

0680

**BOX:**

340

**FOLDER:**

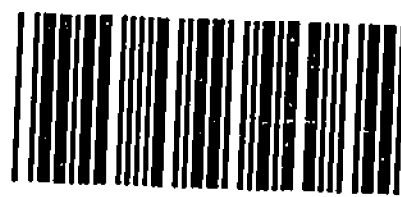
3216

**DESCRIPTION:**

Belmont, Maggie

**DATE:**

02/27/89



3216

0681

Dep't Am. old  
Menden

Witnesses:

Mr. Farrell  
437 W 90

Counsel,

Filed

Pleads,

day of

1889

THE PEOPLE

28th Grand Jury

1st District

P

Maggie Belmont

Mary Ann & John

JOHN R. FELLOWS

District Attorney

March 5/89

March 7/89  
A TRUE BILL.

John R. Fellows

Foreman

Part III March 7/89

Pleads - Peter Henry

0682

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.:

William Farrell

of No. 237 W 30thStreet, aged 27 years,occupation Labourer

being duly sworn

deposes and says, that on the 4 day of February 1889 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the night time, the following property, viz:

Good and lawful money of the United  
States consisting of divers bills of  
divers denominations of the amount  
in value of Forty dollars

the property of Deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Maggie Belmont (now here)

Deponent says that said defendant induced  
him to visit premises No 253 West 28th Street  
(Rear) with her. That deponent went in a  
room with her and was in the act of  
having sexual intercourse when said  
defendant complained that she was sick  
to the stomach and requested him to get  
off. Deponent done as requested and said  
defendant ran out of the room. Deponent says  
that thereafter he discovered that the aforesaid  
money had been abstracted from the pocket  
book which contained said money and was  
in the pocket of the pantaloons then and there  
worn by him. Deponent says that he had

Sworn to before me, this

188

day

Police Justice.

0683

said pocket book containing said money when  
he was in said room with said defendant  
and she was the only person in the room  
from the time he came in until he missed  
the same. Wherefore defendant charged said  
defendant with feloniously taking stealing  
and carrying away the same.

TO BE FORWARDED BY  
THIS 8 DAY OF FEB 1889  
*Samuel C. Smith*  
POLICE JUSTICE.

*William Farrell*



0684

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Maggie Belmont* being duly examined before the under-  
signed 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.

*Maggie Belmont*

Question. How old are you?

Answer.

*27 years*

Question. Where were you born?

Answer.

*U S*

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

Answer.

*14 Grand St*

*1 month past*

Question. What is your business or profession?

Answer.

*Servant*

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

Answer.

*I am not guilty of the charge*

*Maggie Belmont*  
*mark*

Taken before me this

day of

1889

Police Justice.

0685

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

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

Dated 8 Feb 1889

Sam'l C. Beatty 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.

0686

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

William Farrell  
437 vs. 30 R  
Maguire Belmont

2  
3  
4

Offence *Sanitary* from  
*the person*

Dated 8 Feb 1889

D. O. Reilly Magistrate.

John Roberts Officer.

20 Precinct.

Witnesses .....

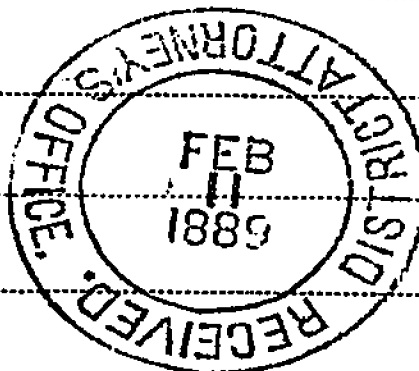
No. .... Street.

No. .... Street.

No. .... Street.

\$ 1000 to answer G. S.

Committee



0687

COURT OF GENERAL SESSIONS-Part III!

-----  
The People of the State of New York, : , Before Hon. Fred.  
against :  
M a g g i e B e l m o n t :  
-----

Indictment filed February 27th 1889. :

Indicted for Grand Larceny in the 2nd Degree.

N e w Y o r k , March 7th 1889.

APPEARANCES: For the People, Asst. Dist. Atty. Goff  
For the Defendant Mr. J. Berlinger .

WILLIAM FARRELL, a witness for the People, sworn, testified:-

I live at No. 437 West 30th St. On the night of the 4th of February I saw the defendant at 34th St. and 8th Avenue. She was accompanied by another woman and she accosted me. She caught me by the arm and wanted me to accompany her to some rooms. I objected. I finally went with her to her room in 28th St. between 7th and 8th Avenue a house occupied by colored people and we went into a room. I took off my coat and she asked for her fee and I paid it. I paid her fifty cents. In the act of having intercourse with her, she complained of being sick and ran out of the house; I went out immediately after and when I got outside I found my money was gone. I had forty dollars in my pants pocket. I last saw the money about half an hour before I met



0600

2

this girl. . I told t he people in the house what oc-  
curred and I met a policeman on his rounds and told him. I  
reported my loss at the police station . A few nights  
afterwards I saw the defendant at the station house where  
she was under arrest . I went with an officer to  
a house on Grand St. where I found out she was living  
and brought her from there to the station house . She  
was drunk when she was arrested .

CROSS EXAMINATION:

I know this neighborhood; I have been in it quite  
often . The woman spoke to me first when I met her and  
asked me to go with her to her room . . I objected .

I had two or three drinks that night; I was sober . I  
last saw my money at the Grand Central Depot about an  
hour before I met t his girl I was seeing a friend of m  
mine off . I did not expose the forty dollars when I  
gave the woman the fifty cents . I had my pants on  
when I was in bed with the woman .

Q Did not you say when you met this woman in company  
with the officer that you were told she was the woman ?

A No sir .

Q You cannot be mistaken about her being the woman ?

A No sir .

Q Where did you get that forty dollars ? A. It was  
my own earnings .

Q When were you paid off ?

A The Saturday night before this thing happened .

0689

3

JOHN ROBERTS, a witness for the People, sworn, testified:

I am an officer of the municipal Police in this city. I arrested the defendant in a house in Grand St. I ascertained that she was in Grand St. from a woman that knew her in 7th Avenue. I took this complainant there and when he saw her he identified her as the woman who was with him the night this money was taken from him. He had previously given me a description of her and from that description I was satisfied that she was the person and I arrested her. I asked her if she knew anything about a man having been robbed in 28th St; and she said no she did not; He particularly identified a blue hood which the woman wore.

CROSS EXAMINATION:-

I went to her house because of the description that the complainant had given to me. From the description given I was satisfied that she was the woman and I arrested her. ; she told me that the man she had with her was an old dutchman and not an Irishman.

The prisoner pleaded Guilty to petit larceny and was sent to the penitentiary for a year and fined \$50.

0690

Indictment filed Feb. 27-1889.

COURT OF GENERAL SESSIONS

Part III.

The People &c.

against

Maggie Belmont

Abstract of testimony on

trial, New York, March 7th

1889.

I am an officer of the Sheriff's Office in the County of New York, and I am sworn to give true and correct testimony. I am now giving you the testimony of Maggie Belmont as given in the trial on March 7th, 1889.

0691

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Maggie Belmont*

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

*Maggie Belmont*

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

The said

*Maggie Belmont*

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

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

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

dollars ; ~~divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of~~

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

JOHN R. FELLOWS, *District Attorney.*



0692

**BOX:**

340

**FOLDER:**

3216

**DESCRIPTION:**

Bickel, Christian

**DATE:**

02/18/89



3216

Witnesses:

*W. C. Hayes*  
*13th Decr*

134 Drury

Counsel,  
Filed, *18th Feb'y* 1889  
Pleads, *Drury-19*

THE PEOPLE,  
vs.  
*Christian L. Bickel*  
VIOLATION OF EXCISE LAW  
(Keeping Open on Sunday.)  
[III Rev. Stat. (7th Edition), Page 1889, Sec. 3.]

JOHN R. FELLOWS.  
District Attorney.

A True Bill.

