

0264

BOX:

21

FOLDER:

264

DESCRIPTION:

Brown, John

DATE:

10/14/80



264

0265

THE PEOPLE OF THE COUNTY OF NEW YORK, ss. I, the Clerk of the County of New York, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same is now on file in the office of the Clerk of the County of New York.

THE PEOPLE  
vs.  
John J. Brown  
Defendant

Grand Larceny of Money, &c.

BENJ. K. PHELPS,

District Attorney.

Part Am: Oct. 21, 1880.

Indictment

18 months Oct 22

A True Bill.

John H. Kane

Foreman.

Subm 21st Sept

RS

La 25

Counsel,

Filed 14 day of

Oct 1880

Pleads

John J. Brown

THE PEOPLE

vs.

John J. Brown

Indictment

18 months Oct 22

CLERK OF THE COUNTY OF NEW YORK

0266

Form 112.  
STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } ss:

Police Court—First District.

of No. 179 Hester Alfred Buederlein  
Street, being duly sworn, deposes  
and says, that on the 5<sup>th</sup> day of October 1880  
at the City of New York, in the County of New York, was feloniously taken, stolen, and carried  
away from the possession of deponent,

the following property, viz: One Paper Box Containing  
good and lawful money of the United  
States consisting of a number of notes or  
bills and a number of gold and silver  
coins, said money being in all of the  
amount and

of the value of Fifty-eight 7/100 Dollars,  
the property of Ferdinand Braun, and being then  
in deponent's care and charge as clerk  
and servant of said Braun

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

now here, and another man whose name  
is unknown to deponent, for the reasons  
following, viz: That at about the time of  
Holidays on the afternoon of said day the  
said Braun came into the furniture  
store of said Braun at 179 Hester Street  
and asked for a man named Stegman,  
and said he had an appointment to  
meet him about the purchase of some  
furniture. That he was told to sit  
down and he sat down in the office  
close to the safe where said lot and  
money were then contained. That the

Subscribed and sworn to before me this

188

Police Justice

door of said safe was closed but not locked. That while said Brown sat close to said safe another man was in the store in another part of the store engaged with Mr. Braun. That said man whose name is unknown to deponent came in and asked deponent to show him some chairs.

That while deponent went to show said unknown man the chairs the said Brown went hastily out of said store and deponent immediately discovered that said box and money had been stolen and carried away out of said safe. That deponent saw said box and money a moment before said Brown sat down by said safe and no person other than said Brown was near said safe from the time deponent saw said box and money until the time deponent discovered its loss.

Brown to before me  
this 6<sup>th</sup> day of October 1880

Alfred Bruederlin

J. M. Patterson

Police Justice



0268

Police Court—First District.

CITY AND COUNTY }  
OF NEW YORK. } ss.

*John J. Brown* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him; states as follows, viz:

Question. What is your name?

Answer.

*John J. Brown*

Question. How old are you?

Answer.

*Eighteen years of age*

Question. Where were you born?

Answer.

*United States*

Question. Where do you live?

Answer.

*No. 269 Third Avenue*

Question. What is your occupation?

Answer.

*Clerk*

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

Answer.

*I am not guilty of the charge.*  
*John J. Brown*

Taken before me, this

*6<sup>th</sup>*

day of *October*

18*80*

*Sam. Parsons*  
Police Justice.

0269

95

Police Court—First District

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

*Alfred Anderson*  
*179 Heather St*  
*St. Louis, Mo.*



BAILED

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

Date: *October 6<sup>th</sup>* 1880

*Anderson* Magistrate.

*Sullivan* 14 Officer.

*McK* Clerk.

Witnesses:

*Michael Sullivan*

*14<sup>th</sup> Ward, Police*

*\$1000.00* to answer

*James* Sessions

Received at Dist. Atty's office

*Paul*

COUNSEL FOR COMPLAINANT.

Name, \_\_\_\_\_

Address, \_\_\_\_\_

COUNSEL FOR DEFENDANT.

Name, \_\_\_\_\_

Address, \_\_\_\_\_

0270

CITY AND COUNTY }  
OF NEW YORK, } ss.THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York, upon  
their Oath, present:

That

*John J. Brown*

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

of the goods, chattels, and personal property of one

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

BENJ. K. PHELPS, District Attorney.

0271

BOX:

21

FOLDER:

264

DESCRIPTION:

Buck, George

DATE:

10/02/80



264

0272

BOX:

21

FOLDER:

264

DESCRIPTION:

Levy, Lazarus

DATE:

10/02/80



264



0273

Part 320  
Jury  
Day of Trial

Counsel,

Filed 2 day of Oct 1880

Reads the Jury (1)

THE PEOPLE

BURGALARY - Third Degree, and  
[Receiving Stolen Goods]

George Buck  
Lazarus Levy

BENJ. K. PHELPS,

Very H. W. Rosey  
Prosecutor  
A True Bill.  
March 8, 1880

Foreman  
Oct 7 1880

Mr. J. C. Smith  
Juryman 1st day  
Juryman 2nd day

427

The People v. George Buck } Court of General Sessions. Before Recorder  
 George Buck } Smythe. Thursday, October 7. 1887.  
 Buck was jointly indicted with Lazarus Levy. Indictment  
 for burglary in the third degree and receiving stolen goods.  
 John Cronin, sworn and examined. I have a  
 tailor shop at 406 Canal St. and live at 69 Bar-  
 mine St. I left my shop on the 24<sup>th</sup> of Sept. a 1/4  
 past 9 o'clock. I fastened all the doors and win-  
 dows and everything was secure when I left.  
 I went again to my place at 4 o'clock in the  
 morning I was notified by the private watchman  
 that there was thieves in my place. When I got  
 there I found the goods all scattered about. There  
 is a scuttle there and one bar was pried off;  
 there was a "jimmy" and a chisel found. I was  
 informed that goods were found on the roof, but  
 they were taken in before I got there. The officer  
 pointed out to me clothing which he said he  
 found on the roof. They were seven coats, two  
 pairs of pantaloons, and one vest; the goods were  
 worth \$150. Some of those coats were worth \$45 each.  
 The prisoner had a suit of my clothes on  
 worth \$35. I took them off him in the station  
 house; he left his own clothes in my place  
 and some false whiskers. The officer has one  
 of the iron bars here, and the store can be  
 entered from the scuttle. Cross Examined.  
 There is a board over the scuttle which is

