

0553

**BOX:**

333

**FOLDER:**

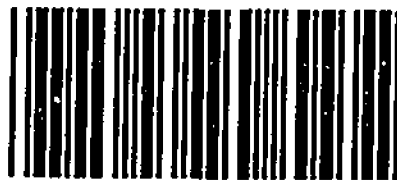
3154

**DESCRIPTION:**

McGuire, James

**DATE:**

12/17/88



3154

306  
HAK

Witnesses:  
M. Smith  
off Hoar

Counsel,  
Filed 17 day of Dec 1888  
Pleads, Chy July 18

THE PEOPLE  
vs.  
James Mc Guire  
P  
Burglary in the Third degree.  
[Section 498, Penal Code.]

JOHN R. FELLOWS,  
District Attorney.

Part 2 Dec 21<sup>st</sup>

1728  
**A True Bill.**

Wm. M. Mordant  
Foreman.

Pr Dec 21 188  
Indis requested.

0554

306

W. K.

Witnesses:

*M. Smith*

*J. H. H. H.*

Counsel,

Filed

17 day of Dec 1888

Pleads,

Ch. guilty - 18

THE PEOPLE

vs.

*James Mc Guire*

*Burglary in the Third degree.*

[Section 498, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

Part 2 Dec 21<sup>st</sup>

1739

A True Bill.

*Wm. M. M. M.*

Foreman.

Pr Dec 21 1888

Ind. & acquittal.

7

0555

306

*W. R. H.*

Witnesses:

*M. Smith*

*W. R. H.*

Counsel,

Filed

17 day of Dec 1888

Pleads,

*Ch. 2nd - 18*

THE PEOPLE

vs.

P

*James Mc Guire*

*Burglary in the Third degree.*

[Section 498, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

*Part 2 Dec 21st*

*1728*

A True Bill.

*W. R. H.*

Foreman.

*Mr Dec 21 1888*

*True & acquitted.*

7



0556

Police Court—H District.

City and County } ss.:  
of New York,

of No. 598 First Avenue Street, aged 23 years,

occupation Bar tender being duly sworn

deposes and says, that the premises No. 685 First Street, 21 Ward

in the City and County aforesaid the said being a five story brick

building and which was occupied by deponent as a liquor store

and in which there was at the time a human being by name

attempted to be

were **BURGLARIOUSLY** entered by means of forcibly prying open

the door leading from the hallway

in the rear of said store and with intent

to enter therein and commit a felony

on the 10 day of December 1888 in the night time, and the

following property feloniously taken, stolen, and carried away, viz:

A quantity of cigars and

liquors together of the value

of ten hundred dollars

\$1000.<sup>00</sup>/<sub>100</sub>

the property of Patrick Farrelly in deponent's care and custody

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 McGuire (now here)

for the reasons following, to wit: That at about 1:30

o'clock midnight (Saturday Dec

8<sup>th</sup> 1888 deponent securely locked

fastened and bolted all the doors

and windows leading into said

liquor store. That deponent is

informed by Officer David Stearns

of the 21<sup>st</sup> Precinct that at

about 3 o'clock A.M. of Dec 10

1888 he saw defendant go into the hallway in the rear of said liquor store and about 10 minutes thereafter said Officer went into said hallway and found said defendant standing there. That said Officer told defendant to go out on the sidewalk and wait for him, that immediately thereafter said Officer lighted a match and found the Jimmy here shown, on the floor of said hallway and discovered marks on the door leading from the said hall to the rear of said store showing an attempt to force open said door. When said Officer returned to the sidewalk he saw defendant running toward 39th street toward 2d Avenue and said Officer pursued defendant to a house near 2d Avenue. When defendant made his escape, about one hour and a half afterwards said Officer arrested defendant.

Noted to be before me  
1888  
Dated  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Police Justice.

1888  
Dated  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Police Justice.

1888  
Dated  
of the City of New York, until he give such bail.  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars  
and be committed to the Warden and Keeper of the City Prison  
It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named

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

THE PEOPLE, &c.,  
on the complaint of

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

Offence—BURGLARY.

Dated \_\_\_\_\_ 1888

Magistrate.

Officer.

Clerk.

Witnesses, \_\_\_\_\_

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

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

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

\$ \_\_\_\_\_ to answer General Sessions.

0558

CITY AND COUNTY }  
OF NEW YORK, } ss.

David Hoar  
aged 29 years, occupation Police Officer of No. 27 Princeton Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Michael Smith  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 10

day of Dec 1888

David Hoar  
Police Justice.



0559

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*

*James McGuire*  
*mark*

Taken before me this

day of *Sept* 188*8*

Police Justice.

0560

*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.....*

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

*Dated* *Dec 10* *1888* *A. J. White* *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.*



0561

BAILED,

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

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

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

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

124  
Police Court---

1923  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Michael Sumner*  
890 vs. 1<sup>st</sup> ave  
*James McQuinn*

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

*Offence Attempted*  
*By*

Dated *Aug 10* 188 *8*  
*White* Magistrate.

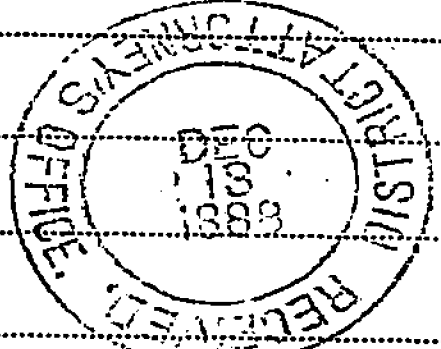
*Star* Officer.  
*21* Precinct.

Witnesses *Officer Milhauser*  
No. *21<sup>st</sup> Precinct* Street.

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

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

\$ *15.00* to answer *yes*



*Aug 10 1888*

0562

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*James Mc Guire*

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

*James Mc Guire*

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

The said

*James Mc Guire*

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

*Patrick Farrelly*

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

*Patrick Farrelly*

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

*John R. Fellows,*  
*District Attorney*

0563

**BOX:**

333

**FOLDER:**

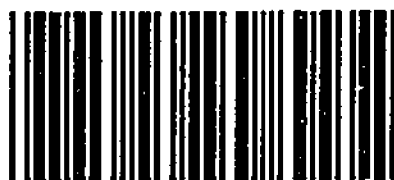
3154

**DESCRIPTION:**

McInerney, Michael

**DATE:**

12/11/88



3154

*Witnesses:*

R. F. J. [Signature]  
A. P. J. [Signature]

It appearing that this case was to be examined before a magistrate in N. Y. and the defendant discharged and it further appearing from the examination I have made that a conviction cannot be had here, I respectfully recommend that the writ be discontinued.

Part 3 June 27, 1889  
W. D. Jerome  
2 Del Norte Ave

Filed 11/ day of Dec 1888  
Pleads, Magally-11 ✓

**vs.**

Michael McDermney

Approved by CH  
Jan 8/89

JOHN R. FELLOWS.

*District Attorney.*

# A True Bill.

*Wm Wadsworth*

Part 3 Gov. P. 10.

Feb-III 6/10/1909

Indictment dismissed

0564



0565

Police Court—2nd District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

of No. 407 West 13th Street, aged 29 years,  
occupation Clerkman being duly sworn  
deposes and says, that on the 3 day of October 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the daytime time, the following property viz:

One Horse of the Value of  
One Hundred Dollars.

the property of Deponent.

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Michael McQuerny (Brooklyn)  
and other persons both arrested and  
whose names are unknown to  
deponent, from the fact that  
deponent found said Horse  
in his Michael's possession.

Richard Fitzpatrick

Sworn before me this 16 day of Oct 1888

John J. McQuerny Police Justice.



0566

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Michael McJurey 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. Michael McJurey

Question. How old are you?

Answer. 34 years

Question. Where were you born?

Answer. Ireland

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

Answer. 4 Provost Street Jersey City

Question. What is your business or profession?

Answer. Ice 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 guiltyMichael McJurey

Taken before me this

day of October 1888John G. McJurey  
Police Justice.

0567

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 Agustina

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

Dated Oct 25 1888 John H. Hunter 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.

0568

Bail fixed  
at \$10.00 on  
negation of  
duty  
Oct 31 / 88

BAILED,

No. 1, by

Martin Consideine

Residence

196 ~~W. 13th~~ Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court---

1696 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Richard Fitzpatrick

407 West 13th

1. Michael W. Cullen

2.

3.

4.

Dated

Oct 25

1888

Magistrate.

Officer.

Witnesses

No.

Street.

No.

Street.

No.

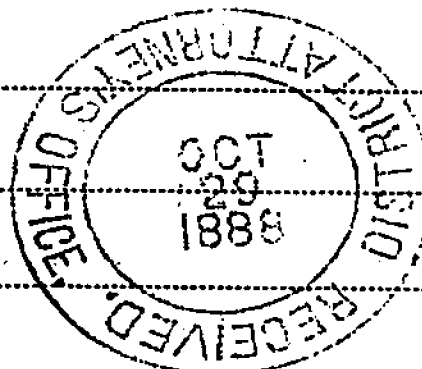
Street.

\$

20.00 to answer

Cullen

922



0569

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Michael Mc Inerney*

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

*Michael Mc Inerney*

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

The said

*Michael Mc Inerney*

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

*one horse of the value of one hundred dollars*

of the goods, chattels and personal property of one

*Richard Fitzpatrick*

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



0570

SECOND COUNT—

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

*Michael McInerney*—

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

The said *Michael McInerney*

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

*one horse of the value of one hundred dollars*

of the goods, chattels and personal property of one

*Richard Fitzpatrick*

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

*Richard Fitzpatrick*

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

*Michael McInerney*—

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

JOHN R. FELLOWS,

District Attorney.



0571

**BOX:**

333

**FOLDER:**

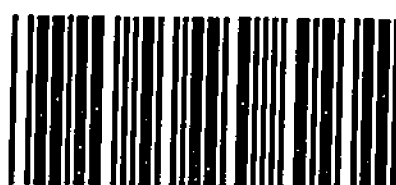
3154

**DESCRIPTION:**

McNeill, Delia

**DATE:**

12/04/88



3154

Witnesses:

Emma J. S. S. S. S.

off Riley

Counsel,

Filed

day of

Dec 188

Pleads, *Chr guilty & b*

THE PEOPLE

vs.

R

*Delia McNeill*

Grand Larceny *second degree*  
[Sections 628, 68/50, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Wm. M. M. M.*

*Dec 5/88*

*John R. J. J.*

*Dec 11 1888*

*R. B. M.*

0572

0573

Police Court—4 District.

Affidavit—Larceny.

City and County  
of New York, } ss.

Emma J. Swartwout

of No. 270 West 43 Street, aged 30 years,  
occupation Spice Keeper being duly sworn

deposes and says, that on the 30 day of October 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property viz:

One Opal ring set in diamond chips  
One Onix pin and four small  
Opal stones all together of the  
value of One hundred and  
thirty five dollars (\$135.00)

the property of deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Delia McNeil now here  
from the fact that on or about the  
above date said defendant was  
in deponent's employ as a servant  
and had access to a wardrobe  
drawer in which all of said property  
was located. That on the first day  
of November 1888 deponent missed said  
property. Deponent is informed by  
Officer James H. Riley of the 22d  
Precinct that he arrested defendant  
Nov 20<sup>th</sup> 1888 and that she then and  
there admitted and confessed to  
him that she had taken said ring  
and informed him where she

Subscribed before me, this  
day  
1888  
Police Justice.

had pawned the same at Fullans  
 pawnshop 315 west 39th street.  
 That said Officer went to said  
 pawnshop in company with  
 deponent and there and there  
 deponent saw said ring which  
 she fully and positively identified  
 as a part of the property last  
 stolen and carried away at the  
 time and in the manner  
 herein described.

Wherefore deponent prays  
 that said defendant be held  
 to answer and be dealt with  
 as the law directs.

Sworn to before me  
 this 28 day of Aug 1888 J. C. [unclear]

J. J. White  
 Police Justice



0575

CITY AND COUNTY }  
OF NEW YORK, } ss.

James H. Riley  
aged 35 years, occupation Police Officer of No. 60

442 Duane Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Anna J. Swartwout  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me this 28  
day of Nov 1888 } James H. Riley

A. J. White  
Police Justice.



0576

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer. *Delia McNeil*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No 270 West 13<sup>th</sup> St New York*

Question. What is your business or profession?

Answer. *Domestic*

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 taking anything but the ring*

*Delia McNeil*

Taken before me this

day of *April*

188

Police Justice

0577

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 4 DISTRICT.

of the 22 Rue de la Police Officer Street, aged 37 years,  
occupation being duly sworn deposes and says  
that on the 23 day of September 1888

at the City of New York, in the County of New York, he arrested  
Police Officer Neil on the Complaint  
of Emma J. Swartwout  
for Grand Larceny.  
Deponent asks that she be  
committed to allow deponent  
time to procure for her  
redemption

James H. Riley

Subscribed before me this  
23 day of September 1888

Police Justice.

0578

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

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Delia McNeil*

AFFIDAVIT.

Dated \_\_\_\_\_

188

*White*

Magistrate.

*Riley*

Officer.

Witness, \_\_\_\_\_

*33*

Disposition, \_\_\_\_\_

*Ok, Mar 20, 1880*  
*26*

0579

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

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

Dated *Nov 26* 188 *J. J. White* 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.



0580

43  
Police Court--- 1854 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Emma J. Swarthout*  
*270 West 43rd*  
*Delia McNeil*

*Henry*  
*Poland*  
Offence

2  
3  
4

BAILED,

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

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

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

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

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

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

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

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

Dated *Nov 25* 188 *8*

*White* Magistrate.

*Chiles* Officer.

*Call the Officer* Precinct.

