

0879

BOX:

61

FOLDER:

695

DESCRIPTION:

Baxter, Lorenzo

DATE:

03/01/82



695

0880

BOX:

61

FOLDER:

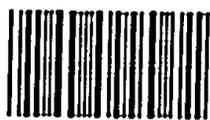
695

DESCRIPTION:

Moss, Joseph

DATE:

03/01/82



695

269

Day of Trial, 1882

Counsel,

Filed 1 day of March 1882

Pls. J. B. Kelly

Obtaining Money, &c. by False Pretences

THE PEOPLE

vs. Lorenzo Baxter
Joseph Moore

John M. Keon

District Attorney.

A True Bill
J. B. Kelly

Foreman.

Ch. 20

one year.

0882

Court of General Sessions ~~of the Peace of~~
the City and County of New York.

THE PEOPLE OF THE STATE OF
NEW YORK,

Lorenzo Baxter ^{against} *Joseph Moss*

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

Lorenzo Baxter *Joseph Moss*
of the crime of *Obtaining Money by False Pretences*

committed as follows:

The said *Lorenzo Baxter and Joseph Moss*

late of the First Ward of the City of New York, in the County of New York, aforesaid
on the *twentyfourth* day of *February* _____ in the year of our Lord
one thousand eight hundred and ~~_____~~ *Eighty two*, at the Ward, City and County
aforesaid, with force and arms, on the day and year last aforesaid, with intent feloni-
ously to cheat and defraud one *William Sackett* _____
did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend
and represent to *William Sackett* _____
that, a certain instrument and writing, to wit, an order for the payment of money, of
the kind known as a *Bank Check* _____, which the said
Joseph Moss and Lorenzo Baxter then and there presented
and delivered to the said *William Sackett* _____ and which
said *Bank Check* is in the words and figures following, that is to say:—

No. 115

New York, February 20, 1882

The German American Bank
Pay To. Walter. S. Robinson _____ *or Order*
Eight hundred & twenty _____ *Dollars*
\$ 820. ⁰⁰/₁₀₀ *O. N. Chump. T. Co.*

was a good and valid order for the payment of *eight hundred and*
twenty dollars _____ in money, and of the value of
eight hundred and twenty dollars _____; and that a sum of
eight hundred and twenty dollars _____ in money belonging to the
said *O. N. Chump. T. Co.* _____ was then in the possession
of *said Bank* _____, and that said sum of
money was then payable and could be paid by the said *Bank* _____

on the credit and account of the said

O. N. Chump. T. Co. _____ whenever an order in writing,
signed by the said *O. N. Chump T Co* _____ authorizing
the said *Bank* _____ to

make such payment should be presented at the place of business of the said
~~_____~~

~~_____~~
~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~
~~_____~~
~~_____~~
and that the same
was a valuable security, to wit, an order for the payment of *eight hundred*
and twenty dollars in money, and of the value of
eight hundred and twenty dollars

And the said *William Hackett*
then and there believing the said false pretences and representations
so made as aforesaid by the said *Lorenzo Baxter and Joseph Moss*
and being deceived thereby, was induced, by reason of false pretences and representa-
tions so made as aforesaid, to deliver, and did then and there deliver to the said
Lorenzo Baxter and Joseph Moss

of the proper moneys, valuable things, goods, chattels, personal property and effects
of the said *William Hackett*
and the said *Lorenzo Baxter and Joseph Moss* did then
and there designedly receive and obtain the said sum of money

of the said *William Hackett*
of the proper moneys, valuable things, goods, chattels, personal property and effects
of the said *William Hackett* by means
of the false pretences and representations aforesaid, and with intent feloniously to cheat
and defraud the said *William Hackett*
of the same.

Whereas, in truth and in fact, the said *check*
which the said *Lorenzo Baxter and Joseph Moss* then and there
presented and delivered to the said *William Hackett*
was not a good and valid order for the payment of *eight hundred and*
twenty dollars in money, nor was the same a good and valid order
for the payment of any sum of money whatever.

And Whereas, in truth and in fact, there was not then and there the sum of
Eight hundred and twenty dollars in money belonging to the
said *O. N. Chump. & Co.* in the possession
of the said *Bank*

nor was there then and there any sum of money whatsoever belonging to the said
of said *O. N. Chump. & Co.* in the possession
of said *Bank*

DE. 2577
ALL. 740 COR. 257

And Whereas, in fact and in truth, the said sum of money was not then payable and could not be paid by said *Bank* on the credit and account of the said *O.N. Chump. t. Co.*

whenever an order in writing signed by the said *O.N. Chump. t. Co.* authorizing such payment to be made should be presented at the place of business of the said *Bank*, nor would the said *Bank* pay any sum of money whatsoever upon such order so signed by the said *O.N. Chump. t. Co.* as aforesaid.

~~And Whereas, in fact and in truth, the said~~
~~is the proper handwriting of the said~~
~~was not an order to pay to the said~~
~~on any balance of the said~~
~~the sum of~~ *in money,*
nor was the same a valuable security, of the value of *eight hundred and twenty dollars* in money, nor was it of any value whatever;

And Whereas, in fact and in truth, the pretences and representations so made as aforesaid, by the said *Lorenzo Baxter and Joseph Moss* to the said *William Hackett* was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

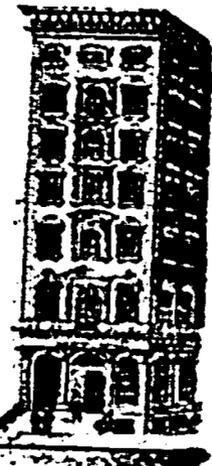
And Whereas, in fact and in truth the said *Lorenzo Baxter and Joseph Moss* well knew the said pretences and representations so by him made as aforesaid to the said *William Hackett* to be utterly false and untrue at the time of making the same.

And so the ^{Fraud} Jurors aforesaid, upon their oath aforesaid, do say, that the said *check* by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City, and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said *William Hackett* a certain sum of money, to wit, the sum of *eight hundred and twenty dollars*

in money, and of the value of *eight hundred and twenty dollars* of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said *O.N. Chump. t. Co.* with intent feloniously to cheat and defraud *him* of the same, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

~~_____~~
~~_____~~
John M. Keon
~~_____~~ District Attorney.

0885



No. 39.

New York, February 17th 1852

National Bank of New York

Pay to the order of A. B. Rose

Seven hundred Dollars

\$ 700.00

W. E. Hayes

00006

C. B. Rose
C.B.

0887

German American Bank,
NEW YORK.

STAMP.

No: 115

NEW YORK, *January 20 1892*

The German American Bank,

PAY TO *Walter S. Robertson* OR ORDER.

Eight Hundred & twenty DOLLARS.

\$ 820 ⁰⁰/₁₀₀

O H Chubb Jr

0000

5th Avenue & 23d Street.

Stamp.

NEW YORK, *February 14th* 1882

SECOND NATIONAL BANK,

Pay to *Walter S Morgan* or Bearer,

Three hundred & fifty Dollars.

\$ *350* ^{*50*}/_{*00*}

O H Champ Ho

0889



No. 71 New York February 14th 1852

Washington & Broadway Bank

Pay to the order of B. C. Bennett

Three Hundred — — — — — Dollars

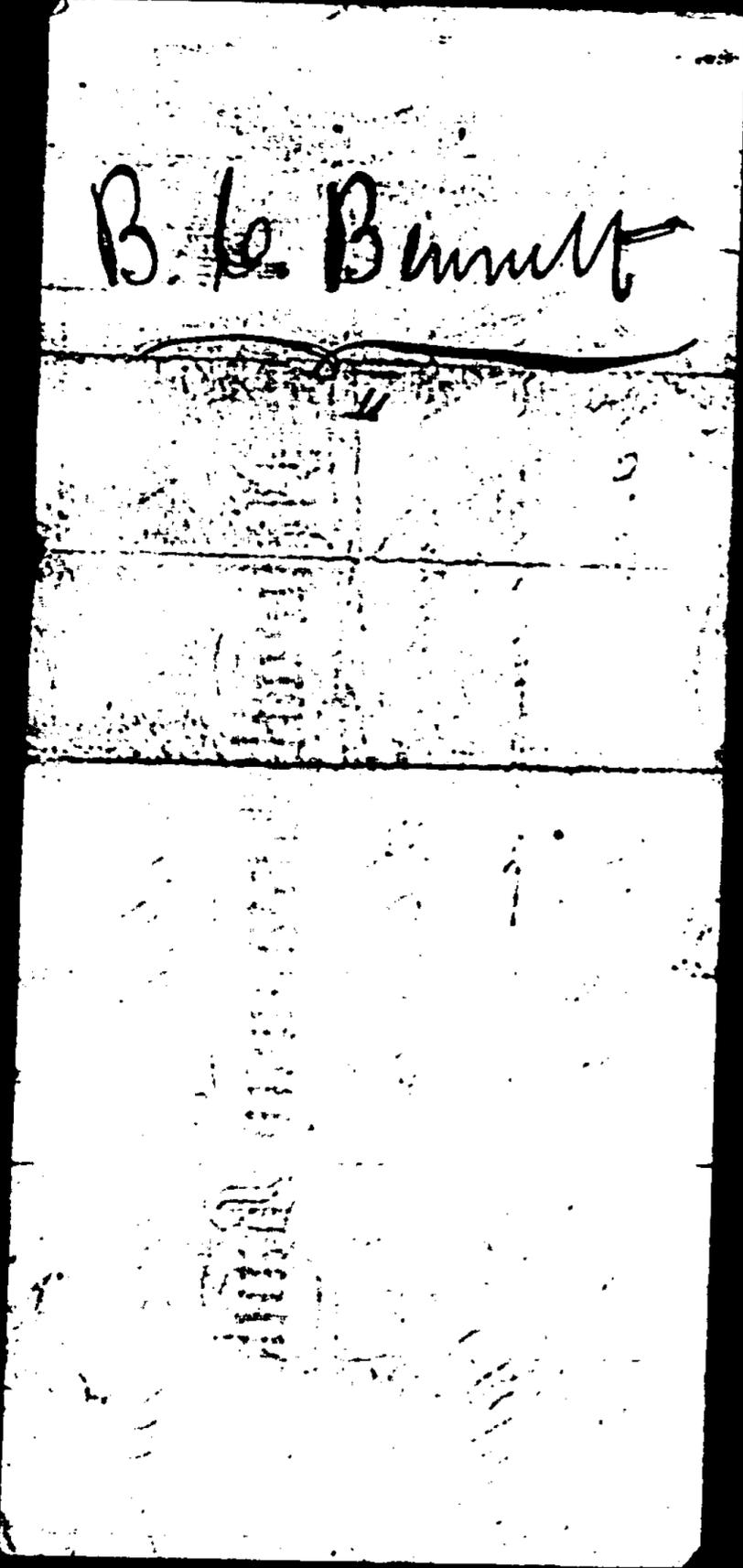
\$ 300.00

J. B. Jackson

PRINTED AND PUBLISHED BY

0090

B. L. Bennett



00911

275

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, Secy
ON THE COMPLAINT OF

William Hackett
Spide St. Detention
in default of \$100 bail
Lorenzo Baxter
Joseph Cross

Office, *obtaining money by false token*

Date

July 24 1888

Stover
Magistrate

Chief H. McCauley
S. B. Squad
 Clerk

Witnesses: *W. H. Bull*

No. _____
George Am. B. Kirk

No. _____
Street _____

No. *1377*
 Street *Lawyer*



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 *Lorenzo Baxter*

and Joseph Cross
 guilty thereof, I order that he be admitted to bail in the sum of *one* Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *July 24 1888* *W. J. Cross* Police Justice.

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

Dated _____ 1888 _____ Police Justice.

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

Dated _____ 1888 _____ Police Justice.

0892

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK } ss.

DISTRICT POLICE COURT.

First
Joseph Moss

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.

Joseph Moss

Question. How old are you?

Answer.

37 Years

Question. Where were you born?

Answer.

England

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

Answer.

In 17th Street I do not know the number

Question. What is your business or profession?

Answer.

Miner

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 have nothing to say

Taken before me, this

day of

July 188*8* *Joseph Moss*

M. J. Owen Police Justice.

0893

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

Just DISTRICT POLICE COURT.

Lorenzo Baxter

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.

Lorenzo Baxter

Question. How old are you?

Answer.

33 Years

Question. Where were you born?

Answer.

New York City

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

Answer.

333 W 5th Street about 15 Years

Question. What is your business or profession?

Answer.

Liquor dealer

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

Answer.

I am not guilty of the charge

Taken before me, this

day of

188

July Lorenzo Baxter

M. J. Conway Police Justice.

0894

Form 10.

POLICE COURT—SIXTH DISTRICT

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

William H Pull
of the German American Bank, 57 Wall Street,
that on the 28th day of July 1882 at the City
of New York, in the County of New York, being duly sworn, deposes and says,

Subscribed by me
day of July 1882
Wm. H. Pull

Deposent is a bookkeeper
in said Bank & by virtue
of such position knows that
the annexed check is fraudulent
and of no value whatever the
sum of One Hundred & Co - Not
being in the books of the Bank &
having no business relations with it
W. H. Pull

0895

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

POLICE COURT,

1st DISTRICT.

House of Detention William Hackett
of Boston Massachusetts 25 years, Farmer
Sweat, being duly sworn, deposes and

says that on the 24th day of February 1882
at the City of New York, in the County of New York, Joseph Moss

and Lorenzo Baxter, both now here
did, while acting in concert and
collusion together designedly
falsely and feloniously by
color of a certain false token
or writing - to wit the check
hereto annexed obtain good
and lawful money to the amount
of eleven dollars the property
of deponent in the following
manner viz - That said Baxter
met deponent who was waiting
at Pier 20 N River till the time
the boat was to leave for Boston
and induced deponent to walk
with him along Water Street where
they were joined by said Baxter
who accosted deponent & said
that he had brought the trunk
of said Baxter to the boat and
had them checked & then producing
a check demanded money from
Baxter before surrendering it -
That Baxter then avowed he had
no money and addressing himself
to deponent produced the aforesaid
false check which he stated to
deponent was a good & genuine
check and negotiable on presentation

0096

at the Bank for the amount specified on its face

That deponent believing that he spoke truly concerning the genuineness of said token gave to him ~~the~~ ^{most} eleven dollars which he in turn gave to ~~him~~ ^{Baxter} and then advised deponent to go back to the boat & that he would join deponent there as he ~~was~~ ^{was} also going to Boston by the same boat

That after deponent turned to go to the boat the defendants went away together and left deponent in possession of said check which is false & fraudulent

And worthless after having feloniously obtained in the manner above described eleven dollars in good and lawful money the property of this deponent ~~and of the public~~ ~~thereof~~

Sworn to before me this 24 day of July 1882
W. L. ...
M. J. ...

Police Court District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

AFRIDA VITL

Dated ... 188

Magistrate.

Officer.

Witness

Disposition

0897

BOX:

61

FOLDER:

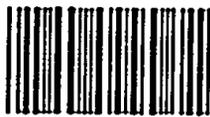
695

DESCRIPTION:

Baxter, Thomas

DATE:

03/29/82



695

0090

118
Bill returned
W. W. Spaulding
Filed 29 day of March 1882
pleads

THE PEOPLE N.Y.
vs.
Thomas H. Baxter
INDICTMENT
LAWRENCE

~~DANIEL O'ROURKE~~
John W. H. H. H.
District Attorney.

A True Bill.
John Lawrence
Foreman.

a/

0899

Court of General Sessions of the Peace of
the City and County of New York.

THE PEOPLE OF THE STATE OF
NEW YORK,

Thomas W. Baxter ^{against}

The Grand Jury of the City and County of New York by this indictment accuse
Thomas W. Baxter

of the crime of *Grand Larceny*

committed as follows:
The said *Thomas W. Baxter*

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *Sixth* day of *January* in the year of our Lord one
thousand eight hundred and eighty *two* at the Ward, City, and County aforesaid,
with force and arms, *seventeen bales of hemp of the value*
of one hundred dollars each bale.

of the goods, chattels, and personal property of one *William L. Boase*

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

John McKeon
~~DANIEL C. ROLLINS,~~
~~JOHN W. PIERCE,~~ District Attorney.

0900

ESTES & BARNARD,

BENJAMIN ESTES,
FREDK E. BARNARD.

Law Offices,

Thos B. Baxter

No. 228 Broadway,

New York, March 1882

Mr. Allen

West. Dist. Ct.

Dear Sir,

Enclosed

please find also two copy bill of the
of books & stamps paid the Tucker Carter Co. by
D. enclosed to them by Thomas B. Baxter.

Yours
()

Benjamin Estes

0901

ESTES & BARNARD,

BENJAMIN ESTES,
FREDK E. BARNARD.

Law Offices,

No. 229 Broadway,

New York, March 16 1882

Mr Allen

Court. Dist. Ct.

Mr Brown has been before the grand jury. If there is any point he has not made plain I would like that he have an opportunity to do so. He thinks they did not quite understand him on some points one of which ^{was} that his main business in New York is to represent another house. But Messrs Brown & Co. learning of Broxtus acts have called Brown to prosecute Broxtus for his theft &c. The delivery of the goods to The Tucker & Carter Cordage Co. and payment therefor can be proved by Mr Johnson the Secretary who is at No. 70 South Street. If you want him to come up as a witness he can be got in a few

0902

Minutes

Please tell Mr. Brown any
thing you may wish to say to
me and he will communicate
it to me

John P. Estes

0903

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Thomas A. Barker

Bench Warrant for Felony.

Issued

March 24 188 *7*

Estes & Burnard
227 Broadway
New York

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

April 3rd 1882

*The within named
defendant is now
in Canada from
information received
Von Seublin & Rilly*

0904

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,
Marshal or Policeman in this State, GREETING :

An indictment having been found on the 29 day of March
1882, in the Court of General Sessions of the Peace, of the County of
New York, charging

Thomas M. Carter
with the crime of Grand Larceny.

You are therefore Comanded forthwith to arrest the above named Thomas
M. Carter and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the
City Prison of the City of New York.

New York City, the 29 day of March 1882.

By order of the Court,

[Signature]
Clerk

0905

ESTES & BARNARD,

BENJAMIN ESTES,
FRED'K E. BARNARD.

Law Offices,

No. 220 Broadway,

New York, Mar. 16 1882

Mr. Allen, Court Dist. N.Y.

Dear Sir,

Will you

please subpoena either Mr. John A. Tucker
Treas. or Mr. Edward M. Johnson Secy. of the
Tucker & Carter Cordage Co. No. 70 South St. N.Y.
and require them to produce the check given in
payment of bill for the 17 bales hemp ^{of Baxter} to Baxter.
Either of them will swear that the Company
ordered the hemp of Baxter.