fastened by iron bars; there was only boards, no glass on it. I made the suit of clothes myself that were found on the prisoner. The pants were made of a very peculiar kind of goods, a kind of white and black. They were made for a banker, but they belonged to me until he paid for them. Daniel McGowan sworn and examined. I am an officer of police of the 5<sup>th</sup> precinct. I know the tailor shop of Mr. Cronin and was in the vicinity on the morning of the 25<sup>th</sup> of Sept; that is my regular post. I saw the prisoner. I found him on the roof of this man's premises 406 Canal St. at 3.30 a.m. I also found those coats in his possession and in Levy's possession. Both of them were on the top of the roof packing up the goods. As a general thing Mr. Cronin leaves a light lit in his place during the hours of the night. When I go on my last tour I generally try my doors. There was a light burning in the store this night. When I went by there at 3 1/2 in the morning I looked in and saw there was something wrong. I also missed a roundsman's overcoat. So I went to the 8<sup>th</sup> ward side and procured a ladder and a lantern in order to make an examination of the building. The light was not out at Cronin's place. The door that leads to the street on the Canal St. side was all secure. I went to the roof and found those two young

men, the prisoner and Levy, on the top of the roof packing up the goods. I also found that Buck had on a suit of clothing which Mr. Cronin identified as his property. This iron bar was pried out with a "jimmy." I found these tools [witness produced a coal chisel and a small "jimmy"] in the inside of the store. This rope was attached to one of the remaining bars; they got an entrance by climbing down this rope. The clothing I got on the top of the roof was identified by Mr. Cronin.

Cross Examined: I found this mask or false beard in his coat pocket; the coat was found in Cronin's store and was brought to the station house; the prisoner stated in my presence that it belonged to him. George Buck, sworn and examined in his own behalf testified. I worked for my brother-in-law in the crockery business and I worked for Mr. King; he stables in Grand St. I drove a wagon for him. I live 152<sup>nd</sup> St. and am stopping with my brother 36 Wooster St. I was arrested once for upsetting a load of crockery which belonged to my mother, but I was discharged. On this evening I went to Harry Miner's theatre and afterwards went into a place and took a glass of beer. I went down to the stable and fed the horses, and when I came out I met this man Riley and he asked me to carry some clothes for him; he stated that he got



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put out of the place where he lived. I asked him where the goods were? He said they were around Laight St. He took me up on the roof and said, "Here they are." I said, I want the suit of clothes first or I won't carry them. I left my clothes on the roof and was going to take them around. He said, "Wait." So I sat down and was kind of sleepy and fell asleep. The officer or somebody fired a shot and I woke up. So then they arrested us. That is all I know about the case. Charles Kiley is the name of the boy who told me to go there; he said he lived in Sullivan St. arch. I did not pry open that door. I did not have any "jimmies" with me. I did not have that mask. I did not have anything to do with breaking open that place. Cross examined. I went down to the hallway of the place where Kiley said he got put out and I put on the clothes and left mine there. I have <sup>known</sup> Kiley to be around the ward; he is no tailor. I don't know what his business is. I did not think it strange that he should have so many coats on the roof. My suit of clothes was nearly as good as the one I got. If I thought Kiley had stolen the clothes I would not have gone on the roof. I have never been in the House of Refuge or penitentiary. The jury rendered a verdict of guilty of burglary in the third degree. He was sent to the State prison for five years.



0278

testimony in the case of  
George Bush  
filed Oct. 2/90.

0279

POLICE COURT—DISTRICT.

City and County }  
of New York, } ss:

*John Roman*  
of No. *406 Canal* Street, being duly sworn,  
deposes and says, that the premises No. *aforesaid*  
Street *Fifth* Ward, in the City and County aforesaid, the said being a *Store*

*tailors*  
and which was occupied by deponent as a *store for the making*  
*of Men and boys' clothing* were **BURGLARIOUSLY**  
entered by means *of forcing open the scuttle*  
*leading from the roof into said*  
*premises*

on the *Night* of the *24<sup>th</sup>* day of *Sept* 188*8*  
and the following property feloniously taken, stolen, and carried away, viz:

*Seven coats two pairs of pantaloons*  
*and one vest in all of*  
*the value of One hundred and*  
*fifty dollars*

the property of *Several owners* in deponent's charge as a *tailor*  
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 *Charles Levy and George*

*Bucke both now present*

for the reasons following, to wit:

*That at about 9 o'clock*  
*on the aforesaid night deponent*  
*examined said scuttle and found*  
*it fastened and secured. That*  
*on the morning following deponent*  
*found that said scuttle had been*  
*forced open and was informed by*  
*Officer M. Gowan that he caught the prisoners*  
*on the roof of said premises with the aforesaid*  
*property in their possession and deponent believes the*  
*same to be true*

*John Roman to be sworn in the City*  
*and County of New York*  
*and sworn to be a Justice of the Peace*

0280

City and County,  
of New York

Daniel Mc Gowan of the 3<sup>d</sup> Precinct  
Police being sworn says that at  
about 3.30 O'clock A.M. on the  
aforesaid night deponent saw  
the prisoners on the roof of said  
premises and procuring a ladder  
he reached the roof and there  
found the prisoners with the property  
within described in their possession  
that deponent found the scuttle  
leading from the roof to the interior  
of said premises forced open and  
found in the store the iron  
implements here shown and which  
are commonly known as a jimmy  
and cold chisel which deponent  
believes and charges were used  
by the prisoners in forcing open  
and apart the scuttle leading  
from the roof into said store  
Daniel Mc Gowan

Sworn to before me this  
25 day of Sept 1880  
Wm Munn, Police Justice

0281

Police Court—First District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*George Bucke* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live?

Answer.

Question. What is your occupation?

Answer.

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

Answer.

*I may named Phil Riley asked me if I would go on the roof and take the clothing I would find there to Sullivan Street and leave them in an alley way called the Arch promising to give me in return a suit of clothes I did not break into the store though the key the clothes were on the roof when I went there George Buck*

Taken before me, this

25 day of

Sept

1897

POLICE JUSTICE.

0282

Police Court—First District.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Lazarius Levy* being duly examined before the undersigned,  
according to law, on the annexed charge, and being informed that he was at liberty  
to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live?

Answer.

Question. What is your occupation?

Answer.

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

Answer.

Taken before me this

day of

1880

Police Justice.



