0141

BOX:
323
FOLDER:
3068
DESCRIPTION:
Bailey, John
DATE:
10/05/88

3068

Witnesses :

96

Counsel,

Filed 5th day of Oct 188 8

Pleads, Not guilty

THE PEOPLE

16
28 W 23. vs.
Robinson

John Barley P

Grand Larceny Second degree.
[Sections 528, 531, Penal Code].

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Lowell Lewis *Foreman.*

Part III Oct 8/88
Pleads - Petit Larceny
Pen: Eight mos.

0143

Police Court— 3 — District.

Affidavit—Larceny.

City and County of New York, } ss.

John Hicks

of No. 23 Street 128th Street, aged 26 years, occupation Janitor being duly sworn deposes and says, that on the 12 day of September 1888 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

One overcoat, a Pea Jacket, two vests and a Prince Albert coat collectively of the value of about "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 John Daily now present from the fact that he was employed by deponent and had access to where said property was kept that when deponent missed the property and accused the defendant he admitted that he had taken the clothes and given them to one Joe Robertson who he says told him that deponent had sent him for the clothes

Deponent believes and charges that the defendant took and stole the property with intent to deprive deponent of the same and appropriate the property to his own use

John D. Hicks

Sworn to before me, this day of 188

Police Justice.

Sec. 198—200.

5 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John Baily

Question. How old are you?

Answer. 16 Years

Question. Where were you born?

Answer. Virginia

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

Answer. 23 West 128th Street

Question. What is your business or profession?

Answer. Jobbing

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. A Man named Joe Robertson and another person came to me. Robertson said the Complainant had sent him for the clothes and the other Man said so too — I then gave the clothes to Robertson and they went away —

— John Bailey

Taken before me this 1st day of March 188 [illegible]

[illegible]

Police Justice.

0145

96

Police Court 3 1440 District.

THE PEOPLE, &c., ON THE COMPLAINT OF

John Daily
23 Mery 128
John Daily

1. 2. 3. 4.

Offence Larceny felony

Dated September 18 188

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

RECEIVED, POLICE OFFICE SEP 20 1888 DISTRICT

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

Dated Sept 18 188 8 *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.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Bailey

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

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

The said John Bailey

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

one overcoat of the value of twenty dollars, one coat, commonly called a pea jacket, of the value of five dollars, two vests of the value of three dollars each, and one other coat of the value of ten dollars

of the goods, chattels and personal property of one John D. Hicks

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

John R. Fellows,
District Attorney

0147

BOX:
323
FOLDER:
3068
DESCRIPTION:
Ball, Elmer J.
DATE:
10/05/88

3068

Witnesses;

Oct 19th I recommend that the defendant herein be discharged on his own recognizance as the only witness for the people will not appear positively then Ball will be near who took his property away

57

Counsel,

Filed 5th day of Oct 1888

Pleads, Not guilty

THE PEOPLE

vs.

B

Elmer J. Ball

Grand Larceny, First Degree (From the Person.) [Sections 528, 530, 531 Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Lowell Lincoln *Foreman.*

October 18 Part III October 18/88. Defendant discharged on his own recognizance.

POOR QUALITY ORIGINAL

8848

Police Court— 44 District. Affidavit—Larceny.

City and County of New York, } ss.

Daniel Morrison

of No. 540 W 42d Street, aged 20 years, occupation Laborer being duly sworn deposes and says, that on the 28 day of September 188 8 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property viz: and person

One silver Watch of the value of Twenty 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 Elmer Ball (now here) and another person whose name is unknown.

Deponent says that about the hour of 9 P.M on said date he was standing on the corner of 11th Avenue and 42d Street in said City when the said Ball take steal and carry away said Watch that was attached to a chain and contained in the pocket of the vest then and there worn by him.

That said Ball handed said Watch to said unknown person who

Deponent says he informed Officer Barnbrick of the fact and he arrested said defendant Daniel Morrison

Sworn to before me, this 29 day of 188 8

Police Justice.

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Elmer Ball 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. Elmer Ball

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. New York

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

Answer. 515 W 42d St 5 years

Question. What is your business or profession?