They have the check in their possession endorsed
with Baxter's name in his own handwriting.

We will send the bill over tomorrow A.M.

Yours very respectfully
E. E. Barnard
N. Y.

0906

If not called for in 10 days return to

ESTES & BARNARD,

Attorneys & Counsellors at Law,

No. 229 BROADWAY. NEW YORK.

Benjamin Allen

Mr. Allen

Dist. Ct. Office

0907

The Tucker & Carter Cordage Co.

\$1801.⁷⁵/₁₀₀ J.A.S New York, Jan^y 25th 1882.

Leather Manufacturers' National Bank,

Pay to the order of Mr J. H. Baxter of
Eighteen hundred and one ⁷⁵/₁₀₀ Dollars,

The Tucker & Carter Cordage Co.

Edw^d Johnson
Secretary.

No. 1714

John W. Tucker
Treasurer.

0909

118 (247)
The People v. ...

vs
Thos. H. Baxter



State of New York L.S.S.
 City & County of New York D

William Brown

being duly sworn, deposes and says that he is the agent of Messrs. W.L. Bouse & Co. of Dundee Scotland, a partnership firm doing business under that name, manufacturers and dealers in yarns, hampers, and haws or in for the last six months.

That deponent has been the agent of said firm and authorized by them to act for them in respect to their business in New York City since the 1st of March last.

That prior to that time and from about the 1st of September ~~at~~ ^{last past} one Thomas William Baxter was engaged in the City of New York in obtaining orders for, and receiving shipments of hamp and yarns from the said W.L. Bouse & Company in Dundee Scotland and delivering them ~~to the~~ in the City of New York, as the agent and for account of W.L. Bouse & Co.

That on the 5th day of November 1881, said Baxter received an order from the Tucker & Carter Cordage Co. of the City of New York for 10 tons or thereabouts of F. S. P. R. Hamp, haw, at the price of £ 30.10 per ton amounting to £ 315.6.1, equivalent in coin of the United States to \$1532.38 which said order

was forwarded by the said Baxter to N.L. Boase & Co. on the 5th day of November 1881, as appears by a letter of said Baxter written in his own handwriting bearing ^{that} date and ~~of which~~ ^{extract} of which the following is an abstract.

"Your cable of 3^d received. Offer from 50 tons Ryne quoted. I have just seen the parties for whom the last offer was got and they wish you to send them a 10 ton lot as sample.

I have accordingly cabled you today 'Sold 10 tons sample 30.10 which I now confirm' This is for The Tucker & Carter Cordage Co. and if it suits them they will probably be large customers."

That on inquiry of The Tucker & Carter Cordage Co. and by correspondence between the firm of N.L. Boase & Co. and the said Baxter, in the possession of this deponent. He has learned that on or about the 5th day of December 1881, in compliance with the order of The Tucker and Carter Cordage Co., forwarded as aforesaid by said Baxter to the firm of N.L. Boase & Co. they shipped from Scotland to the order and for the account of The Tucker & Carter Cordage Co. in the City of New York U.S.A. 10 tons 6 cwt. 3 qrs. 1 lb. of kemp.

consisting of seventeen bales as aforesaid, the value of which and the price to be paid for which as per agreement was \$1532.08 as aforesaid.

That as deponent is informed and believes the merchandise so shipped as aforesaid arrived at the port of New York and was received by said Baxter on or about the 28th day of December 1881, previous to which time said N. L. Boase & Co. had forwarded the bill of lading and a duplicate invoice of said goods by post to said Baxter, and he had received the same as appears by the correspondence aforesaid, and the fact that Baxter delivered or caused to be delivered the aforesaid merchandise to The Tucker & Carter Cordage Co.

As further showing such shipment, arrival, receipt and delivery of said goods, said Baxter on the 6th day of January 1882, wrote Mess. N. L. Boase & Co. the consignors, a letter of which the following is an extract - "I have delivered the 17 bales to T. & C. Co. but am afraid there will be trouble about it, as they expected to get rough dressed hemp, and you have sent the rough without any dressing. What they ordered and what I cabled for was rough-dressed

0913

Ryue. You cabled in reply '30.10 cif. cannot offer firm' and next day 'offer firm 50 tons Ryue quoted' I trust T.C.C. Co. will make no objection to taking the lump. but it is not what they ordered"

That on the 19th day of January 1882 the said W.L. Boase & Co. replied by letter to that of said Bayler, which was duly received by said Bayler. That deponent finds in amongst the papers and letters of said Bayler at his place of business No. 32 Beade St. in the City of New York. That of said letter of Jan. 19th 1882 following is an extract. To wit.

"We have your favor of 6th inst. and shall much regret if there is any trouble about the 10 tons lump sent the Tucker & Carter Cordage Co. You cable of 31st Oct. and 'offer firm rough best Ryue' The word best we could not make out and had the message repeated with the same result. We could not reckon it as direct, as such word does not exist and we concluded it was meant for best and accordingly quoted for rough best Ryue We enclose cable for your inspection. please see your original and if all in order.

hold. Cable Co. responsible if you can. In
 our letter confirming cable ^{of} Nov. we
 wrote 'you would receive our quotation
 for rough H.S.P.R. hemp' and again on
 8th Nov. we write 'you had ~~10~~ 10 tons as
 a sample at £ 30.107 of the rough H.S.P.R.H.
 and again on 3^d Dec. 'we shall ship the
 10 tons raw hemp for the Tucker & Carter Cord-
 age Co.' If therefore you had cabled us on
 seeing these remarks the parcels would
 have been kept back. We are unable to
 comprehend how the Tucker & Carter Cord-
 age Co could have expected to have got
 dressed hemp of any kind at £ 30.10/6
 The job price Riga was then £ 27 to £ 27.10
 and we do not think any kind of dressing
 hemp can get which will cost less than
 £ 6 to £ 8 per ton. To this add freight &c
 and the very lowest then the highest
 dressed hemp (Ryze) could be offered at
 would be £ 36 to £ 38 cif. New York. We there-
 fore trust that there will be nothing further
 about the matter. as the price is a very
 low one for the Hemp as it is. and
 we shall be glad to have an early re-
 mitance"

That when said hemp arrived in the
 City of New York said Buyer indeed &

attending to the delivery of it as the agent of W.L. Boase & Co. and in their name and on their account, wrongfully took it into his own possession and under his own control and then sold it in his own name and for his own account, as appears by the bill thereof in his own handwriting of which the following is a copy

New York 3 January 1881.
 The Tucker & Charles Cordage Co }
 for New York }
 1301 of Thomas W. Bayler
 32 Beade St.

Ex "State of Pennsylvania"
 ACC #1/17 17 Bales Hemp Tows 10.6.3.1. £ 30.107 £ 315.6.1.
 C Ex 11.86 p £ #1532.38

Charges
 To Duty 264.37
 Custom House Duty 5.00
 269.37
 269.37
 1801.75

E. E.
 That the date "1881" is erroneous and should be 1882 that being the time of the transaction, said Bayler not having been in the employ of W.L. Boase & Co prior to about

the month of Sept. 1881.

That as deponent is informed by the Secty of the said The T & C. Co and other officers the bill of which the foregoing is a copy was presented to said The T & C. Co. for payment and was paid by said Co. to said Baxter on the said 3^d day of January 1882 or shortly thereafter.

That now having received remittances due of proceeds of aforesaid shipment under date of 11th Feb. 1882 N. L. D. Case & Co. write Baxter as follows (as appears by the letter found by deponent amongst said Baxter's papers lately in his possession) "We have been without any advice from you for sometime and as remittances are fast due wired you last week and were sorry to receive your reply that the 10 tons F. S. P. R. Hemp, rough had been rejected which under the circumstances is perhaps not to be wondered at. We hope you will get this thing disposed of early as it is to a good house and please cable us any offer you may get"

That as deponent is now informed by the Secty. and other officers to The T & C. Co. the said Hemp had been the date of said Baxter's letter of Jan'y 6th

1882, been delivered to said Company, accepted by them, and the bill a copy of which is given above had been presented to said Company by said Baxter prior to said date.

Deponent further says that he has found amongst the papers of said Baxter a duplicate invoice of said goods sent him by said W. L. Bouse & Co. under date of 5th Decr. 1881. of which the following is a copy.

"Invoice of 17 Bales forwarded the 5 December 1881 per rail to Glasgow thence per ss. "State of Pennsylvania" to New York by order and for account of ^{Messrs} The Tucker & Carter Cordage Co. there by William L. Bouse & Co.

17 Bales ^{Recd} #1/1/1

17 Bales W.S.P.R. Hemp Raw ^{from} C. 2. C. 2 5
10. 6. 3. 1. 30. 10. 315. 6. 1.

1	2	3	4	5
13-0-20.	12-2-22.	11-2-22.	11-2-14.	10-0-6.
6	7	8	9	10
12-3-8.	12-1-20.	11-3-16.	12-0-14.	12-0-13.
11	12	13	14	15
11-2-20.	12-1-20	12-2-26	12-0-14	12-0-16
16	17.			

"12-2-18; 11-2-14

"

That the words "Messrs The Tucker & Carter Cordage Co" are stricken out from said duplicate invoice found with Bayler's papers and his own name in his own hand-writing is substituted for the name "The Tucker & Carter Cordage Co".

That on or about the 2nd of Feb last past the said Bayler left his place of business in the City of New York aforesaid and has not been seen there about his place of business since and cannot be found. That on or about the 2⁷th of Feb aforesaid deponent went to said Bayler's house and residence in the City of Elizabeth New Jersey and saw his wife who informed deponent there as well as on subsequent occasions when deponent has called there that he had gone away, saying on one occasion that he was at Boston and on another that he had gone to Canada and on still another that he was not going to return.

That deponent has made diligent efforts to find him and learn his whereabouts and has been unable to do so and believes that he has absconded. Deponent further says that some of the creditors of said Bayler have procured an attachment or attachments against ~~the~~^{his} property

as a non-resident or absconding debtor.
That just before his departure de-
ponent saw him, and was endeavoring
to collect claims against him in favor
of another Dundee house, where he
had wrongfully converted and embezzled
funds received by him as agent.

That said Bayler took, retained and
embezzled all the ~~funds~~ ^{proceeds} of the sale
aforesaid & deponent is informed and
believes, and without receiving or pay-
ing over anything to his principals has
absconded with the same as aforesaid.

Done before me this

16th day of March 1882

Hugh Dinnell

Notary Public

Myles

H. Brown

0920

BOX:

61

FOLDER:

695

DESCRIPTION:

Beard, Henry

DATE:

03/23/82



695

156

Counsel,

Filed 23 day of March 1892

Pleads

THE PEOPLE

vs.

P

Henry R. Beard

in

John M. Sloan

~~THOMAS S. BARRETT,~~

District Attorney.

Grand Larceny of Money, &c.
INDICTMENT.

A TRUE BILL.

John L. Phillips

Foreman.

Charles W. ...

A. J. ...

Charles R. ...

0922

Court of General Sessions of the Peace of
the City and County of New York.

THE PEOPLE OF THE STATE OF
NEW YORK,

Henry R. Beard

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

Henry R. Beard

of the crime of *Larceny*

committed as follows:

The said

Henry R. Beard

in the County of New York, aforesaid, on the *fifteenth* day of *March* in the year
of our Lord one thousand eight hundred and eighty *two* at the Ward, City and County aforesaid, with force
and arms, three promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one
thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied
(and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value
of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars,
and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and
there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars,
and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the
value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value
of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and
of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars
each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind
known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each:
one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind
known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each:
one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar
each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due
and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind
known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for
the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value
of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), be-
ing then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money
(and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten
promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatis-
fied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as
bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for
the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value
of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the
jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as
double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the
value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each:
fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold
coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the
kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors
unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver
coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually
known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as
quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes),
of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five
cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver
coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value
of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins
(of the kind known as two cents), of the value of two cents each. One hundred two bills of the United States of Amer-
ica, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomi-
nation of fifty cents each, and of the marketable value of fifty cents each: two hundred two bills of the United States
of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the
denomination of twenty-five cents each, and of the marketable value of twenty-five cents each: five hundred two bills
of the United States of America, the same being then and there due and unsatisfied (and of the kind known as frac-
tional currency), of the denomination of ten cents each, and of the marketable value of ten cents each,

of the goods, chattels, and personal property of one

James A. Starkie

then and there being found,
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.

Daniel O'Connell, John M. Skon
District Attorney.

0923

122 East 26th Street
June 1st 1882.

Sir,
Judge Cowing,

Having petitioned Governor Cornell of New York State for a free pardon for Henry Richard Beard sentenced to the Penitentiary on the 24th March 1882 by you for grand larceny, you promising an early pardon, I trust you will excuse the liberty stake of addressing you. — His wife & child having arrived in this city since his sentence fully expecting to meet him; —

I am confident that he has suffered quite enough since his incarceration in the Penitentiary in fact more

enough on the morning
of the trial to plead to
you for him. —

I hope you will
well consider this case
& have compassion on
his suffering innocent
wife & child feeling assured
that the ends of justice
will have been fully met
should he now be released
I be allowed to support
his poor wife & child & that
his imprisonment has
effected a strong impression
upon his mind

Yours faithfully
James M. Starbuck

more than an ordinary
Criminal would in years. —

He is ordinarily a good &
honest man & would never
have done what he did
but for the utter despair of
helping his wife who was in
London destitute & starving
& the strong temptation. —

I have proved him naturally
an honest man having trusted
him on several occasions more
than on this unfortunate
one & it was ^{the} mental suffering
which he had endured on
account of his wife's utter help-
lessness in another country
which caused him to give
way. — I had no desire to
prosecute him knowing he
was a good man at heart. &
I am sorry that I could
not get to the court early

0925

Mar 15th / 82

Dr. Ginn

I leave you to day
and borrow cash on a p.
that you would not lend
me what I ask that is
all I pay extra again 17.00
May the 15th - in 1882 to
one floor down below at
the institution

that had a copy
by Henry W. Board
for James W. Board

0926

Rev. 209, 207, 210 & 212

250

Police Court - 5th District.

THE PEOPLE, &c.,
VS THE DEFENDANT OR

BAILLED,

No. 1, by _____

Residence _____ Street,

No. 2, by _____

Residence _____ Street,

No. 3, by _____

Residence _____ Street,

No. 4, by _____

Residence _____ Street,

James H. Tucker
Henry R. Beard
James Grand

Dated *March 18* 188*2*

Smith Magistrate.

Sterner Officer.

Central office Clerk.

Witnesses

No. _____

No. _____

No. _____

No. _____

No. _____

Beard



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named *Henry R. Beard* guilty thereof, I order that he be admitted to bail in the sum of *Five* hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *March 18* 188*2*

Solou Smith Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0927

First

Sec. 198-200.

CITY AND COUNTY OF NEW YORK

DISTRICT POLICE COURT.

Henry R Beard

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

Question. What is your name?

Answer.

Henry R Beard

Question. How old are you?

Answer.

29 Years

Question. Where were you born?

Answer.

England

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

Answer.

I have no permanent home or residence

Question. What is your business or profession?

Answer.

Labrer

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 took the money and do not wish to make any explanation

Taken before me this 18th day of March 1888

Henry Richard Beard

Solomon Smith Police Justice

0928

F. 128

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK.

of No. *122 East 26th Street.* *23* years old. *Blk*

being duly sworn, deposes and says, that on the *15* day of *March* 188*2*

at the _____ City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent. *From a trunk in a room of said deponent*

the following property, viz:
Good and lawful money in bills of various denominations United States issue to the amount and of the value of eleven hundred and forty dollars

the property of *deponent*

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

Now deponent from the fact that deponent placed a trunk belonging to him which contained said property in a room occupied by the deponent and for which deponent paid the rent. That when deponent returned from business on the afternoon of said day he discovered that his trunk was forced open & the aforesaid property

POLICE JUSTICE

Stolen and carried away by the defendant who left for defendant a certain writing setting forth that the defendant had so taken the money as a loan which said letter or writing is in the handwriting of said Bond and is hereto annexed and made part of this complaint and further at the time of the defendant's arrest in Boston on the night of the 15th instant the several drafts & bills of Exchange here shown were found in the defendant's possession and aggregate the sum of eleven hundred & twenty dollars that said drafts were procured by the defendant for the money so stolen by him preparatory to his sailing for England as defendant alleges and believes and charges

1882

1882

Subscribed before me this
 18th day of March 1882
 Solon G. Smith
 (Magistrate)

James A. Harris

AFFIDAVIT - Larceny.

District Police Court.

Subscribed before me this
 18th day of March 1882

Solon G. Smith
 (Magistrate)

James A. Harris

Dated _____ 188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

District Police Court.

AFFIDAVIT - Larceny.

0430

BOX:

61

FOLDER:

695

DESCRIPTION:

Berthoff, Erastus

DATE:

03/20/82



695

0931

BOX:

61

FOLDER:

695

DESCRIPTION:

Smith, George

DATE:

03/20/82



695

12-
No. 10

Day of Trial,

Counsel,

Filed 20 day of March 1882

Plends Not guilty. 21

WITNESSES.

THE PEOPLE

LARCENY AND RECEIVING
STOLEN GOODS

vs.
Enactus Butchhoff.
vs.
George Smith P.

JOHN McKEON,

District Attorney.

Part for volume 2 of 1882
No. 2 of the year
A True Bill.

John L. ...
S. P. ...
Foreman.

21 April 29. 1882
Paid by ...

of

0933

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

Erastus Berthoff ^{vs} *George Smith*

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

^{Grand} *George Smith*
of the CRIME OF LARCENY

committed as follows:

The said

George Smith

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *Eleventh* day of *March* in the year of our Lord one thousand eight hundred and eighty *two*, at the Ward, City and County aforesaid, with force and arms

fifty one yards of Carpet of the value of one dollar each yard.

of the goods, chattels and personal property of one

Thomas Lindsay

then and there being found, 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.

0934

And the Grand Jury aforesaid, by this indictment, further accuse the said
Erastus Berthoff and George Smith
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Erastus Berthoff and George Smith*
late of the Ward, City and County aforesaid, afterwards, to wit, on the day and in the
year aforesaid, with force and arms, at the Ward, City and County aforesaid,
fifty one yards of Carpet of the value
one dollar each yard

of the goods, chattels and personal property of the said

Thomas Lindsay

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

Thomas Lindsay

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

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

JOHN McKEON, District Attorney.