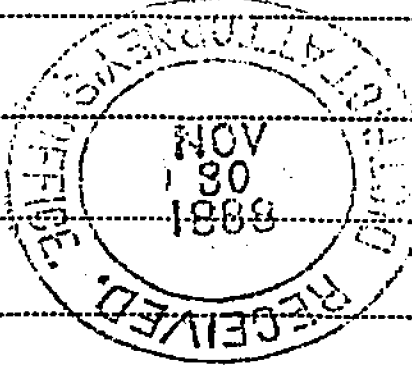
Witnesses \_\_\_\_\_

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

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

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

\$ *to answer*



*881*

0581

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Delia McNeill*

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

*Delia McNeill*

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

The said

*Delia McNeill*

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

*one ring of the value of twenty-five dollars, one pin of the value of twenty-five dollars, and four opals of the value of twenty dollars each*

of the goods, chattels and personal property of one

*Emma J. Swartwout*

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

0582

SECOND COUNT—

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

*Delia McNeill*

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

The said

*Delia McNeill*

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

*one ring of the value of  
twenty-five dollars, one pin  
of the value of twenty-five  
dollars, and four opals of the  
value of twenty dollars each*

of the goods, chattels and personal property of one

*Emma J. Swartwout*

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

*Emma J. Swartwout*

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

*Delia McNeill*

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

JOHN R. FELLOWS,

District Attorney.

0583

**BOX:**

333

**FOLDER:**

3154

**DESCRIPTION:**

McPhillips, Andrew

**DATE:**

12/20/88



3154



376

Dr J. E. Allen

Counsel,  
Filed, 20 day of Dec 1887  
Pleads, *McQuinn*

THE PEOPLE,

vs.

ADULTERATED MILK.

B

Andrew McPhillips

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

JOHN R. FELLOWS.

*Mr. Day of District Attorney.*  
*Transferred by Com. to a*  
*Y. D. for this.*  
A True Bill.

*Wm. Ford*

Foreman.

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Andrew Mc Phillips*

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

*Andrew Mc Phillips*

(Chap. 183, Laws of of a MISDEMEANOR, committed as follows:  
1885, § 1. as amended  
by Chap. 577, Laws of  
886, § 1.)

The said

*Andrew Mc Phillips*

late of the City of New York, in the County of New York aforesaid, on the

*twenty-fifth* day of *October* in the year of our Lord

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

did unlawfully expose for sale three quarts of unclean, impure, unhealthy, adulterated

and unwholesome milk (the same not being skimmed milk produced in the said County),

against the form of the Statute in such case made and provided, and against the peace of

the People of the State of New York and their dignity.

## SECOND COUNT:

(\$186, Sanitary Code

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

*Andrew Mc Phillips*  
 of the CRIME OF VIOLATING THE SANITARY CODE OF THE BOARD OF HEALTH OF THE  
 HEALTH DEPARTMENT OF THE CITY OF NEW YORK, committed as follows:

The said *Andrew Mc Phillips*

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

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

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

JOHN R. FELLOWS,

District Attorney.

0587

**BOX:**

333

**FOLDER:**

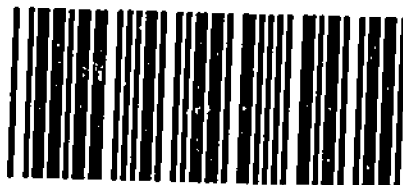
3154

**DESCRIPTION:**

Medcalf, Edward

**DATE:**

12/06/88



3154



0588

**BOX:**

333

**FOLDER:**

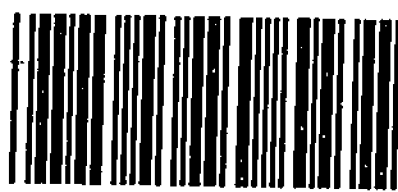
3154

**DESCRIPTION:**

Wolsey, William

**DATE:**

12/06/88



3154

0589

Witnesses

6/18/18

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Counsel

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THE PEOPLE

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Edward Medall

William D. Brown

JOHN R. FELLOWS,

District Attorney.

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A True Bill.

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Burglary in the Third degree.  
Section 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



0590

## Police Department of the City of New York,

Precinct No. ....

New York, Nov - 21. 1888

William Woolsey, aged 35 years, a furrier by oc-  
 cupation, of 86 East Third Street, of the City  
 and County of New York says, I make the follow-  
 ing statement of my own free will and ac-  
 cord: I arrived in this country from England  
 on Aug<sup>1st</sup> 1888, and put up at the "Cornish  
 Arms" 11 West St. I was on that day and  
 at the last named place, ~~was~~ introduced  
 by one Morris, <sup>the proprietor</sup> to Edward Medcalf, a  
 furrier at 18 West 4<sup>th</sup> St. On or about Aug<sup>4</sup>  
 4<sup>th</sup> 1888, I was employed by the said Medcalf  
 until Oct 4<sup>th</sup>, at which time I left him;  
 and on the following day, went to work  
 for Herman Kohup, <sup>26 Bond Street</sup> with whom I remain-  
 ed until the latter part of Oct. <sup>(29)</sup> While  
 in said Kohup's employ, I met Medcalf  
 at his house, several times. The said Med-  
 calf, made several overtures to me, to  
 burglariously enter the premises of the  
 said Kohup, and to steal therefrom the  
 cash & keys, contained therein. On or  
 about Nov 5<sup>th</sup> inst, I went to a hardware  
 store on the East Side of the Bowery, two  
 doors below Houston Street, and there  
 purchased a brace and bit and chisel

# 0591

Police Department of the City of New York,

Precinct No. \_\_\_\_\_

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New York, \_\_\_\_\_ 188

For the purpose of gaining an entrance to the said Kohney's work shop at 26 Bond St. on the morning of Nov 7<sup>th</sup> 1888, about 6 am, I went to 26 Bond St, and entered Kohney's work shop, by cutting <sup>in the door near the lock,</sup> ~~into~~ a hole large enough to put my hand through and pull the catch of the lock back. I then <sup>and there</sup> packed up the following <sup>of seal garments</sup> articles, and placed them in a black muslin bag, which I found in the said place, and forthwith brought to Medcalf at his residence, and place of business at 18<sup>th</sup> 4<sup>th</sup> St, and told him that the contents of the bag, was the proceeds of the burglary which he Medcalf had induced me to commit. The said Medcalf then took all of the seal & skin garments which I had taken from the premises of the said Kohney, and created the same in his apartments at 18 West Fourth Street, and paid me \$20 in part payment of \$200<sup>00</sup> and a passage ticket to England, to sail next Saturday Nov 24<sup>th</sup>, which he was to give me for said seal garments, which <sup>were</sup> taken, stolen and carried away by me from the premises of Herman Kohney at 26 Bond Street in this city.



Police Department of the City of New York,

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Precinct No. ....

New York, ..... 188

on the morning of Nov 7. 1888, in the manner  
aforesaid. During I was employed by the  
said Medcalf at the time I committed  
the burglary and since that time and up  
to and within this date, at which time I was  
placed under arrest. I have identified  
<sup>(five)</sup> ~~some~~ ~~eight~~  
the ~~five~~ real garments (now held) found in  
the said Medcalf's possession, as part  
of the <sup>process of the</sup> burglary, committed by me at Kohler's  
place 26 Bond St. I have asked the said  
Medcalf what disposition he made of the above  
property and he has refused to tell me. There  
is another sack (which I have identified in the pres-  
ence of the officers at Medcalf's place of  
business which was being relined by Mrs Med-  
calf to destroy its identity. The said Med-  
calf has informed me in that he served  
two terms of imprisonment, one for 10  
years and the other for five years for bur-  
glaries committed in England, and that at  
present he is a fugitive from justice ~~in~~  
from England for a robbery of £5000, worth of  
Real Skins from the house of Knickerboon <sup>Wood St</sup> London,  
England.

William  
Noboy

### Grand Jury Room.

John Osborne -  
 Chief warden of  
 Portland Prison came  
 PEOPLE  
 corroborate Nelsky

Nelsky & Medcalf  
 were in Portland  
 Prison together  
 and worked in  
 the same gang  
 in a stone quarry  
 for about 9 mo -  
 when Medcalf who  
 was serving a  
 10 year sentence  
 under the name of  
 Edward Mitchell was  
 transferred to another  
 prison in the fall of  
 1914.

0594

ask him if  
Midealf brought  
other people to  
live at home

ask McAuley if he heard  
Midealf tell O'Brien that he  
(Midealf) knew Moley was in  
prison and also that it was  
in England

0595

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK, }

An information having been laid before Henry Ford a Police Justice  
of the City of New York, charging Edward Medcalf Defendant with  
the offence of Burglary in Receiving Stolen  
Goods

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We, Edward Medcalf Defendant of No. 18

West 1st Street; by occupation a Turner  
and John R. Breen of No. 175 East 79

Street, by occupation a Bureau Surety, hereby jointly and severally undertake that  
the above named Edward Medcalf Defendant

shall personally appear before the said Justice, at the 3 District Police Court in the City of New York  
during the said examination, or that we will pay to the People of the State of New York the sum of Twenty five  
Hundred Dollars.

Taken and acknowledged before me, this 23  
day of Nov 1888

James R. Breen  
POLICE JUSTICE.



0596

CITY AND COUNTY }  
OF NEW YORK, } ss.

day of *Jan*  
*John R. Breen* Police Justice.

Sworn to before me, this

1881

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *Fifty* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *Two Houses and*

*Five lots of land situated*  
*30 of the 309 East 57 Street*  
*Walter Ninety Five thousand*  
*dollars above are Incumbered*

*James R. Breen*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

1881

day of

Taken the

Justice.

0597

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

The People

vs.

Edward Medcalf

Jointly indicted with Wm. Woolsey;  
Indicted for Burglary in the Third  
Degree.

Indictment filed, December 6th. 1888.

Before,

Hon. Frederick Smyth,

and a Jury.

Tried, Feb'y 8th, 1889.

APPEARANCES:

Assistant District Attorney Davis, for the People;

Messrs. Howe & Hummel, for the Defence.

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HERMAN KOHNY, the complainant, testified that he  
lived at No. 325 East 58th. Street and that he was a  
furrier? He was not in business at present. After

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his goods were stolen he went out of business and went to Boston to get work. On the 7th. of November he was in business at No. 26 Bond Street in the City of New York. His place of business was on the 3rd. floor back.

On the 7th. of November 1888 he had been in business there for two years. He left his place of business on the night of election 1888-- the 6th. of November, at about 6 o'clock. He secured his door, which had <sup>a</sup> patent locks. He left in his place of business seven finished sealskins sacques, and one unfinished. They were worth about \$1,000. The witness then identified the seal garments in the possession of the District Attorney as those which he left in his place of business on the night of the 6th. of November, 1888 by his private marks on the skins. He returned to his place of business at about 8 o'clock on the following morning. The door had been forced open. A hole was bored into the door near the lock, and all of the sealskin garments were missing. He afterwards saw the sealskin garments at police headquarters.. He had never seen the defendant

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before his arrest, but the co-defendant, William Woolsey, had worked for him. Woolsey worked for him for about 3 weeks, and left his employ about a week before the shop was broken into. Woolsey afterwards visited the shop twice.

UNDER CROSS-EXAMINATION, the complainant testified that he put the marks upon the sealskins with his own hand.

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WILLIAM WOOLSEY, the co-defendant, called by the People, testified that he had pleaded guilty to the charge of burglary in the 3rd. degree, upon an indictment in which he was jointly indicted with the defendant Medcalf. He was born in London and came to the City of New York on the first of August, 1888. In London he was a furrier. He had been convicted in England of stealing furs and had been sentenced to penal servitude for 8 years. He had been out of prison a week when he sailed for the United States. He knew Medcalf in London and in several other places in England. He had known Medcalf in Portland Prison. In this City he first met



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Medcalf in the "Cornish Arms" number 11 West Street. He first met Medcalf two or three days after his arrival in this City, in August 1888. Medcalf asked him, the witness, to go to work for him, Medcalf, at seven o'clock the next morning at 18 West 4th. Street. He went to work for the defendant at that hour, and at that place, as a furrier. Medcalf's wife and sister-in-law were also there. It was on the top floor. He worked for Medcalf up to the 5th. of October 1888 and then he went to work for Mr. Kohny, the complainant, at 26 Bond Street. He worked for him between 3 and 4 weeks and then Medcalf sent for him, the witness, to return to his employ. He left Mr. Kohny's employment about a week before the burglary. On several occasions he visited Mr. Kohny's place, but not to get work. He visited Mr. Kohny's place at about 6 o'clock on the evening of November 6th., 1888 and left the shop a little while before Mr. Kohny did. He went to Medcalf's flat at 18 West 4th. Street and had supper. On the morning of the 7th. of November he broke into Kohny's shop and stole the sealskin garments. He

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obtained entrance by cutting a hole in the door, near the lock. He put his hand through the hole in the door and pulled back the latch. He stole eight sealskin garments altogether. One or two were without lining. He put them into a bag that he found in Kohny's store and took them to Medcalf's flat at 18 West 4th. Street. He reached there at 10 minutes past seven. As he was entering Medcalf's flat, Medcalf met him. He, the witness, had the garments in the bag at the time. He, the witness, told Medcalf where he had been and Medcalf asked him if he got the stuff, and he said that he had, and Medcalf said "All right". Medcalf asked him if he had been around to Kohny's to get the sealskin and he said "Yes" and then Medcalf took them up into the loft-- just between the ceiling of the two rooms and the roof of the house. He, the witness, did not go up with Medcalf; he went into Medcalf's front room. Medcalf returned about half an hour afterwards. Medcalf said that he wished that they were sealskins instead of sealskin sacques. He, the witness, said that there

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were not any other sealskins there and that he, the witness, could not get any. Then Medcalf said that he couldn't do so much with the sacques as he could have done with skins not made up, but he would see what he could give for them. Medcalf said that he did not think that they were as good as he thought they were and that he had thought they were of better quality. About a week after Medcalf, - who had had charge of the furs meanwhile, -- told him that he would have to have all of the sacques lined and he, the witness, saw Medcalf's wife lining them. He, the witness, also put a collar on one of the sacques at Medcalf's request. About nine days after they were stolen Medcalf call him, the witness, into Mr. Barnes's room, underneath his own apartments and said that the sacques were not as good as he supposed they were, and that he would give him \$200. Medcalf gave him \$20. in cash and promised to give the remainder on Saturday in November, which fell on a day two days after his, witness' arrest. Medcalf also promised to give him a third class ticket to England. He, the witness, was arrested before he received any more

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money or the ticket. He, the witness, was arrested by Detective Sergeant O'Brien and taken to Inspector Byrne's office. Before the burglary, he, the witness, had a conversation with Medcalf as to the burglary. Medcalf asked him, the witness, what Kohny had in his place, and he, the witness, said that he had sealskins and Medcalf then said, "Bring me around some" He, the witness, said, "I can't do that because they are all matched up in sets for sacques, and each sacque has so many pieces laid out for it and he would miss them." Medcalf said, "If you can get the whole lot--if I got them once at my place, not Jesus Christ himself could find them." Medcalf spoke frequently to him about committing the burglary. He asked Medcalf to lend him some tools to commit the burglary with-- among other things a chisel-- and Medcalf said that he would not lend him any of his, Medcalf's, tools, because if the marks were found on the door he might be connected with the burglary. Then, he, the witness, went down to the Bowery and bought a chisel and a brace and bit. Medcalf



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also offered him the key of the door of his, Medcalf's room, in case he, the witness committed the burglary at night, and wanted to bring the sealskins to him.