*J. P. Robinson*  
Transferred to the Court of Sessions  
Sessions for trial and final disposition  
per 2...*Feb'y...25...1889*

0693

0694

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Christian L. Bickel*

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

JOHN R. FELLOWS,

*District Attorney.*

0695

**BOX:**

340

**FOLDER:**

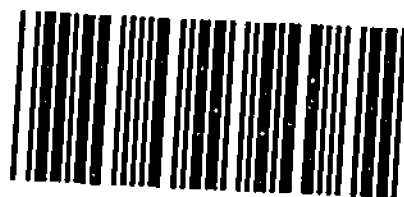
3216

**DESCRIPTION:**

Birnbaum, William

**DATE:**

02/06/89



3216



Witnesses:

*Officer Sullivan*  
*12<sup>th</sup> Prec*

Counsel,

Filed

Pleads,

*Chiquita*

1889

THE PEOPLE

vs.

VIOLATION OF EXCISE LAW.  
(Selling without License)  
[III, R. S. (7th Ed.) page 1981, § 18, and  
of 1883, Chap. 340, § 6].

*William Binbaum*

*John R. Fellows,*

*John R. Fellows,*  
*District Attorney.*

A True Bill.

Foreman.

0696

0697

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

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*William Burnbaum*

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

(III. Revised  
Statutes. [7th  
edition] p. 1981  
Section 13).

*William Burnbaum*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES  
WITHOUT A LICENSE, committed as follows:

The said

*William Burnbaum*

late of the City of New York, in the County of New York aforesaid, on the *eighteenth*  
day of *January* in the year of our Lord one thousand eight hundred and  
eighty-*nine*, at the City and County aforesaid, certain strong and spirituous  
liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one  
gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,  
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong  
and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in  
quantity less than five gallons at a time, to

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

(Laws of 1882, chapter 340 section 5)  
SECOND COUNT—

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

The said

*William Burnbaum*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, and at the premises there situate, known as  
number *one hundred and eight Norfolk Street*

certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury  
aforesaid unknown, unlawfully did sell to

*one Richard Sullivan and to*  
certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be  
drank upon the premises aforesaid, without having a license therefor, as required by law,  
against the form of the Statute in such case made and provided, and against the peace of  
the People of the State of New York and their dignity.

0698

(Laws of 1883,  
chapter 840 sec-  
tion 5.)

THIRD COUNT:

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

The said

*William Bornbaum*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, and at the premises there situate, known as  
number *one hundred and eight Norfolk Street*

certain strong and spirituous liquors, and certain ales, wine and beer, to wit: one gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury  
aforesaid unknown, unlawfully did give away to

certain persons whose names are to the Grand Jury aforesaid unknown, to be  
drank upon the premises aforesaid, without having a license therefor, as required by law,  
against the form of the Statute in such case made and provided, and against the peace of  
the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0699

**BOX:**

340

**FOLDER:**

3216

**DESCRIPTION:**

Bixson, Louis

**DATE:**

02/28/89



3216



Witness:

James M. Murphy

John King

I have examined all the testimony in the case and have elicited the fact that the shooting was not intended at the complainant on the part and the withdrawal of the arms. I am of the opinion that a conviction cannot be sustained and do therefore recommend that the defendant be discharged on his own recognizance.

Wm. J. Murphy

Don't Ph. Dr.

Counsel,

Maurice Meyer

Filed

25 day of

1889

Pleads,

Chattel

THE PEOPLE

vs.

Louis Brown

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

JOHN R. FELLOWS,

District Attorney.

pm Dec. 12/89  
Dictated by the Clerk in own  
recognizance

A True Bill.

J. R. Fellows

John R. Fellows

John R. Fellows

John R. Fellows

0700

0701

Police Court

District

City and County of New York, ss.:

of No. 143 Delancey Street, aged 41 years

occupation Dress Maker being duly sworn

deposes and says, that on 13 day of February 1889 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Louis

O'Brien (now here) who entered Deponent's room and then and there feloniously fired and exploded a Revolver (fire arm) loaded with powder and balls at Deponent, and exclaim "I will get square with you"

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

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

Sworn to before me, this 14 day of February 1889

Police Justice.

0702

Sec. 103-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

3 District Police Court.

*Louis Dixon* 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.

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, I  
did not fire in the  
direction of the girl*

*Louis Dixon*

Taken before me this

day of *July* 188*9*

*Amos*

Police Justice.

0703

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

Dated Feb 14 1889 Amateur 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.



0704

# *3* 262  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Amiul [unclear] [unclear]*  
*143 [unclear]*  
*Louis [unclear]*

BAILED,

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

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

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

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

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

Date *Feb 14<sup>th</sup>* 1889

*Paterson* Magistrate.

*King* Officer.

*17* Precinct.

Witnesses \_\_\_\_\_

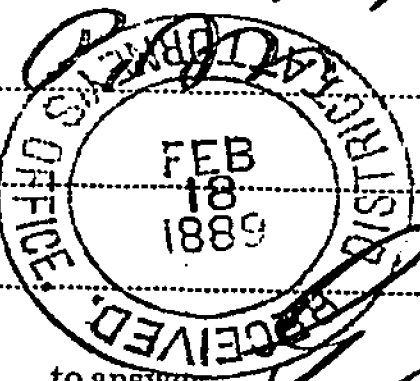
No. *64* Street.

No. *27* Street.

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

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

\$ *15.00* to answer \_\_\_\_\_



*Comd*

*[Handwritten signature]*



0705

## New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Louis Bixsen

Assault.

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself; but I do not think that the defendant intended to shoot me or in any manner injure me at all. We were engaged to be married and my reasons for not fulfilling the engagement were that he was not at present able to provide for me. On the day in question I told him that I could not marry him until he was earning more money and destroyed our marriage engagement which was in writing. The defendant then said he would kill himself and fired three or four shots, not at me, but how he thinks he did so for the purpose of frightening me into marrying him. I have known the defendant for over one year and did not desire to make a complaint against him nor do I desire to prosecute him, and intend to marry him when he is able to provide for me properly. I am informed one of his former employers Mr. James Goldsmith is ready and willing now to take the defendant back to his employ.

For the reasons above stated I respectfully ask that I be permitted to withdraw the complaint as made by me.

 Henry Mentkowsky  
 James Mark.

0706

New York Central Securities

Depos. v-c

vs.

Loans & Disburse

— — —

Withdrawal

— — —

0707

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Louis Bixson*

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

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

The said *Louis Bixson*

late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *February*, in the year of our Lord one thousand eight hundred and eighty-nine with force and arms, at the City and County aforesaid, in and upon the body of one *Fannie Minkopsky* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *her* the said *Fannie Minkopsky* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Louis Bixson* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent *her* the said *Fannie Minkopsky* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

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

The said

*Louis Bixson*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Fannie Minkopsky* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *her* the said

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said

*Louis Bixson* in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0708

**BOX:**

340

**FOLDER:**

3216

**DESCRIPTION:**

Bockmann, Lawrence

**DATE:**

02/15/89



3216

0709

WITNESSES:

Wm. J. Lockwood, Jr.

Counsel,

Filed

15 day of

1889

Pleads *Chattel*

THE PEOPLE,

vs.

*7*

*Lawrence Beckman*

*chattel*

*sent to the Court for request*

*of property for Defendant.*

*and vend*

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*J. W. Benson*

Foreman.

*April 22nd*

*G.S.P.*

*off for April 22nd*

*G.S.P.*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and  
page 1889, Sec. 5.]



0710

**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 Bockmann*

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

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

The said

*Lawrence Bockmann*

late of the City of New York, in the County of New York aforesaid, on the *tenth* day of *February* in the year of our Lord one thousand eight hundred and eighty-*nine*, 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

*William J. Lockwood*

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 Bockmann*  
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 Bockmann*

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.

0711

**BOX:**

340

**FOLDER:**

3216

**DESCRIPTION:**

Boland, John

**DATE:**

02/13/89



3216

0712

Witnesses

Sung Lee

Counsel,

Filed

13 day of July 1889

Pleads,

Chattel.

THE PEOPLE

vs.

John Boland

Pr. March 6/89  
Died & convicted.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

sum 20/p. 3  
J. R. Boland

Foreman.

126/p. 3

Chas. R. F.

0713

Police Court-- District.

