quiet and self-composed, statements rapid and clear, language well chosen, no hesitation of thought, no defect of memory, clear recollection of all facts, and no inconsistency of statements as to facts, life and health, as to the dates of his illness, or as to the occurrences in connection with his fainting attacks, no exaggeration of manner, no boastfulness, but quiet and logical statements without emotional excitement or any evidence of exaltation or depression. From the facts stated and from the result of a careful physical examination the witness concludes that Mr. Paradise is a fairly healthy man, that he has never at any time in his life been the subject of epilepsy or of epileptiform attacks, and that he is not at present suffering from epilepsy. He further declares it to be his opinion that Mr. Paradise is of sound mind, in the full possession of his faculties and has never at any time suffered from any mental disease and that at present he has no sign of any mental disease whatever, and that he is further of the opinion that the attack from which Mr. Paradise suffered on April 26th, 1893, was of the nature of syncope due to nervous exhaustion, and that it did not interfere in any way with his mental capacity or power of judgment before the time of its occurrence, and that within

Barrett 42

a short time after its occurrence he was undoubtedly as mentally sound and capable of exercising judgment as before its occurrence.

(3) Dr. Alexander E. McDonald, in his testimony after stating that he made a personal examination of Mr. Paradise with a view to determining his mental and physical condition, and with reference especially to the existence or non-existence of general paresis and of epilepsy, says that he is of the opinion, based upon such examination that there is no perceptible symptom or indication of either disease, either past or present, but that, on the contrary, Mr. Paradise is in full possession of his mental faculties and has, to the best of his opinion and belief, been in such mental condition and free from such diseases during the period of his life and up to this time.

I have already referred to and quoted so much of Dr. Stewart's testimony as referred to the mental condition of Mr. Paradise on the night of the 26th of April when he attended him at the Astor House. His opinion, based upon his treatment of Mr. Paradise on that occasion and such information as he received from Mr. Paradise's son, to which reference has already been made, was that the juror did not suffer from epilepsy in any of its forms, and that his illness was caused by exhaustion, and that prior to the attack and after his recovery therefrom, he was as mentally capable of performing his duty as a juror as any of his fellows.

Barrett's testimony, so far as it bore upon

Brown

the mental and physical condition of the juror, is as follows: That he "saw several men come out of the dining room bearing the body of another man (doubtless Mr. Paradise) with them whom they laid down on the floor in the alcove opposite the door where the office used to be. He seemed very ill, suffering apparently from convulsions, twitching all the while and requiring the strength of three or four men to hold him, one holding each arm and one the head, and that subsequently and about eleven o'clock they brought the sick man down stairs, two men holding him and assisting him, and put him in a carriage with the doctor."

Scott's testimony bearing upon the same question is to the following effect: That he saw Mr. Paradise when lying on the floor and the others around him and subsequently when he came downstairs, assisted by two men.

The evidence of Mr. Franceville, although not admissible, having a tendency to affect or impair his verdict as a juror, which bears upon the question of Mr. Paradise's mental capacity, is to the effect that he saw him about falling from his chair, that he was carried out of the dining room and laid upon the floor of the alcove; that he went down "like a shot" and was unconscious and was supported or held by several persons; he did not see him after he was removed upstairs and until he joined the main body of the jurors. That he saw a great deal of Paradise during the trial, and more especially during their deliberations when the cause was finally submitted to the jury to decide. He appeared to be sick and was complaining during the greater portion of the trial, especially in the latter

Law

44

days thereof, seemed irritable, excited and extremely nervous, complained bitterly upon not being permitted to go to bed, stated that the Recorder couldn't keep him out of bed, and that he would sue the Recorder and the county; that he appeared when making use of those expressions to be nervous and excited, and that during the last twenty-four hours of the trial he appeared to be abstracted and unusually nervous and excited as if the protracted strain was mentally and physically wearing upon him. He told him that he would hold him, personally responsible for his life, and that his life was worth more than that fellow's downstairs.

The material portions of the testimony of Mr. Franceville have been contradicted by others of the jury, all of whom concur in stating that they observed nothing in the manner or conduct of Mr. Paradise which showed any more nervousness and excitement than what would be reasonably produced by the protracted trial, and, as to the expressions about suing the Recorder and the county and about holding Mr. Franceville responsible for his life, those are explained by Mr. Paradise himself, who says that they were made jocosely.

The expert evidence bearing upon the question of the mental condition of Mr. Paradise is conflicting. The opinions of the experts upon which the defendant relies, are to the effect that Mr. Paradise was mentally incapable of performing his duties as a juror, and that his incapacity to do so arises from a disease of an epileptic form from which he was suffering, and ^{one} of them goes so far

45

as to hold that he is now suffering from general paresis.

The opinions of the experts upon which the People rely are to the effect that the juror was mentally capable of performing his duties on the occasion in question, and that the illness from which he suffered was not caused by any disease of an epileptic form, and that he never had suffered from any such disease, nor is he the victim of general paresis.

For the purpose of testing the correctness of these opinions a reference to the evidence upon which they are severally based became necessary, and I have quoted at sufficient length the evidence upon which each set of experts acted. The defendant's experts based their opinions upon the testimony of Dr. Stewart, that of Mr. Paradise's son, and upon the ex parte affidavits of Barrett, Welsh, Franceville and Scott, without having made any personal examination of the juror. The People's experts, on the other hand, not only made a careful, scientific and personal examination of the juror, but they also had the benefit of the statements of Doctors Pritchard and Schram, the juror's family physicians.

Estimating the value of the conflicting opinions according to well-known rules of law, I should be compelled to adopt the opinions of the People's experts, but in addition to the expert evidence presented by the People the evidence of ten of Mr. Paradise's fellow jurors, that of his wife and also of his employer, as well as the evidence of Mr. Paradise, to which reference has already been made, was presented by the People and in my

46
 opinion fully sustains the opinions of the People's experts.

granted
 Applying to ~~all~~ the evidence the well-established rule of law that the testimony of experts is entitled to the same credit and is to be tested by the same rules as are ~~the~~ applied to the testimony of other witnesses, and should have weight according to their qualifications and opportunities, while their opinions are not conclusive, they are to receive so much weight as a jury may deem ^{them} ~~it~~ entitled to when viewed in connection with all the other circumstances, and they must also be predicated upon the facts established by the proofs in the case, I have arrived at the conclusion, after a careful examination of all of the evidence upon which these opinions are predicated, that the opinions of the experts produced by the People are warranted by the evidence, while the opinions of the defendant's experts are not. I cannot but believe that if the evidence which is before me bearing upon this subject had been before the learned experts for the defendant, or if they had submitted Mr. Paradise to the same scientific examination to which he was submitted by the People's experts, they would have arrived at a different opinion in respect to his mental capacity than that to which they have given expression.