UNDER CROSS-EXAMINATION , the witness testified that he was 35 years of age and that he was 28 years of age when he was sentenced to penal servitude in England. He had never been sentenced before to imprisonment. He, the witness, believed that the sealskins were worth eight hundred dollars that he stole, and he was not satisfied with the price that Medcalf offered him -- two hundred dollars; but he agreed to take it because he could not do anything else, as the skins were in the possession of Medcalf.

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DETECTIVE SERGEANT STEVEN O'BRIEN testified that he arrested the defendant Medcalf on the 21st. of Nov'r, at the corner of Bleecker Street and Broadway. A complaint had been previously preferred at police headquarters by Mr. Kohny. He, the witness, was placed in charge of the case on November 7th.. He immediately

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placed Woolsey under surveillance, and he saw Woolsey leaving Medcalf's place of business at 18 West 4th. Street and he followed him to 86 East 3rd. Street, to where Woolsey was then living, on November 9th. About two weeks after the burglary, W.D. Jones, furrier, of 99 Bleecker Street came to police headquarters and made his statement. The he, the witness, and Detective McAuley, went to Jones's store on the morning of the 20th. of November and reached the store from the opposite side of the street. They saw Medcalf go into Mr. Jones' store and remain there for about half an hour. Then he came out and went back to his own place of business in 18 West 4th. Street. About ten minutes later he came out with a boy who was carrying a bag. Medcalf went to his place in Mercer Street near Spring and when he came out he was alone. He took a Broadway car and he, the witness and Detective McAuley followed Medcalf, to the "Cornish Arms" No. 11 West Street. Medcalf remained there about a hour and then came out and took the Broadway car to 4th. Street. On the following morning

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he, the witness, and Detective Sergeant McAuley went again to Jones' place and saw Jones and Medcalf come out together. They took an elevated train from South Fifth Avenue and Bleecker Street and rode to the Battery Place station. Medcalf and Jones went to the "Cornish Arms" about one half hour later. Jones came out of the "Cornish Arms" and Detective MacAuley followed him; then he, the witness, followed the defendant. Medcalf met a man at Greenwich Street and Battery Place, and they went into a saloon and had a drink. Some minutes later, Medcalf came out from the saloon and took a Broadway car. He had a bundle with him. He, the witness, got on the same car, and at Bleecker Street Medcalf got off. He, the witness, followed him to the corner of Mercer Street and there accused him of being a shoplifter named Robinson, and asked him what he had in the bundle. Medcalf said that he was not Robinson and refused to show what he had in the bundle. Then he, the witness, told Medcalf that he was an officer and arrested Medcalf and took him to police headquarters.

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He, the witness, found that the bundle contained two sealskin garments, which were afterwards identified by Mr. Kohny as a portion of the property stolen from his premises at the time of the burglary. Medcalf refused to say where he got the property from at first. Then he was told that he would have to give some account of it and he said that he got the garments to repair. After Medcalf was locked up, he the witness, and Detective MacAuley went back to the "Cornish Arms" and saw the proprietor, John Morris. Mr. Morris took them up to a bedroom on the floor above the bar-room and they found three garments. Then the witness and MacAuley went to Medcalf's place of business at 18 West Fourth Street and arrested Woolsey. They found at Woolsey's place, another sealskin garment. At about 10 o'clock in the evening, he, the witness, and MacAuley went down to the cells at ~~the~~ Police Headquarters and had a conversation with Medcalf. They told Medcalf that they had recovered six or eight garments that were stolen from Mr. Kohny's place and



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that Woolsey had told everything about the burglary but was unable to tell where the other two garments were and that he, Medcalf, could tell them. Medcalf said, "Well, if you got six or eight, you ought to be satisfied." Then he, the witness, told him that that was not the way to talk and that he, complainant, was a poor man who had been obliged to give up his business and go to work at his trade on account of the burglary and that it would not hurt him, Medcalf, to tell where the rest of the property was. Then Medcalf said that he did not know what good it would do him to tell. He added, "If that son of a bitch had kept his mouth shut, you couldn't do anything." He would not tell where the remainder of the property was. Some time later, Medcalf asked what good it would do him if the complainant's property were restored, and he, the witness, said that it would do him good when he went down town for trial and that if he would tell where the property was, the witness would go and get it. Then Medcalf gave him, the witness, an order on John Morris, the proprietor of the "Cornish Arms" for the other two sacques. Then Medcalf said

13.

that he had never seen Woolsey until the morning that he came to his, Medcalf's place of business with the furs. He, Medcalf, was then sick in bed. He did not want to expose Woolsey and he intended to dispose of the furs for Woolsey to get him money to return to England and to become a better man. He, the witness, went to Morris with the order and obtained one of the sacques and the eighth sacque Morris promised to send to Police Headquarters on the following morning; and he did send it. On the following morning when he, Morris was taking the defendant, Medcalf, to Court, Medcalf asked him if he had got the two sacques from Morris, and he, the witness, said that he had.

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DETECTIVE SERGEANT JOHN McAULEY corroborated the previous witness.

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JOHN MORRIS testified that he was the proprietor of the "Cornish Arms" at 11 West Street. He had known the defendant Medcalf about 3 years and first met him in the "Cornish Arms". He also knew Woolsey. He had

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stayed in his hotel for about three days in August 1888. He saw Medcalf at the hotel in November, some days after the sixth of November-- in his opinion it was the ninth of November. Medcalf said that he had a parcel at 348 West Street and that he would like his, the defendant's man to bring it down, as he had something to show him, the witness. The following week he, the witness, told his runner to stop at 348 West Street and bring the parcel to the "Cornish Arms". Several days later,- about the 14th November,- the defendant came into the bar of the hotel and asked for a parcel. He, the witness, had not previously seen the parcel. He, the witness, went upstairs with Medcalf and got the parcel out of the store room and then Medcalf opened it and said that he had something he could sell cheap. The parcel contained five or six sealskin garments. Mrs Morris came up to look at the sealskin garments. Medcalf asked \$250. for one of the garments and \$20 for another. He, the witness, did not ask Medcalf where he got them from, but Medcalf said that he had

0611

14. *1/2*

bought them cheap. He, the witness, did not buy either of the sacques then and his man, Martin, took them back to No. 348 West Street. On the day following Medcalf returned to the "Cornish Arms" and said that he was short of money and wanted to raise some money and that he would lower his price if he, Morris, would buy the sacques. He, the witness, said that he would give Medcalf \$225. for one of the sacques and \$20. for the other. Then Medcalf said, "Will you send for the sacques, because there are lots of people passing through your house, and I may be able to dispose of them?" He, the witness, sent Martin for the sacques and they were brought down on the following morning. On the 17th. Medcalf returned. The sealskins were then there. He, the witness, gave Medcalf <sup>a</sup> \$20 gold piece and took the two garments tha he had agreed to take. The remainder of the garments were put back into the store room at Medcalf's request. He, the witness, subsequently gave up the two garments that he had purchased to the police, without having paid any more on account of them.



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On the 20th. of November Medcalf came again and he, the witness, asked him if he had brought a receipt for the garments and Medcalf said he had. Then he, the witness, told Medcalf that he could <sup>not</sup> pay him then because all his money was in English money but that after he would come again- on the following Saturday- and he would pay him. On the 21st. of November, the defendant Medcalf brought Mr. W.D.Jones to look at the sacques that remained and after he went away Medcalf told him that he had sold the remainder of the garments. When they came downstairs-- when Jones and Medcalf came downstairs-- Medcalf had a parcel in his hand. Jones and Medcalf had a drink at the bar. Medcalf had asked for an old bag in which to put the remainder of the sealskins and Mrs. Morris lent him one and it was left in a bedroom upstairs. He also surrendered those bags to Detective Sergeant McAuley.

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UNDER CROSS-EXAMINATION, the witness testified that he didn't recommend Woolsey to Medcalf but Medcalf had said that he would like to know if a furrier came to

16.

the house. Medcalf said that he wanted a furrier and he, the witness, told him that Woolsey was a furrier.

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CHARLES A. HERPICK, a witness for the Defence, called out of the regular order by the Defence, testified that he was a furrier and did business at 93 Mercer Street. He had been in business for about 30 years as and importer and manufacturer of furs. He had known the defendant Medcalf since 1877 as a furrier. Medcalf had worked for him for about eight or nine months. His general reputation for honesty was good.

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MAYER STERN testified that he was a furrier and had been in the City of New York about 40 years. He had been acquainted with the defendant since September 1888 and had employed him. While the defendant was in his, the witness' employ his conduct was excellent.

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WILLIAM D. JONES, called by the People, testified that he resided at No. 309 East 88th. Street and that

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17.

he was a furrier and in business at 99 Bleecker Street. He knew the defendant Medcalf and he first saw him about two years before; about the 13th. of November 1888, he had a conversation with Medcalf in a saloon at 16 Bond Street. He, the witness, had heard of the burglary and he spoke to Medcalf about it and he asked Medcalf if he had the goods that had been stolen and Medcalf asked him, "What goods did Jimmy tell you?" He, the witness, said, "Jimmy told him, the defendant said that the goods had been screwed over". He asked him they had been screwed over and the defendant said at 26 Bond Street and that they were stolen from Mr. Kohny and that a man named Woolsey had stolen them. He, the witness, asked Medcalf what he wanted for the goods and Medcalf said \$1,000. He, the witness, said that he would give him \$1,000. perhaps if he saw the goods and then he, the witness, went to Police Headquarters and informed Sergeant Margin of what had occurred. He, the witness, had made an arrangement with with Medcalf to call on him, the witness, at his store at 99 Bleecker Street on the following morning. Medcalf had agreed

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to let jim know whether the persons in charge of the goods would let him see them. On the following morning Medcalf came to his store with a bag of furs that he said he was taking to Charles A. Herpick at 93 Mercer Street. He said that the stolen goods were not in the City but that they would come to City the next morning if the people who had them were willing to have them seen. Medcalf said that he would deliver the goods at Herpick's and return and then they would go down to the "Cornish Arms" together and they went. He, the witness, saw Detective Sergeant O'Brien and they followed them. Medcalf showed him the stolen furs in a bedroom on the second floor of the "Cornish Arms" Th furs were in a brown tin box. Medcalf threw them on the bed and he, the witness, examined them and said, "You must have dragged these through the dirt and Medcalf said, "They were between the floor and the ceiling in the house and the detectives walked over them." He, the witness, then agreed to buy the seal skins if Medcalf would deliver them in his, witness'



19.

store, for \$500. and then, under instructions from Sergeant Martin, he gave Medcalf \$20. Medcalf wanted the whole purchase money; then he, the witness, said that he would go to the bank and get the money and have it ready when Medcalf got to his store, but Medcalf was arrested before he reached there.

UNDER CROSS-EXAMINATION, the witness testified that he was a general broker in furs. He acted under instructions from police headquarters in his dealings with Medcalf. It was his first experience with the man. He was acquainted with Sergeant Martin and gave him the information as a friend.

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WILLIAM M. PROTHEROE, of 678 Green Avenue, Brooklyn, and a clerk for the Matteawan Manufacturing Company, of 109 Street, and John Robertson, furrier,-- both testified that the defendant's reputation was good.

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FOR THE DEFENCE-- EDWARD MEDCALF, the defendant, testified that he was a furrier and had been doing

06 17

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business at 18 West 4th. Street. He had been in business there since May 1888 . Previous to that he was in the employment of Mr. Charles A. Herpick, who had been a witness as to his character. . In Mr. Herpick's store he had charge of furs of great value. He also manufactured goods outdoors for Mr. Perpick and bought and sold goods. He first saw the sealskins when John Morris brought one of the sealskins to him and asked him to line it for him and put a collar on it. He gave the sealskins to Woolsey and told him to put a collar on it and when he had done it to give it to Mrs. Medcalf to line that was the first of the garments that he saw and Morris brought it to his shop. That was the garment that was found in his Medcalf's place. Then Morris invited him to come to the "Cornish Arms" to have a talk about some furs. Morris said that the furs had been smuggled from England and that he had advanced some money on them and the man that he advanced the money to had gone away and that he wanted to realize. Her the witness, said that he did not want to handle the goods. Then Morris

0618

21.

asked him to sell them for him and the defendant said that if they were to be sold cheap he might be able to sell them for Morris, but that he could not buy them. Morris said that the goods were then at the Harehound in West Street, kept by Tom Roberts. He went there, but the goods had been taken to Morris' place and he went there. Morris took him into his own private room and showed him the goods. He told Morris that he did not think that they could have cost him one hundred pounds. and Morris said that he would take \$500. for them-- for six. He, the defendant, only saw six garments there. He, the defendant, had heard the testimony of Jones and it was false, except that he, the defendant, did after his interview, go to a man named Blake, in Grand Street and tell him that a friend of his had some smuggled sealskins and that he would like to sell them. This was the time that he referred to his conversation with Jones in the saloon in Bond Street." He, the defendant, did not know that Woolsey had committed a burglary and didn't receive any part of the stolen

06 19

22.

sealskins. He did not know Woolsey in England and never saw him until he was introduced to him by Morris who recommended him as a furrier. He was never in prison in his life.