CITY AND COUNTY } ss  
OF NEW YORK,of No. 399 Greenwich Street, Aged 28 YearsOccupation Laundryman being duly sworn, deposes and says, that on the4th day of February 1889, at the 1st Ward of the City of New York,

in the County of New York, was feloniously taken, stolen, and carried away from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money  
of the United States issue  
to the amount ofof the value of Five DOLLARS,the property of Deponent

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

John Boland (nowhere) and  
two other persons. Not yet arrested  
and unknown to deponent. From  
the fact that at or about the hour  
of 1 O'clock A.M. on said date deponent  
was walking along Broadway and  
when near the corner of Pine Street  
deponent was accosted by the said  
Boland and unknown persons. Thus the  
said Boland demanded money  
from deponent & they drove with  
and deponent refused. The said  
Boland then left deponent on the

day of

Sworn to before me, this

188

Police Justice.



0714

Heard with his clenched hand  
and in Company with one of said  
unknown persons. Seized hold of  
deponents and held deponents while  
the other unknown person put  
his hand into the right hand  
pockets of the Court then in  
deponents person, and did take  
steal and carry away said  
money from said pockets.

Then the said Boland in  
company with said unknown  
persons then ran away from  
deponents with said money in  
their possession.

Deponents therefore swear  
that the said Boland may be  
held to answer.

Sworn & before me }  
This 4<sup>th</sup> day of February 1889 }  
M. W. [Signature]  
(Justice)

Police Court,

THE PEOPLE, &c.,  
on the complaint of

vs.

1

2

3

4

Dated

Witnesses,

No.

No.

No.

\$ to answer General Session



0715

Sec. 198-200.

CITY AND COUNTY OF NEW YORK ss.

District Police Court.

*John Roland* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is ~~his~~ right to make a statement in relation to the charge against *h* *e*; that the statement is designed to enable *h* *e* if he see fit to answer the charge and explain the facts alleged against *h* *e* that he is at liberty to waive making a statement, and that *h* *e* waiver cannot be used against *h* *e* 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 may think will tend to your exculpation?

Answer.

*I am not guilty of the charge John Roland*

Taken before me this

day of

1889

Police Justice.

0716

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

John R. Boland  
guilty thereof, I order that he be held to answer the same and ~~he be admitted to bail in the sum of~~  
~~one hundred dollars,~~ and be committed to the Warden and Keeper of

the City Prison, of the City of New York, until he give such bail, he is fully discharged

Dated February 18 1889 Wm. H. Hedges Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated February 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 February 188 Police Justice.

0717

Police Court---

206

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Loon. Vah.*  
*180* *Superior*  
*John. B. Sams*

Offence

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street

Dated

*February*

188

*Charles Helde.*

Magistrate.

*J. J. Brownell*

Officer.

Precinct.

Witnesses

No.

*J. J. Brownell*  
*2* *Green's Police*

Street.

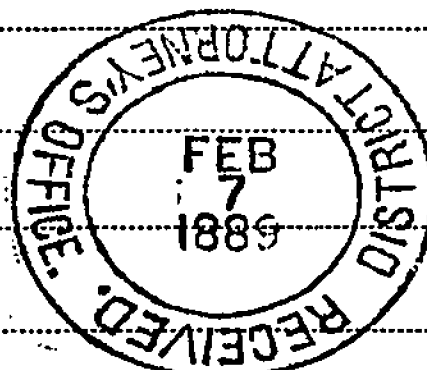
No.

Street.

No.

Street.

*Committee* to answer



0718

Court of General Sessions  
 vs  
 The People

John Boland  
 Goffrey in the 1st Deg.  
 Indictment filed, Feb 13, 1889

Before Hon. Rufus J.  
 Cowing,  
 and a jury

Tried, Mar. 6<sup>th</sup>, 1889-

Appearances: Assistant District Attorney  
 Jerome, for the People; Messrs. Blake & Sullivan, for the defense

Loon Wah, the Complainant, testified, through an interpreter (Gung Lee), that he was a laundryman, and that he kept his laundry in ~~Greenwich~~ <sup>Greenwich</sup> Street. On the morning of Sunday, Feb. 4<sup>th</sup>, 1889, at about 1 o'clock, he was in Broadway, near Trinity Church. He had \$10 in his inside blouse pocket. The Defendant and two other men met him, the Complainant, and asked him, the Complainant, for money to buy drink. He, <sup>the defendant</sup> said, "Say, John, give me the ten cents. Give me the beer." He, the Complainant, said that he had no money. Then the Defendant said, "Go God damn Chinaman, you got no money?" and hit him, the Complainant, in the face. The other two men grabbed and held him, the Complainant, and the



0719

defendant pulled out his, the Complainant's, inside pocket, and stole the \$10. Then the three men ran away. A police officer pursued them, and caught the Defendant. He, the Complainant, had not drunk anything that night. The \$10 was in a single bill. Under Cross-examination, the Complainant testified that he had been in the United States about six years. He kept a laundry at 30 Greenwich Street, and had been in business about 3 years. He was 28 years of age. It was not true that Chinamen went to his laundry to smoke opium or play fan-tan. He had been in Matt Street, on the evening of Feb. 4th, and was on his way home. He was married, but his wife was in China. He received the \$10 from a friend in 106 1/2 Street, where he went to collect the money. He borrowed five cents from <sup>his</sup> ~~the~~ partner, whom he met, and went uptown on the elevated railroad. He had money at home. He told his partner that he was going to Harlem to make the collection. His partner needed all the money at home to pay the rent.



0720

Officer Seelye J. Brownell testified that he arrested the Defendant, early on the morning of Feb. 4<sup>th</sup> - about 1 o'clock - in Liberty Street, between Broadway and Nassau Street. He, the witness, was walking up Broadway, and he saw the Complainant standing on the corner, holding his head and making gestures. He ran over to the Complainant, and, in consequence of the Complainant's statement to him, he pursued the men. The Complainant pointed at three men, who were going down Pine Street. There were no other men in Pine Street at that time. They were walking, but, as soon as he, the witness, started to run after them, they began to run. They were about half a square away at the time. They turned up Nassau Street. As he, the witness, turned into Nassau Street, he drew his revolver, and called upon the men to stop. At Cedar Street, two of them turned down Cedar Street, and one of them ran up Cedar Street. He, the witness, had previously fired two shots in the air, but the men had kept on running. He pursued the man who ran up Cedar Street, and he fired a shot at him. Then

0721

The man stopped, threw up his hands and said, "Don't shoot again." The man who did this, was the Defendant. He never lost sight of the defendant from the time that he began to chase the three men until he ran the Defendant down in Cedar Street. He asked the Defendant who the two men that had been with him were, and the defendant replied, "There were no two men with me." He, the witness, said, "What did you rob that Chinaman for?" The Defendant answered, "I don't know anything about the Chinaman." He then took the Defendant to the Station House. As soon as the Complainant saw the Defendant in the Station House, he said, "That's the man that struck me." The defendant said nothing.

Upon Cross-examination, the witness testified that the Defendant, at the time of his arrest, was a little under the influence of liquor; he had been drinking. But he walked straight and talked coherently. He answered all questions at the Station House intelligently, and ran very fast when he was pursued. He smelt of liquor on his breath.

0722

For the defence, John Boland, the Defendant, testified that he was 27 years of age, and that he was born in Ireland. He had been in the United States about 7 years, and in New York about one year and four months. He was a keeper on Ward's Island for 11 months, passing a civil service examination to secure the position. He was a harness-maker by trade. He had been to Brooklyn, on the night of Feb. 4<sup>th</sup>, leaving Brooklyn at about 12 o'clock. He did not know what ferry he came over, but he believed that it was the South ferry. He had been in Casey's Saloon, in Court Street, Brooklyn. He had been looking on at a match game of hand-ball, and had been drinking beer. He met two young men in Brooklyn, and they were walking up Broadway. They met the Chinaman - at Broadway and Pine Street, and he, the Defendant, struck up against him. At that time ~~he~~ <sup>he</sup> felt sick at his stomach, and ~~was~~ <sup>was walking</sup> to the edge of the sidewalk. He did not assault the Complainant, and did not take any money from him, nor did he see any one else do so. He, the Defendant,

the Complainant -

At that

(5)



0723

had never been arrested before in his life, and had always worked for a living.