Answer. Book Keeper

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 and demand an Examination

Elmer T. Ball.

(See the defendants statement on the next page)

Taken before me this 24 *day of* Sept 188 8

Police Justice.

September 29th 1888

Elmer Ball, the defendant being duly sworn testified as follows in the presence of the complaining witness.

I reside at 575 West 47th St, with my mother, who is a widow, and I have lived there five years. I am a cashier and book-keeper for Harris and Company of 216 Broadway. I was formerly employed in the same capacity by Cabanaugh, Sanford & Company No. 16 West 23rd Street. Last night I was in the parlor of our house and I heard a procession going by and I put on my hat and coat and went out. I saw it was going down 11th Avenue. My brother was with me. There was a banner raising on the corner of 42nd Street & 11th Avenue and I stood there a few minutes before the speaking. I stood there all the time hearing the men speaking. On one corner was my brother. The cars were coming to and fro and ~~started~~ separated the crowd

and I was last from him and the speaker changed his position so as not to come in contact with the cars which were passing and I changed my position and the first thing I knew this man came up with the officer and said I took his watch. That was the first time I seen him. It was about five minutes before the officer came there that I changed my position. There was nobody with me but my brother and I have no companions that I go with in New York. I knew nothing about the man's watch being stolen until I was accused of it. I did not take it and have no knowledge of it. After I was arrested a young man came up, while I was on my way to the Station house, and said I was not the only one who was accused of taking it. He said several others were also accused of it, I asked him to come to the Station house and he followed me and got seperated from me about the middle of the block, between 10th & 11th avenues.. I never before this was accused by anybody or charged with anything

The above is a correct statement made by the defendant and taken by me stenographically.

James A. Lyon
Official Stenographer

0153

BAILED,

No. 1, by Julia Ball

Residence 515 W 42 Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Police Court— 1 District. 1528

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Daniel Morrison 340 West 42

Ellen Ball

2

3

4

Offence Larceny from the person

Dated Sept 29 188 8

Daniel O'Reilly Magistrate.

Geo B Bamhruck Officer.

22 Precinct.

Witnesses Geo B Bamhruck

222 Ground Street.

No. Street.

No. Street.

$ 1000.00 to answer G. S.

Bailed Grand Larceny

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

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

Dated Sept 29 188 8 Daniel O'Reilly *Police Justice.*

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

Dated 29 Sept 188 8 Daniel O'Reilly *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.*

0154

The Bogus
CCCC Report

0155

CAVANAGH, SANDFORD & CO.,
MERCHANT TAILORS,
16 WEST 23rd STREET,
OPPOSITE FIFTH AVE. HOTEL.

New York, Oct 2nd 1888

Having heard that Master Elmer Ball is accused of theft, we would state that the idea is ridiculous, as we are satisfied that he is incapable of stealing, from his long years of service with us, during which time we always found him honest & straightforward & repudiate any intention on his part of doing a wrong

Cavanagh Sandford & Co

HARRIS & CO.,
ENGLISH TAILORS
And Habit Makers,
No. 216 BROADWAY,
Park Bank Building.

NEW YORK, Oct 3rd 1888

Mr Elmer Pitt has been in our employ since the 24th ultimo. We engaged him with perfect confidence in his integrity for we believe that he was a Cashier & bookkeeper and gave the best character even to us from his late employer Thos Cornwall of Sandford & Co of 23rd St.

We still entertain the ~~highest~~ fullest belief in his honesty notwithstanding the charge brought against him of larceny. Which charge we

Respectfully
Yr obedt. & sincerely to the
last degree. and therefore ~~shall~~
shall continue to employ
him with the fullest confidence
in the position of Cashier
& Bookkeeper

Hall & Co

206 & 208 Broadway

CAVANAGH, SANDFORD & CO.,
MERCHANT TAILORS,
16 WEST 23rd STREET,
OPPOSITE FIFTH AVE. HOTEL.