0283

300 12

POLICE COURT— DISTRICT

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Mr. Cronan  
1406 Canal St.  
Cazmus Levy  
George Burke

OFFENCE:  
BURGLARY AND LARCENY.

Dated: 20th Dec 18

Murray Magistrate.

Daniel McGowan Officer.

Clerk: Callan Officer

Officer Herbert  
1406 Canal St.

John Cronan  
1406 Canal St.

Committed in default of \$1000 Bail. 20th Dec

Bailed by

No. Street.

Corn

0284

CITY AND COUNTY } ss.  
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present:

That *George Buck and Lazarus Levy*  
*each*

late of the *Fifth* Ward of the City of New York, in the County of New York,  
aforesaid, on the *Twentyfourth* day of *September* in the year of our Lord one  
thousand eight hundred and eighty *Five* with force and arms, at the Ward,  
City and County aforesaid, the *Store* of *John Cronin*

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

*John Cronin* then and there being, then and there  
feloniously and burglariously to steal, take and carry away, and

*Seven coats of the value of thirteen*  
*dollars each*

*Two pair of pantaloons of the value*  
*of ten dollars each pair*  
*one Vest of the value of ten*  
*dollars*

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

*John Cronin*  
*Store* then and there being, then and  
so kept as aforesaid in the said *Store* 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.

0285

And the Jurors aforesaid, upon their oath aforesaid, do further present

THAT the said

*George Buck and Lazarus Leary*

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

*Seven coats of the value of  
thirteen dollars each*

*Two pair of pantaloons of the  
value of ten dollars each pair  
one vest of the value of ten  
dollars*

of the goods, chattels and personal property of

*John Brown*  
by a certain person or persons to the Jurors aforesaid unknown, then lately before  
feloniously stolen of the said

*John Brown*  
unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have  
(the said

*George Buck and Lazarus Leary*

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

**BENJ. K. PHELPS, District Attorney.**

0286

BOX:

21

FOLDER:

264

DESCRIPTION:

Burgwald, John

DATE:

10/20/80



264

160  
Simon  
Filed 20 day of Oct 1880  
Pleads Not Guilty (es)

THE PEOPLE

vs.

<sup>P</sup>  
John Burgward

Felony Assault and Battery.

BENJ. K. PHELPS,  
District Attorney.

A True Bill.

Chas H. Karnell

Foreman.

Oct. 22 1880

Wm. J. Agard



0288

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

Form

POLICE COURT—FIRST DISTRICT.

*Joseph Benninger*  
of No. *187 North* Street, being duly sworn, deposes and says,  
that on the *10<sup>th</sup>* day of *October* 18*80*

at the City of New York, in the County of New York, he was violently and feloniously assaulted and  
beaten by

*John Burgward* now present.

*That said Burgward did  
wilfully and maliciously cut  
and stab deponent in the  
left side with and by  
means of some sharp  
dangerous weapon which at  
the time said Burgward  
held in his hand*

Deponent believes that said injury, as above set forth, was inflicted by said

*John Burgward*  
and *him*  
with the felonious intent to take the life of deponent, or to do him 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 dealt with accord-  
ing to law.

*Joseph Benninger*

Sworn to, before me, this

day of

*October* 18*80*

Police Justice

0289

Police Court—First District.

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

*John Burgward* being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live?

Answer.

Question. What is your occupation?

Answer.

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

Answer.

*I am not guilty—  
John Burgward*

Taken before me this 14<sup>th</sup> day of Dec<sup>r</sup> 1897  
*William Patterson*  
POLICE JUSTICE

0290

COUNSEL FOR COMPLAINANT.

Name, \_\_\_\_\_  
Address, \_\_\_\_\_

COUNSEL FOR DEFENDANT.

Name, \_\_\_\_\_  
Address, \_\_\_\_\_

Police Court—First District.

AFFIDAVIT—Felonious Assault & Battery

THE PEOPLE &c.,  
ON THE COMPLAINT OF

*John M. Cunningham*  
*vs. 181 West 1st St.*  
*John D. Woodward*

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

Dated, *October 11, 1880*

Magistrate.

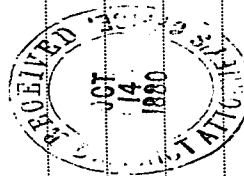
*Cottrell*  
*Woodward*

Officer.

Clerk.

*14*

Witnesses,



*WMA.* to answer

at General Sessions.

Received at Dist. Atty's Office,

BAILED:

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

Residence, \_\_\_\_\_

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

Residence, \_\_\_\_\_

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

Residence, \_\_\_\_\_

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

Residence, \_\_\_\_\_

No. 5, by \_\_\_\_\_

Residence, \_\_\_\_\_

No. 6, by \_\_\_\_\_

Residence, \_\_\_\_\_

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That

late of the City of New York, in the County of New York, aforesaid, on the  
day of *October* *1884*  
one thousand eight hundred and *eighty*  
County aforesaid, in and upon the body of *Joseph Pennington*  
in the peace of the said people then and there being, feloniously did make an assault  
and *he* the said *Joseph Pennington*  
with a certain instrument and weapon, a description of which is to the jurors aforesaid  
said unknown and cannot now be given, which the said  
*John Burgwald*  
in *he* right hand then and there held, the same being a deadly and  
dangerous weapon, willfully and feloniously did beat, strike, stab, cut, and wound  
with intent *he* the said *Joseph Pennington*  
then and there, feloniously and willfully 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 Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County  
aforesaid, the said *John Burgwald*  
with force and arms, in and upon the body of the said *Joseph Pennington*  
then and there being, willfully and feloniously did make an  
assault and *he* the said *Joseph Pennington*  
with a certain instrument and weapon, a description of which is to the jurors aforesaid  
said unknown and cannot now be given, which the said  
*John Burgwald* in *he* right hand, then and there  
had and held, the same being then and there a sharp, dangerous weapon, willfully  
and feloniously, and without justifiable and excusable cause, did then and there beat,  
strike, stab, cut, and wound, with intent to then and there willfully and feloniously  
do bodily harm unto *he* the said *Joseph Pennington*  
against the form of the Statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid,  
the said *John Burgwald*  
with force and arms, in and upon the body of *Joseph Pennington*  
in the peace of the said people then and there being, feloniously, did make another  
assault and *he* the said *Joseph Pennington*  
with a certain instrument and weapon, a description of which is to the jurors aforesaid  
said unknown and cannot now be given, which the said  
*John Burgwald* in *he* right  
hand then and there had and held, willfully and feloniously did beat, strike, stab, cut,