Under Cross-examination, the Defendant testified that he went to Ward's Island as a keeper, on Dec. 11<sup>th</sup>, 1887. He lived at 92 Bonny, where he was arrested. He had a room there. He had been living there about 4 months, He had been working in the Pantry of the Downtown Association. He ran because the other men ran, and because he heard several shots fired. The police officer fired a shot at him, and knocked him down with his club. He left the Island, because he violated a rule by coming to the city at night, in a row-boat, without permission. He was not discharged, but, knowing that he would be discharged, he did not return until several days later, when he went back for his clothes. William Roach, assistant Engineer at Koster & Bial's testified that he had known the Defendant from childhood, in Ireland and in the United States, and that his character was good.

0724

The People  
vs

John Island

— " —  
Ind. Mar. 6<sup>th</sup>, 1889



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

*against*

Indictment accuse

committed as follows:

The said

day of

in the year of our Lord one thousand

eight hundred and eighty-

, at the City and County aforesaid,

0726

[illegible]

0727

person, then and there, and I had  
justified myself, and I had  
and I was away, and I had  
and I had the in the same way  
and I had the in the same way  
and I had the in the same way  
and I had the in the same way

John R. Fellows,

Director of the

0728

**BOX:**

340

**FOLDER:**

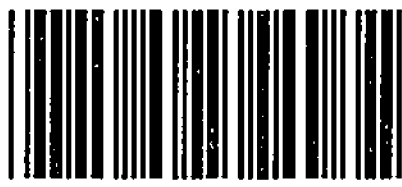
3216

**DESCRIPTION:**

Brady, Charles

**DATE:**

02/21/89



3216

Witnesses:

*Amstutz*

*W. J. Hummer*

Counsel,

Filed *21* day of *Feb* 188*9*

Pleads

*Not guilty*

THE PEOPLE

*vs.*

*Charles Brady*

*Defendant*

*Indictment*

*1889*

POLICY.

[SS 948 and 949, Penal Code].

JOHN B. FELLOWS,

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*Edwin Conslent*

Foreman.

Part III February 21/90

*W. J. Hummer* Pleads guilty

*Pen one yr*

0729



0730

CITY OF New York COUNTY OF New York } ss.  
AND STATE OF NEW YORK.

Anthony Fontana,

of 150 Nassau Street, New York City, being duly sworn deposes and says, he is more than 21 years of age, and is employed as chief agent of the New York Society for the Suppression of Vice, that he has just cause to believe, is informed and verily does believe, that Charles Brady alias Charles Bradley —  
here present

~~whose real name~~ unknown, but who can be identified by

did, at the city of New York County of New York and State of New York, on or about the 7<sup>th</sup> day of February 1889, and between that day and the 15<sup>th</sup> day of January 1889 unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage as a dealer or game-keeper in a gambling or banking game, where money or property was dependent upon the result—and did sell, or offer to sell what is commonly called a “lottery policy,” and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did indorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided.

Deponent further says, he has just ~~come~~ <sup>cause</sup> to believe, is informed and verily does believe from personal observation and from statements made by Charles Brady to deponent

that the said Charles Brady aforesaid, ~~now~~ <sup>did</sup> have in his possession, at in and upon certain premises occupied by him and situate and known as numbers 190 x 192 Greenwich street in the city of New York and within the County and State aforesaid, for the purpose of using the same as a means to commit a

0731

public offense, divers and sundry device, apparatus, tables, establishment and paraphernalia layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the Provisions of Chapter IX of the Penal Code of the State of New York, wherefore deponent prays that warrants may be issued for the arrest of the persons named aforesaid, and to search for, seize and take possession of all of said unlawful matter, and that all be dealt with according to law.

Subscribed and sworn to before me this

8<sup>th</sup> day of February 1889.

*Anthony Cantabene*

*[Signature]* Police Justice.

CITY OF New York AND COUNTY OF New York ss.

being further sworn deposes and says that on the \_\_\_\_\_ day of \_\_\_\_\_ 188\_\_\_\_, deponent visited the said premises, named aforesaid, and there saw the said \_\_\_\_\_ aforesaid, and had dealings and conversation with \_\_\_\_\_ as follows:

Deponent

0732

THE PEOPLE

ON COMPLAINT OF

*Anthony Bourtoot*

AGAINST

*Charles Brady alias  
Charles Bradley*

*Violation Sec. 344, P. C.  
Gambling and Policy.*

Affidavit of Complaint.

WITNESSES:

*Anthony Bourtoot.  
W. J. Sherman.*

*Police Justice.*

Subscribed and sworn to before me this }  
day of \_\_\_\_\_ 188\_\_\_\_.

0733

Sec. 108—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*Charles Brady.*

Question. How old are you?

Answer.

*20 years.*

Question. Where were you born?

Answer.

*New York.*

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

Answer.

*192 Greenwich Street. 2 years.*

Question. What is your business or profession?

Answer.

*Fruit dealer*

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

Answer.

*I am not guilty.*  
*Chas Brady*

Taken before me this

day of *February* 1885

Police Justice.



0734

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 *July 8* 188 *9*..... *A. J. White* Police Justice.

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

Dated *July 8* 188 *9*..... *A. J. White* 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.

0735

Police Court---

229  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Anthony Comstock*  
vs.  
*Charles Brady*

2  
3  
4

*James H. H. H.*  
Officer

BAILED,

No. 1, by *Henry Armstrong*  
Residence *152 Greenwich Street.*

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street

Dated *Feb 8* 1889

*White* Magistrate.

*O'Hole* Officer.

*Co* Precinct.

Witnesses *W. J. Coleman*

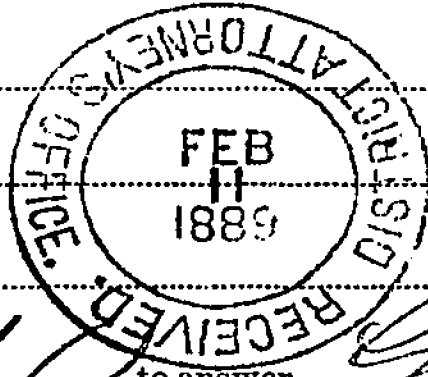
No. *of Comstock* Street.

No. Street.

No. Street.

\$ *571* to answer

*Bailed*



*Keep in hold  
first 2 counts*

0736

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Charles Brady*

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

*Charles Brady*

of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said

*Charles Brady*

late of the *Third* Ward of the City of New York in the County of New York aforesaid, on the *seventh* day of *February* in the year of our Lord one thousand eight hundred and eighty *nine*, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building, there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called "policy," where money and property was dependent upon the result, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

*Charles Brady*

of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said

*Charles Brady*

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, unlawfully did keep a certain room in a certain building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public and private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers and documents, 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*

0737

**BOX:**

340

**FOLDER:**

3216

**DESCRIPTION:**

Brady, Charles

**DATE:**

02/27/89



3216



Witnesses

Wm. J. Sherman,

280  
Z 2911  
Loman

Counsel,

Filed day of

1889

Pleads

Guilty - ~~to~~

THE PEOPLE

vs.

B  
Charles Brady

POLICY.  
[§§ 843 and 844, Penal Code].

JOHN N. FELLOWS  
~~RAABER B. MARINE~~

District Attorney.

A True Bill.

J. Robertson

Foreman.

Forth 22 February 2190 -

Pleads Guilty.

In accordance of

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0739

CITY OF New York COUNTY OF New York } ss.  
AND STATE OF NEW YORK.

Anthony Bourtois of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that Charles Brady

did, on or about the 7<sup>th</sup> 10<sup>th</sup> & 11<sup>th</sup> days of January, 1889, at numbers 190 and 192 Greenwich street, in the City of New York and County of New York unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery policies and further that the said, Charles Brady did keep a room, table, device and apparatus and paraphernalia for gambling purposes, and did allow said room, device and apparatus to be so unlawfully kept occupied, and used, and further, the said Charles Brady now has in his possession, within and upon certain premises, occupied by him and situated and known as number 190 and 192 Greenwich street, in the City of New York and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and has in his possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided, and with intent to use the same as a means to commit a public offense.

Subscribed and sworn to before me,  
this 7<sup>th</sup> day of January, 1889

Anthony Bourtois

Police Justice.

CITY OF New York COUNTY OF New York } ss.