New York, Oct 2" 1888

To whom it may concern

Master Elmer Ball has been in our employ for the past four years and we can attest to his honesty, sobriety and industry, and recommend him cheerfully

Cavanagh Sandford & Co

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Elmer T. Ball

The Grand Jury of the City and County of New York, by this indictment, accuse Elmer T. Ball of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said Elmer T. Ball

late of the City of New York, in the County of New York aforesaid, on the twenty-eighth day of September in the year of our Lord one thousand eight hundred and eighty-eight, in the night time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of twenty-five dollars,

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Elmer T. Ball

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

The said Elmer T. Ball

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

one watch of the value of twenty-five dollars

of the goods, chattels and personal property of one Daniel Morrison

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

unlawfully and unjustly, did feloniously receive and have; the said Elmer T. Ball

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

JOHN R. FELLOWS,
District Attorney.

0161

BOX:
323
FOLDER:
3068
DESCRIPTION:
Barlow, Edward
DATE:
10/16/88

3068

226

Witnesses:

Capt Reilly 19

Counsel,

Filed, 16 day of Oct 1888

Pleads, Not guilty - with leave to withdraw to 22

THE PEOPLE

vs.

Edward McC. Barlow

MISDEMEANOR.
(AMUSEMENT LAW.)
[Section 1998, Consolidation Act of 1882.]

~~JOHN R. FELLOWS,~~
~~RANDOLPH B. MARTINE,~~

District Attorney.

A True Bill.

Part III October 19/88
Tried and Acquitted
Lowell Lincoln *Foreman.*

Oct 19 By request of counsel ADJ.

New York Sept 21th, 1888
Elmira Justices Police
Court. Hon John J. Gorman
Presiding.

The People
vs
M. C. Barlow } Viz of Sec 200
Laws of 1882

District Attorney, Here is a picture of the room, (a photograph it shows) I have been looking up authorities on the question at issue, and such a case as this has not been adjudicated upon in the higher Courts, the last time we were together we were trying to find the definition of the word concert — Counsellor O'Byrne for the defendant, I have exhaustively investigated

The meaning of the word Concert and I refer you to Webster Dictionary, and it is there defined as follows. musically considered, in the Edition of 1886 Page 285 (1) A Symphony of Musical parts or players, consisting of several voices or instruments, or A Musical entertainment in which a number of Musicians either vocal or instrumental, or both take part, or in which several pieces are sung or played as to give a Concert, to attend a Concert; or Concord or harmony as to sing in Concert to act in Concert — Symphony Worcesters Dictionary page 1465 is further defined

to be an elaborate Composition for a Complete instrumental Orchestra, I have traced the derivation of the word Concert through the French and Latin to its original Greek root and in all it means a ~~Box~~ Concordance Consisting of a number of voices or instruments-Acting Together. Why if a man were brought before Your Honor charged with having obtained money by selling another Tickets to a Concert and then simply giving him admission to a room where one person occasionally played an air on a Piano, Your Honor would hold him guilty of Larceny

or of obtaining money by false pretenses — District Attorney. I do not know that I have very much to say on the subject so far as the Dictionary is concerned; it is not the philological, but the Legal definition of the word "Concert" which now concerns us, & I hold that one Piano is just as much of "an accordance or harmony" as a dozen, this place is kept as a Concert Hall, and the music is for the purpose of drawing in people; it was a public entertainment strictly within the meaning of the word Concert; We must take into consideration all the facts and surrounding

Circumstances —
Counsellor O'Byrne — An individual playing on a Piano can not be defined as a Concert, when we speak in the musical sense, the word "accordance" cannot be used in the singular it means harmony produced by more than one voice; one instrument one string; there must be agreement to have any harmony; we speak of the harmonious actions of two parts, but we never say that of one —
Philologically there is nothing in it at all; it would be a strange inter=pretation of the Law, if this Defendant is held for a violation of it. If there is a wrong constru=

=ction put upon this Act, it is the Legislature that is to apply the remedy I ask your Honor to discharge the Defendant

District Attorney.— I have studied the philosophy of music, and it is, that music is, harmony, anything else is not, it does not require two or three instruments to make harmony,

Court— This matter must rest to determine whether there has been a violation of Law or not and I will hold the defendant in the hundred Dollars instead of the thousand and he is handed in Bonds custody—

M. J. Treacy Stenographer

Police Court
Second District

The People &c
Thomas Reilly
v
Edward Mc C. Barlow

Examination Before Justice German
Sept 12 1888

For the Complainant — Asst. Dist Attorney ~~Hoffman~~ Hartman
" Defendant — John O' Byrne Esq

Thomas Reilly being cross examined upon his affidavit deposes and says:—

Q. Did you arrest the defendant?
A. I did on the evening of the 10th of this month.
Q. What was he doing when you arrested him?
A. He was attending bar.
Q. Were there any others in the bar room?
A. Yes.
Q. Do you know whether he has a liquor license?