0935

Wm P. ...
Meloy ...

BAILED,

No. 1, by _____
Residence _____ Street, _____
No. 2, by _____
Residence _____ Street, _____
No. 3, by _____
Residence _____ Street, _____
No. 4, by _____
Residence _____ Street, _____

7m 9
Police Court No. 11 District.

2 JURY TRIED BY _____
OF THE COMMISSIONER OF
Adolph ...
Charles ...
George ...
Office, _____

Hotel *March 12* 1882
Wm ... Magistrate.
Wm ... Clerk.

Witness *John ...*
are in *... Prison*
No. *...* Street, _____
have ...
No. *...* Street, _____
No. _____ Street, _____
Back to our ...

...

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

Dated *March 12* 1882 *...* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0936

Sec. 98-200.

CITY AND COUNTY OF NEW YORK, ss.

First DISTRICT POLICE COURT.

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

Question. What is your name?

Answer.

George Smith

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Brooklyn

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

Answer.

In Smith Street I do not know the number

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty. It was given to me by a man to carry at far as the corner

Taken before me, this 12

day of March 1888

W. J. Conroy Police Justice.

George Smith

0937

Sec. 108-200.

First DISTRICT POLICE COURT.

CITY AND COUNTY OF NEW YORK, ss.

Charles Berthoff

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 Berthoff

Question. How old are you?

Answer.

19 Years

Question. Where were you born?

Answer.

New York City

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

Answer.

39 Oliver Street & about 3 Months

Question. What is your business or profession?

Answer.

Labourer

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

Answer.

I am not guilty of the charge

Taken before me, this *12* day of *March* 188*8*

Charles Berthoff

[Signature] Police Justice.

0938

Inst

District Police Court.

Affidavit-Larceny.

CITY AND COUNTY }
OF NEW YORK } ss.

of No. *41 Madison Ave* Street. *28* Years. *Expressman*

being duly sworn, deposes and says, that on the *11th* day of *March* 188*2*

at the _____ City of New York,

in the County of *New York*, was feloniously taken, stolen and carried away from the possession

of deponent *from a wagon in his charge in the day time*

the following property, viz:
A Roll of Brussell Carpet
say about fifty one yards of
the value of fifty dollars

the property of *Thomas Lindsay* and in the
care and charge of deponent as
a common Carrier

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 *Croesus Berthoff and George*
Smith acting in concert together and
both now present. from the fact
that the property which deponent
identifies was found in their
possession by Officer *Lauener* as
deponent is informed *thereby believe*

Ralph P. Fox
City and County of New York I do
Thomas Lauener of the *4th* Precinct

Sworn before me this

10

day of

March

188*2*

Ray C. Smith

Police Justice

0939

being duly sworn says that he saw
the defendants together turning
the corner of Frost Street into
Beekman Street the defendant Smith
at the time having on his shoulder
the carpet in question. That
defendant followed and when
he came up with them they were
conversing together and the carpet
was lying close to them on the
sidewalk.

Thomas Lamer

Sworn to before me this
12 day of March 1880
W. L. Brown
Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

APFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

VERBAL PROCEED.

DISPOSITION

0940

BOX:

61

FOLDER:

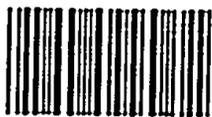
695

DESCRIPTION:

Bertholf, Louis

DATE:

03/24/82



695

170

WITNESSES.

Day of Trial,
Counsel,
Filed 24 day of March 1882
Plends at 10 o'clock AM 27.

THE PEOPLE
vs.
Louis Bartholomew
LARGEY AND RECEIVING
STOLEN GOODS

JOHN McKEON,
District Attorney.

A True Bill.
John L. Larkin
April 3, 1882.
Foreman,
Grand Jury
City of New York

64

0942

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Louis Berthoff

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

Louis Berthoff
of the CRIME OF LARCENY

committed as follows:

The said

Louis Berthoff

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *twenty-seventh* day of *March* in the year of our Lord one thousand eight hundred and eighty *two* - . at the Ward, City and County aforesaid, with force and arms

*one Coat of the value of fourteen Dollars,
Two Coats of the value of twenty Dollars,
Four pairs of pants of the value of twenty-one Dollars,
Two Cord Cases of the value of ten Dollars,*

of the goods, chattels and personal property of one

Edward Johnson

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

John M. Keon
District Attorney

0943

And the Grand Jury aforesaid, by this indictment, further accuse the said
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:
The said

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

of the goods, chattels and personal property of the said

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

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

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

JOHN McKEON, District Attorney.

0944



Testimony in the case
of
Louis Berthoff
filed March
1882

821

The People
 vs Louis Berthoff
 Indictment for grand larceny and receiving stolen goods.

Court of General Sessions, Part I
 Before Recorder Smyth. April 3, 1882

Edward Johnson, sworn and examined.

I live 161 West Twenty fourth st. I have lived there about a year and a half. I lost some clothing on the 22nd of Dec., from my house 161 West Twenty fourth st., it is one flight up, a front hall room; the property consisted of three coats, four pair of pants and two card cases; they were all my property and were taken that day from my room. There was a coat belonging to another young man in my room and that was taken; the value of all those articles was sixty five dollars. I have been acquainted with the defendant about two years. I have seen one coat since on the back of the prisoner. I saw him about a month after the property was taken on the corner of Twenty sixth st. and Sixth Ave. I asked him where did he get the coat. He said he bought it off another boy and his name was Ben Williams. I asked him how much he paid for it; he said he paid \$1.50 for the ticket, but the coat was in for two dollars. After a while he told me he knew all about it. He said he would

bring my clothes back. I said it would be all right; he was to bring them back the next week; he never brought them. So one night he left word he was going to bring my things back; he did not bring them back. I went to look for him and had him arrested in Twenty Seventh St. Cross Examined. I had one suit of these clothes three or four months. I am not doing anything now, but I am a porter by occupation. I do not know what secondhand clothes is worth. William Procter sworn. I live 228 Sullivan St. and have known Bertholf about three years. and I went to school with Edward Johnson. I had a conversation with Bertholf in respect to my own coat; my coat was taken from Ed. Johnson's house on the 28th of Dec. He said he did not know anything about my coat; he said he was not going to give anything away, all he knew was about some of "Ed's" things - what he had belonging to "Ed" he was going to return. He said Ben Williams met him in Twenty Sixth St. and asked him if he knew anything about "Ed's" room, and he told him, yes. Ben said he was a little hard up and wanted to make some money - would

He show him where the room was? He told him, 'yes'. He went around there and met a girl by the name of Bell Brown and asked her if "Ed" was home. She told him "no", she said she went out and he went down to Major Bools billiard room and stayed down till night. He came home again and he got into "Ed's" window, threw the clothes out of the window and they went and pawned them and he got \$3.50 out of it. Cross Examined. This statement was made about a week before he was arrested. I did not go and tell the police all about it. I was arrested once for stealing. I went and told "Ed" immediately; we are not very intimate. Louis Berthoff sworn and examined in his own behalf testified: I never stole this man's clothes, I got those clothes at the pawn shop after I bought the ticket of Mr. Ben. Williams; the clothes were in for two dollars, I gave \$1.50 for the ticket; the complainant claimed the coat. I told him I bought the ticket. I did not tell Mr. Procter anything about the clothes - in fact I told him I bought the pawn ticket and who I bought the ticket of. I offered to go with him to Ben Williams' house with

him and got his clothes back, the coat and pants; he said he did not want that, he wanted all of them; he held me responsible for the clothes. It must have been two months after these things were stolen that I was arrested. I did not try to run away. I lived in Twenty sixth st. I am innocent of this charge. Cross examined. I do not remember the day when I bought the ticket of Ben Williams. I remember Proctor told me that he had a coat with the things that were lost; I think that must have been ~~three~~ three or four weeks before I bought the ticket. I have been in jail two weeks. I bought the pawn ticket right across from my house standing on the sidewalk in front of 126 West Twenty Sixth St. I lived at that time at 129 West Twenty Sixth St. Ben Williams lived in Twenty Fifth St. between Broadway and ~~West~~ Avenue. I met him on the street accidentally. I was going to my work, it was a little after noon. I was working as a waiter at 40 Fifth Ave. for Mr. England. I had not been in the habit of seeing Williams frequently. I do not think I saw him about Christmas time. I was in Florida, Orange Co New York two weeks before Christmas. Williams

0949

said the clothes were his own. I only knew Williams by sight. I did not tell Procter that some boys were short, went into Johnson's house, and threw coats out of the window and all I got out of it was \$3.50.

The jury rendered a verdict of guilty of petty larceny.

0951

Sec. 105-200.
CITY AND COUNTY
OF NEW YORK, } ss.

Jud
DISTRICT POLICE COURT.

Louis Berthoff

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. *Louis Berthoff*

Question. How old are you?

Answer. *19 years old*

Question. Where were you born?

Answer. *Orange County, New York.*

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

Answer. *129 West 26 Street: for 8 years*

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 bought the coat off of Ben Williams. I gave him one $\frac{50}{100}$ dollar - I did not know the coat was stolen.*

Louis Berthoff

Taken before me, this *17th*
day of *March* 188*2*

G. Wilbeth Police Justice.

0952

Quid.
District Police Court. Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK *Edward Johnson*
Age 18. *Porter*

of No. *161 West 24th* Street.

being duly sworn, deposes and says, that on the *22nd* day of *December* 1881

at the *said premises - 161st Ward* 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 Black diagonal (cut away)
Coat of the value of ~~forty~~ dollars: Two
Sack Coats together of the value of Twenty
dollars: Four pairs of Pantaloon together
of the value of Twenty one dollars and Two
Russian Leather Card Cases together of the
value of Ten dollars - Said property
being in all of the value of Sixty-five
dollars*

Sworn before me this

the property of *deponent*

day 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 *Joris Berthold*

*(nowhere) for the reasons following, to wit:
That on the 19th day of December 1881
the said property was contained in deponent
room on the first floor of said premises and
that on the night of the said 22nd day of
December 1881, deponent discovered the
loss of the same: that on or about the
25th of February deponent saw the said
Berthold in 6th Avenue with the said
black diagonal coat on his person, and
that said Berthold promised to return*

Police Justice

188

all of the said property but he has failed to return to deponent any portion of it.

Sworn to before me this 17th day of March 1882 } Edward Johnson

M. Kilbuck
Police Justice

Edward

City and County of New York, ss. -

William Proctor being duly sworn and examined deposes and says that deponent is 18 years of age, a resident of No. 228 Sullivan Street and by occupation a porter, and that on or about the 17th day of March 1882, Louis Bethel - Person present - told me that on or about the 22nd day of December 1881, he accompanied two men to the residence of Edward Johnson in 24th Street and there enquired if Johnson was at home and upon being answered in the negative they all went away, and that on the same night of the same day he, said Bethel, and the two other men went up to 26th Street, and that one of them, named Ben Williams, climbed in the window, got the clothing and threw it out on the sidewalk to the other two men, and that said Bethel during the said larceny was standing on the corner of 6th Avenue & 24th Street and that all three of them went together and pawned the goods, said receiving there 5⁰⁰/₁₀₀ dollars as his share.

Sworn to before me this 17th day of March 1882 } William K Proctor

M. Kilbuck
Police Justice

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFIDAVIT - Larceny.

Dated 188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0954

BOX:

61

FOLDER:

695

DESCRIPTION:

Blair, Henry

DATE:

03/10/82



695

54

Day of Trial, ~~AT~~
Counsel, ~~AT~~
Filed 10 day of March 1882
Pleads ~~AT~~

Violation of Excise Laws.

THE PEOPLE

vs.
23 Chambers St
15 Chambers St

Henry Davis

JOHN McKEON,

District Attorney.

Part No. 1160
Filed 10th County
A True Bill.

John F. O'Rourke

Foreman

City Prison Fine Sleep.
d/

0956

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Olair

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

Henry Olair

of the CRIME OF *Selling Spirituous Liquors without a License,*

committed as follows:

The said

Henry Olair

late of the *Sixth* Ward of the City of New York, in the County of New York aforesaid, on the *twenty sixth* day of *February*, in the year of our Lord one thousand eight hundred and eighty *two*, at the Ward, 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 whisky, 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 one time, to a certain person whose name is 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.

SECOND COUNT. And the Grand Jury aforesaid, by this indictment, further accuse the said *Henry Olair* of the crime of exposing for sale and selling spirituous liquors on Sunday, committed as follows, that is to say: The said *Henry Olair* 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, the same being the first day of the week, commonly called and known as Sunday, with force and arms, 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 whisky, 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 expose for sale and sell as a beverage to a certain person whose name is to the Grand Jury unknown,

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

JOHN McKEON, District Attorney.

0957

Police Court 1st District.

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

James Loomney aged
23 years a policeman attached to the *4th Precinct*
of the City of New York, being duly sworn, deposes and says, that on the *25th* day
of *February* 188*2* in the City of New York, in the County of New York, at
premises No. *15 Chamber* Street,
Jerry Blair [now here]
did then and there sell, and caused, suffered and permitted to be sold, under his direction and authority, strong and
spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than five gallons at a time, to be
drunk in the house or premises aforesaid, contrary to and in violation of law.

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

Subscribed before me, this *25* day
of *February* 188*2* } *James Loomney*

[Signature] POLICE JUSTICE.

0958

15. Chambers Street,
February 27. 1882.

Dear Sir, P
Pardon me for the liberty I take in addressing you on behalf of Henry Blaine who was arrested on last Sunday morning. The facts of the case are as follows:— I am very much like the officer who came into the house, and the prisoner took the officer for me, who lives in the house; and am very sorry that my appearance should occasion the incarceration of a perfectly innocent young man in this matter. My business as a compositor calls me to work at all hours. The prisoner belongs to Chicago, and is a perfect stranger here. He had no

0959

business to go behind the bar,
but was doing a turn for the
bar tender, who is a friend of
his.

If you will look into
the case you will confer a
favour on

Your most obedient servant,
Michael Hessein.

The Hon. Mr. Fellows,

Assistant District Attorney.

0950

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, etc.,
ON THE COMPLAINT OF

William Johnson
Henry Adams

Offence, *Violation of laws*

Dated

Feb 27 1882
Wm. Adams
Magistrate.

Clerk.

Witnesses



No.

Street

Wm. Adams
Henry Adams

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

guilty thereof, I order that he be admitted to bail in the sum of *one* Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *26 Feby 1882* *Wm. Adams* Police Justice.

I have admitted the above named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____ Police Justice.

0961

Sec. 198-200.

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry Blair

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

Question. What is your name?

Answer.

Henry Blair

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

United States

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

Answer.

15 Chambers St. about 1 week

Question. What is your business or profession?

Answer.

~~*Produce Commission*~~ *Salesman*

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

Taken before me, this *26*
day of *February* 188*2*

Henry Blair

W. J. ...

Police Justice.

0962

BOX:

61

FOLDER:

695

DESCRIPTION:

Briganto, John

DATE:

03/28/82



695

0963

BOX:

61

FOLDER:

695

DESCRIPTION:

Dillasio, Rocco

DATE:

03/28/82



695

0964

Court of General Sessions of the Peace of
the City and County of New York.

THE PEOPLE OF THE STATE OF
NEW YORK,

John Brigante and Rocco Dellasio against
The Grand Jury of the City and County of New York by this indictment accuse

committed as follows:
The said

John Brigante and Rocco Dellasio
of the crime of *Murder in the First Degree*

late of the *First* Ward of the City of New York, in the County of
New York, aforesaid, on the *thirty first* day of *January*
in the year of our Lord one thousand eight hundred and eighty-*two* at the Ward,
City and County aforesaid, with force and arms, in and upon one

Louis Donati

in the peace of the People of the State then and there being, willfully, feloniously, and
with a deliberate and premeditated design to effect the death of *him* the said
Louis Donati did make an assault.

And that *they* the said

John Brigante and Rocco Dellasio

the said

with a certain *knife*

which *they* the said

John Brigante and Rocco Dellasio

in ~~his~~ right hand then and there had and held

the said *Louis Donati* in and upon the *Abdomen*

of *him* the said *Louis Donati*
then and there wilfully, feloniously, and with a deliberate and premeditated design to
effect the death of *him* the said *Louis Donati*

did strike, stab, cut and wound, giving unto *him* the said *Louis Donati*
then and there with the *knife* aforesaid

aforesaid, in and upon *the abdomen*

of *him* the said *Louis Donati* one mortal wound of
the breadth of *one* inch and of the depth of *5* inch of which

said mortal wound *he* the said *Louis Donati*
at the Ward, City, and County aforesaid, from the day first aforesaid, in the year
aforesaid, until the *second* day of *February*

in the same year aforesaid, did languish, and languishing did live, and on which

second day of *February*
in the year aforesaid, *he* the said *Louis Donati* at the Ward,
City and County aforesaid, of the said mortal wound did die.

And so the *Jury* aforesaid, upon their oath aforesaid, do say that *they* the said

John Brigante and Rocco Dellasio

he the said

Louis Donati

in the manner and form, and by

the means aforesaid, at the Ward, City, and County aforesaid, on the day and in the
year aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to

effect the death of *him* the said *Louis Donati*
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.

DANIEL G. ROLLINS, District Attorney.

0965

147 7/17th

Counsel, I. H. [unclear]

Filed 28 day of March 1882

Plsds, [unclear] July 19

THE PEOPLE

Murder of the Degree of Murder in the First Degree.

vs. [unclear] [unclear]

[unclear] [unclear] DANIEL G. ROEHRS,

District Attorney.

A True Bill.

[unclear] [unclear] Foreman.

[unclear] [unclear] S.P. [unclear] guard.

day of

Joseph. Soma.

[unclear]

Representative

[unclear]

[unclear]

[unclear]

July 19/82

Antonio Di Donato

Com. to House of Deten.

July 11/81 Bail 1000*

[unclear] Franco

[unclear] to House of Deten.

[unclear] 19/81 Bail paid to

[unclear]

443 [unclear]

412 8 111

0966

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

CITY AND COUNTY OF NEW YORK
The said *John Prigante and Pecco Dellasio*
of the CRIME OF *Murder in the first degree*
their Oath, present

committed as follows:
The said *John Prigante and Pecco Dellasio*

late of the *12th* Ward of the City of New York, in the County of New York, aforesaid, on the *thirty first* day of *January* in the year of our Lord one thousand eight hundred and eighty-*two* at the Ward, City and County aforesaid, with force and arms, in and upon one

Louis Donati

in the peace of the People of the State then and there being, willfully, feloniously, and with a deliberate and premeditated design to effect the death of *him* the said *Louis Donati* did make an assault.