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MORRIS FRIEDBERG, testified that he was a commission merchant in the City of New York and was formerly in the fur business in Bond Street. He had known Medcalf in London. In 1879- he could not give the date, he was in business in Clerkenwell, London Seekford Street-- he did not remember the number-- and Woolsey came and asked him for work as a furrier. He gave Woolsey work from Friday morning to Saturday night at one o'clock. Then Woolsey went away, promising to come back on the following Monday morning between the hours of 8 and 9 o'clock. That Saturday evening he, the witness, was at the theatre in the City Road and he was summoned to his shop and found that it had been emptied of all his goods-- worth about one hundred and fifty pounds. Woolsey did not return to work on



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the following Monday and he didn't see Woolsey again until he saw him in Medcalf's shop at work.

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UNDER CROSS-EXAMINATION he testified that he saw Woolsey working in Medcalf's place in October 1888 and recognized him as the man who he suspected of stealing one hundred and fifty pounds worth of furs from him. He did not say a word to Medcalf about Woolsey and he, didn't ask Woolsey to make an explanation.

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JAMES E. EARNES testified that he lived in Brooklyn and that he did business at 18 West 4th. Street as a writer and author. He knew the defendant since he had been in business in 18 West 4th. Street. and believed his character was good.

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IN REBUTTAL, THOMAS BLAKE, testified that he lived at No. 220 Grand Street and that he was a furrier. He had been in business at No. 220 Grand Street for about 4 years and previous to that had been in business as a furrier at No. 247 Bowery. He had been engaged in the fur business in the City of New York altogether

0621

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between six and seven years. He had known Medcalf in England-- altogether about 20 years. He saw Medcalf for first in New York about twenty minutes before the day of the trial. He came home one evening and found Medcalf sitting in his room and he said that he was very much surprised to see him. He saw Medcalf in November early in the month. He also saw him several times later in the same month in a saloom at 212 Grand Street. Medcalf offered the goods stolen from Mr. Kohny's shop to him, the witness. Medcalf said that he had some goods for sale-- the proceed of a burglary and asked him, the witness, if he would buy them. He, the witness, said that he would not have anything to do with them. Medcalf said that they were seal skins and he, the witness, communicated the conversation that he had with Medcalf to Mr. W.D.Jones.

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JOHN MORRIS, re-called by Mr. Davis, testified that he never took a seal skin to the defendant's house to have trimmed or lined or for any other purpose.

-----COOO-----

0622

Court of General Sessions.

-----o  
: The People  
: vs  
: Edward Medcalf  
: -----o

Sir:-

PLEASE TAKE NOTICE, that I will move on annexed affidavits, in Part *One* of the Court of General Sessions, on *Tuesday January 3rd* 1893, at Eleven o'clock in the forenoon, for the remission of the fine imposed upon above named defendant, on the 25th. day of February, 1889.

Yours respectfully

JAMES W. McLAUGHLIN,

Counsel for Defendant

No. 280 Broadway,

New York City,

New York.

To

DeLancey Nicoll,

District Attorney.

32 Chambers Street.

New York City.

*Dated New York*  
*December 27th 1892*

0623

Court of General Sessions.

-----o  
:  
The People  
:  
vs  
:  
Edward Medcalf  
:  
-----o

State of New York,  
City and County of New York,ss:-

EMMA MEDCALF, being duly sworn, says as follows,  
to wit:-

I reside at 529 Leonard Street in the City of Brooklyn. I am the wife of Edward Medcalf, the affiant named in the affidavit hereto annexed. The said Edward Medcalf has always been a kind and faithful husband, and up to the time of his arrest he supported his family in comfort with the proceeds of his labor. Our family consist of my said husband, myself and two children aged fourteen and eight years respectively, one of whom is the child of <sup>a</sup> my dead sister of my husband. Both of these children were adopted by my husband and myself because their own parents were dead, and there were no other relatives or friends to provide for the orphan children. During my husband's imprisonment he has not been able to contribute anything to the support of myself and the said children. I have striven to keep a home for the said children and have supported them to the best of my ability. It has been a hard struggle, however, and I have not been able to keep out of debt, and we have suffered many privations. My said



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husband has not been able to contribute anything towards our support during his imprisonment. I have, however, been in regular correspondence with him, and I have no doubt that as soon as he is discharged from prison he will endeavor to obtain employment and will again support his family, as he did before his arrest.

I have no means with which to pay the fine imposed upon my said husband by the judgment mentioned in his said affidavit, or to pay any of the said fine. To the best of my knowledge and belief my said husband is wholly unable to pay the said fine or any part thereof, and neither of us has any relatives or friends to whom we ~~are~~ can apply for assistance in paying the same.

Subscribed and sworn to  
before me this 29<sup>th</sup> day of  
October A.D. 1892.

:  
:  
:  
:  
:

*Emma Wedder*

0625

Court of General Sessions.

-----o  
:  
The People  
:  
vs  
:  
Edward Medcalf  
:  
-----o

State of New York,  
County of Westchester, ss:-

EDWARD MEDCALF, being duly sworn, says as follows, to wit:-

At a Court of General Sessions of the Peace held in and for the City and County of New York on the 25th day of February A.D. 1889, I was convicted of criminally receiving stolen property, and judgment was rendered against me, that I should be imprisoned in a State Prison for the term of five years, and that I should pay a fine of two hundred and fifty dollars and should be imprisoned until the said fine should be paid, but for a time not to exceed one day for each dollar of the said fine. Y

Upon the following day I was removed to Sing Sing prison and commenced to serve the said term of five years. By my conduct in prison I have earned the commutation of time allowed by law, so that my said term of five years expired by commutation on the 25th day of September last, and I was then entitled to be discharged from prison upon payment of the said fine.

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I have not paid the said fine, however, and am still detained in prison, and I am informed and believe that my imprisonment is continued by reason of my default in the payment of the said fine, and not otherwise.

I have no property whatever and am wholly unable to pay the said fine or any part thereof, nor have I any relatives or friends to whom I can apply for aid in paying the same or any part thereof.

I have a wife and two adopted children who are in urgent need of my assistance in providing for them the necessaries of life. For their sake, more than my own, I am anxious to regain my liberty and go to work at my trade, which is that of a Furrier, and support my family and myself by honest labor.

I make this affidavit for the purpose of applying for the remission of the said fine. No such application has heretofore been made by me.

Subscribed and sworn to before : Edward Medaalf  
me this 26 day of Oct. A.D. 1892 :

James Cannaughton  
Notary Public  
in and for Westchester Co. N.Y.

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

sworn, says that he resides at No. \_\_\_\_\_ being duly  
New York; that he is \_\_\_\_\_ Street, in the City of  
18 \_\_\_\_\_, at Number \_\_\_\_\_ years of age; that on the \_\_\_\_\_ day of \_\_\_\_\_  
New York, he served the within \_\_\_\_\_ in the City of  
the \_\_\_\_\_ on \_\_\_\_\_  
by leaving a copy thereof with \_\_\_\_\_

Sworn to before me this  
day of

The People Plaintiff

Edward Medcalf

**Defendant**

copy

*Offidiavita and*

Office of the  
Director

~~PURDY~~ & MCLAUGHLIN,

Attorneys for Defendant

No. 280 BROADWAY, New York City

Due and timely service of cop of the within hereby admitted

this day of 18

*Attorney.*

To Mr. Lawrence Nicoll & Co.

District Attorney



0628

Court of General Sessions.

-----o  
:  
The People                   :  
                             :  
vs                           :  
                             :  
Edward Medcalf             :  
                             :  
-----o

SIR:-

PLEASE TAKE NOTICE that I will move on annexed affidavits in Part One of the Court of General Sessions, on Tuesday January 3rd. 1892 at Eleven o'clock in the forenoon for the remission of fine imposed upon the above named defendant on the 25th. day of February 1889.

Yours respectfully

James W. McLaughlin

Counsel for Defendant

No. 280 Broadway

New York City.

To

DeLancey Nicoll Esq.

District Attorney

No. 32 Chambers Street

New York City.

Dated New York December 27th. 1892.

State of New York

City and County of New York, ss:

Emma Medcalf, being duly sworn, says as follows, to wit:

I reside at No. 529 Leonard street in the City of Brooklyn. I am the wife of Edward Medcalf, the affiant named in the affidavit hereto annexed. The said Edward Medcalf has always been a kind and faithful husband, and up to the time of his arrest he supported his family in comfort with the proceeds of his labor. Our family consists of my said husband, myself and two children aged fourteen and eight years respectively, one of whom is the child of my dead sister, and the other is the child of a dead sister of my husband. Both of these children were adopted by my husband and myself because their own parents were dead, and there were no other relatives or friends to provide for the orphan children. During my husband's imprisonment he has not been able to contribute any thing to the support of myself and the said children. I have striven to keep a home for the said children, and have supported them to the best of my ability. It has been a hard struggle, however, and I have not been able to keep out of debt, and we have suffered many privations. My said husband has not been able to contribute any thing towards our support during his

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imprisonment. I have, however, been in regular correspondence with him, and I have no doubt that as soon as he is discharged from prison he will endeavor to obtain employment and will again support his family, as he did before his arrest.

I have no means with which to pay the fine imposed upon my said husband by the judgment mentioned in his said affidavit, or to pay any part of the said fine. To the best of my knowledge and belief my said husband is wholly unable to pay the said fine or any part thereof, and neither of us has any relatives or friends to whom we can apply for assistance in paying the same.

Subscribed and sworn to }  
before me this 11 day }  
of November A.D. 1892 }

Not E. W. M. Medley  
H

Jacob M. M. M.  
Notary Public,  
N.Y.C.

State of New York  
County of Westchester, ss:

Edward Medcalf, being duly sworn, says as follows, to wit:

At a Court of General Sessions of the Peace held in and for the City and County of New York on the 25th day of February A. D. 1889 I was convicted of criminally receiving stolen property, and judgment was rendered against me, that I should be imprisoned in a state prison for the term of five years, and that I should pay a fine of two hundred and fifty dollars and should be imprisoned until the said fine should be paid, but for a time not to exceed one day for each dollar of the said fine.

Upon the following day I was removed to Sing Sing prison and commenced to serve the said term of five years. By my conduct in prison I have earned the commutation of time allowed by law, so that my said term of five years expired by commutation on the 25th day of September last, and I was then entitled to be discharged from prison upon payment of the said fine.

I have not paid the said fine, however, and am still detained in prison, and I am informed and believe that my imprisonment is continued by reason of my default in the payment of the said fine, and not otherwise.

I have no property whatever, and am wholly un-



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able to pay the said fine or any part thereof, nor have I any relatives or friends to whom I can apply for aid in paying the same or any part thereof.

I have a wife and two adopted children who are in urgent need of my assistance in providing for them the necessaries of life. For their sake, more than my own, I am anxious to regain my liberty and go to work at my trade, which is that of a furrier, and support my family and myself by honest labor.

I make this affidavit, for the purpose of applying for the remission of the said fine. No such application has heretofore been made by me.

Subscribed and sworn to } Edward Medcalf  
before me this 26 day }  
of Oct. A. D. 1892 }

James Langworthy  
Notary Public  
in and for Coatesboro Co. N. Y.

0633

It appears that both  
the petitioners  
the defendants  
are, each  
convicted, having  
served one or  
more terms in  
English Penitentiary  
The petitioners  
should be  
committed to  
serve out full  
term.

By

N. Y. Court of Gen. Sess.

The People

Plaintiff

against

Edward Medcalf

Defendant

Original  
Affidavits and  
Notice of Motion

JAMES J. PURDY & McLAUGHLIN,  
Attorneys for Defendant  
No. 280 BROADWAY, New York City

Due and timely service of copy of the  
within Papers hereby admitted  
this 27 day of Dec 1892  
Attorney.

To  
Walter L. ...  
Walter L. ...  
Walter L. ...

0634

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

of No.

*325 East 5th**Herman Kohner*Street, aged *45* years,

occupation.

*Furrier*being *deputy* sworn

deposes and says, that the premises No.

*26 Bond*

Street,

Ward

in the City and County aforesaid the said being a

*four story brick building*

and which was occupied by deponent as a

*Furriers work shop*

and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly

*borring holes  
in a door leading into said work shop  
from the hall way on the 3rd floor in rear  
part of said premises and inserting his hand  
through said hole in said door and feeling the spring  
on the 7th day of November 1888 in the  
following property feloniously taken, stolen, and carried away, viz:**Eight Seal Skin garments together  
of the value of about one thousand  
Dollars*

the property of

*Deponent*and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by*William Wolsey and Edward Medcalf  
both now here*

for the reasons following, to wit:

*from the fact that at about  
the hour six oclock P.M. on the 6th day  
of November deponent securely locked the  
doors in the said work shop and on the  
morning of the 7th day of November at  
about the hour of seven oclock and thirty  
minutes A.M. deponent discovered said  
premises had been burglarized and  
deponent is informed by Officer Stephen*



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Officer Detective Spearman that he found  
two Seal Skin baggies in the defendant  
Medcalf's possession and said Officer  
Subsequently went into the house 211 West  
Street where he saw the said Medcalf come  
out of and said Officer found three other  
Seal Skin garments in said house and  
said Officer subsequently arrested the defendant  
Wolsey at 18 West 4th Street at Medcalf's  
place of business and found another garment  
in Medcalf's place of business and  
deponent has seen said property and  
identified the same as a portion of the proceeds  
of said burglary the defendant Wolsey  
admitted and confessed that he had  
committed said burglary and stolen said  
property and that he was induced to commit  
said burglary by the defendant Medcalf  
and that he gave all the property so stolen  
to said Medcalf who Medcalf well known at  
the time that the same had been stolen

Sworn to before me  
This 22nd day of May 1888  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
There being no sufficient cause to believe the within named  
guilty of the crime mentioned, I order he be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1888  
I order that he be committed to the sum of  
Twenty Dollars  
and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1888  
It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named

Police Court, District.

OFFENSE—BURGLARY.			
THE PEOPLE, &c., on the complaint of			
1	2	3	4
Dated 1888			
Magistrate.			
Officer.			
Clerk.			
Witnesses.			
No.	Street.	No.	Street.
No.	Street.	No.	Street.
No.	Street.	No.	Street.
to answer General Sessions.			



0636

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 34 years, occupation Detective Sergeant of No. Central Office Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Fernan Kahng  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of Nov 1888

Stephen O'Brien  
Police Justice.