A. There was a license exhibited
Q. What else did you see there?
A. I saw a man playing a piano; ladies sitting around, gentlemen drinking &c
Q. ~~Anybody else~~ Was there any exhibition of a tragedy there
A. No Sir.
Q. Is this a concert room?
A. Yes Sir.
Q. You say this is a concert room?
A. Yes Sir.
Q. How do you mean a concert room?
A. Because there was music there — an entertainment for those persons who sat in the concert room.
Q. Was there anybody else playing but one person?
A. No Sir.
Q. How was he dressed?
A. I did not observe
Q. A fancy dress?
A. I think not — a sharp coat

Q Any stage there?

A. There was a raised platform,

Q Was not that only the common floor - one step up?

A That might be possible? - It was higher - that is all I noticed.

Q That is all you observed?

A I sat down at a table and asked for drinks. The girl asked what I wanted home. I told her [illegible] Shaw and the gentlemen with me ordered drinks. The girl called the waiter and he brought the order and I gave the girl the money and she gave me my change.

By the Court

Q The girl waited on you practically?

A- Yes.

Q Do you think that was a raised platform?

3 A My impression was that it was

a raised platform but it may have been the regular ordinary floor as the counsel suggests; it may have been the floor that was originally built.

Re direct by Mr ~~Hoffman~~ Hartman

Q. Was that a concert room?

A. It is sir.

Q. And there was music and a piano on an elevated place in part of the room?

A. Yes sir.

Q. There were girls sitting at tables who would take your order when you sat down?

A. Yes sir.

Q. And you ordered a drink of them and they took the cash?

A. Yes sir

By the Court

Q. Do you regard the playing of one instrument - a piano - a concert?

A. I do sir. It was an entertainment

for those gathered there

2 Do you consider that there was a tragedy there?

A No Sir.

2 A Comedy?

A No Sir

2 An interlude or a farce?

A I call it a farce.

By Mr ~~Hoffman~~ Hartman

2 The woman got the money of you for drink?

A Yes

2 Did she wait on you?

A She did.

2 Did she hand you the drink?

A No: but she asked the man to bring it

2 Did she manually hand it to you?

A She was there: she did not manually. She was there as a waiter girl.

5 Louis Berge being duly sworn said

examined as a witness for defendant deposes and says:- I keep a store sometimes I am an organist in the musical profession I reside at 525 6th Avenue. I am 47 years old.

2 How long have you been engaged in the profession of music?

A For a long time - my life time.

Q Do you consider that you are competent to give evidence as to what constitutes a concert?

A Yes.

Q Given a licensed place in which there is a bar in front; tables for drinking; a back room for raised a few inches above the front - which is a mere architectural construction, and there is a single piano without any accompaniment of any kind whatever would you consider that a concert?

A Not at all - I should say not.

6 Q Would you consider that a concert room?

A. I should consider that it was not a concert room.

Q. Or an interlude

A. Well I do not know in what sense you mean. In a musical way we call an interlude something different. I do not see how one instrument - a piano could be called a concert.

By the Court

Q. What do you understand by an interlude?

A. Just to play one piece.

By Mr. O'Byrne

Q. Would you call a piano played by one man in a liquor saloon in the common opinion of musical people is such a performance an interlude?

A. No.

Q. Take a liquor saloon licensed with a bar in front - northout any screen or drop curtain or women in short jackets or anything of those things and a man in a

black coat playing a piano would you call that a ballet?

A No.

Q Would you call that a stage entertainment?

A It would not be a stage entertainment.

Hartman

By Mr Hoffman

Q Was it a concert room?

A. I should say it was not a concert room or a concert — simply playing the piano.

Q What would you consider a concert room?