And that *they* the said *John Prigante and Pecco Dellasio*

~~the said~~

with a certain *knife* which *they* the said *John Prigante and Pecco Dellasio*

with *his* right hand then and there had and held the said *Louis Donati* in and upon the *back* of *him* the said *Louis Donati* then and there wilfully, feloniously, and with a deliberate and premeditated design to effect the death of *him* the said *Louis Donati* did strike, stab, cut and wound, giving unto *him* the said *Louis Donati* then and there with the *knife* aforesaid

aforesaid, in and upon *the back* of *him* the said *Louis Donati* one mortal wound of the breadth of *one* inch and of the depth of *six* inches of which said mortal wound *he* the said *Louis Donati* at the Ward, City, and County aforesaid, from the day first aforesaid, in the year aforesaid, until the *second* day of *February* in the same year aforesaid, did languish, and languishing did live, and on which *second* day of *February* in the year aforesaid, *he* the said *Louis Donati* at the Ward, City and County aforesaid, of the said mortal wound did die.

And so the ~~Jury~~ ^{*Grand*} aforesaid, upon their oath aforesaid, do say that *they* the said *John Prigante and Pecco Dellasio* the said *Louis Donati* in the manner and form, and by the means aforesaid, at the Ward, City, and County aforesaid, on the day and in the year aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of *him* the said *Louis Donati* 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.

John M. Neve
DANIEL G. ROLLINS, District Attorney.

0967

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
Years.	Months.	Days.			
24			Italy	99 th St Hoop	Feb. 3. 12.

145 0383 147 1882
HOMICIDE.
AN INQUISITION
 On the VIEW of the BODY of
Louis Druett;
 whereby it is found that he came to
 his Death by the hands of
John Fitzgerald
and
Rosa Wilson
 435 E 11th St
 Burial taken on the 10 day
 of March 1882
J. M. Morrison Coroner.
 Remitted of Burial
 Buried
 Discharged
 State of death



0958

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of Coroner's Office, No 15 Chatham Street, in the 4 Ward of the City of New York, in the County of New York, this 10 day of March in the year of our Lord one thousand eight hundred and 82 before Person W. Herrmann Coroner, of the City and County aforesaid, on view of the Body of

Louis Donati lying dead at

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

came to his death by Haemorrhage, following stab wounds of the abdomen received at the hands of the Briganti & Kraco, Dellascio, July 31. 82 at 435-2111th St.

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

JURORS.

Geo Munderoff
W. W. ...
A. Justice
James ...
S. M. Duerbeney
Robert Wyatt

Frank Salomon
W. J. Morgan
Chas. H. Treat
Chas. Linch
Russel D. Hyde

[Signature] CORONER, E. S.

0969

The People of the State of New York, on the
Complaint of

vs.
John Briganti
Rocco Dellasio

List of Witnesses.

NAMES.

RESIDENCE.

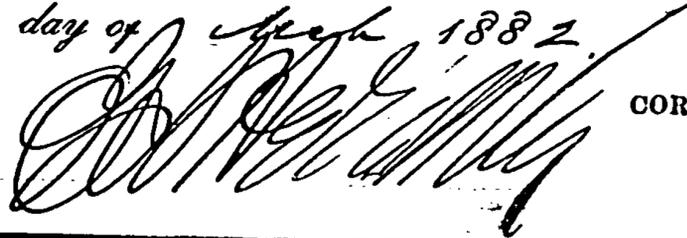
NAMES.	RESIDENCE.
Angelo Frank	308 Mott St
Natthano DiComo	425 East 111 th St
Antonio D Donato	435 " "
Joseph Somma	433 " "
Officer Sawyer	12 th Precinct
Dr Joseph A. Ferguson	90 th St, " "
Dr Maternum	Commons of " "

0970

Joseph Sawyer of 12 park office -
 being sworn says on Jan 31. 82, a boy
 looking for an office said to me
 that somebody was hurt at 111st ft &
 I should go down; I at once started
 on my way I met Big Annie who lives
 at 420 E 111st ft. - I asked her the matter
 & she said an Italian was stabbed at
 425 E 111st ft. I went up stairs & found
 deceased in bed, and I was infor-
 med that he was attended by Dr Cor-
 mensibile an Ambulance came &
 deceased was taken to the Hospital -
 I heard who it was did the cutting &
 I searched for him, at his residence
 422 E 111st ft. whom I found in bed with
 his hat & clothes on; I arrested him &
 took him to station; I found him at 9 A.M.
 the Prisoner is the man I arrested. The
 following morning, I took the prisoner
 over to 99th ft Hospital & there Louis Dou-
 ati, pointed to prisoner and stated that
 he was the man, who ran a cutting knife
 through his body; I took an interpreter
 along with me - the stabbing was done at
 10 P.M. Jan'y 31. 82, at 425 E. 111 ft, while en-
 gaged in a quarrel while playing Mora-
 deamed and he was cut with a knife

Taken before me

this 10 day of March 1882.



CORONER.

0971

Coroner's Office.

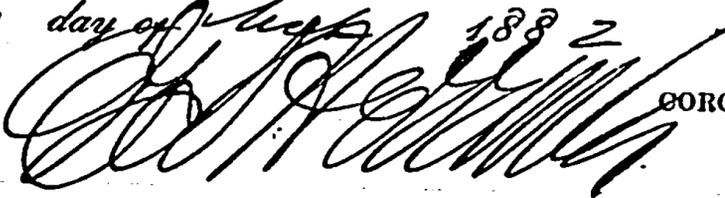
TESTIMONY.

2

about 15 inches long, used for cutting fish, with
a broad back to it - he said (deceased)
that the Prisoner was the man who
ran the knife through his back -
Joseph Sawyer

Taken before me

this 10 day of Sept 1882



CORONER.

0972

Coroner's Office.

TESTIMONY.

3-

Angelo Franks being sworn, through the
 sworn Interpreter John Patrone 308
 Mott St, says - I live at 425 E 111 St -
 I know deceased; I know Prisoner. I was
 in bed sleeping when quarrel commenced.
 I was woke up by the noise and I saw
 John Brigandini with a knife in his hand.
 I got up, in my night clothes, but
 did not dress, and I told Brigandini not
 to hurt Donati, but he stabbed Donati
 in the abdomen in front - Rocco D'Allesio
 also had a knife in his hand, and he
 stabbed him in the back - Prisoner had a
 knife 15 inches long in his hand - Rocco
 had a long Butcher knife - I know Rocco,
 don't know where he is - the prisoner
 is Brigandini & I identify him & there
 were 5 awakes, 6 people asleep in room
 after the stabbing Brigandini laid down - we
 afterwards took Donati to his bed - I do not
 know of any quarrel between them -

Angelo Franks

John Patrone

Taken before me

this 10 day of July 1882.



CORONER.

0973

Coroner's Office.

TESTIMONY.

Bastianio Dreomo through sworn Interpreter
 John Patrone of 308 North St being
 sworn says, I live 425 E 111th St - I
 knew deceased and Prisoner - at time
 of stabbing I was asleep, and I heard Brig-
 andi say he would slap Louis Don-
 ati in face; I then got out of bed and
 I saw Rocco Dellacio & Brigandini have
 knives in their hands. Brigandini stabbed
 Donati first in the belly and Rocco in
 the back of deceased - Donati had no
 knife - it was at 10 o'clock in the night -
 there was no quarrel between the parties
 when I lay down - the knife Brigandini had
 was a little smaller than 2 fingers in
 breadth - Rocco's knife was about a
 little over 2 fingers breadth in width -
 Rocco had the widest knife -

Nastiano Siccome
 John Patrone

Taken before me

this 10 day of July 1882.

CORONER.

0974

Coroner's Office.

TESTIMONY.

5

Antonio Donati through sworn Interpreter
John Petrone of 308 North St. being sworn
says I am a Brother of deceased; I was
in bed when my brother was stabbed; I
awoke and saw knives in the hands of
the men; I tried to separate them & Brigg-
s said to me if you don't go out of the
way, I will stab you and he did cut
me in the finger - but it was after hav-
ing stabbed my Brother -

Antonio Di Donati
John Petrone

Taken before me
this 10 day of July 1882.

CORONER.

0975

Coroner's Office.

TESTIMONY.

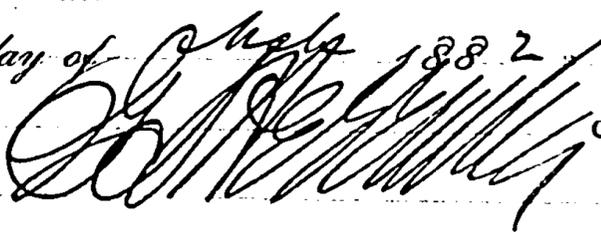
6-

Joseph Somma through sworn Interpreter
 John Petrone. being sworn says I live at
 433 E 111th St; I laid down and when the
 quarrel commenced, I awoke, I saw a whole
 crowd, but did not see the stabbing or
 who did it. before I retired I heard no
 quarrel. I got up and called Police out
 of the window; I did not see Donati after
 the fight; I did not see him although I
 was in the room; I did not see the knife
 after I left the window all the parties to
 the fight had left the room; I know the
 Prisoner, but not enough to be intimate;
 this is a true statement.

Joseph Somma
 John - Petrone

Taken before me

this 10 day of July 1882



CORONER.

0976

Coroner's Office.

TESTIMONY.

I Jas. A. Ferguson, House Surgeon 99th St. Hospital being sworn, testify, that on Feb 1st about 4 A.M.

Louis Slonati 24 yrs Italy 2 yrs M. Sat. residing at 430 E 111th St, was brought by ambulance to this hospital from 420 East 111th St. On admission, he was suffering from shock occasioned by stab-wounds of back-~~hands~~ & abdomen

The wound on abdomen, half an inch long, was situated four and a half inches to the left of the umbilicus

The wound on back was an inch & half to the left of spine, and immediately above the crest of the ilium.

There was no haemorrhage on admission. The patient recovered from shock. But at 9 P.M. 17 hrs after admission, he showed signs of internal haemorrhage. At 5 A.M. Feb 2nd the patient on sitting up in bed blood flowed from the abdominal wound. This was arrested by pressure

After this the patient ceased and died 12.05 from Internal Haemorrhage

Jas. A. Ferguson
House Surgeon

Taken before me
this 1st day of

Feb 1888
CORONER.

0977

Coroner's Office.

TESTIMONY.

Dr. M. M. Altman being sworn, says that he has made an Autopsy on the body of Louis Donati at the 99th Hospital Feb. 3. 87, and the following are the results of said examination.

The body of deceased was well nourished; about 5 ft 7 in in height. Examination revealed a wound on the left abdominal parietis, three inches on a line from Umbilicus, penetrating the abdominal walls & cavity; the wound externally was about 1/2 inch long, and its direction was from above downwards & backwards. The intestines at that point were not perforated; the wound on the internal surface, was 3/4 inches long; marking of the Peritonium was present at that point, and evidence of acute general peritonitis was marked; at the entrance of wound there was no fecal material present - further examination revealed a wound 1 1/4 inches long, having nearly the same direction as the wound above described, upon the back, 1 1/2 inches from spinal column ~~just~~ below the border of 10th ribs & the left side; this also penetrates the abdomen & a large amount of hemorrhage was the result; in its course the instrument

Taken before me
this 10 day of May 1887

[Signature]
CORONER.

0978

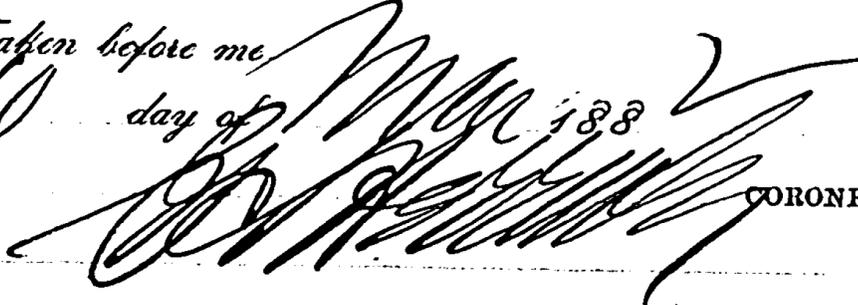
Coroner's Office.

TESTIMONY.

perforated the descending colon, passing through the mesentery & re-passed through the descending colon, at equal points or distances, through intestine, from the wounds in the mesentery, making & puncturing in the intestines, and allowing the escape of fecal matter, into the cavity of the Peritoneum; close examination & the peculiar position & appearance of the wounds make it in my opinion evident that both wounds, were made by the same instrument, the same passing from the back & out through abdominal cavity, through front part of the same -

I am of opinion death was caused by hemorrhage and ~~other~~ acute traumatic Peritonitis & collapse

M. W. Waterman, M.D.

Taken before me,
 this 10 day of May 1888

 CORONER.

0979

Coroner's Office, 

CITY AND COUNTY OF NEW YORK, ss

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

Question.—What is your name?

Answer.—

John Brigante

Question.—How old are you?

Answer.—

thirty four years old

Question.—Where were you born?

Answer.—

Italy

Question.—Where do you live?

Answer.—

East 117th St

Question.—What is your occupation?

Answer.—

Mason & Laborer

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

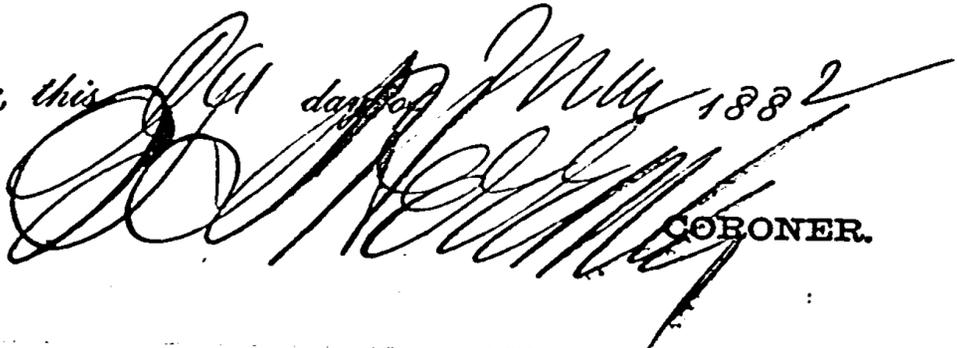
Not guilty

Brigante Giovanni

Taken before me, this

24 day of

May 1882



CORONER.

People

Prigaudi

The wound caused death:

x There was only one wound

Prigaudi stabbed the man in front

Angelo Lupo

Donato

Delapio

Prigaudi

Masera

Peter Mathen

Bartolomeo De como

What did Rocco say

I only heard the 3 Prigaudi
Rocco Delano - & the dead man

Some they were pushing him
towards the door

Little further up towards the door

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

Brief =

He who attempts to strike with a deadly
weapon one who is at the same time
struck by another with a deadly weapon
is joint principals in the offence
Wharton on Homicide 333⁴ King vs State 21 See 220

So far as concerns murder, however it is to be
noticed that if the indictment should be charged
as principals + + + it is not material
which of them be charged as principals in the
first degree as having given the mortal blow;
for the mortal injury given by any one of
them present is, in contemplation of law, the
injury of each and every of them

What duty did
he owe
to stay the
hand of a felon

Wh on Hom 341

See Cases quoted

What did
you strike
me for

As to Malice Read RLE 720
740 Suspicion of reason from sudden
passion & equality 750

0482

District Attorneys Office.
City & County of
New York.

As to Mutilation of Surgeon, see Layton
Mf 395

Incised wounds

Opinion of DePuytren - elasticity of skin
smaller than weapon Mf 395

0983

± his Muganti - killed
Louis Donati - stabbed him
July 31. 82 425 E 111th
12 of P M

Jan A Ferguson Nurse Surgeon
99th St Hospital
Died Nov 2 1882

Dr Waterman - Cause
of death.

Joseph Sawyer Police
officer found Muganti
in bed with his clothes on.
Brought Muganti to the presence
of Donati 99th St Hospital =
who said he was the man
who saw a knife through his
back &c. Ferguson did
not deny it.

0984

in/ Angelo Hawk

Told Pergandi not to hunt
Doves - but he killed
him. I did not know
of any quills

Bartolo D'ecorno

10 of no quill
stabbed in the heart & belly
butcher knife

Antonio Donato

Saw the Hummer &
if you don't do I will state
you & did state here

Joseph Somme

heard no quill &

0985

3
Every individual is a factor in
the body politic.

High function of the Surg.
From a tiny plant - German
origin, transplanted into England.
Flourishing here - Q&A across

The bones of cats in mud
destruction. &c

Whole drift of Modern legislation
is in favor of criminals &c.

Survival without Courage -

If one of you assassinated - why
not say you the fellow lie
murdered - &c -

Keep Un-American - intent
to kill - Italy People, Spain,

Intents formed in a Moment
&c

0986

4/ Same
cannot be reduced to Manslaughter
unless sufficient provocation
McHenry vs State 8 Tex App 626
The intent to kill may be immediate
Weight vs Commonwealth
33 Gr 126 188.
2 Vol CR 571

Killing with a deadly weapon
without justification, mitigation or
excuse - implies malice so and
is murder

It is the character and manner of
the weapon - and the way of its
use - which indicate the intent
of the defendant

0987

Testimony in the
case of
John Belgante
filed March
1889

*

60 folios

The People
John ^v Brigante
Jointly indicted with Rocco Dillasio for murder
in the first degree. A jury was empannelled and
sworn. Tuesday, August 8. 1882.