CITY AND COUNTY } ss.  
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That

*John Burgwald*  
late of the City of New York, in the County of New York, aforesaid, on the  
*tent* day of *October* in the year of our Lord  
one thousand eight hundred and *eighty* with force and arms, at the City and  
County aforesaid, in and upon the body of *Joseph Penninger*  
in the peace of the said people then and there being, feloniously did make an assault  
and *him* the said *Joseph Penninger*  
with a certain instrument and weapon, a description of which is to the jurors afore-  
said unknown and cannot now be given, which the said  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously did beat, strike, stab, cut, and wound  
with intent *him* the said *Joseph Penninger*  
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 Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County  
aforesaid, the said

*John Burgwald*  
with force and arms, in and upon the body of the said *Joseph Penninger*  
then and there being, wilfully and feloniously did make an  
assault and *him* the said *Joseph Penninger*  
with a certain instrument and weapon, a description of which is to the jurors afore  
said unknown and cannot now be given, which the said

*John Burgwald* in *his* right hand, then and there  
had and held, the same being then and there a sharp, dangerous weapon, wilfully  
and feloniously, and without justifiable and excusable cause, did then and there beat,  
strike, stab, cut, and wound, with intent to then and there wilfully and feloniously  
do bodily harm unto *him* the said *Joseph Penninger*  
against the form of the Statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County afore-  
said, the said

*John Burgwald*  
with force and arms, in and upon the body of *Joseph Penninger*  
in the peace of the said people then and there being, feloniously, did make another  
assault and *him* the said *Joseph Penninger*  
with a certain instrument and weapon, a description  
of which is to the jurors aforesaid unknown and cannot now be given, which the said  
*John Burgwald* in *his* right  
hand then and there had and held, wilfully and feloniously did beat, strike, stab, cut,



0293

and wound, the same being such means and force as was likely to produce the death of *him* the said *Joseph Penninger* with intent *kill* the said *Joseph Penninger* 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

*John Burgwald* with force and arms, in and upon the body of the said *Joseph Penninger* then and there being, wilfully and feloniously, did make another assault and *kill* the said *Joseph Penninger* with a certain instrument and weapon, a description of which is to the jurors unknown and cannot now be given, which the said

*John Burgwald* in *his* right hand then and there had and held, the same being then and there a deadly weapon, wilfully and feloniously did then and there beat, strike, stab, cut and wound, with intent to then and there wilfully and feloniously maim *kill* the said *Joseph Penninger* 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.

BENJ. K. PHELPS, District Attorney.

A True Bill.  
*John W. Harrell*  
Foreman  
*Dea. 22 1882*  
*Frederick*  
*Justin Shepard*

BENJ. K. PHELPS,  
District Attorney.

*John Burgwald*  
THE PEOPLE  
vs.  
Felonious Assault and Battery.  
Filed 10 day of *Oct* 1882  
Pleas *Not Guilty*

0294

BOX:

21

FOLDER:

264

DESCRIPTION:

Burke, Fannie

DATE:

10/27/80



264

0295

*Specimen*

*212*

Filed 27 day of Oct 1850

Pleads

*McQuinn*

THE PEOPLE

vs.

*Assault and Battery.*

*at the Court*

*Jamie Burke*

B. K. PHELPS,

*Oct. 27. 1850* District Attorney.

*Spied & convicted.*

A True Bill.

*Chas H. Russell*

Foreman.

*[Signature]*

*[Signature]*

*John J. Mayo*

427-7

The People  
 Fannie Burke  
 - Indictment for assault and battery.

Court of General Sessions. Before Recorder Smythe. October 27. 1880.  
 Eliza Breslin, sworn and examined. I live 245 west Twenty seventh st. I know the prisoner two weeks. I saw her on the 18th of October in my daughter's room where she hit me. I guess it was after four o'clock. The prisoner was taking off her things. My daughter was putting the baby asleep and I asked her simply how her husband was? She said she did not want any insinuations from me whatever; she got enough of me and she would take no more. I said, "Fannie I don't want you to talk like that; she said a terrible word, called me out of my name; she called me a red headed damned bitch. Then I said, I won't stand this. She said, "If you say another word, I will smash you over the head. She gave a kind of a bound. I thought she was going to strike me I could have got out of the door. I said I won't allow it in my daughter's room. She then repeated it again and said if I would open my mouth she would smash me over the head; she smashed the vase, a glass vase, on the top of my head the blood began to pour out of my head. I screamed and my daughter laid down the baby to call the policeman out of the window; she said,

"Don't Kill my mother." The prisoner got the vase on the mantel piece, she hit me on the top of the head; the wounds are to be seen yet, very sore. I was cut in three places; it bled terribly in the station house where I was brought by the officer. I fell down; the doctor dressed my wound. How did you get that black eye? The prisoner hit me when I was bleeding, I was unconscious. I was standing when I got the black eye; after I got hit with the vase on the head. The landlady came up and then the neighbors came in; they put me in a chair. I did not strike her or do anything to her.

Cross Examined. I did nothing to this girl; I can drink but I am not in the habit of doing so. I had not been drinking anything on the morning of the occurrence, not a drop. I did not have a row with my daughter; she is peaceable and quiet. I did not have a difficulty with my daughter a week previous. I did not get that black eye from my daughter. Lizzie Madden, sworn and examined. I live 245 West 27<sup>th</sup> St. I am the daughter of the last witness. I saw the quarrel between the prisoner and my mother. The prisoner said she had been up to the Island to see her husband; she used abusive language when she came and my mother told her she ought



to be ashamed to use such language in a lady's presence. The prisoner said, "you red headed bitch, if you dont shut up I will make you." She struck my mother with a glass vase in the head. I was putting my baby asleep. The vase was on the mantel piece; she smashed it on top of my mother's head; it caused three wounds on the top of her head; it stunned her for a moment; she fell to the floor; it bled terribly. I picked her up and put her in a rocking chair. I did not have a row with my mother a week before. I never struck her. I had been with my mother all the day. I did not see her drink anything; we had not the money to get anything to drink, and if we had, we had something else to do with it. My mother got that black eye by the prisoner striking her in the face with her hands while she was bleeding; she hit her in the face after she was knocked down. I asked the prisoner for God's sake to help me; she said, "no, let her die, I meant to kill her. Cross Examined. I am a married man; my husband is dead since the 13<sup>th</sup> of June. I am living with my mother; the prisoner said her husband got into some trouble. I paid for the rooms, she had the furniture. I paid the rent. I have got the receipts to show from the landlady; we have two rooms on the