A When there is a regular performance — playing and singing together. I do not think you call it a ~~fa~~ concert with only a piano.

Q Have you not attended many concerts that have been given where there was only one performer?

8

Josef Hoffman for instance
A. He gave concerts with others
Q. Was not that room a concert room?
A. I do not think that was what would be known as a concert room:
Q. Were you ever there?
A. I have been there, yes sir
Q. Have you been there at night and heard the playing?
A. No sir.
Q. When were you there?
A. I have gone in when the place was open just out of curiosity

Albert A Wallace being duly sworn and examined as a witness for defendant deposes and says:- I am an actor. I live at 1956 Third Avenue. I am 40 years old. I have

been an actor about 15 years.

Q. Do you think you are competent to give an opinion as to what would be a concert or a theatrical entertainment?

A. Yes Sir I think So.

Q. I will ask you a hypothetical question. Given a beer saloon with a bar in front, and some tables about at which there were people drinking, and where there was a room raised up a few inches, and a single pianoist and a man in ordinary clothing playing occasionally; people about drinking, with none of the paraphernalia of the stage - only one man playing on one instrument - would you call that performance a concert?

A. No Sir.

Cross examined by the Hartman

Q. Do you know of concerts being given at Steinway or other

60

Halls where there was only one performer:

A Not to my knowledge sir.

Q Have you been in Steinway Hall and Chickering Hall

A I have been: Yes

Q Have you not been to a concert where there was only one person on the platform?

A Not

Re-direct - By Mr O'Brien

Q - Where there is only one piano used is that not called a piano recital, not a concert?

A Yes sir

Re-cross

Q What do you understand by an interlude?

A I presume it was an entertainment previous to a performance of some kind.

Adjourned

11

0180

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before John J. Gorman Esq. Police Justice of the City of New York, charging Edward McCabe Barlow Defendant with the offence of

Air Rectin 2010. Laws 1st 2

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

We, Edward McCabe Barlow Defendant of No. 529 6th avenue Street; by occupation a Liquor dealer and John Kennedy of No. 126 East 10th Street, by occupation a Liquor dealer Surety, hereby jointly and severally undertake that the above named Edward McCabe Barlow Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Ten Hundred Dollars.

Edward McCabe Barlow

John Kennedy

Taken and acknowledged before me, this 6th *day of* September 188 .

John J. Gorman POLICE JUSTICE.

0181

CITY AND COUNTY OF NEW YORK, } ss.

John Kennedy

the within named Bail and Surety being duly sworn, says, that he is a resident and freeholder within the said County and State, and is worth Twenty Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of house and lot of land no 346. East 12th St. worth $12,000 mortgaged for $5000

John Kennedy

Sworn to before me this 6 day of July 188 A

Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the day of 188

Justice.

0182

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 2 DISTRICT.

James Reilly

of No. 1 9 Precinct Police Street, aged ..... years,

occupation Police Captain being duly sworn deposes and says,

that on the 4 day of September 188 8

at the City of New York, in the County of New York, Edward McBarlow did unlawfully permit the attendance of females to mix on customers and serve refreshments at No 1257 Broadway in said city. The said place being a licensed liquor saloon and while said females were so employed there was a musical performance going on at said place. The said employment of females being in violation of Section 20 10 of the Laws of 1882 known as the consolidation act.

J. P. Reilly

Sworn to before me this 5 day of September 188 8

G. Ulrich Police Justice.

Sec. 193—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Edward McC Barlow

Question. How old are you?

Answer. 52 years

Question. Where were you born?

Answer. New York City

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

Answer. 529 — 6 Ave

Question. What is your business or profession?

Answer. Lawyer

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 —

Edward McC Barlow

Taken before me this 6 *day of* 188 *Police Justice.*

0184

Sec. 151.

Police Court 2 **District.**

CITY AND COUNTY OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal 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 Philip Reilly of No. 19 Greenwich Police Street, that on the 4 day of September 188 8 at the City of New York, in the County of New York,

Edward McG. Barlow of premises 125 Broadway a license liquor saloon did permit and have in his employment a number of female waiters to attend and waite on people in said premises in violation of section 3010 of the Laws of 1882

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, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 2 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 3 *day of* Sept 188 8

John Hammond POLICE JUSTICE.