Count of General Sessions, Part I.
Before Judge Giddereleeve Aug. 7/82
Moses W. Waterman, sworn and exam-
ined testified. I am a physician attached
to the Coroner's office. I made an autopsy
upon the body of Louis Donati in the
Ninth St. Hospital upon the 3^d of
Feb. 1882. I found two penetrating incised
wounds passing into the abdominal cav-
ity. One was on the left side two or three
inches from the navel and on a line
with the same - the wound passed in
through the irasc wall. The wound on the
inside by measurement was $3/4$ an inch
in length. I found no evidences of the
intestines having been punctured on
the anterior aspect of the abdominal vis-
cera or the organs, but I did find that
the knife or the wound that was produced
in the back had passed through the
intestines lying just at the wound which
is known as the descending colon.
There was a penetrating wound directly
through the upper edge of where the in-
testines are joined to the band, keeps

them together, known as the mesentery, passed through the upper edge of the intestines, just through the band which is a loop, and also passed through again on the other side. There was quite an amount of fecal matter thrust into the peritoneal cavity. The muscular structure at that place was infiltrated with blood; there was considerable hemorrhage there. I will guarantee that the patient was dead when I examined him. I made a very careful and particular examination as regards the direction of the wounds - introduced a probe to meet, if possible, and follow out the course of the instrument which penetrated and did the cutting. I am satisfied beyond a doubt that one knife or one instrument produced both of those wounds from the fact that the one in the back being the larger of the two. From the fact that the inner wall of the abdominal flap or fold, as we call it, was larger than the external wound, I am satisfied that was the direction of the knife. I found that the external wound on the anterior portion of the abdominal walls,

the point had been through manipulation enlarged to introduce the finger, so as I understood. I don't know whether I could give that as evidence. All I want to say, from memory, would be that the wound was smaller on the outside than it was on the inside of the abdominal flap. What produced the death of Louis Donati? The immediate cause of death was hemorrhage and collapse from that cause - due to the stab wound in my opinion. You did not tell us the day when you made the examination? February 3 at the Twenty ninth St. hospital in this city. Cross Examined. I did not see this man until after he was dead. I did not know the condition the wounds were in when he was taken to the hospital. I don't know anything of the treatment he received at the hospital except from hearsay. I should judge Donati was about five feet 7 inches; it was a body of a well nourished man, well developed for that size. I should judge his weight to be about 150 pounds. Have you any definite idea of the distance from this wound that you found in the

back where you found it in front, how many inches? I think it is between seven and eight inches. That that wound is in length - from the wound here (pointing to the back) to the wound in front. Now, doctor, from your whole examination of that wound was it your opinion that it was only one wound and one stab? Yes sir. And that that stab was received from the back? From behind. And that this puncture in the front was made by the point of the knife going through? Yes sir. And that the reason for that was the wound upon the inside of the wall was larger than the lip on the outside? That went towards making up my opinion. That was the fact? One of the facts which guided me in my opinion. Then it is your opinion that only one blow was given? Yes sir. By Mr. O'Syrene. Or that there were two blows with one knife, which? My opinion is that it was one blow and the wound in the back and the wound in the front was made by one blow. That the knife went straight through? Yes sir.

The People
vs.
John Brigante

By Sh.
O'Byrne

Angelo Franchi, sworn and examined through the interpreter testified:

Q Now Sh. Interpreter ask him if he lived at 425 East 111th St. last January.

A No 425 East 111th St.

Q Were you present when Brigante—
objected to.

Q Well, let him tell what he knows about the affair. A. I went to bed, I don't know the date, I don't know what day of the week it was when that happened, in the evening, I went to bed. Brigante and the deceased and Rocco Delasso and some other Italians were playing that game of "moro" when I went to bed. It was then about half past nine when I went to bed; all at once I heard a noise, a great noise, harsh words, and that awakened me. Then I got up from the bed I saw the knife in the hands of the prisoner Brigante and also in the hands of Rocco Delasso, the other man. Antonio Donati, and Bastiano De Cenzo, we three went out in the

room and were about trying to separate them, to make peace. Then John Brigante said to us, "you get away from here because I will stab each one of you." I saw when he gave the stab to the deceased - when he stabbed the deceased. Then they remained with the knives in their hands.

Q Who? A. Brigante and Rocco Dellaso and I left the room; we were all frightened, and we left the room. Then I, Antonio Donati and Pasquano De Corso we left the room.

Q What did he say Brigante do to Donati, the dead man, let him describe the knife. A. I saw him in the way as I described give him the stab.

Q Did he give him more than one stab.
A Only saw one stab

Q Now will he tell us just what sort of a knife he had - describe it, how long was it, let him show on his hands to the jury. A. He gives it about eight or nine inches long; the knife he shows it that length, but it was in such confusion that I could not describe exactly the knife. Was that

the knife he stabbed Donati with that he is speaking of? Yes sir. He saw him do it? Yes sir. What was Donati doing, had he the knife? No sir. By the Court. You heard the noise, you got up, in whose hands did you see the knives when you came out? In the hands of John Brigante and Rocas Delasso, I saw each one holding a knife. I saw Brigante stab the deceased with a knife. I saw Rocas Delasso stab the deceased from behind with a knife; each one of them stabbed the deceased; they were about two paces away from the deceased; the dead man had no knife at all. I could not tell if it was a knife or a stiletto that the prisoner had, I only saw it in motion in the air; the deceased had nothing in his hand, the deceased and two others had harsh words among them. Just as soon as I came out of the room the stabbing occurred. I said to Brigante before he stabbed Donati, "In God's sake keep quiet, what are you going bold?" and he motioned with a knife at me and so I got frightened. At that time Rocas Delasso had the knife in his hand. I saw the blade of Brigante's knife.

just for a second in the air; I think it was a narrow blade. I saw Rocco Delasso giving the stab from behind and Brigante to stabbed him here (pointing to the left side of the abdomen) Cross Examined. I saw Donati leaving the room after he was hurt. I found him also lying on the ground downstairs, I only saw the cut in front, I did not examine the cut behind. I did not see Donati before he died after that night; it was a butcher's knife that Delasso had. I did not know Brigante in Italy, I only made his acquaintance here; we lived together two or three weeks. I don't know where Delasso is, I have not seen him since that night, I think he ran away. I do not know what happened before the stabbing I only got up by the noise I heard; there was quarreling about beer and the quarrel woke me up. I think it was about ten o'clock. I do not know where Brigante went after the stabbing, I left the room and I don't know. There were five Italians that had the game together - Donati, Rocco Delasso, Brigante, Francis Majasee, Peter Maccio; I myself, Antonio Donati and Bastiano, Decorno were in the room; a little boy left the room.

9

The lamp in the room was an ordinary lamp with a chimney; it was on the mantel piece above the fire place. There was no light in the room where we slept. After the fight Briganto went into the room where the beds were and laid down on the bed. I did not see him, I heard that the police found him in the bed and took him from the bed. I don't know how to write, I made my cross to the examination paper. The bed room where I slept from the room where the stabbing was is about ten or eleven feet. When I went to bed the men were playing the game in the room Donati, Rocco Delasso, John Briganto, Francis Majasee and Peter Maccio were playing. Peter Maccio was a stranger; he was not living in the house; all the others were living in that room. The game of "Moros" is a game played with the fingers. The game was for beer and beer was brought in from time to time. It is a very exciting game, and generally when you see them play they are so excited about it as though they were going to kill each other. The one who guesses correctly is the winner.

Angel Marchi

By Mr. O'Byrne Q Now did he go to bed leaving them playing "moro"? A. Yes sir.

Q What first wakened him.

A It was the noise and the —

Q What sort of noise, let him describe the noise. A. Harsh words; they were disputing about the beer.

By the Court Q Did he say "disputing"?

A Disputing — yes; words about beer.

By Mr. O'Byrne Q Does he know who was disputing?

A All together among themselves.

Q Tell now when he came into the room what did he first see.

A Then I was advancing from the bed into the room I heard the deceased say, "you are drinking beer, you did not give me any, you leave me out and dont give me any beer."

Q Who did he say that to.

A He said it to John Brigante.

Q There was Dellaso then.

A He was present. Rocco Dellaso was present there. When the deceased

said, "Why dont you give me any beer to drink?" and quarreling about it then Briganto said to him, "you keep quiet, or I will give you a slap in the face." then the deceased said, "Why would you give me a slap in the face?"

Q Well, what then? A. Then Briganto got up and said, "I will slap you now." and advanced towards the deceased.

Donati was about to seize Briganto, but seeing that Briganto was fumbling around there Donati stepped back, leaned kind of back, then Rocco Dellaso jumped, closed on the deceased and he stabbed him from behind, and this man stabbed him in front.

Q Just at the same time. A. The same time.

By Counsel Q Which stabbed first.

A John Briganto stabbed first.

Q Was Briganto's back towards you when you say he stabbed this man.

A He was facing me at the time.

Q Well then Donati, the man who was killed, stood between you and Briganto didn't he? A. Yes. Here was Donati standing here and there was Briganto

and myself in the rear.

Q Ask him if he can swear whether Briganto touched him at all with a knife or not if he stood behind him.

A If Briganto touched the deceased with a knife.

Q Yes. A. Yes sir, I saw him stab him.

Bastiano De Cerro, sworn and examined
through the interpreter.

By Mr.
O'Byrne Q

Let him tell what he saw.

A I live in the same place where the deceased lived. I do not recollect the day, what day of the week or month it was, but it was in the evening about 9 o'clock I went to bed. They were in what he calls the kitchen, the one room in the kitchen playing. There was playing Luis Donati. (meaning the deceased) John Briganto (meaning the prisoner) Rocco Dellaso, Peter Machio, Francis Majasee; there were five in all. About ten o'clock I heard a quarrel about beer, I was sleeping at the time and the quarrel woke me up. Whilst that quarrel was going on, all three of us who were sleeping in the

room, got up from the bed and went out-
were going out of the room where the quar-
rel was. The moment when I entered the
room I saw Rocco Delasso with a knife in
his hand and John Briganto also with a
knife in his hand and John Briganto
stabbed the deceased in the left side of the
abdomen and Rocco Delasso stabbed him
here in the left side of the back, under
the ribs. John Briganto gave the first
stab and the second stab was by Rocco
Delasso. Only those two men had knives;
the others had none. What was Donati
doing at the time that he was stabbed
by these two men? He was defending
himself with his hands; he did not do
anything only defending himself with his
hands; he was swinging out his arms.
What time elapsed between the blow by
Briganto and the blow by Delasso, was it
at the same time? It was blow upon
blow the same time. The deceased said
to John Briganto, "I gave you beer and
you did not give me any". Briganto
was about to slap the deceased in the
face. I did not say that at the other
examination, but now I say that.

10001

Brigante tried to slap the deceased in the face before he stabbed him. I knew Donati's voice. I was in bed when I heard that Donati said, "What have I done to you that you should slap me?" Brigante said to him, "You keep still, or I will slap you." Rocco Delasso was standing behind in the rear and just pulling out his knife. Cross examined. I was in bed in the other room when I heard this conversation about the slapping in the face, but I recognized the voices. I heard three voices: Brigante's, Donati's and Rocco Delasso's. It was the noise of the quarrel woke me up in the first place. I heard only those three talking, disputing about the beer, the other two did not talk. I did not hear Delasso say anything just before the deceased was stabbed by Brigante. Antonio Di Donati, sworn and examined through the interpreter. I am a brother of the man who was killed. I was present that night when it happened. I was in bed sleeping. I was awakened by a noise and I got up from the bed and entered the room where the noise was. On entering the room I saw John Brigante with

a knife in his hand and Rocco Delasso also had a knife in his hand; the knife Brigante had a long knife that length (about eight inches) It seemed to me it was a dagger. I could not see very well what kind of a knife Rocco Delasso had in his hand. Entering the room I saw John Brigante stab the deceased Donati with a knife and at the same time Rocco Delasso also stabbed him with a knife. Brigante stabbed him in the left side of the abdomen and Rocco Delasso stabbed the deceased from behind in the back. I rushed among them, I was about to separate or assist them; then John Brigante said to me, "You keep quiet, keep where you are or else I will kill you." Ask him if any time elapsed from the stabbing or did he try to part him - what length of time elapsed when he tried to take his brother away from Brigante? It was at the same time about two minutes. Did you hear Brigante say anything to your brother in or about the time he stabbed him? Just he slapped him, I saw when he slapped him; then my brother said, "My

did you give me that slap? Brigante said,
 "you keep still, you be silent." and whilst
 that questioning among them was going
 on, Brigante took his knife out, and
 when I came out I saw him stabbing.
 Delasso stabbed him after Brigante. My
 brother had nothing in his hands - his
 bare hands. Had any one else but those
 two men, Brigante and Delasso weapons?
 No sir. What was his brother doing at the
 time he was stabbed by Brigante? He was
 not doing anything. Cross Examined:
 Where was Deratis wife? she is in Italy; he
 sent money to her in Italy. Is this man's
 wife in Italy, or the dead man's wife? She has
 been in Italy since before he was stabbed.
 Whose wife? The deceased's. At that time she
 was here. was she at the time of the stabbing?
 No, she has been in Italy since. Is this a
 married man? Yes sir. Was your wife
 there that night? My wife has been in Italy
 also the time of the stabbing happened and
 she is now in Italy. Was there not any
 woman there in that house that night? There
 was not. Don't you know anybody in the
 other room having their hand cut trying
 to keep a person from getting a knife?
 (Objected to.) The Counsel wanted to show

17 That the deceased went into the back room to get a knife and cut another man's hand at the time the fight was going on and before the stabbing. [Interpreter] He (the witness) says there was a woman there, Rocco Delasso's wife was there. Did you see Rocco Delasso's wife there? Yes sir, she came from her bed; she got up from her bed. Did you see this woman there when the fight was going on? Yes sir, she was in bed, I saw her. Was she anywhere near the parties engaged in the quarrel? She came out of the room afterwards, near the parties that were engaged. Before the stabbing? When the wife of Rocco Delasso came out into the room from her sleeping room into the room where the stabbing was, my brother was stabbed already. Was that all you saw of her? That is all. I did not see anything else. Do you know anything about your brother, the man that is now dead, going back into that room after a knife before he was stabbed? No sir; he did not enter the room.

Joseph Sorna, sworn and examined through the interpreter, testified. They were playing in the room and I went to sleep. I slept in the same room where they were playing the game. I heard a noise and I was awakened by it. I was so surprised and frightened that I was shivering. Then I saw that they were engaged in a fight. I lay down on the ground when I saw the fighting going on. I feared that I should not be hurt among them. I saw John Bigante and Rocco Dellasio rushing to the door of the room. As I heard also the others in the room getting up and was making a noise also I ran to the window and called for police. I did not see the stabbing. I was at the window. The deceased was in the room then. Donati was in front of them at the time and they were behind him; they were pushing him out of the room - both were together pushing them out of the room. I was so frightened that I was sick for some days after. I am father in-law of Rocco Dellasio. Cross Examined. All the men were rushing out of the room; there were five playing and the other three came out afterwards. Donati was the first one that

went out and then came the others—
 Louis Donati, Francis Mujessa and
 Peter Muccio all rushed out of the room.
 Bastiano De Ferro recalled. This happened
 seven months ago. [It was conceded
 by the defendants counsel that the
 stabbing took place on the 31st of January
 that the deceased died on the 2nd of February
 and that the post-mortem was made
 on the 3^d of Feb. 1882]

Moses W. Waterman recalled. I was
 informed by the hospital authorities
 that it was Louis Donati upon whom
 I made the autopsy; he was an Italian
 By Counsel & Doctor, you have heard the testimony
 of these several witnesses for the people
 stating that this prisoner stabbed this
 deceased man Donati in the front? I
 have heard also that he stabbed him in
 the back. O But you heard the testimony
 of his being stabbed in front; you made,
 I understood you to say, a careful ex-
 amination of that wound and of the body?
 Yes sir. In your opinion was this man
 stabbed at all from the front? As far
 as I can judge from the result of
 my examination my opinion is that

the Knife that entered in the back penetrated the anterior wound also. By the Court. Went through and made the wound in front? Yes. By Counsel. And that the wound was not made by the stab in front? That is my opinion, as I said, that it was made from the back.

By Mr. O'Byrne. Do you mean to say, doctor, that there was no punctured wound in front? I did not say that there was not a puncture, but the puncture came from the inside. At the time I made the autopsy and when I examined the wound, I saw it would be impossible to determine any better than I did because in order to take and be perfectly just and to give an express opinion ~~for~~ that there could be no mistake the wound ought not to be tampered with. The sewing up of the wound in the first place prevented the doctor in charge in the first place from saying - he could not give me any assistance as regards the wound while he was treating it. Q. You could tell by the skin whether the needle had been used in sewing up the wound in front of the abdomen? I could not tell at that time - no sir. Q. Why? Because

There had been hemorrhage there and the parts were —? There had been hemorrhage from this wound? No doubtably. There had been infiltration, extravasation of blood and edematous, the front wound had bled and the blood had passed in between the skin and the tissues underlying it — had made them soft and swollen and destroyed all evidences of stitching. I measured the wound internally and called the attention of the other physicians who were with me to the same fact: What was the size of it? The external wound when I measured it was only half an inch; on the inside of the abdomen it was three quarters of an inch, and in the back it was one and a half inch. The House Surgeon was present in the beginning of the examination and Dr. Phelps came in afterwards before we had entirely finished. They also examined the wound and endeavored to trace the channel of the weapon through the organs of the body. Of course the probe would not pass from the back clean through without removing the viscera, the

intestines. and the part that it already
 wounded then the examination was made
 as to the distance between the anterior
 and the posterior wound. What was the
 distance? Seven and a half to eight inches.
 The knife probably penetrated clean from
 the back to the front? Yes sir. You say that
 the lip of the wound in front was extravasa-
 ted and that the tissues were partly
 destroyed, could you tell whether it was a
 clean cut from a stiletto in front or not?
 Do you desire to know if I could state
 by the appearance of the external wound
 whether that had been produced by the
 blow in front. By the stiletto? I cannot
 answer that question. Taking the extrava-
 sated lips of the wound in front, from the
 appearance of the half inch wound there,
 do you say doctor as a physician that
 that wound could not have been produced
 by a stiletto stab in front? I did not say
 anything of the kind. Your Honor, I am in
 a position that is a very peculiar one to
 say the least. In the first place, I have
 given my opinion from the external,
 but the wound had been tampered with
 by physicians, and I am unable to
 answer the question of the District

Attorney. I was informed that the wound had been tampered with, and on that account I am unable to say whether that could be done in that manner. By Counsel. After the wound had been tampered with in the condition that you then found it, was not the wound on the inside front wall of the abdomen then still larger than the first one? It is so stated in my evidence. By the Court. How far from the outer wound the incision upon the surface of this interior wall of the abdomen which you have referred to and in which you said the wound was wider? The line was slightly oblique. I should judge the distance from the lips of the external wound - that had also been filled with blood by the blood ~~in~~ ~~between~~ between the swelling, the distance would be from six to six and a half inches; that is my opinion. You traced the incision which the instrument made that entered the back as far as you could? Yes sir. Continuing in the same line of that incision from the back to the front would a continuation of that line strike the point of the wound in front? He had

no probe large enough, and I took a large stick. Did it? Yes, it came out of the front of the wound. So that if the wound had been made in the front the back it must have coincided? ^{Yes sir}
By Mr. O'Byrne. Would not a stick put into the abdomen and through the intestines, would it not just force the intestines aside, so that it would follow the direction of the point itself without perforating the intestines, would it not part them and make its way to a given point? I should think it would. That does not invalidate the direction of the probe. You followed, did you, the direction of the incision and it came out in front? Yes sir; we were unable to trace the connection between the anterior and the posterior wound until after having taken out the viscera, but from the direct line of the wound in which the intestine was, the anterior and the posterior line, the cut was in the same line and took the same direction. By Mr. O'Byrne. In other words, after you had taken out the viscera, you could put in anything which was straight? Yes sir. From the wound in the back

to the ~~front~~ ^{front} right straight through? Yes sir, could have done it. If that wound was any other place could not you have directed the point separately? Yes sir; it would not have corresponded though to the position of the injured intestine. That was taken into consideration in the examination. By the Counsel: The intestines which were injured were right in position to have been injured if the blow had gone straight through? Yes sir. By the Court: You have stated that the wound in the back was about 1/2 inch long? Yes sir. And that the wound in the abdomen was about half an inch externally? Externally. Are you able to recollect the angle then of the incision in the back, whether the incision was perpendicular with the body or across the body from your recollection? Now, illustrate on that piece of paper about the angle of the wound? That would be the wound in the back.