Entertaining the views herein expressed in regard to the ~~several~~ ^{several} motions made by the defendant, it follows that they, and each of them must be denied.

Filed August 10, 1893

0748

NEW YORK GENERAL SESSIONS.

The People, &c.,

against

Buchanan.

OPINION ON MOTION IN ARREST OF
JUDGMENT AND FOR A NEW TRIAL.

Filed August 10 1893

Ind June 1892

0749

(455)

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Robert W. Sudman

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

of the crime of *Murder in the first degree,*

committed as follows:

The said *Robert W. Sudman,*

late of the City of New York, in the County of New York aforesaid, on the *Twenty-second* day of *August*, in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, *conceiving and intending illegally, feloniously and of his malice aforethought* one *Anna Sudman*, with poison, to kill and murder, in and upon her the said *Anna Sudman*, in the peace of the said People then and there being, illegally, feloniously, and of his malice aforethought did make an assault, and a dangerous assault, to wit: *give against weight of a certain deadly poison called morphine, then and there*

willfully, feloniously and against the
 knowledge, did give and administer
 unto the said Anna Buchanan, with
 intent that she should take and
 swallow the same down into her
 body, the said Robert W. Buchanan
 then and there well knowing, the said
 morphine to be a deadly poison; and
 the said Anna Buchanan, the said
 morphine, so given and administered
 unto her by the said Robert W. Buchanan
 as aforesaid, did then and there take
 and swallow down into her body;
 by reason and by means of which
 said taking and swallowing down the
 said morphine into her body as
 aforesaid, the said Anna Buchanan
 then and there became and was
 mortally sick and disordered in her
 body, and of the said mortal sickness
 and disorder, from the said twenty
 second day of April in the year aforesaid,
 until the twenty third day of April,
 in the same year aforesaid, in the City
 and County aforesaid, did languish,
 and languishing did live, on which
 said twenty third day of April, in
 the year aforesaid she the said Anna
 Buchanan, in the City and County
 aforesaid, of the said mortal sickness

and sister-in-law died.

And so the Grand Jury of said
do say, that the said Robert W.
Candranan, then the said Anna
Candranan, in the manner and form
of said, and by the means of said,
willfully, feloniously and of his malice
of premeditation, did poison, kill and
murder, 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 of said
by this indictment further accuse
the said Robert W. Candranan of
the same crime of Murder in the first
degree, committed as follows:

The said Robert W. Candranan,
late of the City and County of said,
of New York, do wit. on the said
Twenty-second day of April in the
year of our Lord one thousand
eight hundred and ninety-two, at
the City and County of said, con-
fessing and intending willfully, feloniously
and of his malice of premeditation, one

Anna Buchanan, with poison, to
 kill and murder, in and upon her
 the said Anna Buchanan, in the
 year of the said George Town and
 there being, with intent, feloniously and
 of this malice aforethought did
 make an assault, and a quantity
 of a certain deadly poison to the
 said Anna Buchanan then
 and there with intent, feloniously and
 of this malice aforethought did give
 and administer into the said Anna
 Buchanan, with intent that she
 should take and swallow the same
 down into her body, the said
 Robert W. Buchanan then and there
 well knowing the same to be a deadly
 poison, and the said Anna Buchanan,
 the said deadly poison, so given and
 administered into her by the said
 Robert W. Buchanan as aforesaid,
 did then and there take and swallow
 down into her body, by reason and
 by means of which said taking and
 swallowing down the said deadly poison
 into her body as aforesaid, the said
 Anna Buchanan then and there
 became and was mortally sick
 and disordered in her body, and

By the said noted persons and
 distemper, from the said Twentieth
 day of April in the year aforesaid,
 until the Twenty Third day of April,
 in the same year aforesaid, at the
 City and County aforesaid, did languish
 and languishing did die, on which
 said Twenty Third day of April, in
 the year aforesaid she the said Anna
 Buchanan, at the City and County
 aforesaid, by the said noted persons
 and distemper, died.

And so the Grand Jury aforesaid
 do say, that the said Robert W.
 Buchanan, her the said Anna
 Buchanan, in the manner and
 form aforesaid, and by the means
 aforesaid, wilfully, feloniously and
 of his malice aforesaid, did
 kill and murder, 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.

De Lancey Hall,

Attorney at Law

0754

BOX:

483

FOLDER:

4415

DESCRIPTION:

Bucheler, Carl

DATE:

06/28/92



4415

0755

152.6
Court of Oyer and Terminer.

Counsel,

Filed, 28 day of June 1892

Pleads,

THE PEOPLE

vs.

Carl Bucheler

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
[Ill. Rev. Stat. (7th Edition), Page 1099, Sec. 5.]

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

Foreman.

0756

2085

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Paul Bucheler

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

Paul Bucheler

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 *Paul Bucheler*,

late of the City of New York, in the County of New York aforesaid, on the *31st* day of *January* in the year of our Lord one thousand eight hundred and ninety-*two*, 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.

DE LANCEY NICOLL,
District Attorney.

0757

BOX:

483

FOLDER:

4415

DESCRIPTION:

Buchsbaum, Michael

DATE:

06/24/92



4415

Witnesses:

H. H. H. H.

We are extremely
of this case I am
Satisfied. The proper
will be made to
make that a finding
intend on the part of
the Defendant - I see
no complaint but with
I would recommend
a suspension of the
complaint.

June 24th 92.
Wm. H. H. H.

Counsel,

Filed 189

Pleas, H. H. H.

THE PEOPLE

vs.

Michael Buchsbaum

Grand Larceny.
[Sections 528, 530,
Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Chambers Higgins
Foreman.

P. J. H. H. 1892
Indictment dismissed.

0759

Police Court 2nd District.

(1865)

Affidavit—Larceny.

City and County }
of New York, } ss

of No.

occupation

deposes and says, that on the

day of

189

being duly sworn,

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 following property, viz:

A pocket book containing
gold and silver currency
money of the United States of
the value and sum eight
one dollar & 81.

the property of

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

Michael Duchsbaum
your name, for the reason
that said Defendant grabbed
from his hand, person
and possession said money
and property. Therefore now
deponent prays that said
Defendant be dealt with
as the law directs.