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Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

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

Question. What is your name?

Answer. *William Wolsey*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *England*

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

Answer. *86-3th 37MB*

Question. What is your business or profession?

Answer. *Turner*

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 told to the procuring  
question by me and  
breaker, being their seal skins*

*William Wolsey*

Taken before me this

day of

188

Police Justice

0638

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

3 District Police Court.

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

Question. What is your name?

Answer.

*Edward Maccof*

Question. How old are you?

Answer.

*40 years*

Question. Where were you born?

Answer.

*England*

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

Answer.

*18 N 4 St 8 Room*

Question. What is your business or profession?

Answer.

*Unemployed*

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

Answer.

*I Am not Guilty  
and ask for an examination*

*Edward Maccof*

Taken before me this

day of

188

Police Justice



0639

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

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

Dated Nov 22 188

J. Kennedy Police Justice.

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

Dated Nov 27 188

J. Kennedy 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.



0640

2500. bail for E  
Nov 26<sup>th</sup> 2.30 PM  
" 27<sup>th</sup> 9.00 AM

118 45 1866  
Police Court-130 District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Herman Rothman  
325 E. 58th St

Edward McGask  
William Grober

8  
4

Offence Burglary  
Magistrate  
Precinct

Dated Nov 22 1888  
J. Henry Ford Magistrate  
B. Bird & M. Stanley Officer

Witnesses  
Stephen Brown  
Central Office Street.

No. John M. Stanley  
Central Office Street.

No. 11 W. 12th St

\$ 25.00 to answer

W1 Bailed

BAILED,

No. 1, by John R. Green

Residence 175 E 79th Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0641

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Medcalf  
William W. Drey

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

Edward Medcalf and William W. Drey

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

The said Edward Medcalf and William W. Drey

late of the 12th Ward of the City of New York, in the County of New York, aforesaid, on the 12th day of November, in the year of our Lord one thousand eight hundred and eighty-eight, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the shop of one

Samuel H. Drey

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

Samuel H. Drey

in the said shop 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.

0642

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said *Edward Medcalf and William W. Drury* of the CRIME OF *Grand* LARCENY, in the *first* degree, committed as follows:

The said *Edward Medcalf and William W. Drury* doth

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

*eight red skin garments of the value of one hundred and twenty five dollars each,*

of the goods, chattels and personal property of one *Herman Schumy* in the *shop* of the said *Herman Schumy*.

there situate, then and there being found, *in* the *shop* 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.

0643

THIRD COUNT—

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

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

The said Edward Medcalf

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,

eight real skin garments of  
the value of one hundred  
and twenty five dollars each,

of the goods, chattels and personal property of one Norman Volney  
Young William W. Young and  
by ~~a certain person~~ <sup>the</sup> persons to the Grand Jury aforesaid unknown, then lately before feloniously  
stolen, taken and carried away from the said Norman Volney.

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

Edward Medcalf

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

JOHN R. FELLOWS,  
District Attorney.



0644

**BOX:**

333

**FOLDER:**

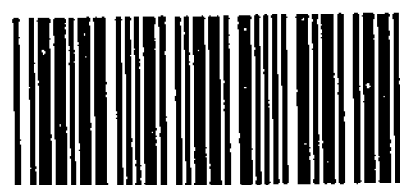
3154

**DESCRIPTION:**

Meisel, Lena

**DATE:**

12/04/88



3154

0645

Witnesses:

James H. Collier

Wm. C. Campbell

Counsel,

Filed

4 day of

Dec 1888

Pleads,

THE PEOPLE

vs.

P

Anna Shisel

Grand Larceny Second degree  
[Sections 628, 634, 550, Penal Code]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL

Wm. Woodruff

Foreman.

Deed

James H. Collier

Ben 6 Mrs. B.M.

0646

Police Court

District.

Affidavit—Larceny.

City and County } ss.  
of New York,Lena Kahler  
of No. 1398 Second Avenue Street, aged 16 years,  
occupation Housekeeper being duly sworndeposes and says, that on the 9 day of November 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property viz :One Brocade Shawl  
of the value of the value  
thirty dollars \$30.00

the property of

Mary Kahler and in  
deponent's care and custodyand that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away byLena Meisel (now here)  
from the fact that defendant boarded  
with deponent's family at the above  
number and had access to the  
bedroom on the top floor of said  
premises where said shawl was  
located, that deponent missed  
said property on the above date and  
the following morning defendant  
went away without paying his  
board and did not return and  
deponent did not again see  
defendant until he was arrested.  
Deponent was informed by  
Samuel J. Campbell of the 20th

Sworn to before me, this

188

day

Police Justice.

0647

Prisoner that he arrested said  
defendant and she gave him the  
power ticket representing the  
above described property.

Defendant has since seen  
said property and fully and  
positively identifies the same  
as the property taken stolen  
and carried away at the time  
and manner herein described.

Sworn to before me  
this 28 day of Jan 1888 by Lena Kahler  
J. W. D. S.  
Public Justice



0648

CITY AND COUNTY }  
OF NEW YORK, } ss.

Samuel J. Campbell  
aged 45 years, occupation Police Officer of No. 25th Street  
being Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Samuel Kohler  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

188

26 Apr 1888 S J Campbell  
A J White  
Police Justice.

0649

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

11 District Police Court.

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

Question. What is your name?

Answer. Lena Meisel

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. Germany

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

Answer. No 223 East 89<sup>th</sup> St. 3 days

Question. What is your business or profession?

Answer. I work in a Button Factory

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

✓ Lena Meisel

Taken before me this

day of

188

Police Justice

0650

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

*defendant*

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

*Dated* *Nov 26* 188 *8* *H. J. White* *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.*

0651

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

97.  
Police Court---

1854  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Lena Kahler*  
1398<sup>th</sup> St. S. Ave.  
*Lena Meixner*

2

3

4

Offense.

Dated

1888

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

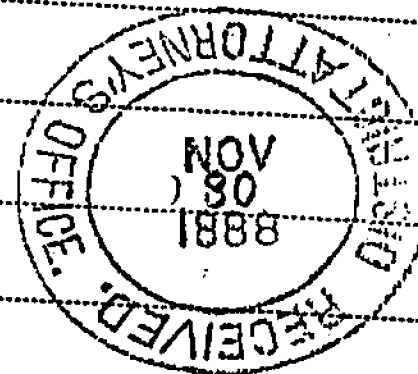
Street.

No.

Street.

\$

to answer



28/1



0652

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Lena Meisel*

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

*Lena Meisel*

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

The said

*Lena Meisel*

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

*one shawl of the value of  
thirty dollars*

of the goods, chattels and personal property of one

*Mary Kohler*

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

0653

SECOND COUNT—

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

*Lena Meisel*\_\_\_\_\_

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

The said

*Lena Meisel*

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

*one shawl of the value  
of thirty dollars*

of the goods, chattels and personal property of one

*Mary Kohler*

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

*Mary Kohler*

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

*Lena Meisel*\_\_\_\_\_

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

JOHN R. FELLOWS,

District Attorney.

0654

**BOX:**

333

**FOLDER:**

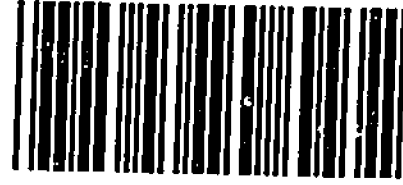
3154

**DESCRIPTION:**

Meredith, Edward

**DATE:**

12/11/88



3154

0655

**BOX:**

333

**FOLDER:**

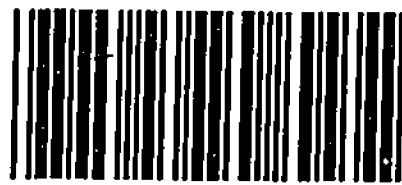
3154

**DESCRIPTION:**

Herrmann, Henry

**DATE:**

12/11/88



3154



0656

**BOX:**

333

**FOLDER:**

3154

**DESCRIPTION:**

Stanton, Addie

**DATE:**

12/11/88



3154

0657

**BOX:**

333

**FOLDER:**

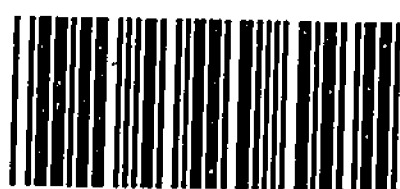
3154

**DESCRIPTION:**

Hammond, Ella

**DATE:**

12/11/88



3154

0658

190. 73 Le Barbier & Hunsb.  
1-24 1888

Inspector Adams

Counsel,  
Filed 11 day of Dec 188  
Pleas, Chas. H. H. H. H. H.  
da No. 3 Chas. H. H. H. H. H.  
THE PEOPLE  
ch. 1. ch. 1. ch. 1. ch. 1. ch. 1.

Edward Meredith  
Henry Hermann  
Oddie Stanton  
Ella Hammond

JOHN R. FELLOWS  
District Attorney.  
This indictment as to No. 1, 3 & 4  
is returned by me under the  
provisions of the act filed  
A True BILL. Dec 22 1888

Wm. H. H. H. H. H.  
Dec 22 1888

Ch. H. H. H. H. H.  
No. 1, 3 & 4. 11 mo. 11 mo.  
No. 1, 3 & 4. 11 mo. 11 mo.

Let the written  
names of the  
Meredith the  
barber on the  
written indictment  
be the same as  
the same

Dec 22 1888  
Wm. H. H. H. H. H.  
Luther H. H. H. H. H.  
Luther H. H. H. H. H.



0659

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

----- x  
THE PEOPLE OF THE STATE OF NEW YORK x  
against x  
EDWARD MEREDITH, HENRY HERMANN, ADDIE x  
STANTON and ELLA HAMMOND. x  
----- x

City and County of New York ss:-

Charles E. Le Barbier being duly sworn  
deposes and says:- that he is one of the attorneys for Addie  
Stanton and Ella Hammond above named.

That on the 18th. December 1888 the Grand Jury of the  
City and County of New York found an indictment against the  
above named persons accusing them of attempting to commit the  
crime of robbery in the first degree and of the crime of  
assault in the first degree.

That it is material and necessary on behalf of said de-  
fendants in order to prepare a defence to this action that a  
copy of the minutes be taken of the proceedings, except of  
the votes, of the individual members, and of the evidence  
given before the grand jury may be had and examined on behalf  
of said prisoners, and also that the District Attorney may be  
compelled to furnish the accused with a list of the witnesses  
who testified before the grand jury.

Sworn to before me this

19th. December 1888.

*James S. Phillips*  
Notary Public  
N.Y.C.

*Charles E. Le Barbier*



0660

Court of General Sessions

The People vs. H. H. H. H. H.

Edward M. M. M. M.  
H. H. H. H. H.  
E. H. H. H. H.

Attorneys to obtain inspection  
of records of Grand Jury

LE BARBIER & BREWSTER,  
Attorneys for H. H. H. H. H.

No. 35 BROADWAY,  
New York City, N. Y.

Due service of a copy of which within is  
original is hereby admitted.

Dated, New York, \_\_\_\_\_ 188

Attorney for

filed Dec 17/188

To  
Attorney for

To

Sir: Please to take notice that the within is a true

copy of the  
entered and filed in the within entitled

in the Office of the Clerk of the

Court.

on the \_\_\_\_\_ day of

188

Dated, New York City, \_\_\_\_\_ 188

LE BARBIER & BREWSTER,

Attorneys for

35 BROADWAY,  
NEW YORK CITY.

COURT OF GENERAL SESSIONS  
CITY AND COUNTY OF NEW YORK.

----- x  
THE PEOPLE ex rel PHILIP DALY x

vs. x

EDWARD MEREDITH, HENRY HERMANN, x

ADDIE STANTON and ELLA HAMMOND. x  
----- x

City and County of New York ss:-

Ambrose H. Purdy being duly sworn,  
deposes and says:- I am counsel for Edward Meredith and an  
associate with Charles E. Le Barbier as counsel for Addie  
Stanton and Ella Hammond; I have conferred with my clients  
from time to time and I have possessed myself with full  
knowledge of the facts in this case, as far as I could, from  
such consultations and investigations. It appears that the  
indictment herein was found on the evidence of Inspector  
Byrnes, a policeman in this City, and said Philip Daly. It is  
not claimed that said Byrnes was present at the time of the  
alleged offences charged in this indictment; that deponent  
hereby says that Inspector Byrnes had no direct knowledge of  
this offence; that every word that he spoke before the grand  
jury was illegal; and that the indictment by reason of illegal  
evidence having been submitted to said grand jury should be  
set aside.

Sworn to before me this  
19th. day of December 1888.

*Joseph Liverstone*  
*Corn of Seeds*  
*NYC*

*A. H. Purdy*

0662

COURT OF GENERAL SESSIONS

CITY AND COUNTY OF NEW YORK.

----- x  
THE PEOPLE ex rel PHILIP DALY x  
vs. x  
EDWARD MEREDITH, HENRY HERMANN x  
ADDIE STANTON and ELLA HAMMOND. x  
----- x

City and County of New York ss:-

Charles E. Le Barbier being duly sworn deposes and says:- that he is counsel for the defendants Addie Stanton and Ella Hammond and he has associated also with him counsel Mr. Ambrose H. Purdy; that the indictment was found in this case on December 18th. 1888, charging these defendants with the felonious therein set forth, and in support of said indictment the statement of Thomas H. Byrnes, a policeman in this City was presented to said grand jury and that the indictment by reason of said illegal evidence having been submitted to said grand jury is illegal and void and should be set aside.

That the sources of deponents knowledge are from conversations and statements held with the said prisoners Addie Stanton and Ella Hammond and deponent is now able to state from said conversations and statements that said Thomas H. Byrnes aforesaid was not at the times or periods mentioned about the occurring of the alleged crimes at or near said place where the said alleged crimes were alleged to have been committed and all of such evidence given by said Thomas Byrnes before said grand jury was not legal but what is known is com-

mon parlance, hearsay evidence.

*Sworn before me this 19 Dec 1888*

*Louis S. Phelps, Notary Public N.Y.C.*

*Charles E. Le Barbier*



0663

Court of General Sessions

The People ex rel  
Philip Daly

Edward Mendick  
Addie Stanton  
and Ella Hammond

Applicants to guard the  
indictment

LE BARBIER & BREWSTER,  
Attorneys for *H. Mendick & Company*

No. 35 BROADWAY,  
New York City, N. Y.