Q Do you recollect the angle of the wound in front? Did they correspond? Exactly. Did you observe? Yes sir, particularly. You found that they corresponded? Yes. By Mr. O'Byrne, they were from 1/2 to 8 inches apart.

1014

BOX:

61

FOLDER:

695

DESCRIPTION:

Brogan, Richard

DATE:

03/28/82



695

WITNESSES.

Days of Trial

(Counsel)

Filed 28 day of March 1882

Pleas

W. B. B. B.

THE PEOPLE

vs.

B. B.

Richard B. B. B.
(2 cases)

John W. B. B.
DANIEL G. ROLLINS

District Attorney.

Articles to present

A TRUE BILL.

John W. B. B.

Foreman.

[Signature]

[Signature]

Calif. Fed. at
\$300.

W. B. B. B.

Joseph Gen. Sec.

I sealed by

Elizabeth Smith

No 49 Fulton St. N.Y.

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard Brogan

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

Richard Brogan

of the CRIME OF having in his possession for the purposes of offering to sell and of selling an article for the prevention of conception, committed as follows:

The said Richard Brogan late of the Thirteenth Ward of the City of New York in the County of New York appeared on the sixteenth day of October in the year of our Lord one thousand eight hundred and eighty-one at the Ward, City and County aforesaid with force and arms, unlawfully and knowingly did have in his possession for the purposes of offering to sell the same and of selling the same, a certain article commonly called a cap, the same being an article for the prevention of conception, 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.

And the Grand Jury by this indictment further accuse the said Richard Brogan, of the crime of having in his possession for the purposes of offering to sell and of selling an article for the prevention of conception, committed as follows: the said Richard Brogan late of the Ward City and County aforesaid afterwards to wit on the day and in the year aforesaid at the Ward, City and County aforesaid with force and arms, unlawfully and knowingly did have in his possession for the purposes of offering to sell the same and of selling the same, a certain article commonly called a cap, the same being an article for the prevention of conception against the form of the Statute in such case made and provided and against the peace of the people of the State of New York and their dignity.

John M. ... District Attorney

WITNESSES.

9/9

Day of Trial,

Counsel, P B Herlihy

Filed 28 day of March 1882

Pleads *Not Guilty* 31

THE PEOPLE

vs.

B.

Richard P. Fogarty
(2d)

John W. Keane
~~HANDED G. ROLLINS,~~

District Attorney.

A True BILL.

John Linn O'Rourke

Foreman.

a

Bail freed at

H 200

W. H. Giddens

John A. O'Connell, Sec

I Bailor by

Charles Smith

No 79 Sullivan St. N.Y.

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard Brogan

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

Richard Brogan

of the CRIME OF selling an article for the prevention of conception

committed as follows:

The said

Richard Brogan late of the 13th Ward of the City of New York in the County of New York aforesaid, on the fifth day of September in the year of our Lord one thousand eight hundred and eighty-one at the Ward, City and County aforesaid; Unlawfully and knowingly did sell to one Joseph A. Britton a certain article commonly called a womb veil the same being an article for the prevention of Conception, against the form of the Statute in such case made and provided and against the peace of the people of the State of New York and their dignity.

Second Count. And the Grand Jury aforesaid by this indictment further accuse the said Richard Brogan of the crime of selling an article for the prevention of conception committed as follows: The said Richard Brogan late of the Ward, City and County aforesaid afterwards to wit on the said fifth day of September in the year aforesaid at the Ward, City and County aforesaid, unlawfully and knowingly did sell to one Joseph A. Britton a certain article called the French Passage Proventive the same being then and there an article for the prevention of Conception against the former Statute in such case made and provided and against the peace of the State of New York and their dignity.

1020

Sec. 198-200.

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

Richard Bryan 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. *Richard Bryan*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *484 Grand St lived there 8 months*

Question. What is your business or profession?

Answer. *Dealer in Rubble Goods*

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*

Taken before me, this *22*
day of *December* 188*8*

[Signature]
Police Justice

1021



THE
New York Society for the Suppression of Vice,

No. 150 NASSAU STREET.

New York, March 15 1882

Hon John W. Keon
District Attorney N. Y. Co
New York City

Dear Sir:-

I am informed that the Grand Jury proposed today to call Richard Brogan before them. - As soon as this case was called yesterday, it was very apparent to every one present, that one member of the Grand Jury at least, had been approached in some way on Brogan's behalf; and an evident desire was manifested to prevent Mr Brogan being indicted.

From personal knowledge I know that many of the statements made by Brogan on his examination were absolutely false -

For instance, - he testified that Mr Britton called at his place several times, and fixed upon the 25th day of July, or within three days of that date, as the time when Mr Britton called and purchased the first time of him. - We are ready to prove to your entire satisfaction, that two weeks prior to the date Brogan named, as well as three weeks afterwards, Mr Britton was not in the City, and did not visit Brogan's place at 484 Grand Street, until the 25th day of August, when he purchased

1022



THE
New York Society for the Suppression of Vice,
No. 150 NASSAU STREET.

2

New York, 188

the first two articles which Brogan voluntarily offered to him -

I respectfully ask that one of your Assistants may conduct the examination of Mr Brogan, & may require him to show the Grand Jury the bills, and disclose the names of the parties from whom he purchased these goods; - As on the examination he testified, that he was able to fix the date of Mr Britton's visit, on account of his having bought the goods on the 25th day of July, & that Mr Britton called two or three days thereafter.

Both Mr Britton and myself, yesterday testified absolutely to the sale of the articles in question on the 5th day of September; and I respectfully submit, that upon this testimony, if the Grand Jury believe the evidence, they are bound to order a bill of indictment against this man Brogan, and let this matter come up, and be tried before a petit jury, where if Mr Britton and myself have done anything whatever of an improper character, let the facts come out before the public. - In other words, Brogan testified before the Committing Magistrate, that he sold the goods; - if they believe

1023



THE
New York Society for the Suppression of Vice,
No. 150 NASSAU STREET.

3
New York, 188

him, then they must believe the evidence before them. And I submit they are bound under their oaths of office to file a bill of indictment. And if they believe Brogan, let them file an indictment against any persons that induced him in any manner to commit a crime. I do not care which they persecute, whether it be the man who made a business of selling these goods, or the officers that secured the legal evidence against him, upon which he was arrested, and is now about to be indicted —

I am ready to submit the whole matter to your Honor, and I respectfully ask, that some person shall appear before this grand inquest and examine Mr Brogan, in order that this case may be tried & this matter effectually settled. But knowing as I do from personal knowledge, the absolute guilt of Brogan, and also that his statement before the Committing Magistrate was forged & false, as an act of ample justice I urge upon your Honor, that this case may receive personal attention & that you will see that the Grand Jury are not misled by outside influences. —

1024



THE
New York Society for the Suppression of Vice,

No. 150 NASSAU STREET.

H

New York, 188

I regret that I am obliged to be absent from the City until Thursday or Friday, - and if nothing else can be done, I ask that the case may be adjourned until my return, when the witnesses for the prosecution may be again called before the Grand Inquest, & subjected to the most rigid cross examination by your Honor -

In the interest of justice alone I urge this.

I have the honor to be, with very great respect,

Your Obedt. Servant
Anthony Duvoisin
Secy. J. A. D.

1025

People
" Bryan
Committee
to
Dec. 09
March 15: 1892

March 20/82

96

People

Morgan

Company of Merchants
London, 1707
Merchant of London
Supplies of 1700

Morgan
W. Bullen
Buller, Constant

See § 270
Code Com. Pro:

1027



THE
New York Society for the Suppression of Vice.

150 NASSAU STREET,

New York, Jan 12th 1882

Hon. John W. Keon
District Atty
New York City

Dear Sir:—

At the last meeting of the Executive Committee of this Society, I was directed to lay before you the facts in the case of Richard Brogan, and ask of you, that the matter shall be sent to the Grand Jury.

The facts are as follows:—

On the 5th day of September last I, in company with Mr Britton, entered the business office of Richard Brogan. I saw Mr Britton purchase of the said Brogan, half a dozen articles advertised and sold for the prevention of conception.

I deferred making the arrest at that time, and for some weeks afterwards, in order to find if possible, who the manufacturer of these articles was.

On the 16th day of November, I arrested the said Brogan, and found in his possession over fifty dozen articles, designed for the prevention of conception.

These articles he had in his possession, in direct violation of the statute. Copy of which I enclose in the accompanying pamphlet, and would call your attention especially to Sec. 2.



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

New York, 18

Page 8 -

I beg to present in this connection that the evidence of the sale, and having in his possession, for the purpose of selling, is positive.

I beg also to present, that this article advertised and sold, by said Brogan, contained a printed specimen describing it as follows: -

"It is a perfect, convenient, and safe protection against conception and pregnancy."

I beg also to present, and call special attention, to the fact, that for more than ten years, articles of the character seized in Brogan's possession have been sold, and advertised in connection with obscure books, and sold for the purposes above described.

And that I personally know from my ten years experience, that the article complained of, has been during all these years, sold for the purposes which the Law prohibits.

Counsel for Defense, stated positively, in open Court during the examination, that the Grand Jury would never indict this man.

I am informed, that certain members of the Grand Jury, objected to finding a bill on the pretense that this law is not a proper law; and that

1029



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

New York, 18

the article was a good thing for the purposes for which it was sold.

In this connection, I submit, that, with the positive evidence before the Grand Jury of the guilt of this man, that they had nothing whatever to do with the question whether the law was a good one or not. -

And I can also readily prove by the most eminent Physicians in New York and Brooklyn, that this is a very injurious article for the purposes to be used as described. That it does not prevent disease, but that it does induce ulceration, and weakness of the private parts of a woman.

And from my experience of nearly ten years, in combating these evils, I beg to respectfully submit, for the attention of the District Att'y and the honorable Court to whom this matter may come, that I am convinced that the indiscriminate sale of articles to prevent conception, and procure abortion is enervating the rising generation, and leading many youth to lives of shame, and degradation.

As also to further present, that a large number of persons in the U. S. Courts, in different parts

1030



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

New York, _____ 18

of this country, I have already been convicted for trading in the same article.

The facts being positive beyond any question, as to the guilt of this man, I ask that this matter may be presented to the court, and that the Grand Jury may be directed to pass upon this matter.

We are prepared Sir, to prove to your entire satisfaction, that the statements made by Mr. Progar in his examination, about his being induced to commit the crime, or having bought these articles for Mr. Button, are absolutely false. And that in many of the statements made by Mr. Progar he has sworn falsely.

Believe me,

Very respect Sir

Your Obedt Servant

Antonfonstock.

Secretary

P.S. The matter was taken up the very last day of the Grand Jury, and summarily disposed of, without any opportunity for the prosecuting officer to be heard, and Mr. Becker the then Ass. Dist. Atty. said, it ought to be sent to the next Grand Jury.

THE PEOPLE,

VS.

Richard Progan

AFFIDAVIT TO OBTAIN SEARCH WARRANT.

Witness
A. Courtch.
J. A. Britton.

1032

78

a Police Justice in the City of New York.

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

} SS. Anthony Courtack

of said city, being duly sworn, complains, deposes and says, that he is Chief Special agent

of THE NEW YORK SOCIETY FOR THE SUPPRESSION OF VICE, and has been duly designated by the Sheriff of said County, pursuant to the provision of Section One of "An Act for the better suppression of vice and of obscene literature," passed April 29, 1875.

That deponent has just and reasonable cause to suspect, and does suspect, that certain of the provisions of law relating to and affecting obscene publications and articles for indecent and immoral use, and especially the provisions of the following law made and passed, to wit, "An Act to amend an Act, for the Suppression of the traffic in and circulation of Obscene Literature, being chapters seven hundred and forty-seven of the Laws of 1872," passed June 14, 1873 (being chapter 777, laws of 1873), have been, are being, and are about to be violated by

Richard Brogan, and that said Richard Brogan did on the 5th day of September 1881, unlawfully sell, offer to sell and have in his possession for the purpose of selling the same, a certain article designed and intended for the prevention of conception, and further that on the first floor -

at and within the particular building and place within the City and County aforesaid, known as

four hundred and eighty four Broadway Street New York City

and now occupied, kept, and used by Richard Brogan

Wherefore, this deponent prays that a warrant may be immediately issued and delivered pursuant to the statute in such case made and provided, to such person or persons authorized by law to make arrests for such offences, authorizing him, them, or any of them, to enter and search such building and place, and to seize and take possession of all such obscene and indecent books, papers, articles and things, and all articles of raw material found in the possession of any such person or persons intending to manufacture the same into the articles or things described in the first section of said law, and also all tools, machinery, implements, instruments, and personal property found in the place or building where the articles described in the first section of said law are found or seized, intended to be used as described in section two of the said law, and to arrest the said

Richard Brogan

by whatsoever names they may be known or called, or any or either of them there present, found violating any of said laws; and to bring such person, when so arrested, before the nearest magistrate of competent jurisdiction, to be dealt with according to law.

Sworn to before me, this 16th day of November 1881.

Wm. Murray
Police Justice

Anthony Courtack

1033

STATE OF NEW YORK.

CITY OF New York COUNTY OF New York } ss.

By Henry Murray Esquire,

one of the Police Justices for the City of New York to the Sheriff or Deputy Sheriffs of the said city and county, or to any Constable, Marshal, or Police Officer within said county.

Whereas, Anthony Bonestock has made complaint under oath to and before me Henry Murray a Police Justice in the City of New York that Richard Progan

at number 484 Grand street in the City of New York and County of New York ^{on the 2nd floor} ~~did~~ ^{did} sell and exhibit and offer to sell and exhibit and has in his possession for the purpose of selling and exhibiting divers obscene books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, drawings, and other representations, figures and images on and of paper, and other materials, and other casts, instruments and other articles of an indecent and immoral nature and use, and articles for the prevention of conception, and procuring of abortion, and also raw materials, tools, machinery, implements, instruments and personal property used and intended to be used in the manufacture of the aforesaid books, pictures, papers, articles and things, and at, within, and upon said premises manufactures, draws, prints, and has in his possession the aforesaid articles in violation of an Act of the Legislature of the State of New York, entitled "An Act for the Suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicines, and articles for procuring abortion, and to repeal chapter four hundred and thirty of the laws of 1868," passed May 16, 1872, and the Acts amendatory thereof.

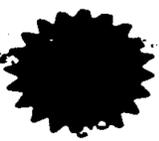
Now therefore, I, Henry Murray Police Justice as aforesaid, do authorize you to enter and search the said premises, number four hundred and eighty four Grand street in the City of New York and County of New York aforesaid, and to seize and take possession of such obscene and indecent books, pictures, papers, prints, raw material, tools, machinery, implements, instruments, personal property, articles, and things, and also to arrest the said

Richard Progan

by whatsoever names they may be called or known, or any or either of them, and to bring immediately such books, papers, materials, tools, machinery, property, and all articles and things hereinbefore mentioned, and all of them, and also such persons when arrested, without delay, before me to be dealt with according to law.

GIVEN under my hand and Seal at the City of New York in the County of New York aforesaid, the 16th day of November 1881.

Henry Murray Police Justice



THE PEOPLE,

VS.

Richard Hogan

SEARCH WARRANT.

I have the honor to make following return on within warrant, to wit seized -
11 boxes containing wood with.
40 packages of caps
10 " " Caplets -
1 package of gold of latter broken & arrested Richard Burgeas & Anthony Bounloch Chief Officer agent X
Supt. Sheriff -

AN ACT

To amend an act for the suppression of the traffic in and circulation of obscene literature, being chapter seven hundred and forty-seven of the Laws of eighteen hundred and seventy-two.

Passed June 14, 1879, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the Act for the suppression of the traffic in and circulation of obscene literature, being chapter seven hundred and forty-seven of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 1. If any person shall sell, or lend, or give away or in any manner exhibit, or shall offer to sell, or to lend, or to give away, or in any manner to exhibit, or shall otherwise publish or offer to publish in any manner, shall have in his possession, for any such purpose or purposes, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing or other representation, figure or image on or of paper, or other material, or any cast, instrument, or other articles, of an indecent or immoral nature, or vice, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or shall advertise the same for sale, or shall write or print, or cause to be written or printed, any card, circular, book, pamphlet, advertisement or notice of any kind whatsoever, stating when, where, how, or of whom, or by what means, any of the articles in this section heretofore mentioned can be purchased or obtained, or shall manufacture, draw, or print, or in anywise make any of such articles, every such person, if of twenty-one years of age or over, shall, on conviction thereof, be imprisoned at hard labor for not less than three months or more than two years, and be fined not less than one hundred dollars or more than five thousand dollars for each offence; but if under twenty-one years of age, shall be imprisoned not more than three months and be fined not more than five hundred dollars, in the discretion of the court, for each offence; one-half of said fine shall be paid to the orphan asylum of the county, and one-half to the school fund of the county in which said conviction is obtained, except that in the city and county of New York one-half shall go to

the Female Guardian Society in said city and the other half to the Prison Association of New York.

§ 2. All articles of raw materials found in the possession of any person or persons intending to manufacture the same into the articles or things described in the first section of this act, and also all tools, machinery, implements, instruments and personal property found in the place or building where the articles described in the first section of this act are found or seized, and used or intended to be used in the manufacture of such articles or things, may be seized and shall be forfeited; and the proceedings to enforce such forfeiture shall be in the nature of a proceeding in rem before the court of record of criminal jurisdiction having jurisdiction of the crime specified in the first section of this act in the city or county wherein the arrest or seizure was made.