New York City being duly sworn further deposes and says, that on the 7<sup>th</sup> 10<sup>th</sup> & 11<sup>th</sup> days of January, 1889, aforesaid, he called at the place of business of the said Charles Brady aforesaid, at the said premises Nos 190 & 192 Greenwich Street and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery, as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said Charles Brady

and had conversation with him in substance as follows. Deponent went into said premises aforesaid, and saw the said Charles Brady unlawfully sell, and furnish to divers persons there present, what are commonly called lottery policies. The said Brady was behind a desk on each of its following dates, and had a manifold book and papers, and on its walls a blackboard with numbers representing the drawn numbers in a lottery upon it, January 7<sup>th</sup> Deponent was present and saw various persons call out numbers they desired to play or bet in said lotteries, and the said Brady would record the said numbers upon his manifold books, write said numbers upon a small piece of paper, making what is commonly

0740

called lottery policies, and hand them to players present and  
then receiving money for the same. Deponent there saw  
the said Charles Brady, actively employed, keeping, using  
and permitting said room, desk, device, establishment  
apparatus and paraphernalia, for gambling purposes  
where money or property was dependent upon the results.  
Deponent further says from frequent visits and observations  
of said place and business, and conversations had with the  
said Charles Brady, he is informed, has just cause to  
believe, and verily does believe, that the said Brady now  
has in his possession, at, in and upon the said premises  
situate and known as 188 and 192 Greenwich street, in  
said City of New York aforesaid, divers and sundry books,  
blackboards, papers, writings, lottery tickets, lottery policies  
circulars, device, apparatus, establishment and paraphernalia  
for gambling purposes, and with intent to use the same as a  
means to commit a public offense, and in violation  
of Chapter nine of the Penal Code of the State of New York.

William J. Sherman

POLICE COURT — 1<sup>st</sup> DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

Anthony Bonaventura

V.S.

Charles Brady

LOTTERY AND POLICY

Dated Jan 1889

Magistrate.

Clerk.

Officer.

WITNESSES:

Anthony Bonaventura

W. J. Sherman

Bailed, &

to answer

Sessions.

By

Street.

Subscribed and sworn to before me  
this 18<sup>th</sup> day of January 1889

W. J. Sherman Police Justice

0741

Sec. 151.

Police Court, First District.

CITY OF New York COUNTY OF New York } ss.  
AND STATE OF NEW YORK.

In the name of the People of the State of New York: To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of New York, or to any Marshal, Constable or Policeman of the City of New York GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Anton Forntok and W. J. Sherman of No. 150 Nassau Street, charging that on the 24<sup>th</sup> day of January 1889 at the City of New York, in the County of New York that the crime of selling what is commonly called a lottery policy, and  
keeping down tables, device, apparatus and paraphernalia  
for gambling purposes, where money or property was  
dependent upon its results  
has been committed, and accusing Charles Brady  
whose real name is unknown but who can  
be identified by W. J. Sherman thereof.

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Deputy Sheriff, Peace Officers, Marshals, Constables and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the First DISTRICT POLICE COURT, in the said City or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 24<sup>th</sup> day of January 1889  
W. J. Sherman  
POLICE JUSTICE.



0742

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Anthony Frontock.

vs.

Charles Brady.

Warrant-General.

Dated Jan 7 1889

Wm. Wilde Magistrate.

Sergeant O. Toole Officer.

The Defendant  
taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

Officer.

Dated 188

This Warrant may be executed on Sunday or at  
night.

Police Justice.

REMARKS.

Time of Arrest.

Native of

Age.

Sex.

Complexion.

Color.

Profession.

Married.

Single.

Read.

Write.



0743

City and County of New York, ss:

In the name of the People of the State of New York:

To any Peace Officer in the City and County of New York:

Proof by affidavit having been this day made before me, by Anthony Bonaiuto and W. J. Sherman  
of 150 Nassau Street, New York  
City, that there is probable cause for believing that Charles Brady,

whose real name is unknown but who can be identified by W. J. Sherman,  
has in his possession, at, in and upon certain premises occupied by him and situated and known number  
188 & 190 Greenwich street in said City of New York certain and divers  
device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings,  
papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and  
other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, black-  
boards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day or night  
time to make immediate search on the person of the said Charles Brady,

and in the building situate and known as number 188 & 190 Greenwich street aforesaid,  
for the following property, to wit: all Faro layouts, all Roulette Wheels and layouts, all  
Rouge et Noir, or Red and Black layouts, all gaming tables, all chips, all  
of cards, all dice, all deal boxes, all lottery policies, all  
lottery tickets, all circulars, all writings, all papers, all  
documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, all books  
all documents for the purpose of enabling others to gamble or sell lottery policies, all black-  
boards, all slips or drawn numbers of a lottery, all money to gamble with, and all device,  
establishment, apparatus and articles suitable for gambling purposes.

And if you find the same, or any part thereof, to bring it forthwith before me at the 7th District  
Police Court at the Court in Centre street in the City of New York.

Dated at the City of New York, the  
7th day of February, 1889.

W. J. Sherman

POLICE JUSTICE.



0744

Inventory of property taken by William O Toole the Peace Officer by whom this warrant was executed :

Faro layouts, Roulette Wheels, Roulette layouts, Rouge et Noir lay-

outs, gaming tables, chips, packs of cards, dice, deal

boxes, deal trays for holding chips, cue boxes, markers, or tally cards,

ivory balls, 155 lottery policies, 77 lottery tickets, 948 circulars, writings,

papers, black boards, 179 slips, or drawn numbers in policy, \$12.50 money, 382

manifold books, slates, 1 box numbers, 1 dream book, 11 packages

policy returns, 1 package blank policy returns, 2 agate

pencils.

City of New York and County of New York ss:

I, William O Toole the Officer by whom this warrant was executed,

do swear that the above Inventory contains a true and detailed account of all the property taken by me in this warrant.

Sworn to before me, this 8th

day of February 1887

[Signature] Police Justice.

William O Toole  
Sgt C. A. [Signature]

Police Court---Third District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Formuto et al

Charles Brady,

Search Warrant.

Dated Feb 7 1887

Wilde Justice.

Sgt W O Toole Officer.

0745

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles Brady* 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.

*Charles Brady.*

Question. How old are you?

Answer.

*25 years.*

Question. Where were you born?

Answer.

*192 Greenwich Street 2 years.*

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

Answer.

*192 Greenwich Street. 2 years.*

Question. What is your business or profession?

Answer.

*Fruit dealer*

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

Answer.

*I am not guilty.  
Chas Brady*

Taken before me this

day of

1894

Police Justice.

0746

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 July 8 1889 A. J. White Police Justice.

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

Defendant  
to bail to answer by the undertaking hereto annexed.

Dated July 8 1889 A. J. White 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..... 1889..... Police Justice.

0747

Police Court--- 229 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Anthony Comstock*  
*Charles Brady*

2  
3  
4

*Yarnall*  
Officer

BAILED,

No. 1, by *Henry Armstrong*  
Residence *152 Greenwich* Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

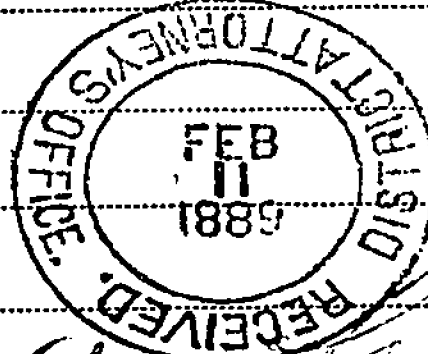
No. 4, by  
Residence Street.

Dated *July 8* 188*9*  
*White* Magistrate.  
*Serge O'Boyle* Officer.  
*Co* Precinct.

Witnesses *W J Sherman*  
No. *of Comstock* Street.

No. Street.

No. Street.  
\$ *500* to answer



*Bank*



0748

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Brady*

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

*Charles Brady*

of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said

*Charles Brady*

late of the *Third* Ward of the City of New York in the County of New York aforesaid, on the *eleventh* day of *January* in the year of our Lord one thousand eight hundred and eighty *nine*, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building, there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called "policy," where money and property was dependent upon the result, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

*Charles Brady*

of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES, THEREIN, committed as follows:

The said

*Charles Brady*

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, unlawfully did keep a certain room in a certain building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public and private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers and documents, 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.

0749

THIRD COUNT.