0299

top floor, she fired a washbowl and pitcher with intent to strike me or my mother, it struck on the hearth; my mother was perfectly sober; the prisoner wanted me to go out for liquor but I would not go. Abraham Minnerly sworn and examined. I am a police officer and arrested the prisoner at 245 West Twenty seventh st. I was called in; there was a general fight; when I went in I found the prisoner and those two women in this room; the old lady was bleeding; she said she had been struck and she accused her daughter of striking her with a glass vase and accused the prisoner of striking her with a washbowl. I took her to the station house to have her wound dressed; she accused the daughter there of giving her a black eye a week previous to this date. I should say that they had all been drinking. Jammie Burke testified in her own behalf that when she returned she found mother and daughter intoxicated and fighting and she tried to separate them. They wanted her to get a bottle of liquor and she would not; the daughter had given her mother a black eye the week previous; the daughter fired the washbowl at me, I dodged it and pieces of it struck the mother and the flood came down her face. I did not strike her in the head with a vase. The jury rendered a verdict of guilty of assault and battery. She was sent to the penitentiary for three months.

0300

Testimony in the Case  
of Fannie Burke  
filed Oct. 27.

0301

Form 11.

## Police Court--Second District.

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

*Eliza Breslin*  
 of No. *345 West 37th* Street  
 being duly sworn, deposes and says,  
 that on the *18* day of *October*  
 in the year 188*4*, at the City of New York, in the County of New York,

*She* was violently ASSAULTED and BEATEN by *Fannie Burke*

*(Brow here) who wilfully struck*  
*and cut deponent's head with a*  
*Glass Vase at the time held*  
*in the hand of defendant. Said*  
*Fannie also struck deponent a vio-*  
*lent blow on the left eye with her fist*

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, &c., and be dealt with according to law.

*Eliza Breslin*

*Sworn to before me this*

*Police Justice*



0302

Form 11.

Police Court--Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Eliza Breslin*  
245 W 27th St  
vs.

*Fannie Burke*

AFFIDAVIT A. & B.

Dated *October 20* 1880

*South*

JUSTICE.

*Minerly*

OFFICER.

*Corr 20*

WITNESS:

*Bizzie Madden*  
245 W 27th St

*500 1/2 Ave G.S.*





0303

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

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
*in and for the body of the City and County of New York,*  
*upon their Oath, present:*

That

*Lannie Burke*

late of the First Ward of the City of New York, in the County of New York, aforesaid  
on the *eighteenth* day of *October* in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County  
aforesaid, in and upon the body of *Eliza Breslin*  
in the peace of the said people then and there being, with force and arms unlawfully  
did make an assault and *her* the said *Eliza Breslin*  
did then and there unlawfully beat, wound, and ill-treat, to the great damage of the  
said *Eliza Breslin* and against the peace of the  
People of the State of New York and their dignity.

BENJ. K. PHELPS, District Attorney.

0304

BOX:

21

FOLDER:

264

DESCRIPTION:

Burke, Martin

DATE:

10/26/80



264

0305

~~Sub. Bill~~  
Indicate d. Amos

Day of Trial,

Counsel,

Filed <sup>26</sup> day of <sup>Oct.</sup>

1887.

Pleads

*Wm. Dwyer (Oct 24)*

THE PEOPLE

vs.

*B*

*Martin Burke*

*James J. Doyle*

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*Chas. W. Ramm*

Foreman.

*Witnesses discharged from  
H of A - by order of the Court  
ad. brief D.P. 204*

*Ralph W. H. H. H.*

*St. Clair*

*Pail*

*Henry L. L.*

*R. L. L.*

*Person*

*See 2/7/87*

*Simon D. D.*

*W. O. L.*

0306

Police Department of the City of New York  
Precinct No. House of Detention  
New York, Dec. 8<sup>th</sup> 1880

To

Messrs Blank & Co. Dear Sirs

Can you forward the case of  
Arthur Giesmer committed Oct. 15<sup>th</sup>  
by Gen. Sessions. He has no change  
of clothing & is getting very filthy  
& we would be glad to get rid of  
him

Yours most respectfully

Charles H. Combes Jr  
Supt



0307

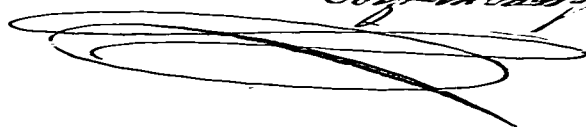
Police Department of the City of New York

~~Prison~~ No House of Detention

New York, Nov 24th 1880

Arthur Geismer Committed Oct.  
15th discharged Nov 24th 1880

Charles W. Combs Sen.  
Sgt in Charge





0308

**PART I.**

This Court Room is in your second story, and returning your Panel  
 if this Subpoena is challenged, an attachment will immediately issue.  
 By filing this Subpoena with you, and give it to the Officer at the Court Room  
 door, that your attendance may be known.

(DO NOT WRITE WITH YOUR OTHER DIRECTIONS)

**SUBPOENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To

*Off Lyon*

of the

Street,

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper  
 person, before the Court of General Sessions of the Peace, to be holden in and for the City and  
 County of New York at the Sessions Building, in the Park of the said City, on the  
 day of *December* *9th* instant, at the hour of eleven in the forenoon of the same  
 day, to testify the truth and give evidence in our behalf, against

*Mary Smith et al*

in a case of Felony, whereof *he* stands indicted. And this you are not to omit, under the penalty  
 of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall, in our  
 said City, the First Monday of *Decr*

, in the year of our Lord 188*9*

BENJAMIN K. PHELPS, District Attorney.

*Central*

0309

People  
 and  
 Arthur Burke &  
 another whose name is  
unknown.