(Signature) Type

Subscribed before me this

day

of

189

Notary Public Justice.

0760

Sec. 198-200

CITY AND COUNTY
OF NEW YORK

James
District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Am not guilty
Michael Buchbaum

Taken before me this

19th

day of *June* 191*2*

Charles J. Stanton

Police Justice.

0761

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

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

Dated *June 14* 189*2* *Charles M. Linton* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0762

BAILED.

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Police Court, District.

THE PEOPLE &c.
ON THE COMPLAINT OF

Charles F. Ford
75 N. 2nd St.
Mich. Onchabun
2
3
4

Dated, *June 19* 189 *2*

Stanton Magistrate.
Amesbury Officer.
12 Precinct.

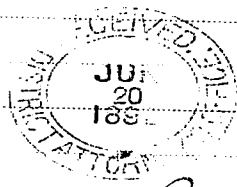
Witnesses.....

No. Street.

No. Street.

No. Street.

% *000* to answer *Yel*
Com



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 Buchsbaum

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

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

The said

Michael Buchsbaum

late of the City of New York in the County of New York aforesaid, on the *18th* day of
June in the year of our Lord one thousand eight hundred and ninety-*two*
at the City and County aforesaid, with force and arms, in the *night* time of said day,
divers promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *forty - one*

dollars; divers other promissory notes for the payment of money, being then and there due and un-
satisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *forty - one*

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury
aforesaid unknown, of the value of *forty - one*

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury
aforesaid unknown, of the value of *forty - one*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of
the value of *forty dollars, and one Pocketbook*

of the value of fifty cents

of the goods, chattels and personal property of one

from the person of the said Ferber Tyre 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.

DE LANCEY NICOLL,

District Attorney.

0764

BOX:

483

FOLDER:

4415

DESCRIPTION:

Buck, George

DATE:

06/02/92



4415

0765

Witnesses:

Counsel,

Filed

day of June 1892

Pleas

THE PEOPLE

vs.

VIOLATION OF EXCISE LAW.
(Selling on Sunday, Etc.)
[III. Rev. Stat. (7th Edition), page 1089, Sec. 21, and
page 1089a, Sec. 5.]

George Beck

Transferred to the Court of Sessions for trial and appeal

Part 2... June 16, 1892

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis Cather

Foreman.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

George Buck

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

The said

George Buck

late of the City of New York, in the County of New York aforesaid, on the *4th*
day of *January*, in the year of our Lord one thousand eight hundred and
ninety-*one*; 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

Matthew M. Connell

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

George Buck
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

George Buck

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.

DE LANCEY NICOLL,

District Attorney.

0767

BOX:

483

FOLDER:

4415

DESCRIPTION:

Bulkeley, James

DATE:

06/21/92



4415

Witnesses:

Off Kenschaff

Counsel,

Filed

21 day of June 1892

Pleads,

THE PEOPLE

vs.

James Bulkeley

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

James Higgins
Foreman.

James Higgins

James Higgins

Penal Code - P.S.A.

0769

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK.

District Police Court.

James Buckley 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 Buckley*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *269 W 124th Street 4 years*

Question. What is your business or profession?

Answer. *Labourer*

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

Answer. *I am not guilty*
James Buckley.

Taken before me this
day of *July* 17
188*7*

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.....

.....
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..... 1892..... Police Justice.

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

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

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

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

07771

737

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Rudolph Newshaffer
vs.
James Buckley

Offence
St. Louis
Folger

2
3
4

Dated June 17th 1892

Hofman
Newshaffer
55
Magistrate.
Officer.
Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ 1000 to answer H.S.

Com

(get back)

BAILED,

No. 1, by

Residence Street.

No. 2, by

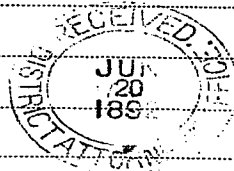
Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



0772

509

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

THE PEOPLE OF THE STATE OF NEW YORK

against

James Bulkeley

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

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

The said

James Bulkeley

late of the City of New York, in the County of New York aforesaid, on the *sixteenth*
in the year of our Lord one thousand eight hundred and

Police Justice.

Andolph Thurnkeller

189

Sworn to before me, this

the above assault, &c., and be dealt with according to law.

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer

without any justification on the part of the said assailant.

who attack Cephus a Vice
had in the face with a Vice
a Vice in the County of New York
the County of New York, in the County of New York

he was violently ASSAULTED and BEATEN by

Willie B. Bickley

in the County of New York, in the County of New York

on the day of

being duly sworn, deposes and says, that

years,

of the

CITY AND COUNTY OF NEW YORK

Police Court. District.

0773

Police Court. 4 District.

CITY AND COUNTY } ss:
OF NEW YORK }

of No. 75 in Precinct 2 Rudolph Neuschaffer
 occupation Officer Street, aged years,
 on the 6 day of June being duly sworn, deposes and says, that
 1892 at the City of New York,
 in the County of New York,

he was violently ASSAULTED and BEATEN by James Buckley
 who struck deponent a violent
 blow on the face with his clenched
 hand while deponent was in charge
 of a prisoner. thereby causing the prisoner
 to escape 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
 the above assault, &c., and be dealt with according to law.

Sworn to before me, this

day of July 1892
 [Signature]

Rudolph Neuschaffer

Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Bulkeley

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

James Bulkeley

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

The said

James Bulkeley

late of the City of New York, in the County of New York aforesaid, on the *sixteenth* day of *June* in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with force and arms, feloniously made an assault in and upon one *Rudolph Newschaffer*

then and there being, a *patrolman* of the Municipal Police of the City of New York, and as such *patrolman* being then and there engaged in the lawful apprehension of a certain man whose name is the Grand Jury aforesaid unknown,

and the said *James Bulkeley* him the said *Rudolph Newschaffer* then and there feloniously did beat, strike, wound and otherwise illtreat, with intent then and there and thereby to prevent and resist the lawful apprehension of the said man as aforesaid, 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.

DE LANCEY NICOLL,

District Attorney.

0775

BOX:

483

FOLDER:

4415

DESCRIPTION:

Burke, John

DATE:

06/02/92



4415

0776

Court of Oyer and Terminer.

Witnesses:

Counsel,

Filed,

Pleads,

2 day of June 1892

Attest

THE PEOPLE

vs.

B

John Burke

VIOLATION OF EXCISE LAW.
Selling on Sunday, Etc.
[III. Rev. Stat. (7th Edition), page 1988, § 21, and
page 1989, § 5.]