Due service of a copy of which within is  
original is hereby admitted.

Dated, New York, \_\_\_\_\_ 188

Attorney for \_\_\_\_\_

*Edward Mendick*

To \_\_\_\_\_

Attorney for \_\_\_\_\_

To \_\_\_\_\_

Sir: \_\_\_\_\_

Please to take notice that the within is a true

copy of the \_\_\_\_\_  
entered and filed in the within entitled

in the Office of the Clerk of the \_\_\_\_\_

Court \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ 188

Dated, New York City, \_\_\_\_\_ 188

LE BARBIER & BREWSTER,

Attorneys for \_\_\_\_\_

35 BROADWAY,  
NEW YORK CITY.



0664

JOHN R. FELLOWS. JAMES A. GRAY. HENRY HARTMAN.

FELLOWS, GRAY & HARTMAN,  
LAW OFFICES,  
UNITED STATES NATIONAL BANK BUILDING,  
41 & 43 WALL STREET.

New York, Sept. 22nd, 1891.

Hon. DeLancey Nicoll,  
District Attorney.

Dear Sir:

A draft of a letter was shown me this morning in the case of the People on the complaint of Phil Daly against one Meredith and Henry Hermann. It refers to the matter of application for the pardon of Hermann and was addressed to the Governor of this State. It contains a paragraph setting forth that I had made certain promises to Hermann as Assistant District Attorney at or before the examination had in that case at the Jefferson Market Police Court.

In reference thereto I beg to say that I never made any such promises either to Hermann or any one else connected with the case. My reason for addressing you is that I believe said letter is to be presented to you. I would ask that you take cognizance of <sup>the aforesaid letter</sup> this letter should ~~it~~ be presented to you for any use.

Yours very truly,

Henry Hartman

0665

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

POLICE COURT,

DISTRICT.

Philip Dalyof No. Broadway and 52<sup>nd</sup> Street, being duly sworn, deposes and says,that on the third day of December 1888at the City of New York, in the County of New York, at No 406 Fourth

Avenue in said City ~~deponent~~ Edward  
Meredith, Henry Herman,  
Adelaide Stanton, and Ella  
Hammond <sup>all of New York</sup>, with intent to  
kill this deponent, and with  
the intent to commit a felony,  
namely rob deponent of good  
and lawful money of the United  
States then and there on and  
in the possession of deponent,  
and upon the person of deponent  
the said sum of money then being  
in the possession of and on the  
person of deponent at said  
time being and amounting in  
value to thirty five hundred  
dollars in good and lawful  
money of the United States, <sup>feloniously</sup>  
~~assault~~ <sup>did</sup> this deponent with a  
loaded fire arm, and with force  
likely to produce death under  
the following circumstances.

About last Wednesday  
week the 28<sup>th</sup> of November 1888  
this deponent received by mail  
a letter asking deponent to  
call at No 406 Fourth Avenue  
second story. Said letter also  
contained the fact that there

0666

were some people at said place who were anxious to see defendant and whom defendant would be pleased to see. On the Friday following the receipt of said letter - the 30th of November 1887 this defendant called at said premises and was ushered into a room, the door having been opened to admit defendant, by said defendant Ella Hammond. Defendant asked said Ella Hammond for "A. Stanton" the name which was subscribed to the letter which had been sent to defendant. A female entered from the rear room and called defendant by name - saying "Mr Daly your friends are not here now but will be here." She

DISTRICT

POLICE COURT

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT.

vs.

188

Dated

Magistrate.

Officer.

Witness.

Disposition



0667

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

POLICE COURT

DISTRICT.

of No. \_\_\_\_\_ Street, being duly sworn, deposes and says,  
that on the \_\_\_\_\_ day of \_\_\_\_\_ 188

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

appeared "I have been drinking Cocktails all the morning" and invited ~~deponent~~ to drink. Said Stanton then went into an adjoining room and brought out a bottle containing <sup>some liquor</sup> and poured <sup>some of it</sup> into a glass and asked me to join in a drink. I declined and left, and <sup>as I was leaving</sup> said Stanton said she would notify me when the friends would be there.

On Sunday the second day of December 1888 I received a second letter. <sup>The letter</sup> was addressed to me in care of the Coleman House and I read it. The contents were similar to the first letter and implored me to call at 406 Fourth Avenue, and was also signed. It is likely this letter contained the name "Addie" Stanton instead of the initial "A. Stanton". After reading this letter I destroyed it, and the following day the 3rd of December 1888 at about twenty minutes past twelve I



0668

found in the box of the Colman  
 Bruce another letter addressed  
 to me. This letter set forth  
 the facts that my friends  
 had arrived and would  
 remain at 406 Fourth Avenue  
 from 12 o'clock until 3 o'clock  
 that day. The letter continued  
 that if by chance I should  
 not receive the letter in  
 time my friends would remain  
 over Tuesday and Wednesday<sup>the</sup> the  
 same hours from 12 until 3 o'clock  
 as they were going to remain  
 with them the more of the  
 week. This letter was signed  
 "Addie Stanton." This letter  
 also destroyed and at  
 about half past two o'clock  
 I walked from the Colman  
 Bruce to No 406 Fourth Avenue  
 in East City of New York.

POLICE COURT—

DISTRICT.

THE PEOPLE, &amp;c.,

ON THE COMPLAINT OF

vs.

Dated

188

Magistrate.

Officer.

Witness.

Disposition

AFFIDAVIT.

0669

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

POLICE COURT,

DISTRICT.

of No. \_\_\_\_\_ Street, being duly sworn, deposes and says,  
that on the \_\_\_\_\_ day of \_\_\_\_\_ 188  
at the City of New York, in the County of New York,

I entered the hall way of said premises and went to the same room I had visited the preceding Friday. I knocked at the door which was not immediately opened. I heard a rattling of feet, and what I thought to be a moving of furniture. When I entered I was met by the defendant Stanton who had opened the door for me. Said Stanton greeted me with the remark. "Sit down Mr. Daly, your friends will be here in a moment." I replied. "How do you know they'll be here if they're not here now?" She replied. "They are here - they have been here but they've only gone out to get some Oysters. I added "Well I don't think I'll wait, and started to go when said Stanton came closer to me and placed her hand on my shoulder and said "Just take off your coat & wait. They'll be here in one moment. I then said "Who are they

0670

any way?" She responded "Mr  
Daly I'd rather they could  
tell you themselves. She again  
said "Take off your Coat," and  
I did take off my over Coat  
and threw it in a lounge which  
was of small size capable  
of holding two people. As I  
did this, said Stanton started  
the music in a <sup>album</sup> ~~music~~  
which was on a table in the  
Center of the room. She then  
went into the back room, and  
I turned to look at a picture  
which was hung on the wall.  
I put on my eye glasses to  
better inspect the picture, when  
the folding doors <sup>were</sup> opened suddenly  
with a loud noise. I turned  
hasty around and saw two

POLICE COURT—

DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness.

Disposition



0671

4

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

POLICE COURT, \_\_\_\_\_ DISTRICT.

of No. \_\_\_\_\_ Street, being duly sworn, deposes and says,

that on the \_\_\_\_\_ day of \_\_\_\_\_ 188

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

men in the room. These said men wore derby hats and had handkerchiefs thrown over their faces. The smaller man spoke first to me, and pointing a loaded pistol at me said "throw up your hands". With this remark he put the pistol within eight inches of my face and held his hand on the trigger of said pistol. I tried to lower myself to get under the range of the pistol and as I did so he fired the contents of one barrel at me. The bullet struck me on the top of ~~my~~ my forehead and ploughed a furrow in its course three inches long. The pistol was discharged so close to my face that the powder burned my forehead and eyes and ~~the powder is now~~ embedded in my face. I recognize Edward Meredith as the man who shot me and I have here described. During the period of said actm the defendant ~~James Bernan~~ ~~James Bernan~~ was standing



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alongside of said Meredith, aiding and abetting him, and said Addie Stanton was also present and after the shot was fired said Meredith, said Henry Hermann and said Addie Stanton ran out of the room into the back room.

I immediately felt the blood flowing from my forehead but I rushed into the hall way to the head of the stairs with the purpose of intercepting said Meredith, Hermann and Stanton, but I was feeling the blood flowing copiously and I hastened to a drug store next adjoining the premises where I had been so feloniously assaulted and had my wound dressed. I told the police officer who came into the drug store that I had been shot at 406 and to arrest every one in the place. I have since then

POLICE COURT DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT.

vs.

Dated

188

Magistrate.

Officer.

Witness.

Disposition

0673

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

POLICE COURT, \_\_\_\_\_ DISTRICT.

of No. \_\_\_\_\_ Street, being duly sworn, deposes and says,

that on the \_\_\_\_\_ day of \_\_\_\_\_ 188

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

been treated for my wound by  
Dr. Samuel W. Smith of No. 24 W.  
30th Street ~~Street~~ in said City.

From all the facts  
and from information received  
by me since said felonious assault  
I now believe and so charge  
that the said Defendants  
conspired together to inveigle  
me, <sup>on said day</sup> into the premises No. 406  
Fourth Avenue, <sup>at said City</sup> to commit a  
felony, <sup>on me</sup> and to rob me of <sup>the</sup> money  
in my possession, and to kill  
me.

Sworn to before me this  
7<sup>th</sup> day of December 1888  
John J. Gorman

Philip Day

Police Justice.

0674

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*Ella Hammond*

Question. How old are you?

Answer.

*38 years*

Question. Where were you born?

Answer.

*N.Y.*

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

Answer.

*406 7<sup>th</sup> Avenue, New York City*

Question. What is your business or profession?

Answer.

*Plain Sewing*

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*

*Ella Hammond*

Taken before me this

day of *December* 188*8*

*William J. ...*  
Police Justice.



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Sec. 102-200.

2 District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Addie Stanton

Question. How old are you?

Answer.

25 years

Question. Where were you born?

England

Answer.

406 Fourth Avenue

3 weeks

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

Answer.

Actress

Question. What is your business or profession?

Answer.

Actress

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. I have submitted a  
statement to District Attorney  
Hartman. I waive examination.

Addie Stanton

Taken before me this

day of

December

188

at

Henry Hartman

Police Justice.



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Sec. 198-200.

2 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

*Eleanor Meredith*

Question. How old are you?

Answer.

*I refuse to answer.*

Question. Where were you born?

Answer.

*I refuse to answer.*

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

Answer.

*I refuse to answer.*

Question. What is your business or profession?

Answer.

*I refuse to answer.*

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

Answer.

*I have nothing to say.*

*refuses to sign.*

Taken before me this

day of *March* 188*8*

*William H. ...*  
Police Justice.

0677

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Henry Hermann* 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.

*Henry Hermann*

Question. How old are you?

Answer.

*30 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*I decline to answer.*

Question. What is your business or profession?

Answer.

*Butcher*

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

Answer.

*For the present, I decline to answer.*  
*Henry Hermann*

*I waive further Examination as  
I am guilty of the offence  
charged*

*Henry Hermann*

Taken before me this

day of *March* 188*8*

*Shirley Hermann* Police Justice.

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

*Defendants*

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

~~Hundred Dollars,~~..... and be committed to the Warden and Keeper of the City Prison, of the City of New York, until ~~they give such bail.~~ *be legally arraigned*

Dated *December 9* 1888 *John J. 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.



0679

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court---

2

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Philip Daley

Shadmoor

Wing 52 St

Edward McArthur

Henry Horner

Pauline Stanton

Ella Hammond

Dated

Dec 7

1888

Drummond

Magistrate.

Officer & McCaulley

Officer.

Kirby & Crowley

Precinct.

Witnesses

James H. Byrnes

No.

Street.

No.

Street.

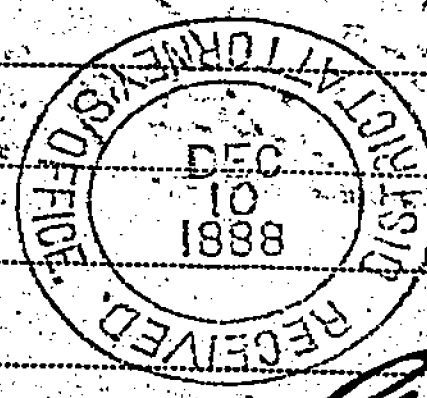
No.

Street.

Committed

to answer

William Bail





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

THE PEOPLE OF THE STATE OF NEW YORK,

against  
Edward Meredith  
Addie Stanton and  
Ella Hammond

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

Indictment accuse

Edward Meredith,  
Addie Stanton and Ella Hammond  
of the crime of attempting to commit the crime  
of Robbery in the first degree,  
committed as follows:

The said

Edward Meredith,  
Addie Stanton and Ella Hammond,

late of the City of New York, in the County of New York, aforesaid, on the

- third - day of December in the year of our Lord one thousand  
eight hundred and eighty-eight - , at the City and County aforesaid,

with force and arms in and upon one  
Philip Daly then and there being,  
feloniously did make an assault, and  
divers promissory notes for the pay-  
ment of money, being then and there  
due and unsatisfied (and of the kind  
known as United States Treasury  
Notes) of a number and denomination  
to the Grand Jury aforesaid unknown,  
for the payment of, and of the value  
of three thousand and five hundred  
dollars; divers other promissory

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notes for the payment of money,  
being then and there due and unsat-  
isfied (and of the kind known as Bank  
Notes) of a number and denomination  
to the Grand Jury aforesaid unknown  
for the payment of and of the val-  
ue of three thousand and five hun-  
dred dollars; divers United States  
Silver Certificates of a number and  
denomination to the Grand Jury  
aforesaid unknown, of the value of  
three thousand and five hundred  
dollars; divers United States Gold  
Certificates of a number and de-  
nomination to the Grand Jury  
aforesaid unknown, of the value  
of three thousand and five hundred  
dollars; divers coins of a number,  
kind and denomination to the  
Grand Jury aforesaid unknown,  
of the value of five dollars; one  
watch of the value of one  
hundred dollars, one chain of the  
value of fifty dollars, one diamond  
stud of the value of one thousand  
dollars, and divers other goods, chattels  
and personal property of a kind and  
description to the Grand Jury afore-  
said unknown of the value of  
thirty thousand dollars, of the goods

0682

chattels and personal property of the said Philip Daly from the person of the said Philip Daly against the will and by violence to the person of the said Philip Daly, then and there feloniously did attempt to violently and feloniously rob, steal, take and carry away, They the said Edward Meredith, Addie Stanton and Ella Hammond, and each of them, being then and there aided by an accomplice actually present, to wit: each by the other and by one Henry Hermann and being also armed with a dangerous weapon, to wit: with a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, 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.