City and County of New York. Arthur  
 Guinner 139 Delancey Street in this  
 City being duly sworn deposes and  
 says that on the 11<sup>th</sup> day of September  
 1880, <sup>at the City</sup> Martin Burke of 150 Cherry St  
 in this City and another man whose  
 name is unknown to deponent  
 came to deponent and asked deponent  
 to leave the State so as not to be  
 involved against said man who  
 had been indicted for an assault  
 and battery upon deponent, on the  
 trial of said indictment. That said  
 Burke and said Young man accom-  
 panied me ~~the~~ same day over to  
 Jersey City and saw me on the  
 car and Burke gave me  
~~the~~ a ticket for Philadelphia  
 which he bought for \$2.50 and  
 gave me \$7.50 in money. He  
 afterwards gave me an <sup>express</sup> return  
 from Philadelphia which he <sup>paid</sup> ~~cost~~  
 about Oct 2<sup>nd</sup> instant about \$3.00

0310

From the notes of Arthur Geismar  
15<sup>th</sup> day of October  
1880  
William & Leary  
Notary Public  
N.Y. Co.

126  
To Grand Jury

People  
of N.Y.

Martin Burke

Conspiracy to  
commit murder

Verdict  
Arthur Geismar

Heard of 10<sup>th</sup> Dec. 1880

Wm. & Leary  
N.Y. Co.

0311

City and County  
of New York ss

The jurors of the people of the  
State of New York in and for the body  
of the City and County of New York  
upon their oath present

That on the eleventh day of  
September in the year of our Lord one  
thousand eight hundred and eighty  
and therefore and at and during  
all the time herein after set forth, there  
was an indictment lawfully pending  
in the Court of General Sessions of the  
Peace, held in and for the City and  
County of New York, which had then  
and there and theretofore been duly  
and regularly found and presented  
by the Grand Jury and grand jurors  
of the State of New York in and for  
the body of the City and County of  
New York against one Edward Smith  
for an Assault and Battery by him  
the said Edward Smith upon one Arthur  
Leisner at the City and County of New  
York on the eighth day of August in  
the year of our Lord one thousand  
eight hundred and eighty as by reference  
to the said indictment now on file



in the said Court of General Sessions of the Peace and in the Office of the Clerk thereof, more fully and at large appears, and upon which said indictment he the said Edward Smith was then and there about to be tried in said Court of General Sessions of the Peace and upon which trial the said Arthur Leioner was and would be a material <sup>and necessary</sup> witness against him the said Edward Smith on the part of the people of the State of New York and for the prosecution of said indictment against him the said Edward Smith -

And the jurors aforesaid upon their oaths aforesaid do further present

That Martin Burke and divers other persons whose names are to the jurors aforesaid unknown and cannot now be given, well knowing of the pendency of such indictment as aforesaid, and that he the said Arthur Leioner was such material and necessary witness as aforesaid did on the said eleventh day of September in the year of our Lord one thousand eight hundred and eighty and theretofore at the said



City of New York in the County of New York aforesaid unlawfully, wickedly and intentionally amongst themselves conspire, combine, confederate and agree together to prevent the said Arthur Becker such material and necessary witness as aforesaid from testifying and giving evidence and being a witness on the trial of such indictment and to procure him the said Arthur Becker to leave and absent himself from this State of New York and from the jurisdiction of said Court of General Sessions of the Peace so, as that he the said Arthur Becker should and would not be a witness against him the said Edward Smith on the trial of said indictment, but should and would be beyond the reach and jurisdiction of the said Court of General Sessions of the Peace and the process and Subpoena thereof.

And the jurors aforesaid upon their oaths aforesaid do further present That they the said Martin Burke

and said advise other persons whose names are to the jurors aforesaid unknown, in pursuance of and according to the said conspiracy, confederacy, combination and agreement amongst themselves as aforesaid, did unlawfully, wilfully and intentionally on the said eleventh day of September in the year of our Lord one thousand eight hundred and eighty at the said City of New York in the County of New York aforesaid among other things ask, solicit and importune the said Arthur Keiser to not become and appear as a witness against the said Edward Smith on the trial of said indictment and ask, solicit and importune him the said Adam Keiser to leave and absent himself from the State of New York to avoid being used called or subpoenaed as a witness on the trial of such indictment, and did then and there offer and tender to pay the said Adam Keiser to leave and absent himself from the State so as to avoid being used called or

0315

subpoened as a witness on the trial of such indictment, a certain sum of money (a more particular description of which is to the jurors aforesaid unknown and cannot now be given) and did then and there induce the said Arthur Keisner to leave, and did then and there aid assist and accompany him the said Arthur Keisner in leaving the State of New-York and going to the State of New Jersey, whether he the said Arthur Keisner then and there went, and where they the said Martin Burke and such other persons whose names are unknown as aforesaid, to the jurors aforesaid did furnish and deliver to the said Arthur Keisner a certain Rail Road Ticket entitling and purporting to entitle him the said Arthur Keisner to a passage from Jersey City in the State of New Jersey to Philadelphia in the State of Pennsylvania on a certain Rail Road (a more particular description of which ticket and of which Rail Road is to the jurors aforesaid

03 16

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

Benj. K. Phelps  
District Attorney

0317

BOX:

21

FOLDER:

264

DESCRIPTION:

Burks, Joseph

DATE:

10/08/80



264



0318

56<sup>th</sup> E. Brie  
Counsel,  
Filed 8 day of Oct 1880  
Pleads not guilty

Grand Larceny of Money, &c.  
INDICTMENT  
THE PEOPLE  
vs.  
Joseph Burks

BENJ. K. PHELPS,  
District Attorney.

A True Bill.

Chas. H. Harwell

Foreman.

I don't think this  
a case of larceny -

V. G. D. D.  
Not guilty  
Advised on 100 of 100  
to

OR HER FOR  
GIVE THE CORNER

THE RECORDS OF THE COURT OF THE DISTRICT OF COLUMBIA  
AND THE RECORDS OF THE DISTRICT OF COLUMBIA

03 19

Sold to Mrs. A. F. Johnson, Boston  
Horse for the sum of One Hundred  
Twenty Five Dollars in full said horse  
is warranted to be sound and kind if not so  
returned within one week of sale  
and money refunded  
\$125.00/00

a stable containing several horses. de-  
-ponent there saw a man, who told  
deponent that he was the uncle of  
one Leavitt, who had said horses  
for sale. deponent selected a horse  
and said man (whom deponent here  
calls John Doe for the purposes of  
this prosecution.) told deponent that said  
horse was sound and kind and agreed  
to sell deponent said horse of One Hundred  
and Twenty Five Dollars. deponent relying  
upon said representations and believing  
them to be true, paid said Doe, Twenty  
Five Dollars, to bind the bargain, and  
subsequently was told by said Doe that  
he deponent could have said horse  
for one week on trial and if he did  
not suit the money would be refunded  
to deponent. - not having all of said  
amount asked deponent went home  
and sent his clerk William Olcott  
with One Hundred Dollars balance due  
for said horse. That shortly thereafter said  
Olcott returned with said horse and  
told deponent that he paid to a man  
representing himself as one Leavitt