POLICE COURT ..... DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

.....

vs.

.....

.....

Warrant—General.

Dated 188

..... *Magistrate.*

..... *Officer.*

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

..... *Officer.*

Dated 188

This Warrant may be executed on Sunday or at night.

John Gorman *Police Justice.*

Dated 188

..... *Police Justice.*

The within named

.....

having been brought before me under this Warrant, is committed for examination to the WARDEN and KEEPER of the City Prison of the City of New York.

0186

8/100 bail
Sept 10 & 21st
Adj Remat 48 hrs
2

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

U 226 1333

Police Court— 2 —District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Thomas Kelly
vs.
Patrick McCarthy

2 .....
3 .....
4 .....

Offence Violation of Section 2010 of the Consolidated Act of the Laws of 1882

Dated September 10th 188 8

Thomas Magistrate.

Thos Reilly Officer.

19 Precinct.

Witnesses .....

No. ..... Street.

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ ..... to answer .....

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

Dated September 2nd 188 8 John J Gorman *Police Justice.*

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

Dated October 2 188 8 John J Gorman *Police Justice.*

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

Dated Oct 2 188 ..... *Police Justice.*

0187

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before John J Gorman Esq a Police Justice of the City of New York, charging Edward McC Barlow Defendant with the offence of Viol of Sec 70 & 10 Law 1882

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

We, Edward McC Barlow Defendant of No. 579 Sixth Street; by occupation a Liquor dealer and John Kennedy of No. 128 Cass 10th Street, by occupation a Liquor dealer Surety, hereby jointly and severally undertake that the above named Edward McC Barlow Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Five Hundred Dollars.

Taken and acknowledged before me, this 6th *day of* November 1882.

Edward McC Barlow

John Kennedy

John J Gorman

POLICE JUSTICE.

0188

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Taken the ..... day of ..... 188 ..... Justice.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

John Kennedy Jr

the within named Bail and Surety being duly sworn, says, that he is a resident and freeholder within the said County and State, and is worth Twelve Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of One house and lot No 346 East 12th St worth twelve (1200) thousand Mortgaged for five thousand

John Kennedy

Sworn to before me this ..... day of ..... 188 .....

Police Justice.

Copy

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward McR. Gordon

The Grand Jury of the City and County of New York, by this Indictment accuse Edward McR. Gordon of a Misdemeanor, ~~of the crime of~~ committed as follows:

The said Edward McR. Gordon, late of the City of New York, in the County of New York, aforesaid, on the Fourth day of September, in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, being in charge of, and having the control and supervision of a certain concert room and place, in a certain building there situate, wherein a minstrelsy and an entertainment of the stage was then being exhibited to the public, unlawfully did employ and hire, and permit and assent to the employment and attendance of divers, to wit, ten females to wait on and attend and furnish refreshments to the audience and spectators then there assembled in the said concert room and place, and at

the said exhibition, by means whereof for certain lewd & wanton purpose whose name is to the Grand Jury aforesaid unknown, did then and there, by the permission and assent of the said Edward McC. Barlow, in the said concert room and place, and at the said exhibition, main on and attend, and furnish refreshments to the said audience and spectators, and amongst others, one Thomas Reilly, then being a spectator and one of the said audience; 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. Williams,
District Attorney

0191

BOX:
323
FOLDER:
3068
DESCRIPTION:
Barrett, Hezekiah
DATE:
10/30/88

3068

Witnesses:

Wm H Jackson

Geo R Giles

574

Price

Counsel,

Filed, 30 day of Oct 188 8

Pleads, Not Guilty 31

THE PEOPLE

vs.

128 W 27 waiter

Hezekiah Barrett

Fraudulent Registration

(Chap. 410, Laws of 1882, Sec. 1908).

~~JOHN R. FELLOWS,~~

RANDOLPH B. MARTINE,

District Attorney.