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

Foreman.

0777

2037

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Burke

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

The said

John Burke

late of the City of New York, in the County of New York aforesaid, on the *sixteenth*
 day of *November* in the year of our Lord one thousand eight hundred and
 ninety—, 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

Louis J. Riccilli

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
 New York and their dignity.

SECOND COUNT—

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

John Burke

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

The said

John Burke

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.

DE LANCEY NICOLL,

District Attorney.

0778

BOX:

483

FOLDER:

4415

DESCRIPTION:

Burke, Thomas J

DATE:

06/06/92



4415

0779

473

Court of Oyer and Terminer.

Witnesses:

Counsel,

Filed, 6 day of June 1892

Pleas,

Not Guilty (24)

THE PEOPLE

vs.

B

Thomas J. Burke

VIOLETION OF EXCISE LAW.
[Ill. Rev. Stat. (7th Edition), page 1988, § 21, and
page 1989, § 5.]
Selling on Sunday, Etc.

DE LANCEY NICOLL.

District Attorney.

A TRUE BILL.

Foreman.

[Signature]

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas J. Burke

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

The said

Thomas J. Burke

late of the City of New York, in the County of New York aforesaid, on the *twenty-third*
 day of *November* in the year of our Lord one thousand eight hundred and
 ninety-~~one~~, 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

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

SECOND COUNT—

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

Thomas J. Burke
 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

Thomas J. Burke

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.

DE LANCEY NICOLL,

District Attorney.

0781

BOX:

483

FOLDER:

4415

DESCRIPTION:

Burns, Henry

DATE:

06/02/92



4415

0782

Chief Clerk and Deputy

Witnesses:

off. cases

The affidavit of our
subpoena server shows
that the only entrance
for the people is that
we then for our and that
which must be removed
and building ()

Wagby
H.D.G.

Court,

Filed

day of June 1892

Pleaded

Myself

THE PEOPLE

ENTERED
T.L.W.

vs.

B

Henry Burns

POOL SELLING.
(Section 831, Penal Code and Chap. 479,
Laws of 1887, §§ 4 and 7.)

DE LANCEY NICOLL,

District Attorney.

Part 2. April 15th 1898.

On motion of Dist. Atty.
Indictment dismissed

A True Bill.

R.H.C.

Lucius Carter

Foreman.

F.W.S.

0783

579 COMMISSION OFFICE
BETTING DONE OR PERMITTED HERE
NEW YORK, 1891.
RECEIVED Dollars, to 100 on Commission
Race Track at
HORSE 1st
1st or 2d 20
at track quotations, if such can there be obtained.
It is understood and agreed that the undersigned act in
the premises as Common Carriers only, for the purpose
of transferring the money above mentioned to place
designated.
CHARGE FOR COMMISSION, 10 CENTS.
NOTICE: - Amount of Order returned less commission, where
a failure to execute is due to accidental or other
unavoidable delays in transmission.
HENRY STEDEKER, 13 WEST 27TH STREET, NEW YORK.

0784

Police Court, 3 District.

City and County } ss.
of New York,

Peter E. James
 of No. 141 Duane Street, aged 27 years,
 occupation Police Officer being duly sworn, deposes and says,
 that on the 27th day of May 1892 at the City of New
 York, in the County of New York, Henry Burns (now
 here) did at premises 287 Bowery

occupy a room for the purpose
 of recording and registering bets
 for wagers and had paraphernalia
 for such purpose and did record
 and register a bet dependent upon
 a contest of speed between horses in
 violation of Section 351 of Penal Code
 Deponent further says: that on said
 day he visited said premises which
 are occupied as a liquor saloon
 and in a rear room there of deponent
 saw the defendant at a table and
 had a bundle of tickets similar to ~~the~~
 that hereto annexed and marked Exhibit
 "A" and deponent asked defendant what
 he was paying on "Tom Rogers" meaning
 thereby what odds the defendant would
 give on a bet upon a horse of that
 name that was entered in a contest of
 speed or a race at Gravesend Long
 Island; the defendant replied "four
 to one" and deponent gave defendant
 fifty cents as a bet upon said
 horse in said race and the defendant
 gave deponent the annexed ticket as
 evidence of said bet.

Sworn to before me
 this 27th May, 1892
 Charles N. Linton
 Police Justice

Peter E. James

0785

(1835)

Sec. 198-200.

3- District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry 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 *h* *—*; that the statement is designed to enable *h* *—* if he see fit to answer the charge and explain the facts alleged against *h* *—* that he is at liberty to waive making a statement, and that *h* *—* waiver cannot be used against *h* *—* on the trial.

Question. What is your name?

Answer. *Henry Burns*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *434 N 34 St. 5 months*

Question. What is your business or profession?

Answer. *Book-maker.*

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

Answer. *I am not guilty.*
Henry Burns

Taken before me this

day of

189

Charles H. Sturges

Police Justice.

0786

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

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

Dated *May 27* 18*91* *Charles A. Smith* Police Justice.

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

Defendant

Dated *May 29* 18*92* *Charles A. Smith* Police Justice.

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

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

0787

BAILED, *Geo*
No. 1, by *Geo Von Gleiden*
Residence *417 W. 42^d* Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

13 Police Court--- *3/-* District. *646*

THE PEOPLE &c.,
ON THE COMPLAINT OF

Peter & James
Henry Burns

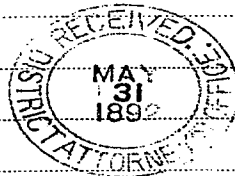
1. _____
2. _____
3. _____
4. _____

Dated *May 27 - 92*
Chambers Magistrate.
James - Officer.
14 Precinct.

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

No. _____ Street.
to answer _____

500
Bailed



0788

Court of General Sessions.

THE PEOPLE

vs.

Henry Burns

City and County of New York, ss:

Andrew Lang

being duly sworn, deposes and says: I reside at No. 112 East 3rd St

Street, in the City of New York. I am a Subpoena Server in the office of the District Attorney of the City and County of New York. On the 14 day of April 1898,

I called at the 14th Precinct State House,

the alleged

of

the complainant herein, to serve him with the annexed subpoena, and was informed by

the

Sergeant in Command, Sergeant Nanan, that Officer Peter E. Adams, the complainant had been summoned for in the Police Force & is dead.

Sworn to before me the 15th day of April 1898 } Andrew Lang.
Deputy District Attorney
Subpoena Server

Sworn to before me, this

day }

of

189 , }

Subpoena Server.