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

*Charles Brady*  
of the CRIME OF SELLING TO ANOTHER WHAT IS COMMONLY KNOWN AS A  
LOTTERY POLICY, committed as follows:

The said

*Charles Brady*  
late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year  
aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to  
~~one certain persons whose names are to the~~  
*Grand Jury aforesaid unknown*  
~~a certain paper, instrument and writing, commonly called a Lottery Policy, which said paper,~~  
~~instrument and writing, called a Lottery Policy, is as follows, that is to say:~~

~~(a more particular description of which said instrument and writing, so commonly called a~~  
~~Lottery Policy, is to the Grand Jury aforesaid unknown, and cannot now be given), against the~~  
~~form of the Statute in such case made and provided, and against the peace of the People of the~~  
~~State of New York and their dignity.~~

FOURTH COUNT.

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

*Charles Brady*  
of the CRIME OF SELLING A PAPER AND WRITING, IN THE NATURE OF A BET  
AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said

*Charles Brady*  
late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year  
aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to  
~~one certain persons whose names are to~~  
*the Grand Jury aforesaid unknown*  
~~a certain paper and writing in the nature of a bet and wager upon the drawn numbers of a~~  
~~certain lottery, the same being a scheme for the distribution of property by chance among~~  
~~persons who had paid or agreed to pay a valuable consideration for such chance (a more par-~~

0750

~~particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper and writing is as follows, that is to say:~~

*and also*

~~(a more particular description of which said paper and writing is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity,~~

FIFTH COUNT.

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

*— Charles Brady —*

of the CRIME OF SELLING A WRITING PAPER AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows:

The said

*Charles Brady*

late of the Ward, City and County aforesaid, afterward, to wit: On the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to ~~one certain persons whose names are to~~

*the Grand Jury aforesaid unknown*

~~a certain paper, writing, and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:~~

*and also of*

~~(a more particular description of which said paper, writing, and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.~~

**RANDOLPH B. MARTINE,**

**District Attorney.**

0751

**BOX:**

340

**FOLDER:**

3216

**DESCRIPTION:**

Braun, Adam

**DATE:**

02/13/89



3216

0752

**BOX:**

340

**FOLDER:**

3216

**DESCRIPTION:**

Schmitt, Stephen

**DATE:**

04/13/89



3216



Witnesses:

William Huber,  
Off. Thos. Malone,

89(11) Dec 1889

Counsel, 13  
Filed day of Feb 1889  
Pleads, Chicago

THE PEOPLE  
132-11-1889  
Adam Braun  
and wife  
Stephen Schmitt  
P  
P  
Burglary in the Third degree.  
Peter Sweeney  
[Section 498.506, 528.7562]

JOHN R. FELLOWS,  
District Attorney.

30/PS

A True Bill.

J. P. W. [Signature]  
No. 1. Part II - March 1/89  
Pleas Peter Sweeney  
No. 2. Part II - February 18/89  
Trial begun - jury with 12 men  
Pleas - still looking  
Each ten 2 mos.  
P.B.M.

0753

0754

Police Court— District.

City and County } ss.:  
of New York,

of No. 916 3rd Avenue Street, aged 24 years,  
occupation Keep a Restaurant being duly sworn  
deposes and says, that the premises No. 916-3rd Ave Street, 19 Ward  
in the City and County aforesaid the said being a five story brick  
build ding and which was occupied by deponent as a Restaurant  
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking  
off the locking from the door leading into  
the cellar from the hall way and did  
break a board from the partition leading into the front  
cellar and entered the restaurant from a door leading  
on the 26 day of January 1889 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

One Box of Segars of the value  
of two dollars and fifty cents

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

Adam Brown and Stephen Schmidt  
(both now here)

for the reasons following, to wit:

Deponent usually locked  
and fastened the doors and windows  
in said restaurant at about the hour of 11 o'clock  
the hour of one o'clock and ten minutes  
P.M. deponent discovered said premises  
had been burglarized, and deponent  
went into the kitchen back of said restaurant  
and saw the said defendant Schmidt  
through a glass door between the restaurant

0755

and back room standing at the door  
Case in said restaurant and the  
defendant Brown stood in the middle  
of the restaurant looking towards the  
door. Defendant gave the alarm and  
Officer Thomas Malone of the 23rd  
Precinct subsequently found the defendants  
secrested in the ~~back~~ back cellar  
with said property here shown in Court  
in their possession which defendant  
identified as his property.

Sworn to before

Me this 26<sup>th</sup> day of Jan'y 1899

John J. Brown

William Stenberg

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated \_\_\_\_\_ 188\_\_\_\_  
I have admitted the above named  
to bail to answer by the undersigned hereto annexed.  
Dated \_\_\_\_\_ 188\_\_\_\_  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated \_\_\_\_\_ 188\_\_\_\_  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

vs.

1  
2  
3  
4

Offence—BURGLARY.

Dated \_\_\_\_\_ 188\_\_\_\_

Magistrate.

Officer.

Clerk.

Witness.

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

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

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

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



0756

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 31 years occupation Police Officer of No. 23rd Street

says, that he has heard read the foregoing affidavit of William Butler

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

Sworn to before me, this 16th day of July 1889

J. Murphy  
Police Justice.

0757

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

*Adam Brown*

Question. How old are you?

Answer.

*32 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*914 3rd Ave New York*

Question. What is your business or profession?

Answer.

*Brewer*

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*

*Adam Brown*

Taken before me this  
day of *July* 188*8*

Police Justice.



0758

Sec. 193-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK ss.

Stephen Schmidt 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. Stephen Schmidt

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. Germany

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

Answer. 914 3rd Ave New York

Question. What is your business or profession?

Answer. Waiter

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

Answer. I Am Not guilty  
Stephen Schmidt

Taken before me this

day of

188

Police Justice.

0759

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.....

*Depon David*  
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, *each* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *Aug 10* 188 *J. H. Murphy* 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.

0760

1000. bail for  
Jan 28<sup>th</sup> 2. PM

BAILED,

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

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

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

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

216 157<sup>th</sup>  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Huber  
914 - 3<sup>rd</sup> Ave  
Adam Brown  
Stephen Chind

3 \_\_\_\_\_  
4 \_\_\_\_\_  
Offence \_\_\_\_\_

Dated Jan 26 1889

John \_\_\_\_\_ Magistrate.  
D. Malone \_\_\_\_\_ Officer.

3 \_\_\_\_\_ Precinct.

Witnesses Call the Officer

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

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

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

500 each J.S. to answer

Cam  
Aug 13  
P.M.

0761

J. E. Dautel,  
GERMAN  
Chemist & Apothecary,  
Cor. 55th St. & Lexington Ave.

New York, February 18, 1889.

I herewith certify that  
Adam Braun was in my  
employment he was honest and  
careful and would take him  
right straight as Janitor,

John George Dautel  
No 657. Corn 55 Street  
Lexington Ave

0762

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

Adam <sup>against</sup> Braun and  
Stephen Schmitt

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

Adam Braun and Stephen Schmitt

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

The said

Adam Braun and  
Stephen Schmitt, both

late of the <sup>nineteenth</sup> Ward of the City of New York, in the County of  
New York, aforesaid, on the <sup>twenty-sixth</sup> day of <sup>January</sup> in the year of  
our Lord one thousand eight hundred and eighty-<sup>nine</sup>, with force and arms, at the Ward,  
City and County aforesaid, a certain building there situate, to wit: the <sup>restaurant</sup> of one

William Huber

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

William Huber

in the said <sup>restaurant</sup> 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.



0763

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said  
*Adam Braun and Stephen Schmitt*  
of the CRIME OF *Petit* LARCENY committed as follows:

The said *Adam Braun and*  
*Stephen Schmitt, both*  
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *day* time of the said day, with force and arms,  
*fifty cigars of the value*  
*of five cents each*

of the goods, chattels and personal property of one *William Huber*

in the *restaurant* of the said

*William Huber*

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

*John R. Fellows*  
*District Attorney*

0764

**BOX:**

340

**FOLDER:**

3216

**DESCRIPTION:**

Brower, George

**DATE:**

02/08/89



3216

0765

**BOX:**

340

**FOLDER:**

3216

**DESCRIPTION:**

Morningstar, William

**DATE:**

02/08/89



3216

0766

Matthew D. Ashwell  
Alfred J. Ashwell

Witnesses,

I recommend that a plea  
of attempt of Grant Larnum  
in the 2<sup>nd</sup> degree be accepted  
perloff  
and his family

Left Banner has  
done all in his power  
since arrest - trouble  
various for his  
sister. He has a  
good home, an excellent  
father & the employment  
recommended by  
Ludlow as to the  
Banner, dismissed.  
M. J. J.