~~A True Bill.~~

Lowell Lincoln *Foreman.*

Part 3 November 20/88

Pleads Guilty

Imp. 9 Mos

POOR QUALITY ORIGINAL

2618

Police Court
Second District

The People
Thomas J. Hayes
Hezekiah Barrett

Examination Before Justice German

For defendant Mr Hayden

It is admitted by defendants counsel that the defendant registered by the name of Peter Barrett

Hezekiah Barrett the defendant being duly sworn and examined as a witness ~~for~~ in his own behalf deposes and says:— My right name is Hezekiah. I have a nick name. I am known by the name of Peter Barrett I have been known by that name ever since I have been in New York - about three years

Q. How did you come to New York?

A. After my brother. His name is Peter, and they call me Pete

Q. Because you looked like your brother?

A. Yes Sir

Q. At the time you registered where did you reside?

A. At Mr Jackson barber shop at 128 West 27th St.

Q. Why do you say that you reside in that barber shop?

A. Mr. Jackson used to allow me to sleep back of his shop

Q. Did he personally ever give you permission to live there?

A. He did.

Q. Did he have other men sleeping there?

A. I think there were: that George Brown was there

Q. Anybody else?

Q. A. Mr Jackson himself occasionally,

Q Where did you work?
A In N 9 Bowery
Q Did you sleep there
A about once a month
Q Did you have a bed down there?
A No Sir
Q Did you have any other residence besides the barber shop?
A No, Sir
Q Did you ever register before!
A Never in my life
Q Did you have any conversation with Mr Jackson the owner of that shop before you registered?
A Yes Sir
Q What was it?
A I asked Mr Jackson "Can I register from the shop?" and he said "yes"
Q Did you ask anyone else?
A Yes
Q Before registering
3 A Yes

Q. You registered according to that advice?
A. Yes.
Q. Have you registered anywhere else?
A. No Sir
Q. Did you intend to register fraudulently?
A. No Sir: I did not know what I was arrested for. I was never arrested before.

Cross examined
Q. You stated that you lived at 125 West 27th Street three months?
A. Yes.
Q. Where did you reside before that?
A. Down town
Q. Where did you live prior to three months ago
A. I was stopping in Bruce St.
Q. How long did you stop in Bruce St?
A.

A About two weeks
Q Prior to that?
A In Jackson shop.
Q How long ago did you begin to go to Jackson's shop?
A From or five months
Q You began to go there then?
A Yes.
Q Where were you stopping before that?
A In 90 Ch St.
Q Prior to from or five months ago?
A I do not know any permanent residence
Q Where did you live prior to the first time you went to Jackson's place?
A I used to go back of Nelsons and lean up against a barrel
Q When did you begin to go to Nelsons?
A The whole time I was stopping at Jacksons
5 Q Where were you the balance

of the time?
A - Right around the district.
Q How long have you been around the district?
A - About three years.
Q When did you sleep in the barber shop
A Monday night
Q When before that?
A - About two weeks ago.
Q You slept there twice or three times within the last three weeks?
A Yes
Q Where else did you sleep.
A Sometimes I leaned on Nelsons bar and took a nap
Q Have you ever had a regular place or home?
A - Once.
Q When?
A When I first came here.
Q Since that time have you hired any place

A I had no place — I could not get money enough — I could not keep it.

Peter Barrett being duly sworn and examined as a witness for defendant deposes and says. I live at 44 West 26th St. I am about 34 years old. My business is coaching or training horses I know the defendant. He is my brother. His name is Hezekiah Barrett. He is known as Peter Barrett. I sent for him to come here.

Q Do you know his residence at the time he registered.

A He told me he was stopping in the barber shop. I have not seen him for six weeks

Q He told you that his place of residence was this barber shop?

A Yes.

John C. H. Smith being duly sworn and examined as a witness for defendant deposes and says:- I live at No 145 West 32nd St. I am a silversmith by trade I am 38 years old. I am acquainted with defendant. His name is Pete Barrett.

Q Have you ever known him by any other name?

A No.

Q Do you know that he has any other place of residence than this barber shop?

A Not to my knowledge.

Q You have always understood from him that that was his residence?

A That is all sir

Defendant held to answer in one thousand dollars bail.

W. L. Armsby Jr
Stenographer

0201

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

POLICE COURT— 2 —DISTRICT.