§ 3. Nothing in this act shall be construed as repealing section one of the act to which this is amendatory or as affecting any indictments heretofore found for offences against the same, and such indictments may be prosecuted to judgment and sentence passed upon persons convicted and punishments inflicted as if this act had not been enacted.

§ 4. Section three of said act is hereby amended so as to read as follows:

§ 5. All magistrates are authorized, on due complaint, supported by oath or affirmation, to issue a warrant, directed to the sheriff of the county within which such complaint shall be made, or to any constable, marshal, or police officer, within said county, directing him, them, or any of them, to search for, seize and take possession of such obscene and indecent books, papers, articles and things, and said magistrate shall transmit, enclosed and under seal, and said magistrate shall district attorney of his county, and shall deposit within the county jail of his county or such other secure place as to him shall seem meet, enclosed and under seal, the remainder thereof, and shall, upon the conviction of the person or persons offending under any of the provisions of this act, forthwith, in the presence of the person or persons upon whose complaint the said seizure or arrest was made, if he or they shall after notice thereof elect to be present, destroy or cause to be destroyed the remainder thereof so seized as aforesaid, and shall cause to be entered upon the records of his court the fact of such destruction.

§ 6. The words in this act in section one "articles of indecent or immoral nature or use," shall not be construed as applying to articles or instruments which are used or applied for the cure or prevention of disease.

§ 7. This act shall take effect immediately.

1034

Apr 16

Anthony Comstock being Chief
Inspector

Q What articles did you find
in the possession of the
prisoner, the possession
of which were in violation
of an act of the Legislature
of the State of New York
entitled an act for the
suppression of the trade
in and circulation of obscene
literature illiberal adver-
tisements and articles of indecent
or immoral use, and obscene
advertisements of patent medicines
and articles for procuring an
abortion, and to amend Chapter
four hundred and thirty of the
laws of 1868 passed May 16
1872. and the acts amending
thereof. On the date the offense was
committed
I found much rubber and cap
rubber articles commonly called
as above, and advertised as
French Persian; a printed
card (specimens in case)
accompanies each one, marked
Sheet A.

Anthony Comstock

Seems to refer to
the 16 days of the 1872
of the 1872
New York

To the Court
 I saw Mr. ^{Dr. A.} Britton go in to
 the place of the defendant, and
 purchase six French Passaries
 about each each being in
 a box same as St. Light B
 accompanied each box containing
 one and of the French
 Passaries, and also a
 certificate in each box
 same as St. Light A.
 Britton took the same out
 of a glass case handed
 them to Mr. Britton and
 received from him payment
 for the same.

Anthony Courtick.

Sworn to before me

this 16 day of Nov 1881

J. M. Murray
 Notary Public

City ^{and} County
of New York ss.

Do hereby depose a Pitton residing
306 East 14th Street being
under oath, on the 5th
day of September 1881. I
visited the office of Mr
Bergan and purchased
half dozen ^{round} rails
for which I paid two
dollars and thirty eight
cents the said being
five dollars and seventy
five cents a dozen
I asked Mr Bergan whether
the round rail would prevent
+ conception.

{
Counsel for defendant objects
to this answer on the ground
that nothing was not an
expert answer as an expert.
Counsel all his questions and
Counsel for defendant asks
+ an explanation

Ans. He told me it was
an infallible prevention from
conception

Counsel for defendant moves to
strike all the ^{entire} answer
on the ground that he was not
an expert as an expert
motion denied by the Court.

I bought Caps.

Do you understand by French
 suits the same as French
 Pessaries, and do you identify
 number marked S. L. H. H.
 as one found in the box.
 A Yes. French Pessaries.

Cop. Examination
 of what did you say / then for
 as I bought them to use
 as evidence against Mr
 Bryan for the violation
 of the laws

Sworn to before me }
 this 16 day of Nov. 1881 } Joseph A. Britton
~~Wm. H. Britton~~
 Police Justice

Nov 21

Joseph A Britton being a witness
Examined

Q When did you first make the acquaintance of the defendant
or her

A Some time last year, in Houston
about I do not know the
number. It was during the
early part of 1850. It was in
Houston about Nov. 10, 11.
I think it was opposite Lewis
Street

Q Who introduced you
to her person

Q Who spoke first

A I did, I asked her either
for a cushion or cap. I thought
I saw.

Q What is a cap. or such cap
as you thought

A A cushion is a long rubber
sheet that will cover the
furnes. A cap is a rubber
sheet or of other material
that will cover the head of
the furnes there was no
other conversation at that time
that I recollect.

Q Where did you next see him
and where.

A I cannot recall the name as
to whether it was two from
a six month afternoon

Q What was said then done
between you there

A I cannot remember

Q When did you next meet him
and where, and what passed
between you

A The next time I saw him
was on the 25 day of August
1881 at No 484 Grand Street
Co. of Wickett Street. I went
into the store 484 Grand Street
the Boyan man behind the
counter and asked him if
he had any caps. He said
he had I asked him the
price and I think he said
two dollars and seventy five
cent a gross I bought a
half a gross of caps for
which I paid one dollar
and ~~seventy five~~ ^{eighty} cent, after
I had purchased the caps.

Mr Bryan wanted to know
 if I did not want some
 rails, I asked him what
 kind they were he said
 some green rail and white
 rail I asked him to show
 them to me he took them
 out of the case I asked
 him the price of one
 and he said \$1.00 he said
 he would not sell them
 looking at my demands
 I then said that the price
 was too high but if he
 would let me have a couple
 as a sample I had no
 doubt but that I would
 take some, he said all
 right I could have a
 sample of each for which
 he charged me fifty per cent
 after that I left.

9) When and where did you
 meet him next

a) I next met him on the
 5 day of September 1881 at
 484 Grand Street next in
 and asked him if he

Ladang, I first asked him
 if when I visited his store
 he said how do you do.
 And asked what he could
 do for me I asked him
 if he had any more
 sails and he asked me
 how many I wanted I
 told him about a dozen
 He went to the case
 behind his counter opened
 the case and took out a
 box containing several sails,
 counted them and said
 there was only seven I
 then said I would take
 a half dozen I took
 out one of the sails
 and of the box read it
 asked him if the name
 said would present a
 He said it was an infallible
 presentation of concepts - I
 then asked him the price
 I think he said four
 dollars and seventy five
 cents a dozen I said

did you not tell me three
 dollars a dozen when I was
 here last. He said I could
 not have said that I
 do they cost more and
 called his young man to
 get the bill. I said
 never mind I am in
 a great hurry I will
 pay you from elsewhere
 and I bought five more of
 the dozen. I bought some
 caps at the same time
 I bought a half gross
 for which I paid two
 dollars and thirty five
 cents, previous to giving me
 the caps Mr. Bryan walked
 upon Mr. Crum's, and
 left him and came back
 to me put the whole
 suit, and caps in a
 paper wrapped them up
 I took them and left.
 What did you say at
 the several times you said
 you did these several articles
 from the defendant for

- Q I bought them for the purpose of using them as evidence that the laws have been violated.
- Q And have you such and any one of the articles in your possession purchased at the several times?
- Q No. they are in the custody of the New York Society for the Suppression of vice.
- Q What is your position as a Special Agent for the New York Society for the Suppression of vice?
- Q Is that all you do for a living?
- Q No.
- Q What else do you do for a living legitimately?
- Q I buy and sell diamonds, jewelry, and I do private detective work.
- Q Are you paid by the society in fees or salary?
- Q I am paid by the month.

By the court

Q are you in any way interested
in the conviction of any of these
cases
A No.

Capt. Hammond
Q Since you find fault with
any of the articles in question
from the Bureau how many
arrests have been made
in this city upon similar
charges, think you sustainable?

A I do not know

Q How many have been made

A I can't call to mind any
at present. It seems to
me there was one in
arrest made in East
Brooklyn in 1880.

Q What was his name and
what was the disposition
of the case

A There were two of them. I
think one of their names
was Lewis. persons justified
but for the name I do
not know the Lewis turned

State evidence

Q What business were they engaged in

A Same as Mr Bryan rubber goods

Q Is there any portion of your testimony you want to correct or add to

A If there is any portion I read it over I will make the correction. I never say it is all correct the testimony as given by me.

By the Court

Q What did you do with the goods you purchased from Mr Bryan

A I delivered them to Mr Anthony Amstock immediately after I left the store

Q Had you have you had at any time any control of these goods

Question not allowed by the Court.

- Q How long ago did you first go to see Bryan please what kind of goods he keeps
- A He keeps a rubber goods store I was in the year 1880 beginning of the year I asked him for caps and got them
- Q When did you first ask for the wool suit.
- A My impression it was the last time I saw Bryan in Houston about
- Q When did you first ask the defendant to sell wool suit.
- A At no time
- Q When did you first make inquiry
- A I believe it to be the last time I saw him in Houston about within a year.
- Q Do you remember the conversation the first time you made inquiries about these articles.

- Q I thank Mr. Bryan
 but cannot remember
- Q Did you ask him if
 he had them for sale
 then
- A He said he had them
 he did not show them
 and he told me what
 he did not know me
 well enough to sell them
 he wanted reference
- Q When did you call again
- A It was within a year
 after that that I called
 upon him again. I saw
 him in Grand Street six
 or eight months after the
 first conversation.
- Q Do you remember the conversation
- A The conversation took place in
 Grand Street Aug 25 1881 I
 went in bought Mr. Bryan
 sold me two months seals
 for fifty five cents. He did
 not recognize me. and
 he sold these samples without
 any reference. Mr. Bryan

asked me if I wanted to
 buy any rails. I asked
 what kind sure run
 & white rails. I asked
 him to show them asked
 the price. I cannot remember
 in the price but I
 remember saying it was
 to much. I bought ten
 rails. I next went
 down on the 5 September
 on this day he is the
 man of day and asked
 me how many rails I
 wanted. I said a
 dozen and he said
 he had but none. and
 I then took out a half
 dozen. I next conversed
 with him on the 19 day
 of November or the day
 of the arrest. He said
 when you do, asked
 me what I wanted.
 I asked for rails and
 he said he had them
 went to the case said
 how many do you want

I said a dozen or two
 to opened the case behind
 the counter took out three
 and seeing Mr. Comstock
 said he did not have
 it two dozen, and showed
 three boxes. I never offered
 any ~~encouragement~~ ^{encouragement} to Mr.
 Bryan to get the seals.
Joseph A. Britton

Seen to reference
 this 21 day of November 1871,
 J. M. Murray
 Columbus, Ga.

City ^{Assistant} }
 of New York }
 Wm

Richard Bryan
 residing No 484 Grand Street
 being seen says I am
 the defendant in this action
 I am a dealer in Rubber
 Goods and have been
 in business nearly eight
 years. I had been
 arrested before or charged
 with any offense, less
 near as I can recollect.
 It was a year or a
 half ago I first met
 Mr Britton I was at
 the time in No 478 East
 Houston Street.

- Q What took place at the first
 interview between Mr Britton
 yourself
- A When Mr Britton came in a
 I first saw him I cannot
 tell whether he purchased
 or not about one month
 after that he called
 again purchased some
 sundries I cannot

tell how many He called
 Sever or eight times during
 the time I was in Houston
 about,

Q At any of these interviews
 did he make any repre-
 sentation who he was or
 what his object was in
 dealing with you

A No

Q When was it that he first
 had any conversation with
 you in regard to number six
 a June 1881-

Q How many times had he
 been in your store in
 Grand Street

A About one dozen times

Q What conversation about what
 took was said about number six.

A I never knew what a number
 six was until Mr. Britton
 first mentioned it to me.
 never had one in my place
 Mr. Britton asked me if
 I could not get some number
 six for him I told him

I did not know that day
 he bought some condiments the
 next time he came he
 spoke about munt. seals.
 He did not tell me what
 he wanted them for. Mr.
 Button told me he had
 most of his trade in
 Philadelphia, on the 25
 day of July I bought
 5 dozen of munt seals that
 was the order. Mr. Button
 left an order for two yds.
 when I got them he purchased
 two, then
 q Did he make any statement
 as to what use he would
 make of them
 a No
 q Up to this time had you
 offered to sell any person
 munt seals up to the time
 you offered to sell to Mr.
 Button
 a Never did any leave my
 place except to Mr. Button
 q When did he next call
 a Two or three weeks after

I do not remember the date
and at this time he came
to make another purchase
of three seals, he never
bought more. He always
wanted me to keep copies
of them on hand. And
informed me to buy
quantities at this time

Q Did you at any time
sell to any person or
person any seal seals
A No I sold to
except to Mr. Button.

Q Have you received any
orders,

A I received several orders
by mail, which I tore up.

Q Did you ever receive any
application since the time
you disposed of the three
seals to Mr. Button

A I think I had three or
four

Q Did you ever have any before
A I had by mail one five
years ago & I did not
know what it meant.
I said I meant I said.

Q Were any of the appearances made by females.

A One. And I positively declined to sell to either of the persons or to fill the orders by mail.

Q Did you at any time during your conversations with Mr. Butler represent to him or say to him that this would not be an absolute prevention of conception?

A No.

Q Did you at any time make any representations to Mr. Butler or any other person that you could sell an article that would prevent conception?

A No.

Conf. Examination

Q You said you had a letter from your son?

A I cannot remember, it was an order for a safe.

Q How did you come to say

that you had an order for a safe.

a I never answered the letter & I did not ascertain at that time what it had reference to.

q When did you say your first interview with Mr. Button in regard to the Pezansi took place.

a It was in May or June I cannot fix any date

q Give as far as you can the conversation between yourself & Mr. Button.

a Mr. Button first put me in mind of these things and told me I should keep them in stock. I could do very well. Mr. Button did not have any conversation with me in relation to currency.

q What did Mr. Button say as to the reason he wanted them

a I cannot say that he gave me any reason. Nothing was said as to the purpose

- for which they were used
- Q Did you get the mouth
reels and where did you
get them
- A Mr. Britton told me to
get ten gerfs.
- Q How soon did you purchase
2 dozen
- A 25 July Mr. Britton was there
two days, afternoon and
took two. We had no
conversations except Mr.
Britton asked how much
they were
- Q Did you have any conversation
as to his taking the ten
dozen
- A Mr. Britton was in a hurry
he came back afternoon &
night three out of this
lot. It was two or three
weeks after the first purchase
I said nothing to him
about his taking the ten
dozen. Mr. Britton purchased
the white ones
- Q When was the next conversation
A Two or three weeks

afterward and I made another purchase and the last time they might have not seized all.

Q At all of these interviews was anything said between yourself or Mr Britton about his taking the lot

A There was not.

Q Then you did not regard that you purchased these as an order for when Mr Britton

A I purchased the two dozen as an order for Mr Britton

Q Were they in stock when other clerks could sell them

A No they were in a case being kept for Mr Britton

Q Were the Daps and Cundrum in the same place

A I cannot tell what is here is all I had

Q You say you received a number of letters by mail were they signed by and how many letters were there

[Handwritten signature]

*To before me
Sept 16 day of November 1891
J. H. [unclear]
P. C. [unclear]*

Joseph. A. Britton. called in rebuttal.

Q You have heard the testimony of Richard Progan - state whether you were in his store 484 Grand street prior to August 25th 1881.

A I was not, and Mr Progan's statements are false.

Q You have heard his statement that when he discovered Mr Courstoch on the 16th day of October that he did not replace the pessaries or wound oils, is his statement true?

A It is not. Progan did precisely as I testified to in my former testimony, when he saw Mr Courstoch coming toward the case where these goods were kept, he replaced the goods in his case.

Q How many times did you purchase the so called pessaries or wound oils?

A Twice only.

Q How many the first time?

A Two

Q How many the second time?

A Six. This was when Mr Courstoch was present

Q Have you ever written any letters or caused any letters to be written, or at any time known of any letters being sent Mr Progan on any subject whatever?

A No Sir.

Q Have you ever sent any person, either man or woman boy or girl to Mr Progan to purchase these goods, or any goods of any kind?

A No Sir.

Q. Have you ever asked Mr Progan to purchase these goods for you?

A. No Sir; involuntarily showed the same to me, on the 25th day of August last, as I have testified.

Joseph A. Britton

Sum to before me

This 22 day of December 1881

Wm. Murray
Police Justice

Anthony Courtock in rebuttal.

Q. Please state if you were present at the interviews Mr Britton described on the fifth day of September and 16th day of October?

A. I was.

Q. Do you know of your own knowledge whether those statements and what transpired are true?

A. I do, except that I did not hear every single word spoken, but that Progan had the goods in his show case the same as other stock exposed to the public for sale, that he sold the same to Mr Britton, and that he affirmed, ^{or stated} that they were a sure or infallible preventative to Conception, I know of my own knowledge ~~and that I do not know of any other statements or facts or circumstances or acts known of my own~~

~~As I do not~~ Anthony Courtock

Sum to before me

This 22 day of December 1881

Wm. Murray
Police Justice

1061

BOX:

61

FOLDER:

695

DESCRIPTION:

Brown, Joseph

DATE:

03/07/82



695

1062

~~West~~ # 22
Rec'd
Clark

Day of Trial,
Counsel, *Shick*
Filed *7* day of *March* 188*2*
Placed *Superior Ct.*

vs
THE PEOPLE
vs
Joseph Brown
LARCENY AND RECEIVING
STOLEN GOODS
JOHN McKEON, *District*
District Attorney.

A True Bill.
Edw. H. Rhodes
113 Foreman.
Frederic J. Conner of
an attempt
S.P. 2 years.

WITNESSES.

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Brown

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

Joseph Brown
of the CRIME OF LARCENY

committed as follows:

The said

Joseph Brown

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *third* — day of *March* — in the year of our Lord one thousand eight hundred and eighty *two* — . at the Ward, City and County aforesaid, with force and arms

*one cloak of the value of
forty five dollars*

of the goods, chattels and personal property of one

Morris Rosendorf

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

John M. Keon
District Attorney

1064

Act. 214, 215, 216 & 217

Police Court - 3 District.

190

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael H. Reynolds
279 Grand St.
Joseph Brown

Offence, Grand Larceny

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Date

March 4 1882

Magistrate

Shuman 10 Clerk

Witness

No.

2 Ely Street

No.

301 Grand Street

No.

Street

1000 to Geo. A. J.

Con

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 Joseph Brown

held to answer the crime and to be guilty thereof, I order that he be admitted to bail to the sum of 200 Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated March 4 1882

Signature of Police Justice

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188

Police Justice.

1065

Sec. 198-200.

302 DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name ?

Answer. *Joseph Brown*

Question. How old are you ?