0789

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Harry Burr

Offense

ASA BIRD CARPENTER,
JOHN R. FELLOWS,

District Attorney.

Affidavit of

Subpoena Server.

Failure to Find Witness.

0790

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Burns

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

Henry Burns

of the crime of keeping a room for the purpose of recording and registering bets and wagers, and
of selling pools, committed as follows:

The said

Henry Burns

late of the ~~Seventeenth~~ Ward of the City of New York, in the County of New York aforesaid,
on the ~~thirteenth~~ *seventh* day of ~~May~~ *May* in the year of our Lord
one thousand eight hundred and ninety-~~two~~ *two* at the Ward, City and County aforesaid,
and not upon any grounds or race track, owned, leased, or conducted by any association incor-
porated under the laws of this State, for the purpose of improving the breed of horses, where
racing was then lawfully had, with force and arms, did unlawfully and feloniously keep a certain
room in a certain building there situate, for the purpose of therein recording and registering bets
and wagers, and of selling pools, upon the result of trials and contests of speed and power of
endurance of beasts, to wit, horses; 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 farther accuse the
said

Henry Burns

of the crime of knowingly permitting a room to be used and occupied for the purpose of
recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Henry Burns

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, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the *occupant* of certain room in a certain building there situate, with force and arms, unlawfully and feloniously did knowingly permit the said room to be used and occupied for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed, and power of endurance of beasts, to wit, horses; 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

Henry Burns

of the crime of keeping, exhibiting and employing devices and apparatus for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Henry Burns

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, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being the *occupant* of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein keep, exhibit and employ, divers devices and apparatus (a more particular description whereof is to the Grand Jury aforesaid unknown) for the purpose of recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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

Henry Burns

of the crime of becoming the custodian and depository, for hire and reward, of money staked,

wagered and pledged upon the result of trials and contests of speed and power of endurance of horses, committed as follows :

The said

Henry Burns

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, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the occupant of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein then and there become the custodian and depository, for hire and reward, of certain money, to wit : the sum of *fifty cents* ~~four~~ in lawful money of the United States of America, which said money was then and there by one *Veter C. James* staked, wagered and pledged upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Tom Rogers* 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 situate at *The Town of Lanesend* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* 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 circumstances and manner of, upon, and in which the said money was so staked, wagered and pledged as aforesaid, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

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

Henry Burns

of the crime of recording and registering a bet and wager, committed as follows :

The said

Henry Burns

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, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose

of improving the breed of horses, where racing was then lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one

Peter E. James —

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Tom Rogers* 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 *the town of Gramercy* in the County of *Manhasset* in the State of *New York* and commonly called the *Brooklyn Jockey Club* 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.

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

Henry Burns —

of the CRIME OF POOL SELLING, committed as follows:

The said *Henry Burns* —

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, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold, to one *Peter E. James* — 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 a certain horse called *Tom Rogers* — 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 afore-

said, at a certain place and race track situated at *the town of Gravesend*
 in the County of *Kings* in the State of *New York*
 and commonly called the *Brooklyn Jockey Club* 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 pro-
 vided, and against the peace of the People of the State of New York and their dignity.

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

Henry Burns

of the crime of recording and registering bets and wagers, committed as follows :

The said

Henry Burns

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, and not upon any grounds or race track owned,
 leased, or conducted by any association incorporated under the laws of this State, for the purpose
 of improving the breed of horses, where racing was then lawfully had, with force and arms, did
 unlawfully and feloniously record and register, and cause to be recorded and registered, divers
 bets and wagers, then and there made by and between divers persons to the Grand Jury aforesaid
 unknown, upon the result of divers certain 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 *the town of Gravesend*
 in the County of *Kings* in the State of *New York*
 and commonly called the *Brooklyn Jockey Club* 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 said bets and wagers 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.

Eighth Count, And the Grand Jury aforesaid, by this indictment, further accuse the
said *Henry Burns* --

of the crime of pool selling, committed as follows :

The said *Henry Burns* .

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, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously 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 *the town of Gravesend* -- in the County of *Kings* in the State of *New York* -- and commonly called the *Brooklyn Jockey Club* 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 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.

DE LANCEY NICOLL,
District Attorney.

0796

BOX:

483

FOLDER:

4415

DESCRIPTION:

Burrows, Burt

DATE:

06/10/92



4415

0797

BOX:

483

FOLDER:

4415

DESCRIPTION:

Ott, Orrin

DATE:

06/10/92



4415

0798

BOX:

483

FOLDER:

4415

DESCRIPTION:

Akarman, Nathaniel

DATE:

06/10/92



4415

Witnesses:

Lee Huppard

Off. Charles A. Hurdley, Police

#16 J. J. J. J.

Counsel,

Filed

11th day of June 1892

Pleads,

Magistrate J. J.

THE PEOPLE

vs.

Burt Burrows

(3 cases)

Orrin J. Ott

(3 cases)

Nathanial H. Oksman

(3 cases)

DE LANCEY NICOLL,

District Attorney.

Grand Larceny, Degree. [Sections 228, 229, Penal Code.]

A TRUE BILL.

W. J. Higgins

Foreman.

7/13. June 24/92.
Def. discharged on his
verbal recognizance.

0800

Police Court 2 District.

Affidavit—Larceny.

City and County } ss:
of New York,

Charles L Taylor

of No. St. Denis Hotel Street, aged 27 years;
occupation Hotel Proprietor being duly sworn,deposes and says, that on the 2 day of June 1892 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the day time, the following property, viz:

a package containing
a quantity of precious stones of the
value of about one hundred and
fifty dollars, and seven tickets
representing property of the value of
seventy five dollars — all of the
value of two hundred and twenty
five dollars \$225.

the property of The St Denis Hotel as
custodian of which hotel deponent
is present owner

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 Burt Burrows, Orrin J Ott
and Nathaniel Ackerman all now
here, under the following circumstances:
The defendant Burrows was in charge
of the baggage Hotel room of the said
Hotel about the time the said property
was left at said baggage room, or
on about Dec 11 1891, and he had
an opportunity to know what was in the
said package contained, and he knew
the number of the baggage check that
was attached to said package, and
deponent is informed by Charles A
Hanley, a Detective Police Sergeant, that
the said Burrows confessed to him
that he, Burrows, had stolen a baggage

Sworn to before me, this

189

day

Police Justice.

check from the said baggage room for the purpose of issuing a check made in the similitude thereof and of the same number as the number attached to the package containing said property. And the defendant Ackerman admitted to the said Howley that he, the said Ackerman and the said Ott had attempted to procure the manufacturing of a counterfeit baggage check for the purpose of presenting the same at the baggage room of said hotel, and thus fraudulently securing possession of said property. Dependent charges that the three defendants Burrows, Ott and Ackerman acted in concert for the purpose of fraudulently securing possession of said property for the purpose and with the intent to commit a larceny of said property.