0320

## POLICE COURT—SECOND DISTRICT.

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

Harmon Diechers  
 of No. 243 Seventh Avenue Street, being duly sworn, deposes  
 and says, that on the 31<sup>st</sup> day of July 1880  
 at the City of New York, in the County of New York, in consequence of an  
 advertisement in the "New York Staats-  
 Zeitung" deponent went to No. 376 Bowerly  
 to purchase a horse. deponent found  
 a stable containing several horses. de-  
 ponent there saw a man, who told  
 deponent that he was the uncle of  
 one Leavigan, who had said horses  
 for sale. deponent selected a horse  
 and said man (whom deponent here  
 calls John Doe for the purposes of  
 this prosecution) told deponent that said  
 horse was sound and kind and agreed  
 to sell deponent said horse of One Hundred  
 and Twenty-five Dollars. deponent relying  
 upon said representations and believing  
 them to be true, paid said Doe, Twenty-  
 five Dollars, to bind the bargain, and  
 subsequently was told by said Doe that  
 he deponent could have said horse  
 for one week on trial and if he did  
 not suit the money would be refunded  
 to deponent. — not having all of said  
 amount asked deponent went home  
 and sent his clerk William Ollars  
 with One Hundred Dollars balance due  
 for said horse. That shortly thereafter said  
 Ollars returned with said horse and  
 told deponent that he paid to a man  
 representing himself as one Leavigan

0321

the owner of said horse said One Hundred Dollars. and said Barrigan. gave to - said Ollars the paper attached hereto. marked "A" - which Ollars. saw said Barrigan sign - as he informs deponent -

That next day deponent discovered that said horse was. unsound that deponent's ~~with his~~ clerk Ollars then took said horse to said 376 Bowery - where Ollars. left the horse and demanded said money from Barrigan. who refused to refund it as Ollars informs deponent. deponent subsequently saw Barrigan who. offered. deponent. Fifty Dollars. which deponent. refused to take.

Wherefore deponent charges that said John Doe and said Barrigan by <sup>the</sup> false. pretences and representations aforesaid. - induced deponent to part with One Hundred and Twenty Five Dollars his property with the felonious intent to cheat and defraud deponent in manner and form aforesaid. and prays that they may be apprehended and dealt with according to Law.

- Herman Kieders

Police Court - Second District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Offence.

Dated, 188

Justice.

Officer.

Witnesses,

Committed in default of \$

Bailed by

No. Street.



0322

## POLICE COURT—SECOND DISTRICT.

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

of \_\_\_\_\_ Street, being duly sworn, deposes  
and says, that on the \_\_\_\_\_ day of \_\_\_\_\_ 1881  
at the City of New York, in the County of New York,

Herman Richers, the Complainant,  
being duly sworn and further ex-  
aminid deposes and says - that  
the defendant, Joseph Banks,  
now here, is the person named  
in the foregoing Complaint of  
defendant as John Doe.  
That defendant further says that  
the same said defendant by the  
said defendant and represented  
by said defendant as being "sound"  
was mind broken and worthless,  
and unable to perform any work  
whatever.

Given to before me this { Herman Richers  
13<sup>th</sup> day of September 1880

J. M. Patterson } Police Justice



0323

(13) 2/56

Police Court - Second District

THE PEOPLE, &c.

ON THE COMPLAINT OF

William Richeson  
243 1/2 Ave

John A. Banks  
Barrington and

Barrington

Dated August 9<sup>th</sup> 1880

Murray Justice

Murray officer

Witnesses

William A. Brown  
247 Seventh St  
1880



Committed in default of \$ 500 surety

Bailed by  
No. Street.

John A. Banks for Doc.

Appl. 24/80 at 10 a.m.

" 24/80 " 3 p.m.

Adopted by Consent of  
Sept. 25/80 3 P.M.  
Further Order of Court  
at Sept. 24/80

Wm. A. Brown  
for Doc. 21/80  
3 P.M.

0324

CITY AND COUNTY }  
OF NEW YORK, } ss.THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York, upon  
their Oath, present :

That

*Joseph Burns*

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

of the goods, chattels, and personal property of one

*Harman Reiches*

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

BENJ. K. PHELPS, District Attorney.

0325

56<sup>th</sup> E. Brie

Counsel,

Filed 8 day of Oct 1880

Pleas not guilty

Grand Larceny of Money, &c.

INDICTMENT.

THE PEOPLE

vs. 7

Joseph Burns

BENJ. K. PHELPS,

District Attorney.

A True Bill.

Chas. H. Harrell

Foreman.

I don't think this  
a case of larceny -

Del 29.400  
advised on 100 of 11.400  
to

0326

BOX:

21

FOLDER:

264

DESCRIPTION:

Byrne, Charles

DATE:

10/02/80



264



0327

BOX:

21

FOLDER:

264

DESCRIPTION:

Port, Louis

DATE:

10/02/80



264



0328

BOX:

21

FOLDER:

264

DESCRIPTION:

Hart, Joseph

DATE:

10/02/80



264

City and County } ss.  
of New York

The jurors of  
the people of the State of New York  
in and for the body of the City and  
County of New York upon their  
oath present:

That Charles A. Byrne, Louis F. Post  
and Joseph Hart each  
late of the first ward of the City  
of New York in the County of New  
York aforesaid on the eighteenth  
day of September in the year of  
our Lord one thousand eight hundred  
and eighty at the City and County  
of New York <sup>in a certain newspaper called "The Evening</sup> ~~aforesaid~~ <sup>and caused it to be printed and published</sup> unlawfully  
did print and publish an account  
of <sup>a certain</sup> ~~an~~ illegal lottery called the  
Louisiana State Lottery  
then and there existing and carried  
on ~~in the State of Louisiana~~  
stating <sup>on the said account</sup> when and where the same  
was to be drawn <sup>and where</sup> the prizes therein  
and <sup>stating the price of a ticket thereon</sup> where tickets might  
be obtained, and the said account  
of said illegal lottery was so  
printed and published by the  
said Charles A. Byrne Louis

what word?