Answer. *30 years*

Question. Where were you born ?

Answer. *New York*

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

Answer. *50 East Broadway*

Question. What is your business or profession ?

Answer. *Plumber*

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*

Taken before me, this *4*
day of *March* 188*2*

Joseph Brown

Andrew White
Police Justice.

1066

FORM 112.

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

Police Court—Third District.

Michael H. Fitzgerald

of No. *279 Grand* Street, being duly sworn, deposes

and says that on the *2nd* day of *March* 188*7*

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried away from the possession of deponent *attempted to be*

premises in day time

the following property viz: *One Silk Cloak with Fur lining*

of the value of *forty five* Dollars

the property of *Morris Rosendorf and in care and charge of deponent*

and that this deponent has a probable cause to suspect, and does suspect, that the said property *attempted to be* was feloniously taken, stolen, and carried away by *Joseph Brown (mother)* from the fact that deponent caught said Joseph in the act of taking off said Cloak from a figure in front of said premises.

Michael H. Fitzgerald

Sworn to, before me this *4th* day of *March* 188*7*
Michael H. Fitzgerald
POLICE JUSTICE.

Testimony in the case
Joseph Brown
filed
March 1882.

5-12

1067

The People Court of General Sessions, Part I
 Joseph Brown v. Before Judge Cowing. March 13. 1882
 Indictment for grand larceny.
 Michael H. Fitzgerald, sworn and examined
 testified. Where did you live? No 279 Grand
 St. What business are you in? Dry goods. Do
 you know this defendant Brown here? Yes sir.
 What do you know of him in connection with
 any of your property? On Friday evening the
 3^d of March. What is in this city here? In
 this city. Go on now? I saw the man at the
 bar prowling round the store. By the Court.
 Your store? Yes sir, I first thought he was
 waiting. By Mr. O'Byrne. Go on? I thought he
 might be waiting for some goods or his
 wife might be in buying things from me;
 so the next thing I saw was the cloak shak-
 ing on the figure. By the Court. What cloak?
 The silk cloak we accused this man of
 stealing. By Mr. O'Byrne. You had a figure
 outside your door? Yes sir. On that figure
 was this silk cloak, how much was it
 worth? Fifty five dollars; this wire figure
 was raised upon a box and this cloak was
 placed on the box about three feet high
 and the neck of the figure was tied by a
 string of twine to the entablature of the
 store. I saw the cloak shaking and when

I looked sharp I saw this man at the bar.
 By the Court. The defendant? Yes sir; the cloak
 did not come down at the first pull; the
 next pull he snatched the twine and the
 second chuck broke the twine and then he
 pulled the cloak down. When I got around to
 where he was after seeing him pulling it
 down he had all the pieces of the cloak
 unbuttoned and the hook and eye smashed
 with force in trying to take off the cloak. So
 then I took the cloak away from him and
 called the man out from the store to take
 charge of him, while I sent for a policeman
 he made off Cross Examined. Did you take
 the cloak away from this young man? Yes
 sir, from his side. Did you take it out
 of his possession or from the ground? He
 was standing alongside of it. Where was the
 cloak? It was on the figure, but all opened
 up by this young man. Now this cloak had
 not been removed from the figure at
 all had it? Not exactly! By the Court. He did
 not have it in his possession? No sir, but
 he stood alongside of it. By counsel. He attempt-
 ed to take it from the figure? Yes sir.
 But did not succeed? No; for I was round
 to the centre. By Mr. O'Syrene. Had he hold

of it in his possession? He was standing quite close to it. Had he actually taken it into his possession? I did not see anything in his hand, he was standing alongside of it.

Council

The man is guilty of an attempt.
The jury rendered a verdict of guilty of an attempt at grand larceny.
He was sent to the State prison for two years.

1071

BOX:

61

FOLDER:

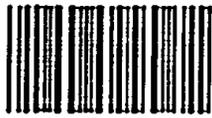
695

DESCRIPTION:

Bryant, James

DATE:

03/08/82



695

#33

W. W. W. W.

Day of Trial
Counsel, J. O. O.
Filed (day of 1882)
Pleads *Not Guilty*

BURGESS - Third Degree

THE PEOPLE

vs.
James Bryan

James Bryan

Attorney
John J. O'Connell
District Attorney

Part 2 Mar 14 1882

pleads guilty

A TRUE BILL

John Han
Raymond
Foreman

Court of General Sessions of the Peace of
the City and County of New York.

THE PEOPLE OF THE STATE OF
NEW YORK,

James Bryant
against

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

James Bryant
of the crime of *attempt Burglary*

committed as follows:
The said

James Bryant

late of the *thirteenth* Ward of the City of New York, in the County of New York,
aforesaid, on the *twenty eighth* day of *February* in the year of our Lord one
thousand eight hundred and eighty *two* with force and arms, at the Ward,
City and County aforesaid, the *Stable* of

Charles A. Carbett and John W. Clemens
there situate, feloniously and

burglariously, did break into and enter, the same being a building in which divers
goods, merchandise, and valuable things were then and there kept for use, sale and
deposit, to wit: the goods, chattels, and personal property hereinafter described, with
intent the said goods, chattels, and personal property of the said

Charles A. Carbett and John W. Clemens
then and there being, then and there

feloniously and burglariously to steal, take and carry away, and

one horse of the value of two hundred dollars

of the goods, chattels, and personal property of the said

Charles A. Carbett and John W. Clemens

so kept as aforesaid in the said *Stable* then and there being, then and
there feloniously ^{attempt to} did steal, take and carry away, against the form of the Statute in
such case made and provided, and against the peace of the People of the State of
New York, and their dignity.

John M. Keon
District Attorney

1074

188

Act: 214, 215, 216 & 217

Police Court 3rd District.

THE PEOPLE, &c.,
VS THE COMPLAINT OF

George Meekin
103 March St

James Bryant

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Offence, *Burglary and attempted larceny*

Date: *March 1st* 1882

White Magistrate.

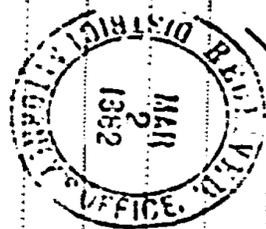
Chas. Curley Office Clerk.

William Ryan Witness.

St. Tompkins Street.

No. Street.

No. Street.



Wm. Ryan
Corr

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 *James Bryant*

guilty thereof, I order that he be admitted to bail in the sum of *Two* Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail *or is legally discharged*

Dated *March 1st* 1882

Andrew J. Hall Police Justice.

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

James Bryant

1075

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3-
DISTRICT POLICE COURT.

James Bryant

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 *James Bryant*

Question. How old are you ?

Answer. *18 years*

Question. Where were you born ?

Answer. *New York City*

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

Answer. *695 - Third Avenue; two months*

Question What is your business or profession ?

Answer. *Carpenter*

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 was there but I was not
in the stable*

James Bryant

Taken before me, this *15th*
day of *March* 188*8*

Andrew White
Police Justice.

Police Office. Third District.

City and County
of New York,

ss.: George Weston, aged 24 years, a driver
of no 103 East 103 Street, being duly sworn,

deposes and says, that the premises ~~in~~ No 39 Marquis Street

Street, 13th Ward, in the City and County aforesaid, the said being a brick building
part of and which was occupied by ~~deponent~~ as a Stable, by Charles F. Corbett, and
John W. Clemens, and then in ~~course of deponent~~ **BURGLARIOUSLY**

entered by means of forcibly breaking open a ~~wooden~~
wooden partition, dividing said stable
from an adjoining stable

on the night of the 28th day of February 1882
and the following property, feloniously taken, stolen and carried away ~~by~~
light ~~and~~ ~~carried~~ ~~away~~ ~~by~~
one horse of the value of two hundred
and fifty dollars, and two sets of
harness together, the value of
one hundred dollars, in all property
of the value of three hundred and
fifty dollars.

the property of said Charles F. Corbett and John
W. Clemens, and in this deponent's charge
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by
James Wright (now here) and another
person not now arrested

for the reasons following, to-wit: That said horse and said
harness was contained in said stable
when deponent left said stable at
about eight o'clock in the evening
of said day; after securely locking and
closing the doors leading into and
from said stable; and that at said
time said wooden partition ~~was~~
part of which was found by deponent ~~on~~
some ~~place~~ ~~of~~ ~~the~~ ~~premises~~ ~~on~~ ~~the~~ ~~28th day of February 1882
forcibly broken and removed) was securely~~

dividing said stable from said
 adjoining stable, and now opening
 therein ~~to admit~~ to admit ingress
 to said stable in department charge.
 That deponent is informed by
 William Ryan here present; that
 at about half past ten o'clock
 on the evening of said day; he said
 Ryan while near said stable
 saw said James ^{present} ~~Whight~~ ^{here} the
 prisoner here present and said
 other man who is not now arrested
 on the roof of said building -
 and saw both said persons jump
 from said roof upon the roof of
 a shed build against the wall of
 said stable; and from there into
 the yard; that with the assistance
 of other persons ^{said Ryan} ~~deponent~~ caused
 the arrest of said Bryant, and of
 said other man. Deponent is further
 informed by said William Ryan
 that said other man escaped from
 the prison man infer. had been in
 his custody. + George Weston

Sworn to before me
 this first day of March 1862
 Andrew White
 Justice

City and County of New York ss William
 Ryan being duly sworn says he
 is seventeen years of age, a clerk

and resides at No 25 ^{Thompson's} ~~Thompson~~ Street said
 City; that he has heard read the
 foregoing affidavit and is familiar
 with the contents thereof; and that
 portion of the same, referring to him
 and to information given by him
 is true upon his own knowledge
 sworn to before me by William Ryan
 this first day of March 1872
 Andrew Miller
 Public Notary

1079

BOX:

61

FOLDER:

695

DESCRIPTION:

Burke, John

DATE:

03/15/82



695

116

WITNESSES.

Day of Trial,

Counsel,

Filed 15th day of March 1882

Pleads

THE PEOPLE

vs.

John Barker

LARCENY AND RECEIVING
STOLEN GOODS

Petit
JOHN MCKEON,

District Attorney.

A True Bill.

John Hamlin

Ch. H. 16/12

Foreman.

Edward P. L.

after 4 months

1081

Court of General Sessions

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 LARCENY

committed as follows:

The said *John Burke*

late of the First Ward of the City of New York, in the County of New York,
aforesaid, on the *Sixth* day of *March* in the year of our Lord
one thousand eight hundred and eighty *two*, at the Ward, City and County
aforesaid, with force and arms

one part of the value of Eighteen dollars

of the goods, chattels and personal property of one *John Scott*

then and there being found,
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.

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

John Burke

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

The said

John Burke

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

one box of the value of eighteen dollars

of the goods, chattels and personal property of the said

John Scott

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

John Scott

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

John Burke

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

JOHN McKEON, District Attorney.

1003

Act. 214, 216, 218, & 312.

Police Court District.

THE PEOPLE, &c.,
VS THE COMPLAINANT OF

John Burke
John Burke
Carney

Offence.

Dated

March 9th 1882

Magistrate.

Rowley

Officer.

H

Clerk.

Witnesses

Henry Bailey

No. 1st Street

John Chamberlain

Street.

and John Henry

No. 15th Street

Philip Frank

Street.

Shop No. 13 James St. St. Mary's

Residence 57 Pearl Street

Boys to Old Girl

(Army)

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

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

Dated *March 9th 1882* *Wm. G. Brown* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

1084

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

DISTRICT POLICE COURT.

John Burke

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

Question. What is your name?

Answer.

John Burke

Question. How old are you?

Answer.

45 Years

Question. Where were you born?

Answer.

Ireland

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

Answer.

30 Hamilton Street about 20 years

Question. What is your business or profession?

Answer.

Painter

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

Answer.

I am not guilty of the charge

Taken before me, this

day of *March* 188*8*

John Burke

Police Justice.

1085

Form 10.

POLICE COURT—SIXTH DISTRICT

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

Philip Frank

of No.

13

James Schiff

Street,

that on the

5th

day of

March

18*97*

at the City

of New York, in the County of New York,

being duly sworn, deposes and says,

Department purchased from
the defendant *Burke*, a pair
of cart wheels which he
said he ^{had} taken from a cart
of his which he broke up
while in a fit of anger caused
by a quarrel with his wife
Philip Frank

St. J. Green

before me,

Sworn to, this

day of

March 1897

Police Justice.

1086

City and County of New York, ss.

Police Court—15th District.

THE PEOPLE

vs.

On Complaint of

For

John Burke

John Scott
Larceny

After being informed ^{of} ~~of~~ my rights under the law, I hereby demand a trial by Jury, on this complaint, and ~~demand~~ ^{demand} a trial at the **COURT OF SPECIAL SESSIONS OF THE PEACE**, to be holden in and for the City and County of New York.

Dated 22 March 188 .

C. W. O'Connell

POLICE JUSTICE.

John Burke

1087

First District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK.

of No. 15 Spruce Street, 48 years, Deponent being duly sworn, deposes and says, that on the 6th day of March 1882

at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, from in front of said premises the following property, viz:

One hand cart of the value of eighteen 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

John Burke now here from the fact that the cart was seen in his possession by one Bailey as deponent is informed & believed John Burke

City and County of New York Henry Bailey of No 88 New Chamber Street being sworn says that the deponent brought to 88 New Chamber Street a certain cart from which he took the wheels and carried them away

Sworn before me this 9th day of March 1882
Chas. G. Swann
Police Justice

And deponent subsequently discovered the Complainant's name painted on the body of the cart -

Sworn to before ^{me} this } Henry Bailey
9th day of March 1880 }
at New York Police Justice }

City and County of New York
John May of No. 15 Spruce Street being duly sworn says that he saw the cart in front of 80 New Chamber Street and identifies the same as the property of the Complainant from which the wheels had been taken as before stated & which was stolen from front of Complainant's place of business

Sworn to before ^{me} this } John May
9th day of March 1880 }
at New York Police Justice }

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT - Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

1009

BOX:

61

FOLDER:

695

DESCRIPTION:

Burns, John

DATE:

03/10/82



695

1090

614

Counsel,
Filed 10 day of March 1882

Pleads

THE PEOPLE
vs.
John Burns
BGLARY—First Degree, and
Grand Larceny.

John M. Clark
DANIEL G. ROBBINS,
District Attorney.

A True Bill.

John M. Clark
Foreman.
John M. Clark
Jury 2 dcs.

Verdict of Guilty should specify of which count.

S.P. 7 1/2 years

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Burns

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

of the CRIME OF Burglary and Larceny

committed as follows:

The said

John Burns

late of the Twenty-first Ward of the City of New York, in the County of New York, aforesaid,

on the fourth day of March in the year of our Lord one thousand eight hundred and eighty two

with force and arms, about the hour of nine o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of

Jacob Koch there situate, feloniously and burglariously did break into and enter, by means of forcibly breaking open an outer window of said dwelling

whilst there was then and there some human being, to wit, one Jacob Koch

John Burns within the said dwelling-house, he, the said then and there intending to commit some crime therein, to wit: the goods, chattels and personal property of

Jacob C. Koch

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

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

of the CRIME OF

John Burns Larceny

committed as follows:

The said

John 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, about the hour of nine o'clock in the night time of said day, the said

one cloak of the value of ten dollars three pair pantaloons of the value of ten dollars each five cloths coats of the value of ten dollars each five shirts of the value of five dollars each of the goods, chattels, and personal property of

Jacob Koch in the said dwelling house of one

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

John M. Keon, District Attorney.

1092

Am. J. 200, 210 & 212

215 64

Police Court 21 District.

THE PEOPLE, Etc.,
VS THE COMPLAINANT OF

Barbara Koch
322 E 39
John Burns

Offence: Burglary and Grand Larceny

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No.

Street

Witness: Remond Molerley

No. 21 West

Witness: Joseph Neve

No. 1322 East 39

*Constitutional Rights
of J. B. Williams & Co.*

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

guilty thereof, I order that he be admitted to bail in the sum of One Hundred Dollars and be committed to the Warden or Keeper of the City of the City of New York until he be legally discharged

Dated March 7 1882

Wm. H. Gardner Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

Sec. 108-200.

DISTRICT POLICE COURT.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *John Burns*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *East 28th Street, 3 weeks*

Question. What is your business or profession?

Answer. *Stone Cutter*

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 have nothing to say at present*

Taken before me, this *11* day of *March* 188*2* } *John Burns*

George Gannon Police Justice.

Police Office, Fourth District.

City and County
of New York,

ss. *Barbara Rock*, aged 32 years -
Occupation *House Keeper*.

Room on the *2^d floor* of No. *322 East 39th Street*, being duly sworn,
deposes and says, that the premises No. *322 East 39th Street*
21 Ward, in the City and County aforesaid, the said being a *brick building*
and which was occupied by deponent as a *dwelling and*
sleeping apartments were **BURGLARIOUSLY**
entered by means of going up the fire escape in the
rear of said premises and forcibly and feloniously
forcing open the rear window leading from
the said fire escape into the said room
on the night of the *4th* day of *March* 1882
and the following property feloniously taken, stolen and carried away, viz:

One water proof cloak. three pair of
pantaloon. one best. five cloth coats
five ladies skirts.
All of the value of One Hundred
dollars

the property of *Jacob Rock*, (deponent's husband)
and deponent further says, that he has great cause to believe, and does believe, that
the aforesaid **BURGLARY** was committed, and the aforesaid property taken, stolen
and carried away by *John Burns*, (nowhere) and
a person whose name is unknown to deponent
for the reasons following, to wit: that previous to said
Burglary and larceny the said window
was securely fastened down and the said
property was in the premises aforesaid, and
deponent was informed by *Office Maloney*

of the 21st Precinct Police that when he
 Malarky arrested the said John Burns
 the said Burns did then and there
 have in his possession a pawn ticket
 which represented a Silk Shirt.
 which deponent identified as a portion
 of the property so taken and stolen as
 aforesaid.

Barbara Koch

Sworn to before me this }
 7th day of March 1882 }

Hugh Gardner
 Police Justice

City and County of
 New York

Bernard Malarky of the
 21st Precinct Police being duly sworn deponent
 and says that on the morning of the 5th day
 of February 1882 deponent arrested John
 Burns (nowhen), and on searching the
 said Burns deponent found on his
 Burns person a pawn ticket representing
 a Silk Shirt, and the said Shirt was
 identified by Barbara Koch (nowhen),
 as the property of her husband Jacob Koch
 Sworn to before me this }
 7th day of March 1882 }

Hugh Gardner
 Police Justice

1097

**END OF
BOX**