Done to before me this

6th day of June 1891

Wm. H. Smith

John F. Smith

Charles L. Taylor

0802

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles A. Hawley
aged 8 years, occupation Detective of No. 900 Mulberry Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Chas. L. Taylor
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 6 day of June 1890 } Chas. A. Hawley
Thos. H. Brady
Police Justice.

Police Court
Second Dist

The People
Charles L Taylor

Burt Burrows
Orin J Ott
Nathaniel A Kerman

For the People Art Dist Atty Washburn
... Dpt to the Sheriff

Examination Before Justice Grady
June 7 1892

Charles A Hamley being duly sworn and
examined as a witness for the people
deposes and says: I am a
Detective Sergeant of Police

I state what you know with reference
to the charge against the defendants
of an attempt at larceny.

A On the 5th - 94. Last Friday -
I arrested Nathaniel A Kerman
and on searching him I found

the check marked "X626" I
 asked him where he got it.
 He told me he got it from a
 man named Jack Williams
 who worked at the Gilsey House
 and there was another man who
 was employed at the St. Dennis.
 He said the man had come
 to Williams - his name he
 did not know. He gave a
 description of him. Ott went by
 the name of Williams. He said
 then he explained how they were
 to get a duplicate of the
 beggar check X623
 or what did McKernan tell you?
 At that he went to a party and
 endeavored to get it and the
 party told him it was a dangerous
 matter and he had better not
 have anything to do with it. I
 asked Ott in the presence of
 Detective Wade and McKernan
 and Burrows whether he ^{Ott} had
 given McKernan this check

and he said he had. Then I asked Burrows if he had given this baggage check to Ott. and he said he had. and I asked Burrows if he had taken the check from the St Bern Hotel and he said he had.

Q what were they to take it for?

A To try and get this package from the hotel

Q what was the number on the package?

A No 623

Q was that the number he said?

A That he wanted to get one like it. Burrows took it and handed it to Ott. The object was to get Ott to go for the package.

Cross Examined by Mr McLaughlin

Q all that Mr Taylor knows about this case would be what you have testified to?

Q - He did not know anything about this case until you communicated with him?

A Yes; he knew that there was a person tried to get hold of this package.

Q That was communicated to him by Leary?

A Yes.

Q Brunner was employed as what?

A Captain of the Hill.

It is admitted by Counsel for defendant that if Mr Taylor the complaining witnesses were present he would testify to all the facts alleged in his Complaint to be of his own knowledge.

0807

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Nathaniel Akerman 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. *Nathaniel Akerman*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *42 West 29th St - 4 weeks*

Question. What is your business or profession?

Answer. *Restaurant Agent*

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**Nathaniel H. Akerman*

Taken before me this

6

day of

1894

Police Justice.

0000

(1835)

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }2
District Police Court.

Burt Burrows 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.

Burt Burrows

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer.

M. S.

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

Answer.

281 West 11 -

Question. What is your business or profession?

Answer.

Hotel 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
Burt Burrows

Taken before me this

6

day of

*May 1894**John J. Brady*
Police Justice.

0009

(1835)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Orrin J. Ott 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. *Orrin J. Ott*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *Elsey House*

Question. What is your business or profession?

Answer. *Cashier*

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**O. J. Ott*

Taken before me this

6

day of

Nov

1892

Police Justice.

08 10

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 Burt Burrou

Oran J. Olt, Nathaniel Dekumar
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of fifteen 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 1 1892

Thos. J. Brady Police Justice.

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

Dated, 189

..... Police Justice.

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

Dated, 189

..... Police Justice.

0811

BAILED,

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

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

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

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

Police Court, ² (64) District. ⁶⁸⁸

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles L Taylor
St Denis Hotel
Burt Burrows
Orrin J Ott
Nathaniel A Kerrman
(2 indictments on
this complaint)

Offense, *at grand jury*

Dated, *June 6* 189 ²

Grady Magistrate.
Wade & Henry Officer.
C. O. Precinct.

Witnesses *Mrs. Heppard*
No. *St Denis Hotel* Street.

No. _____ Street.

No. _____ Street.

\$ *1500* to answer *J. S.*

\$1500 by June 7th 1892
com



08 12

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUSBurt Burrows.
Crim. & Att.
North and Scherman

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

Being this is the ~~the~~ defendant's first offense & feeling that they have been sufficiently punished and because of the case being very slight in its legal aspect, I ask to withdraw the complaint & for the discharge of the defendants.

Chas Hugh Taylor

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
Burt Burrows, Orrin J. Ott and Nathaniel H. Akerman

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

Burt Burrows, Orrin J. Ott and Nathaniel H. Akerman

of the CRIME OF PETIT LARCENY, committed as follows:

The said Burt Burrows, Orrin J. Ott and Nathaniel H. Akerman, all —
late of the City of New York, in the County of New York aforesaid, on the first day of May, in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms,

one metal check of the value of ten cents,

of the goods, chattels and personal property of one Charles L. Taylor,

then and there being found, then and there unlawfully 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.

De Lancey McCall.
District Attorney.

08 14

SECOND COUNT--

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:
The said

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

of the goods, chattels and personal property of one

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

unlawfully and unjustly did feloniously receive and have; the said

then and there well knowing the said goods, chattels and personal property to have been unlawfully 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.

DE LANCEY NICOLL,

District Attorney.

Witnesses:

Mr. de Williamson
of the Court I am
satisfied the People
will be unable to make
out a case against
the Defendants. As
Miss Norton Recalling
the charges of upon
them of such Recalling
on the Defendant
I don't think
Mar 23rd 92. Admitted

\$166 Spencer
Counsel,
Filed 13 day of June 1892
Pleads, Myself

THE PEOPLE
vs.
Burt Burrows
(2 cases) I
Orin J. Ott
Nathaniel H. Okerman
(2 cases) I
Sections 528, 582
PETIT LARCENY.
Penal Code.

DE LANCEY NICOLL,
District Attorney.

11th June 1892
Dismissed

A TRUE BILL.