date

said to be



0331

**L.S.L.**

**THE LOUISIANA STATE LOTTERY**

is the Only Legalized Lottery in this Country.  
It was voted on by the people of Louisiana and became a  
part of the Constitution of that State, and has been  
approved by the Government of the United States.  
Regular Monthly Drawing of

**Grand Single Number Drawings,**  
WHOLE TICKETS, \$2; HALVES, \$1.  
IT NEVER SCALES OR POSTPONES.

THE NEXT DRAWING, CLASS "K,"  
WILL TAKE PLACE

**Tuesday, October 12**

**LIST OF PRIZES.**

1 Capital Prize of	\$30,000
1 Capital Prize of	10,000
2 Prizes of \$2,000	5,000
2 Prizes of \$1,000	5,000
100 Prizes of \$500	50,000
100 Prizes of \$200	20,000
100 Prizes of \$100	10,000
100 Prizes of \$50	5,000
100 Prizes of \$25	2,500
100 Prizes of \$10	1,000

**APPROXIMATION PRIZES**

3 Approximation Prizes of \$300	2,100
3 Approximation Prizes of \$200	1,800
3 Approximation Prizes of \$100	900
1,527 Prizes, amounting to	\$110,400

**EXTRAORDINARY DRAWINGS**

under the personal supervision of  
**Generals G. T. BEAUREGARD,**  
and **JUBAL A. EARLY.**  
All information at  
**M. A. DAUPHIN,**  
New Orleans, La.  
Or, SAME PERSON, at  
**No. 319 Broadway, New York.**



0332

And the person or persons <sup>named</sup> ~~that~~ the said <sup>names</sup> ~~in and by the said account~~ <sup>namings</sup> ~~to print and published as above~~ <sup>them</sup> ~~regarding the said account~~ <sup>in and by the said account</sup> ~~as the said account~~ <sup>to print and published as above</sup> ~~did among other things~~ <sup>State and declare</sup> ~~printed and published as aforesaid, among~~ <sup>other things</sup> ~~that a lottery and drawing~~ <sup>of a certain legal lottery called</sup> ~~thereof of the said Louisiana State~~ <sup>Lottery, which should and should take place</sup> ~~Lottery, which should and should take place~~ <sup>on the twelfth day of October in the</sup> ~~on the twelfth day of October in the~~ <sup>year of our Lord one thousand and eight</sup> ~~year of our Lord one thousand and eight~~ <sup>hundred and eighty, and that eighteen hundred</sup> ~~hundred and eighty, and that eighteen hundred~~ <sup>and fifty seven prizes of the aggregate</sup> ~~and fifty seven prizes of the aggregate~~ <sup>amount and value of one hundred and</sup> ~~amount and value of one hundred and~~ <sup>ten thousand and four hundred</sup> ~~ten thousand and four hundred~~ <sup>dollars were to be and</sup> ~~dollars were to be and~~ <sup>would and should be drawn for,</sup> ~~would and should be drawn for,~~ <sup>and drawn and distributed at and</sup> ~~and drawn and distributed at and~~ <sup>by such lottery and drawing</sup> ~~by such lottery and drawing~~ <sup>thereof, so to take place and be</sup> ~~thereof, so to take place and be~~ <sup>drawn as aforesaid, to and among</sup> ~~drawn as aforesaid, to and among~~ <sup>the holders and owners of such tickets</sup> ~~the holders and owners of such tickets~~ <sup>of and in such lottery and drawing</sup> ~~of and in such lottery and drawing~~ <sup>thereof so to take place and be</sup> ~~thereof so to take place and be~~ <sup>drawn as aforesaid as should and</sup> ~~drawn as aforesaid as should and~~ <sup>would be drawn therein, and should</sup> ~~would be drawn therein, and should~~ <sup>and would draw and become en-</sup> ~~and would draw and become en-~~ <sup>titled to, and entitle their owners</sup> ~~entitled to, and entitle their owners~~ <sup>and holders to prizes at and in</sup> ~~and holders to prizes at and in~~ <sup>such lottery and drawing so to be</sup> ~~such lottery and drawing so to be~~ <sup>had as aforesaid, and that among</sup> ~~had as aforesaid, and that among~~ <sup>the prizes so to be drawn for and</sup> ~~the prizes so to be drawn for and~~ <sup>drawn and distributed as aforesaid</sup> ~~drawn and distributed as aforesaid~~

2 Months  
6th Ed  
p 923-



0333

are and shall and will be the following prizes of the amount and value ~~of~~ money following

viz

One prize of thirty thousand dollars  
One prize of ten thousand dollars  
One prize of five thousand dollars  
Two prizes of twenty five hundred dollars each  
five prizes of one thousand dollars each  
twenty prizes of five hundred dollars each  
One hundred prize of one hundred dollars each  
two hundred prizes of fifty dollars each  
five hundred prizes of twenty dollars each  
One thousand and prizes of ten dollars each  
and that tickets entitling the owners and holders thereof to an interest share and chance in the said lottery and drawing thereof so to take place as aforesaid and in the prizes to be so drawn for and drawn and distributed as aforesaid therein thereby and interest, ~~could~~ be had purchased and obtained from, and

0334

are and shall and will be the following prizes of the amount and value ~~in~~ money following

viz  
One prize of thirty thousand dollars  
One prize of ten thousand dollars  
One prize of five thousand dollars  
Two prizes of twenty five hundred dollars each  
five prizes of one thousand dollars each  
twenty prizes of five hundred dollars each  
One hundred prize of one hundred dollars each  
two hundred prizes of fifty dollars each  
five hundred prizes of twenty dollars each  
One thousand and prizes of ten dollars each  
and that tickets entitling the owners and holders thereof to an interest share and chance in the said lottery and drawing thereof so to take place as aforesaid and in the prizes to be so drawn for and drawn and distributed as aforesaid therein thereby and thereat, ~~could~~ be had purchased and obtained from, and information in regard thereto and to such lottery and drawing, obtained from M. A. Dauphin at the City of New Orleans in the State of Louisiana at Number

0335

three hundred and nineteen Broadway  
in the City and County of New York  
aforesaid.

Against the form of the Statute  
in such case made and provided  
and against the peace of the  
people of the State of New York  
and their dignity,

Ray. K. Phelps  
District Attorney