53. 53

Counsel,  
I. W. B. Ashwell

Filed  
day of July 1889  
Pleads,  
J. Ashwell

THE PEOPLE  
vs.  
George P. Brower  
and  
William Morningstar

JOHN R. FELLOWS,

District Attorney  
March 14/89.

March 14/89  
A True Bill  
perloff  
and his family

March 14/89. Foreman.  
No. 2.  
Jury find etc. 2. S. 2.  
No. 2.  
perloff - William Brower  
State Hospital for insane at  
Pittsburg

0767

The People  
v. William Morning Star } Court of General Sessions. Part I  
Before Judge Gildersleeve.  
Thursday, March 14. 1889.

A jury was empanelled to try the question of the sanity of the defendant.

Matthew D. Field, sworn and examined by Mr. Kellar.

The Court. Let the doctor go on and state what he knows about the condition of this defendant.

By Mr. Kellar. Q Dr. Field, you are a practicing physician in the city.

A. I am, yes sir.

Q How long have you been practicing doctor. A. Ten years.

Q Are you a physician connected with the city prison. A. No sir.

Q Have you in the course of your professional experience examined this defendant Morning Star.

A. Yes sir.

Q And when did you examine him doctor. A. He was sent from the city prison to Bellevue hospital, I think on the 20th day of February, and he has been seen by me from time to time almost daily since. I saw him this morning.



0768

Q Well from your examination of him in Bellvue hospital. do you consider him of sound mind.

A No sir, I consider him insane.

Q Insane. A. Yes sir.

Q Do you consider him capable of advising Counsel in connection with the defence which would be necessary in relation to the crime with which he is charged. A. No sir.

Q You consider him utterly incapable of doing that. A. Yes sir.

By the Court Q That is his condition, doctor.

A He is in a very excited condition most of the time; a man quite destructive of his bedding, and he soils his bed and passes urine and feces in the bed.

He will pull his bed clothes to pieces.

He two or three times I have been to see him he would have his bed clothes off and his shirt torn.

Only on one or two occasions have they allowed him to be about the Ward when he would destroy his clothes. He did this this morning.

Q It is your opinion that he would not understand the nature of

0769

His defence or be capable of advising Counsel. A. No; he masturbates openly in the ward and is entirely incoherent.

Allen Fitch, sworn and examined.

By Counsel Q. Dr. Fitch you are a physician of the city. A. I am, yes sir.

Q How long are you practicing, doctor.

A About ten years.

Q Are you connected with the city prison. A No sir, I am not.

Q You were at one time.

A I was at one time.

Q Have you in the course of your professional experience examined the defendant Morning Star.

A I have.

Q Where and when. A. He was sent to Bellvue hospital about a month since, I think, as Dr. Field says on the 20th of February. Since then I have seen him very frequently, almost daily for several weeks, and most of that time he has been very much excited, so much excited that it required large sedatives to put him to sleep. He has masturbated

0770

openly there, and torn everything that he could get hold of, his clothes, and tore himself loose from the bed when he was restrained, and behaved altogether as an insane man.

Q From your examination of him do you consider him today capable of advising Counsel as to his defence or capable of ~~knowing~~ entering upon his defence in any way in answer to the crime with which he is charged. A. I do not.

Q You consider him insane.  
A Yes sir.

The Court: Gentlemen of the Jury:

A person is presumed to be responsible for his acts, and the burden of proof that he is irresponsible is upon the accused person, except where otherwise provided. In the case of this defendant you have heard the statements of these physicians who have examined into his mental condition; and the question of fact for you to determine is this: From what they

0771

have said and your personal observation of the defendant, are you now satisfied that he is in such a condition of mind as to be incapable of understanding the proceedings necessary to his trial or making his defence. He has been indicted by the grand jury of this city and County for the crime of receiving stolen goods knowing the same to have been stolen. From what these physicians have said, are you satisfied that he is incapable of understanding the proceedings necessary to the trial of that issue or making his defence. If you believe what these physicians have said, if you are satisfied, as I have indicated, that he is insane, you will say by your verdict, "we find the defendant insane." That will be your verdict, either, "we find the defendant sane or we find the defendant insane" as provided by the 20th section of the Penal Code: "A person cannot be tried or sentenced to any punishment or punished for a crime while he is in a state of idiocy, lunacy or insanity."

The jury rendered a verdict that the defendant was insane.

The defendant was sent to the Hospital for the insane at Poughkeepsie.



0772

Testimony in case  
of  
Mr. Morning Star  
filed Feb.

1869.



0773

28 Nov 48.

Dear Penny:

This will  
be handed you by  
Mr. Brower, Supt-  
of Creedmoor Range  
for fifteen years.  
He was 1<sup>st</sup> Serg't  
of my Company  
during the war  
and is a man  
in whom I feel  
the deepest interest.  
His boy George

0774

is in the  
Linnets. Should  
he want to bail  
him out to-day  
please show  
Mr. Brown every  
courtesy possible.  
Mr. Brown is  
thoroughly reliable  
and good bail  
up to \$2000.  
I understand

the bail fixed  
by Judge Patton  
is but 700.  
Take him the  
Bearer Wm.  
Brown, father  
of accused for  
bail. I will  
be down Monday.  
Sincerely Yours  
W. H. Henderson

0775

TO THE CHIEF CLERK.

PLEASE SEND ME THE PAPERS IN THE CASE OF

PEOPLE

*and hat robbery*  
*vs. 1st case*

*George J. Brown*

*Larceny*

*tested yesterday*

*Am. Attorney.*

*Papers not  
yet Recd  
H.H.*

0776

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:  
of New York, }

George A. Ritzler

of No. 59 Duane

occupation Clerk

Street, aged 29 years,

being duly sworn  
deposes and says, that on the 14<sup>th</sup> 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:

Sixty Tablets Congress Letter Paper,  
Forty pads Letter Paper, Thirty  
Tablets Commercial Paper, said  
Stationery being in all of the  
value of fifteen dollars

the property of Samuel S. Knight and in  
care and charge of deponent  
as Clerk and Steward of said  
Knight

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

New York, from the fact that  
said Brewer was then in  
the employment of said Knight  
as shipping clerk. That said  
Brewer informs deponent that  
he was induced to take said  
property by William S. Morningstar  
New York, who on said day  
gave him, Brewer, four dollars  
and told him to take said  
property to him, Morningstar,  
at 120 Park Row in the rear  
of the Barber Shop. That after  
deponent had been so informed

Subscribed and sworn to before me this

1888

Before me



0777

Said Person, defendant went to the room in the rear of the Barber Shop at 122 North River and there found said stolen property. Defendant therefore charges said Person with stealing said property and defendant further charges said Moringatow with knowingly and feloniously receiving said stolen property while knowing at the time that said property was stolen.

Know & swear me that  
16th day of November 1888

J. M. Peterson

Police Justice

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

of the City of New York, until he give such bail.

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

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

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court,	District,
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.
\$	to answer
Sessions.	



0778

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*George P. Brewer*

Question. How old are you?

Answer.

*22 years of age*

Question. Where were you born?

Answer.

*New York State*

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

Answer.

*1514 Lenox Ave. 6 mo.*

Question. What is your business or profession?

Answer.

*Shipping Clerk.*

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

Answer.

*Mr. Morningstar induced me to steal the goods and send them to him. He gave me four dollars to send him the goods (he picked out).*

*G. P. Brewer*

Taken before me this

11<sup>th</sup>

day of January 1888

*James J. McQuinn*

Police Justice.

0779

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

*William Morningstar*

Question. How old are you?

Answer.

*22 years*

Question. Where were you born?

Answer.

*Canada*

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

Answer.

*Pearl St. Brooklyn 4 years*

Question. What is your business or profession?

Answer.

*Salvage*

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

Answer.