Charles Higgins
Foreman.
13th June 24th 92.
With Dismissal,

Part 3 - June 24th 92.
Defendant discharged as
his verbal recognition

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Burt Burrows, Orrin J. Ott, and Nathaniel H. Akerman

The Grand Jury of the City and County of New York, by this indictment, accuse *Burt Burrows, Orrin J. Ott and Nathaniel H. Akerman* of the crime of attempting to commit the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed as follows:

The said *Burt Burrows, Orrin J. Ott. and Nathaniel H. Akerman*, all late of the City of New York, in the County of New York aforesaid, on the *second* day of *June*, in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with force and arms,

one printed book of the value of one dollar, one breast pin of the value of one hundred dollars, eight diamonds of the value of twenty dollars each, and one written instrument and evidence of contract of the kind usually known as pawn tickets, (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of seventy five dollars,

of the goods, chattels and personal property of one *Charles L. Taylor*

then and there being ~~found~~ *attempt to* then and there feloniously did ~~steal~~ *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.

De Lancey McCall
District Attorney

08 17

BOX:

483

FOLDER:

4415

DESCRIPTION:

Busch, Charles

DATE:

06/21/92



4415

08 18

Witness:

Geo South Jr

Subscribed & sworn
to before me

#52 Study X

Counsel,

Filed 31 day of June 1892

Pleads, *Miguelly 22*

26 6:38
2:12 P.M. vs. *1. & 1. of. amf 2*

Charles Busch

Grand Larceny, (From the Person),
[Sections 828, 829, 830 Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

30

James Higgins
Foreman.
Jury 2 - July 12, 1892.
Trial and Verdict of
Jury 1st Degree.
Ed. Higgins

08 19

THERON G. STRONG-
BENJAMIN S. HARMON.
CHARLES F. MATHEWSON.

LAW OFFICES,
STRONG, HARMON & MATHEWSON,
45 WILLIAM STREET,
NEW YORK.

July 18, 1892.

Hon. James Fitzgerald,
Judge of the Court of General Sessions,
Court House, N.Y.

Dear Sir:

On behalf of Charles Bush, whom I understand was convicted of pocket-picking, in your court, I beg to say, that I have known Bush for probably ten years. His father was a most worthy and upright and honorable in every respect. I regret to hear that he has died, a willing martyr, and that his son is in the Tomb awaiting sentence. I have never heard Charles Bush to do any wrong. But he is a fellow and that his appearance is such that it gives a bad impression is undoubtedly true. I have never heard of him doing a dishonest act. I have not heard anything of Bush for about three years and my knowledge of his character at that time of course is not intimate. He told me that he knew him intimately. He was a member of a religious organization, of which I was the leader, and I had perfect confidence in his uprightness and integrity. I do not believe he has ever done a dishonest act. Although, as before stated, I have not for three years known much about him, I can scarcely believe that in that short interval, having passed through the uncertain period of youth and reached mature manhood, he should have developed criminal instincts and entered upon a career of crime.

My confidence in you as a judge and in the intelligence of a jury acting under your instructions prevents me from even suggesting that there has been a mistake in this matter; but it can at least be said that this is his first offence, and I do not believe that justice would be in any way defeated if you could consistently with your duty suspend sentence and give this young man another chance.

I have not the pleasure of a personal acquaintance with you, and in order that you may ascertain what weight my letter should receive may I ask you to refer to Recorder Smyth, Judge Cowling, District Attorney Nicoll or his assistant, Mr. Stapler.

With sincere respect, believe me,

Very sincerely yours,

Theron G. Strong

0820

THERON G. STRONG.
BENJAMIN S. HARMON.
CHARLES F. MATHEWSON.

LAW OFFICES OF
STRONG, HARMON & MATHEWSON,
45 WILLIAM STREET,
NEW YORK.

July 26, 1898.

Hon. James Fitzgerald,
42 Chambers St.,

Dear Sir:

Yours to our Mr. Street of the
bill is received, and in answer we beg
to say that Mr. Street is a busy man
and will probably not return till to-mor-
row, but we will be glad to see him
and to see you to the case of *John B. Smith*.

With very kindly regards, we are,
Dear Sir, yours truly,
Theron G. Strong, Benjamin S. Harmon,
Charles F. Mathewson.

Very truly yours,

*Theron G. Strong, Benjamin S. Harmon,
Charles F. Mathewson.*

0821

People
by
Busch

0822

THERON G. STRONG.
BENJAMIN S. HARMON.
CHARLES F. MATHEWSON.

LAW OFFICES,
STRONG, HARMON & MATHEWSON,
45 WILLIAM STREET,
NEW YORK.

July 22, 1892.

Hon. James Fitzgerald,
Judge of the Court of General Sessions,
Court House, N.Y.

Dear Sir:

I enclose a letter from Charles Bush, concerning whom
I wrote to you a few days since, awaiting sentence by you for
pocket-picking. I send it to you as showing what I believe
to be his real feelings at the present time and as something that requi-
ring it also involves an admission to myself which I feel I do not
deserve.

Yours very truly,

Theron G. Strong

Enclo ure

0823

*District Attorney's Office,
City and County of New York*

July 25, 1892.

#89

Hon. James Fitzgerald,

Judge, General Sessions .

Dear Sir :

I would respectfully report that I have made diligent inquiries as to the character of Charles Bush, charged with Grand Larceny, and find as follows:

Charles Cahn, tailor, 200 East 42nd Street has known him for nine years, during that time Bush's father kept a grocery store at 202 East 42nd Street. His father gave up the business and the defendant ran it himself but failed to make it pay, and then started peddling with a push-cart and afterwards drove a cab. During this time he always thought him a hard-working and honest man.

Mr. George Griffith of 121 East 22nd Street, Supt. of the Union Storage Co., says that he hired him to drive a cab, and he worked for him for four months, and during that time he always found him honest. He was discharged for fast driving.

On April 21st, 1891, he drove cab for Ryerson & Brown for three weeks, when he left, and they have not heard from him since; and since then has been peddling up to the time of his arrest.

Respectfully,

0824

Police Court

District.

Affidavit—Larceny.