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Second COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said Edward Meredith, Addie Stanton and Ella Hammond of the CRIME of attempting to commit the crime of Robbery in the first degree,

committed as follows:

The said Edward Meredith, Addie Stanton and Ella Hammond, all

late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid, at the City and County aforesaid,

with force and arms in and upon one Philip Daly, then and there being, feloniously did make an assault, and divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of, and of the value of three thousand and five hundred dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes) of a number



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and denomination to the Grand Jury  
aforesaid unknown, for the payment  
of, and of the value of three thousand  
and five hundred dollars; divers  
United States Silver Certificates of a  
number and denomination to the  
Grand Jury aforesaid unknown, of the  
value of three thousand and five  
hundred dollars; divers United  
States Gold Certificates of a number  
and denomination to the Grand  
Jury aforesaid unknown, of the  
value of three thousand and five  
hundred dollars; divers coins of a  
number, kind and denomination  
to the Grand Jury aforesaid unknown,  
of the value of five dollars; one  
watch of the value of one hundred  
dollars, one chain of the value of  
fifty dollars, one diamond stud of  
the value of one thousand dollars,  
and divers other goods, chattels and  
personal property, of a kind and de-  
scription to the Grand Jury afore-  
said, unknown, of the value of thirty  
thousand dollars, of the goods, chattels  
and personal property of the said  
Philip Daly, from the person of the  
said Philip Daly, against the will  
of the said Philip Daly, and by putting

him in fear of some immediate injury to his person, then and there feloniously did attempt to violently and feloniously rob, steal, take and carry away, they the said Edward Meredith, Addie Stanton and Ella Hammond, and each of them, being then and there aided by an accomplice actually present, to wit; each by the other, and by one Henry Hermann, and being also armed, with a dangerous weapon, to wit; with a certain pistol, then and there charged and loaded with gunpowder and one leaden bullet, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Third COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said Edward Meredith, Addie Stanton and Ella Hammond of the CRIME of Assault in the first degree,

committed as follows:

The said Edward Meredith, Addie Stanton and Ella Hammond, all

late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms in and upon one Philip Daly, then and there being, feloniously did make an assault with a certain loaded firearm and deadly weapon, to wit: with a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which they, the said Edward Meredith, Addie Stanton and Ella Hammond, with their right hands, then and there had and held, and the said pistol, to, at, and against the said Philip Daly, then and there wilfully and feloniously did shoot off and discharge, with intent then and there the goods, chattels



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and personal property of the said Philip Daly, from the person of the said Philip Daly, against the will and by violence to the person of the said Philip Daly, then and there violently and feloniously to rob, 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.



0600

and personal property of the said Philip Daly, from the person of the said Philip Daly, against the will and by violence to the person of the said Philip Daly, then and there violently and feloniously to rob, 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.

0689

Towith COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said Edward Meredith, Addie Stanton and Ella Hammond of the CRIME of Assault in the first degree,

committed as follows:

The said Edward Meredith, Addie Stanton and Ella Hammond, all late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon one Philip Daly, then and there being, feloniously did make an assault, with a certain loaded firearm and deadly weapon, to wit: with a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which they the said Edward Meredith, Addie Stanton and Ella Hammond in their right hands then and there had and held, with intent then and there, the goods, chattels and personal property of the said Philip Daly, from the person of the said Philip Daly, against his will and by putting him the said Philip

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Duly in fear of some immediate injury  
to his person, then and there violently  
and feloniously to rob, steal take and  
carry away; against the form of the  
Statute in such case made and pro-  
vided, and against the peace of  
the People of the State of New  
York and their dignity.

John R. Fellows,  
District Attorney



District Attorney's Office.

PEOPLE

Addie Stanton  
Ella Hammond

I am of opinion  
that a plea of Guilty Concedit  
and Daguer should be accepted  
against these defendants, and  
judgment thereon proferenda.  
These women gave to the  
authorities, full and truthful  
information respecting the  
commission of the crime for which  
they and others are indicted,  
and thereby enabled the  
Police to detect and secure the  
proof against Meredith and  
Stanton. The actual perpetrators  
of the offense, and accomplices  
in the public service, of  
robbery, for the public service,  
this spectacle as is proper  
suggested is but a proper  
requisition. Only they are responsible  
they are responsible for the crime.  
Stanton, who worked up the case,  
John R. Fellows  
District Attorney

No.

Counsel

Filed

Filed

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THE PEOPLE

Sections 1224-1227 Penn. Code

JOHN R. FELLOWS

A TRUE BILL



0692

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

-----X  
:  
THE PEOPLE, EX REL. PHILIP DALY  
:  
against  
:  
EDWARD MEREDITH, HENRY HERMANN, ADDIE  
:  
STANTON and ELLA HAMMOND.  
:  
-----X

TO THE HONORABLE RANDOLPH B. MARTINE,  
JUDGE.

MEMORANDUM OF BRIEF IN THE MATTER OF THE MOTION  
TO QUASH THE INDICTMENT IN THIS CASE FOUND BY THE GRAND  
JURY ON DECEMBER 11th, 1888.

-----  
The papers upon which this motion is based are  
the affidavits of Ambrose H. Purdy and Charles E. Le  
Barbier, verified respectively the 15th December, 1888.  
-----

They have been submitted on the hearing of said  
motion, but the facts appearing as therein set forth  
are to the effect that the indictment in this case was  
found on the evidence of Inspector Byrnes, a policeman  
of this city; that it was not claimed that said Byrnes  
was present at the time of the alleged offenses charged  
in the indictment; that every word he spoke before the  
Grand Jury was illegal; that no "legal evidence" was  
had before said Grand Jury; that the indictment herein  
was found absolutely without the slightest kind of  
legal basis.

legal testimony whatsoever, that all of such evidence given by said Byrnes before said Grand Jury was not legal, but what is known in common parlance as "hearsay evidence;" that the said indictment should be quashed.

-----  
Hearsay in its legal sense, denotes that kind of evidence which does not derive its value solely from the credit to be given to the witness himself, but rests also, in part on the veracity and competency of some other person.

Such evidence is inadmissible to establish any specific fact which in its nature is susceptible of being proved by witnesses who can speak from their own knowledge.

Its competency to satisfy the mind as to the existence of such facts, as well as the frauds which may be practised under its cover, combine to support the rule which excludes it from judicial tribunals.

Wharton's Crim. Law 7 Ed. Sec. 662  
and authorities cited.

-----  
The Grand Jury is a judicial tribunal.

o 16 Fed. Rep. 771

-----  
Declarations by third persons in reference to the offense with which the defendant is charged are hearsay, and consequently inadmissible in evidence.

Id et seq.

0694

3

MEM. OF AUTHORITY.

-----  
He (such third person) is not indictable for perjury, although he may be subjected to the probe of a severe cross-examination should he be put on the stand.

None course can be had to make him ordinarily liable either civilly or criminally for an error.

The rule that a party put on trial is entitled to have his case tried on the evidence of responsible witnesses, is essential to the fair determination of the issue in litigation.

1 Wharton on Ev. Sec. 172 Subd. 3.

Such testimony, in its first exhibition, is irresponsible.

Id.

"But although all the bishops on the bench should be ready to swear to what they heard those witnesses declare, and add their own implicit belief of the truth of the declarations, the evidence would not be received."

Id. Sec. 172 Subd. 2.

Sec. 313.--Indictment,--when set aside on motion.

-----  
The indictment must be set aside by the Court in which the defendant is arraigned, and upon his motion, in either of the following cases:

1. When it is not found endorsed and presented as prescribed in Sec. 268 and 272.

2. When a person has been permitted to be present during the session of the Grand Jury, while the charge embraced in the indictment was under consideration, except as provided in Sec. 262 - 263 and 264.

-----  
The defendant Addie Stanton did not plead to the indictment when arraigned in December 11th 1883, but stood mute.

-----  
Under Sec. 311 she "must be allowed until the next, or such further time as may be allowed him (her) as the Court deems reasonable, to answer the indictment."

-----  
Sec. 256.--Evidence receivable by the Grand Jury.

-----  
The Grand Jury can receive none but legal evidence.

(see cases cited)

-----  
The testimony given before the Grand Jury, which is always ex parte, should be sufficient in degree to convict if unexplained.

-----  
UPON LESS THAN THIS A BILL SHOULD NOT BE FOUND.

-----  
Is it possible then, that where it is positively laid down that nothing but legal evidence should be



received by the Grand Jury, the Court can depart from that solemn obligation and let an indictment lie founded upon testimony that is merely hearsay ?

-----  
What would prevent a person, upon the slightest provocation, from charging crime against some third ~~person~~ party, and then have some one else go before the Grand Jury and cause an indictment to be had ?

-----  
Such an idea is preposterous--in law to consider that hearsay is legal evidence. Neither the Judge on the bench nor the private citizen would be for a moment safe if such evidence could be admitted.

-----  
Sec. 312--How defendant may answer indictment.

In answer to the indictment the defendant may either move the Court to set the same aside, or may demur or plead thereto.

-----  
The evidence before the Grand Jury was merely hearsay and therefore inadmissible.

PEOPLE v. DAVIS, 56 N. Y. 95, 101:

-----  
There being no particular provision under Sec. 313 upon which the defendant can make a motion, she must look to other provisions if any exist.

-----  
Section 256 declares that "the Grand Jury can receive none but legal evidence."

And upon the strength of this section and section 312 and the authorities hereinafter cited, the defendant shows that she must, and she does, fall back upon the provisions of the common law.

-----  
At common law wherever illegal testimony of importance had been admitted before the Grand Jury, which the Court could see might have had substantial weight in influencing their verdict, the Court was bound to quash the indictment on motion.

People v. Hulbut 4 Denio 133.  
U. S. v. Coolidge 2 Gallison, 363.  
U. S. v. Farrington 5 Fed. Rep. 343.  
People v. Singer 18 Abb. N. S. 96.  
People v. Sellick 4 N. Y. Cr. R. ~~XXX~~ 329.  
U. S. v. Kilpatrick 16 Fed. Rep. 765, 771.  
People v. Restenblatt 1 Abb. Pr. 268.  
People v. Briggs 60 How. Pr. 17.  
People vs. Moore 65 Id. 177  
Spanenberger v. State 53 Ala. 481.  
State v. Lanier 90 N. C. 714.  
State v. Froiseth 16 Minn. 296.  
Missouri v. Grady 12. MO. App. 361.

-----  
This remedy still remains under the Code.

People v. Wise 2 How. Pr. N. S. 92.  
People v. Petrea 92 N. Y. 132, 144.  
-----

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7

Judge Nott in the case of the People v. Wise (supra) says: x x x When the Code directly or indirectly makes any provision, it must prevail; but if is silent, good sense requires we should take our learning and rules from the decisions of the Courts."

And the reason of such decision was as stated by the Judge: I should be disinclined to hold that it was the intention of the legislature in enacting <sup>the</sup> criminal code to prohibit Courts from looking at and applying well-settled rules of the common law to present criminal pleading and practice, and substitute a practically undefined system necessarily so from the absence of precedents, involving us in doubt and uncertainty for the plain and logical rules of the common law.

-----  
Accordingly as the syllabus shows:

"The provisions of the Code of Criminal Procedure relating to indictments should be construed with the common law principles to pleading, and where no provision is made by the Code, the common law rule should prevail."

-----  
And see case of People v. Petrea (supra).  
-----

A substantial right of the defendant was invaded; it was no matter of mere form.

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8

As set forth in said last above mentioned case  
"The intention of the Code was to discourage technical  
defenses to indictments not affecting the merits."

-----  
The Court has the same control of the Grand  
Jury that it has of the petit jury, and it is bound to  
give protection to the citizen against any clear and  
substantial invasion of constitutional rights, with or  
without a statute.

The People v. Hoogkerk 96 N. Y. 149-159.

1 Head (Tenn.) 28--30.

People v. Shattuck 6 Abb. N. C. 34.

-----  
x x Whenever it becomes necessary to the protection  
of public or private rights, any person may disclose  
in evidence what transpired before a Grand Jury x x  
x x when the Court can see that the finding of a  
Grand Jury is based upon such utterly insufficient ev-  
idence, or such palpably incompetent evidence, as to  
indicate that the indictment resulted from prejudice,  
or was found in wilful disregard of the rights of the  
accused, the Court should interfere and quash the in-  
dictment.

5 Fed. Rep. 343.

If a bill of indictment be found x x upon  
illegal evidence xx x such matter x x may be  
grounds for quashing an indictment.

16 Fed. Rep. 765-771.

Investigations before Grand Juries must be made



in accordance with the well-established rules of evidence, and they must have the best legal proof of which the case admits.

IN THIS RESPECT THEY ARE JUDICIAL TRIBUNALS.

The prosecuting officer is presumed to be familiar with the rules of evidence, and it is his duty to take care that no evidence is received by the Grand Jury which would not be admissible in a Court upon the trial of a cause (citing 1 Whart. Cr. Law Sec 493.)

Id. 16 Fed. Rep. 771.

The proceedings of Grand Juries cannot ordinarily be disclosed but this rule is not to be carried to the extent of obstructing justice or of creating wrong and hardship.

A court may inquire into the evidence upon which a Grand Jury found an indictment, and if such evidence is plainly illegal and incompetent should quash the indictment.

People v. Restenblatt 1 Abb. Pr. R. 268.

If there was any legal proof, no matter how little, I would not combat or criticise it for the purpose of granting this motion. x x x x

Id. p. 272.

but as there was no lawful evidence whatever x x motion to quash is granted.

-----  
An indictment should be quashed when it clearly appears by affidavit, that it was found by the Grand

Jury without adequate evidence to support it.