*I bought some goods on the said date, I had been drinking and I induced Brown to send the said property around to 122 Park Row for me.*

*William S. Morningstar*

Taken before me this

day of *November* 188*5*

*W. S. Morningstar*

Police Justice.

0780

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

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

Dated Nov 6 188 J. M. Peterson Police Justice.

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

Dated Nov 17 188 J. M. Peterson 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.

0781

Police Court

1874  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*George A. Ritzler*

*George P. Brown*  
*William Moninger*

*Officer*  
*Carney*  
*McHenry*  
*Holmes*

BAILED.

No. 1, by

*William H. Brown*

Residence

*1514 - 10th Avenue*

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

*Nov 16*

188

*Patterson*

Magistrate.

*Crystal & Hinton*

Officer.

Witnesses

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

*Dismissed*  
*March 14/89*  
*Subject*  
*#2*  
*Admission*  
*at*  
*Prison*

*Macbeth G.S.*

*Comed*

*No. 1 Bailed*

0782

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

Wm. M. Thompson

May 14 1898  
G. L. Loney

Thursday - Feb 14 at 2:00 PM

now by Bellows Hospital



0783

District Attorney's Office.

PEOPLE

George P } <sup>vs.</sup> William  
Brammer and Menningstar  
Committed Nov-16-88 by Patterson  
Grand Jurors &  
N. S. G.

Complainants

George A. Ritzler

Cor Duane & Elm

Ames pad and Stationery Co

0784

New-York  
Feb 12 1889

Hon Judge Locking  
i beg to state to you that  
i was arrested on a charge  
of Receiving Stolen goods  
was in the Tombs for  
88 Days and then I indicted  
which ought not to be  
according to Law but  
still they indicted me  
and I am entitled to a  
discharge I wish you  
would look into my case  
and Publish it in the  
New-York Papers the of the  
Press + New-York Herald  
Wishing you would oblige  
me

0785

I Remain Ever your  
Friend

H. W. S. Moringstar

0786

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

City and County } ss.  
of New York,

George A. Ritzler  
of Acme Paper & Stationery Co, 59 Duane Street, aged \_\_\_\_\_ years,  
occupation Painter being duly sworn, deposes and says,  
that on the 14th day of November 1888, at the City of New  
York, in the County of New York, George B. Browne and

William Morningstar, did feloniously steal  
take and carry away a quantity of pads  
and tablets of stationery of the value of forty  
nine dollars, of the property of Samuel D.  
Knight, who carries on business at the above  
premises under the name of the Acme Paper  
& Stationery Company.

That the defendants have confessed  
that they were guilty of said crime and  
committed the same as aforesaid. The said  
Browne who was employed by said  
Knight was solicited by said Morningstar  
to steal the same, and did so pursuant  
to said solicitation.

The defendants were committed for  
trial Nov 16/88 by Mr Justice Patterson  
said Browne gave bail in \$100 and  
Morningstar has been confined in the  
City Prison unto the present time.

As I am informed by the District  
Attorney the magistrates' papers herein  
have been lost or mislaid.

Sworn to before me this  
7th day of February 1889

William J. Kelly  
County Clerk  
City & County

Geo. A. Ritzler

53 1814  
District Attorney's Office,  
City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Geo. A. Bixler  
59 Duane St.

George E. Brown  
315 Nassau Street

Office

Dated

Witnesses,

No.

Street,

No.

Street,

No.

Street,

1889

0787



8810

The oath, or affirmation, may be administered by any qualified officer of the State of New York. Two physicians must separately make affidavit of the insanity of the patient.

*Justice City Court*  
*Edw. F. Fiske*  
Sworn by and subscribed before me, this 2nd day of March 1884.

Judge of the Court  
been duly attested and certified by *Edw. F. Fiske*

And I further declare, That my qualifications as a medical examiner in Lunacy have

*found me to be a competent and qualified physician and surgeon, and that I have been duly attested and certified by the Court as such.*

I further certify that I have formed this opinion upon the following grounds:

the laws of 1874, of the State of New York.  
a proper person for care and treatment under the provisions of Chapter 446, of  
the laws of 1874, of the State of New York, and that the said *William S. Fiske* is insane, and  
about 23 years, unmarried, and by occupation a *Student*.  
I personally examined *William S. Fiske*, of the age of 23 years, on the 18th day of March, 1884.

being a Graduate of *Harvard University*, State of New York,  
in the County of *Albany*,  
*Edw. F. Fiske*, a resident of *Albany*,  
MEDICAL CERTIFICATE.

From Chapter 446, Laws of 1874.  
SECTION 1.—No person shall be committed to, or confined as a patient in any asylum, public or private, or in any institution, home, or retreat, for the care and treatment of the insane, except upon the certificate of two physicians, under oath, setting forth the insanity of such person. But no person shall be held in confinement in any such asylum, for more than five days, unless within that time such certificate be approved by a judge or justice of a court of record of the county or district in which the alleged lunatic resides, and said judge or justice may institute inquiry and take proofs as to any alleged lunacy before approving or disapproving of such certificate, and said judge or justice may, in his discretion, call a jury in each case to determine the question of lunacy.  
SECTION 2.—It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to an asylum, unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of the State, and shall have been in the actual practice of his profession for at least three years, and such qualifications shall be certified to by a judge of any court of record. No certificate of insanity shall be made except after a personal examination of the party alleged to be insane, and according to the forms prescribed by the State Commissioner in Lunacy, and every such certificate shall bear date of not more than ten days prior to such commitment.

Certificate of physician.  
Approval thereof.  
Proofs.

From Chapter 446, Laws of 1874.

SECTION 1.—No person shall be committed to, or confined as a patient in any asylum, public or private, or in any institution, home, or retreat, for the care and treatment of the insane, except upon the certificate of two physicians, under oath, setting forth the insanity of such person. But no person shall be held in confinement in any such asylum for more than five days, unless within that time such certificate be approved by a judge or justice of a court of record of the county or district in which the alleged inmate resides, and said judge or justice may institute inquiry and take proofs as to any alleged lunacy before approving or disapproving of such certificate, and said judge or justice may, in his discretion, call a jury in each case to determine the question of lunacy.

SECTION 2.—It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to an asylum, unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of the State, and shall have been in the actual practice of his profession for at least three years, and such qualifications shall be certified to by a judge of any court of record. No certificate of insanity shall be made except after a personal examination of the party alleged to be insane, and according to forms prescribed by the State Commissioner in Lunacy, and every such certificate shall bear date of not more than ten days prior to such commitment.

MÉDICAL CERTIFICATE.

I, Arthur D. Fitch, a resident of 115 East 40th St.  
New York in the County of New York, State of New York  
 being a Graduate of Bellevue Hospital Medical College  
 do hereby certify under oath that on the 9th day of March 1889  
 I personally examined William Horning, of the age of  
 about 23 years, un married, and by occupation a Painter,  
 and that the said William Horning is insane, and  
 the laws of 1874, of the State of New York.

*I further certify that I have formed this opinion upon the following grounds:*

(Here insert the particular manifestations of insanity.)

He has been at the fountain for the  
measure of Salomon's wisdom & at  
the has been very successful & at  
three others. He is very wise &  
in conversation & is thoughtful in action  
& thoughtful, having his father & father  
He said, said this his first masterpiece  
of art & was all his own.

And I further declare, That my qualifications as a medical examiner in Lunacy have been duly attested and certified by Charles Dwyer

Judge of Superior Court

Sworn to and subscribed before

me, this  
day 1889

*Wm. F. Chandler*

*James Earl Ray*

Two physicians must separately make affidavit to the insanity of the patient

0790

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

George C. Brower  
and William Morinoff

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

Indictment accuse George C. Brower and

William Morinoff

of the crime of Grand Larceny in the second degree,

committed as follows:

The said George C. Brower and

William Morinoff, both

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

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

with force and arms, a quantity  
of goods and chattels of value  
and stationery, a more particular  
description whereof is to be found  
in the indictment returned by the  
value of twenty nine dollars, of the  
goods, chattels and personal property  
of one Samuel J. Knight, then  
and there residing, then and  
there feloniously did steal, take  
and carry away, against the form  
of the Statute in such case made

0791

and provided, and against the  
peace of the People of the State  
of New York, and their dignity.

John R. Feltus,

District Attorney