City and County }
of New York, } ss:George South Jr.
of No. 252 East 35th Street, aged 21 years,

occupation iron-moulder being duly sworn,

deposes and says, that on the 16 day of June 1892 at the City of

New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the night time, the following property, viz:One silver watch, one gold chain and
locker, the whole being of the value
of Forty-five Dollars

\$45.00

the property of Deponent

and that this deponent

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

Charles Bush
(now here) from the fact, that deponent
was in a crowd in Jones' Woods,
69th Street and East River on said date,
and he felt a tug at his chain
and found his watch, chain and locker
to be missing: he immediately seized hold
of defendant, who said to deponent "I have
not your watch": defendant then put his
hand in the right-hand back pocket
of his trousers and deponent saw said
property drop behind defendant on the
floor. Therefore deponent accuses defendant
of having stolen said property and prays that
he may be dealt with as the law directs.

George South Jr.

Sworn to before me, this

of June

1892

day

Police Justice.

0025

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Charles Bush 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 Bush*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *232 E. 38 St - 2 mo.*

Question. What is your business or profession?

Answer. *Peddler*

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

Answer. *I am not guilty.**Charles Bush*Taken before me this
day of *June**16*
1892

Police Justice

0826

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

John guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated June 16 1892 John H. [Signature] Police Justice.

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

Dated June 16 1892 John H. [Signature] Police Justice.

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

Dated June 16 1892 John H. [Signature] Police Justice.

0827

Ryerson Brown
Driver

Wheat
Thomas Arthur

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George South Jr.
252 E. 33rd St.
Charles Burk

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

Dated June 16 1892

Hogan Magistrate.

Auderson Officer.

25 Precinct.

Witnesses Henry Steinclamp

No. 641- 2 - Armer Street.

C. H. Unlandhem

No. 325 E. 49 Street.

W. W. Olansen

No. 252 E. 35 Street.

\$ 1000 to answer

Cam



0828

Tombs Prison
Tombs N.Y.

Mr Theron G. Strong Dear Good and
kind friend I am ever so
much obliged I cannot express
myself. I am sure your letter
is doing good. Because
the Judge has not sentenced
me yet I am trying to
get sent to Elmira, as I
think I can learn a good
trade up there and it will
be better for me I don't
see how you can be
so good as to bother
with me. but this is a
lesson never to be
forgotten I am innocent

of this change before
 God, but still I will
 have to suffer - perhaps
 it is for the best. I
 have no other friend
 but you dear Sir I
 have lain awake many
 nights before I sent a
 letter to you one thing but
 still I am of you your
 name kept ringing in
 my ears, I hope some
 day I will become just
 such a Gentleman ^{and} Christian
 as you are Your. Perseverant scholar
 Charles Busch

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Busch

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

Charles Busch

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

The said

Charles Busch

late of the City of New York, in the County of New York aforesaid, on the *16th* day of *June* in the year of our Lord one thousand eight hundred and ninety-*two*, in the *night* time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of fifteen dollars, one chain of the value of twenty dollars, and one locket of the value of ten dollars

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

SECOND COUNT—

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

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

The said *Charles Busch*

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

one watch of the value of fifteen dollars, one chain of the value of twenty dollars and one pocket of the value of ten dollars

of the goods, chattels and personal property of one

George South, the younger

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

George South, the younger

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

Charles Busch

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.

DE LANCEY NICOLL,

District Attorney.

0832

BOX:

483

FOLDER:

4415

DESCRIPTION:

Byrne, Andrew

DATE:

06/02/92



4415

0833

Witnesses:

Counsel,

Filed

21 day of June 1892

Pleads,

THE PEOPLE

vs.

B

Andrew Byrne

VIOLATION OF EXCISE LAW.
(Selling on Sunday, Etc.)
[Ill. Rev. Stat. (7th Edition), page 1868, Sec. 21, and
page 1869, Sec. 22.]

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis Carter

Foreman.

F. J. [unclear] 29/92

0834

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

5 District Police Court.

Andrew Byrne 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. *Andrew Byrne.*

Question. How old are you?

Answer. *35 years.*

Question. Where were you born?

Answer. *Ireland.*

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

Answer. *221st - 2nd Avenue, 4th floor.*

Question. What is your business or profession?

Answer. *Boat-tender*

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

Answer. *I am not guilty and if held I demand a trial by jury.*
Andrew Byrne

Taken before me this
day of *August*
188*7*

Police Justice.

0835

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.....

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

Dated May 17 18..... Police Justice.

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

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

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

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

0836

1179 Selling on Sunday
Police Court--- District. 679

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Michael
vs.
Thomas Byrne

2.
3.
4.

Office
Case

BAILED.

No. 1, by Francis Murphy
Residence 210-8-113 Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated May 17 1891
Hiram Magistrate.
Pierce Officer.
29 Precinct.

Witnesses
No. Street.

No. Street.

No. Street.

to answer

Bailed



0837

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT,

City and County } ss.
of New York,

of No. 229 1/2 1st Avenue Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 17 day
of May 1897, in the City of New York, in the County of New York,
at premises No. 229 1/2 1st Avenue Street,Amos Byrne (now here)
did then and there SELL, CAUSE, SUFFER and permit to be sold and GIVEN AWAY under his
direction or authority strong and spirituous liquors, wines, ale and beer being intoxicating liquors,
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.WHEREFORE, deponent prays that said Amos Byrne
may be arrested and dealt with according to law.Sworn to before me, this 17 day
of May 1897Louis J. Reice
Police Justice

0838

157

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Andrew Byrne

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

The said

Andrew Byrne

late of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *May* in the year of our Lord one thousand eight hundred and ninety-*one*, 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

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

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

The said

Andrew Byrne

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.

DE LANCEY NICOLL,

District Attorney.

0839

BOX:

483

FOLDER:

4415

DESCRIPTION:

Byrne, Patrick

DATE:

06/02/92



4415

0840

Witnesses:

Court of Oyer and Terminer.

Counsel,

Filed,

Pleads,

day of

June 1892

THE PEOPLE

vs.

B

Patrick Byrne

VIOLATION OF EXCISE LAW.
[Ill. Rev. Stat. (7th Edition), page 1988, § 21, and
page 1989, § 5.]
Selling on Sunday, Etc.

James P.

DE LANCEY NICOLL

District Attorney.

Filed and taken on 9/1/92. See O.C. 1/1/92.
E. C. 1/1/92.

A TRUE BILL.

W. J. [Signature]

Foreman.

0841

Court of Oyer and Terminer

2037

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Patrick Byrne

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

The said

Patrick Byrne

late of the City of New York, in the County of New York aforesaid, on the *twentieth*
day of *July* in the year of our Lord one thousand eight hundred and
ninety *four*, 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

Daniel Dugan
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
New York and their dignity.

SECOND COUNT—

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

Daniel Dugan

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.

DE LANCEY NICOLL,

District Attorney.