Id. p. 268.

65 How. Pr. 177.

60 How. Pr. 17.

2 Gallison 364.

Where the accused established the fact that the bill was found without evidence or upon illegal evidence the indictment may be quashed (authorities cited).

State v. Lanier 90 N. C. 714.

16 Minn. 296.

53 Ala. 486.

4 N. Y. Cr. R. 329.

12 Mo. App. 361.

Upon less than legal evidence a bill should not be found.

Sec. 258 and cases cited.

People v. Baker 10 How. 567.

People v. Hyler 2 Park 570.

The learned justice in the course of the opinion in the case of People v. Baker (supra) says:

x x It may be well here, also, to inquire on what testimony an indictment should be based ?

I am satisfied that this most important matter is oftentimes overlooked, and still oftener, perhaps, misunderstood by our Grand Juries; and yet such is the very nature of the organization of a Grand Jury, such its mode of proceeding, the secrecy of its action, and the ex parte character of the testimony taken before

it, that these errors are rarely, and then duly incidentally, brought before the Court for review.

These errors the Court should vigilantly watch, and as far as practicable correct.

In no case is injustice more likely to be done than on the finding of indictments on insufficient proof--an injustice difficult to be guarded against, and yet oftentimes most oppressive in its consequences to the accused, I cannot regard the indictment as in theory a mere accusation, based upon probable cause to believe the accused may be guilty--like the finding of a committing magistrate, but as a direct and positive charge on oath that upon the testimony before the Grand Jury ex parte and unexplained the jury find he is guilty.

In 1 Chitty Crim. Law 318 it is said:  
"Formerly it was laid down, that a Grand Jury ought to find the bill if probable evidence were adduced to support it, because it was only an accusation, and the defendant will afterwards defend himself before a more public tribunal.

But great authorities have taken a more merciful view of the subject, and considering the ignorance, the dangers of perjury, the anxiety of delay, and the misery of a prison, have argued that the grand inquest ought, as far as the evidence before them goes, to be convinced of the guilt of the defendant. x x x x

And ought to be supported by substantial testimonies.

Blackstone uses the following language:

A Grand Jury ought to be thoroughly persuaded of the truth of an indictment, so far as their evidence goes, and not to test satisfied merely with remote probabilities, a doctrine that might be applied to very oppressive purposes.

How can they say upon their oaths that the accused is guilty unless as the testimony stands the proof unexplained would lead logically to each condition ?

Is it to be tolerated that Grand Juries are to speculate upon the chances of the guilt or innocence of the citizen ?

If the Grand Jury cannot say that the testimony they have taken ex parte is strong enough to lead to conclusion of guilt, is the citizen to be subjected to all the ignominy of an indictment, and the rigors perhaps of a long confinement in a prison, to the injury of his health and character, and the ruin of his business, on a suspicion merely that he may be guilty ?

I do not so understand the law, but as above stated, that the testimony must be sufficient in degree to convict if unexplained.

-----  
Such are the principles which must govern in the cases now before the Court.



0704

13

10 How. 567.

2 Parker 570.

Dated N. Y. 17th December 1888.

Respectfully submitted

Le Barbier & Brewster,

Attorneys for Addie Stanton and

ano.

Court of General Sessions

City and County of New York

The People ex rel

Philip Daly

against

Edward Meredith

Henry Herman

Adelle Stanton

Ella Hammond

Memorandum of Brief in re motion

to quash indictment

Le. Bachier & Brewster

attys for defendant E. Hammond



0706

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Meredith,  
Henry Hermann,  
Addie Stanton and  
Ella Hammond

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

Indictment accuse

Edward Meredith, Henry  
Hermann, Addie Stanton and Ella Hammond

of the crime of

attempting to commit the crime  
of Robbery in the first degree, ———

committed as follows:

The said

Edward Meredith, Henry Hermann,  
Addie Stanton and Ella Hammond, all

late of the City of New York, in the County of New York, aforesaid, on the

— third — day of December, in the year of our Lord one thousand  
eight hundred and eighty — eighth —, at the City and County aforesaid,

with force and arms, in and upon one  
Philip Dady, then and there being,  
deliberately did make an assault,

and time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of Three thousand and five  
hundred dollars;

dollars; divers other promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination  
to the Grand Jury aforesaid unknown, for the payment of and of the value of  
Three thousand and five hundred  
dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of Three thousand and  
five hundred  
dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of Three thousand  
and five hundred dollars;  
dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of five dollars; one watch

of the value of one hundred dollars,  
 one chain of the value of fifty dollars,  
 one diamond stud of the value of one  
 thousand dollars, and several other goods,  
 chattels and personal property of a  
 kind and description to the  
 Grand Jury of Georgia unknown, of the  
 value of thirty thousand dollars,  
 of the goods, chattels and personal  
 property of the said Philip Dady,  
 from the person of the said Philip  
 Dady, against the will and by force  
 of the person of the said Philip Dady,  
 then and there feloniously did attempt  
 to induce and feloniously to take,  
 take and carry away; then the said  
 Edward Meredith, Henry Hammond,  
 Addie Kanton and Ella Hammond,  
 and each of them, being then and  
 there aided by an accomplice actually  
 present, to wit: each by the other, and  
 being also armed with a dangerous  
 weapon, to wit: with a certain pistol,  
 then and there charged and loaded  
 with gun powder and one leaden ball,  
 against the form of the Statute in such  
 case made and provided, and against  
 the peace of the People of the State of  
 Georgia, and their dignity



0708

Second COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said  
Edward Meredith Henry Hermann,  
Dodie Stanton and Ella Hammond  
of the CRIME of attempting to commit the crime  
of Robbery in the first degree,

committed as follows:

The said Edward Meredith Henry Hermann,  
Dodie Stanton and Ella Hammond, all  
late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, with force and arms, in and upon one  
William Henry and there being  
advisedly did make an assault, and

time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of three thousand and  
five hundred  
dollars; divers other promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination  
to the Grand Jury aforesaid unknown, for the payment of and of the value of  
three thousand and five hundred  
dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of three thousand  
and five hundred  
dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of three thousand  
and five hundred  
dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of five dollars; one watch  
of the value of one hundred dollars,  
one chain of the value of fifty  
dollars, one diamond stud of the

value of one thousand dollars, and  
 various other goods, chattels and personal  
 property, as a kind and description of  
 the said property of said defendant,  
 the value of which is one thousand dollars,  
 of the goods, chattels and personal  
 property of the said Philip Dally from  
 the person of the said Philip Dally  
 against the will of the said Philip  
 Dally and by putting him in fear  
 of some immediate injury to his  
 person, then and there feloniously  
 attempt to violently and feloniously  
 take, steal, take and carry away from  
 the said Edward Meredith, Henry  
 Mann, Eddie Kanton and Ella  
 Hammond, and each of them, being  
 then and there aided by an accomplice  
 actually present, to wit: each by the  
 others, and being armed with a  
 dangerous weapon, to wit: with a  
 certain rifle then and there charged  
 and loaded with gunpowder and  
 one leaden bullet: against the form  
 of the Statute in and by law made and  
 provided, and against the peace of  
 the People of the State of New York  
 and their dignity

0710

Second COUNT.

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

Edward Meredith Henry Hermann,  
Dodie Stanton and Ella Hammond  
of the CRIME of attempting to commit the crime  
of Robbery in the first degree, \_\_\_\_\_

committed as follows:

The said Edward Meredith Henry Hermann,  
Dodie Stanton and Ella Hammond, all

late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, \_\_\_\_\_

with force and arms, in and upon one  
Pringle Seligman and there being  
deliberately did make an assault, and

time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of Three thousand and  
Five hundred \_\_\_\_\_  
dollars; divers other promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination  
to the Grand Jury aforesaid unknown, for the payment of and of the value of  
Three thousand and Five hundred \_\_\_\_\_  
dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of Three thousand \_\_\_\_\_  
and Five hundred \_\_\_\_\_  
dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of Three thousand \_\_\_\_\_  
and Five hundred \_\_\_\_\_  
dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of Five dollars; one watch

of the value of one hundred dollars,  
one chain of the value of fifty  
dollars, one diamond stud of the



of the value of one hundred dollars,  
 one chain of the value of fifty dollars,  
 one diamond stud of the value of one  
 thousand dollars, and also the gold,  
 chokers and personal property of a  
 kind and description to the  
 Grand Jury of the said county, the  
 value of thirty thousand dollars,  
 of the goods, chattels and personal  
 property of the said Philip Dady,  
 from the person of the said Philip  
 Dady, against the will and resistance  
 of the person of the said Philip Dady,  
 then and there feloniously did attempt  
 to induce and feloniously did, took,  
 take and carry away; then the said  
 Edward McKeith, James McKeith,  
 Eddie Kardon and Ella Hammond,  
 and each of them, being then and  
 there aided by an accomplice at that  
 present, to wit, each of the other, and  
 being also armed with a dangerous  
 weapon, to wit, with a chain rifle,  
 then and there charged and loaded  
 with gunpowder and one loaded ball  
 against the person of the said McKeith  
 case made and printed and signed  
 the seal of the Court of the State of  
 New York, and their dignities.



0712

value of one thousand dollars, and  
among other goods, clothes and personal  
property, he desired and desired to  
the said goods and personal property,  
the value of which was one thousand  
dollars, clothes, clothes and personal  
property of the said Philip Taylor  
the person of the said Philip Taylor  
against the will of the said Philip  
Taylor and by putting him in fear  
of some immediate injury to his  
person, then and there feloniously  
attempted to violently and feloniously  
rob, steal, take and carry away from  
the said Edward Meredith, Henry  
Stearns, Eddie Stanton and Ella  
Hammond, and each of them, being  
then and there aided by an accomplice  
actually present, to wit: each of the  
others, and being armed with a  
dangerous weapon, to wit: with a  
certain pistol then and there drawn  
and loaded with gunpowder and  
one leaden bullet: against the form  
of the Statute in such case made and  
provided, and against the peace of  
the County of the State of New York  
and their dignity.

0713

Third COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*Edward Meredith, Henry Hermann*  
*Addie Skanton and Ella Hammond*  
of the CRIME of *Assault in the first degree, —*

committed as follows:

The said *Edward Meredith, Henry Hermann,*  
*Addie Skanton and Ella Hammond*, all  
late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, *with force and arms, in*  
*and upon one Philip Dady, then and*  
*there, lawfully did make*  
*an assault with a certain loaded fire*  
*and deadly weapon*  
*and with a certain pistol then*  
*and there charged and loaded with*  
*gunpowder and one leaden bullet, which*  
*they the said Edward Meredith, Henry*  
*Hermann, Addie Skanton and Ella*  
*Hammond, in their right hands then*  
*and there held and held, and he said*  
*pistol to, at and against the said*  
*Philip Dady then and there lawfully*  
*and lawfully did shoot off and*  
*discharge with intent then and there*  
*the said, shoot and wound*

0714

quarrel of the said Philip Dalg  
from the person of the said Philip  
Dalg against the will and by inducement  
to the person of the said Philip  
Dalg, then and there violently and  
feloniously to rob, steal, take and  
carry away, against the form of  
the Statute in and force made and  
provided, and against the peace of  
the People of the State of New York,  
and their dignity.



0715

Fourth COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said  
Edward Meredith, Henry Hermann  
Addie Stanton and Ella Hammond  
of the CRIME of Assault in the first degree, —

committed as follows:

The said Edward Meredith, Henry Hermann  
Addie Stanton and Ella Hammond, all  
late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, with force and arms, in  
and upon one Philip Dady, then and  
there being, feloniously did make an  
assault, with a certain loaded fire-arm  
and deadly weapon, to wit, with a certain  
pistol then and there charged and loaded  
with gunpowder and one loaded bullet,  
which they the said Edward Meredith,  
Henry Hermann, Addie Stanton and  
Ella Hammond in their right hands  
then and there had and held, with  
intent then and there the goods, chattels  
and personal property of the said  
Philip Dady from the person of the  
said Philip Dady against his will  
and defrauding him the said Philip



0716

Doing in fear of some immediate  
injury to his person, the said slave  
violently and feloniously to rob,  
steal, take and carry away, against  
the form of the Statute in such  
case made and provided, and  
against the peace of the People  
of the State of New York, and  
their dignity.

John R. Fellows,

District Attorney

0717

**BOX:**

333

**FOLDER:**

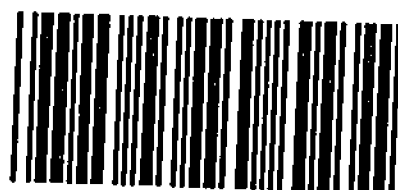
3154

**DESCRIPTION:**

Messet, Lawrence

**DATE:**

12/11/88



3154

0718

WITNESSES:

*Edw Smith*

Counsel,

Filed

day of

*Dec 8*

Pleads

*Guilty*

THE PEOPLE,

vs.

*B*  
*Lawrence Messer*

VIOLATION OF EXCISE LAW

(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and  
page 1883, Sec. 5.]

*1/2 Christy*

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Wm. W. Wadsworth*  
Foreman.

Complaint sent to the Court  
of Special Sessions,

Part III, ..... *Dec 14 1888*

0719

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Lawrence Messet*

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

*Lawrence Messet*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

*Lawrence Messet*

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

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

SECOND COUNT—

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

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

The said

*Lawrence Messet*

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

**JOHN R. FELLOWS,**

District Attorney.



0720

**BOX:**

333

**FOLDER:**

3154

**DESCRIPTION:**

Meyer, Simon

**DATE:**

12/13/88



3154

0721

252

Counsel,

Filed

13

day of

Dec

1888

Pleads

WITNESSES:

*Wm. H. Hines*

THE PEOPLE,

vs.

*Simon Meyer*

*Dec 13*

*to the Court of Special Sessions for trial, by request of the District Attorney.*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and  
page 1883, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Wm. H. Hines*  
*Foreman.*

0722

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Simon Meyer*

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

*Simon Meyer*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

*Simon Meyer*

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

*Andrew Wieser*

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

SECOND COUNT—

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

*Simon Meyer*

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

The said

*Simon Meyer*

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

**JOHN R. FELLOWS,**

District Attorney.