Thomas F. Hayes

of No. 19th Precinct Police Street, being duly sworn, deposes and says that on the 9th day of October 188 8 at the City of New York, in the County of New York, Hezekiah Barrett (now here) did unlawfully and fraudulently register his name as a qualified voter at No 287 Seventh Avenue, which was the office for registering voters for the 9th election district of the 11th assembly district; that the defendant then and there said that his name was Peter Barrett and that his residence was on the first floor of No 128 West 27th st; that deponent is informed by William H. Jackson (now here) that he Jackson lives at said place No 128 West 27th st. and that the defendant never lives in said place. Whereupon the complainant charges defendant with violation of Section 1909 of the laws of 1882.

Thomas F Hayes

SWORN TO BEFORE ME
THIS 25 DAY OF October 1888
John J. Brennan
POLICE JUSTICE.

Sec. 193—200.

a District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Hezekiah Barrett

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. New York.

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

Answer. 128 West 27th St. about 3 months

Question. What is your business or profession?

Answer. Labor

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

his
Hezekiah x Barrett
mark

Taken before me this 27 *day of* July 188 4

Police Justice.

0203

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Police Court— 2 — 1688 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas J. Hayes

vs.

Reginald Barrett

1 2 3 4

Offence Disorderly Conduct

Dated Oct 26 1886

Thomas

Magistrate.

Hayes & Brett

Officer.

vs

Precinct.

Witnesses Wm H Gulman

No. 127 W. 27 Street.

Wm Hayes

No. vs Street.

No. 127 Street.

$ 100 to answer

Street.

Can

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

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

Dated October 28 188 6 John J. Gleason *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.*

CITY AND COUNTY OF NEW YORK, } ss.

William H. Jackson

aged 26 years, occupation Barber of No. 12 West 27th Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Thomas J. Hayes and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 25 *day of* October 188 A

William H. Jackson

John J. Norman

Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Theophilus Barnett

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

of a FELONY, committed as follows:

Heretofore, to wit: on the ninth day of October, in the year of our Lord one thousand eight hundred and eighty-eight, the same being a day duly appointed by law as a day for the general registration of the qualified voters of the said City and County, the said Theophilus Barnett, late of the City and County aforesaid, at the City and County aforesaid, did personally appear before the Inspectors of Election of the Ninth Election District of the Twenty-Ninth Assembly District of the said City and County, at a meeting of the said Inspectors of Election then being duly held for the purpose of the general registration of the qualified voters of the said City and County, resident in the said Election District, at the duly designated polling place of the said Election District, and did then and there, at the said general registration of voters, feloniously

and fraudulently register in the said Election District not having a lawful right to register therein, in this, to wit: that he was not then, nor would he on the day of Election next following the said day of registration (to wit: on Tuesday the sixth day of November in the year aforesaid, the same being the day duly appointed by law for the holding of a general election throughout the said State and in said City and County) be, entitled to vote therein, for the reason that he had not then been, nor would he on the said day of Election have been, a resident of the said Election District for the last thirty days next preceding the said election;

against the form of the statute in such case made and provided, and against the peace and dignity of the said People.

JOHN R. FELLOWS.
RANDOLPH B. MARTINE,
District Attorney.

0206

BOX:
323

FOLDER:
3068

DESCRIPTION:
Barrett, Martin

DATE:
10/02/88

3068

Witnesses :

Indorsed 21.

21

Counsel,

Filed 2 day of Oct 188 8

Pleads, Arraigned 3

THE PEOPLE

vs.

P

Martin Barrett

Grand Larceny Second degree

[Sections 528, 53/537, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Lowell Lowell *Foreman.*

Oct 10 Bench warrant issued
Tried
Part III October 10/88
Tried & Acquitted

0208

Police Court— 1 District. Affidavit—Larceny.

City and County of New York, } ss.

John O'Connor

of No. 20 Stone Street, aged 32 years,

occupation Expressman being duly sworn

deposes and says, that on the 25 day of September 188 8 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property viz:

One one horse wagon of the value of Fifty — 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 Martin Barrett from the fact that deponent was informed by Officer Jeremiah Donohue of the 28th Precinct that he found said wagon in the possession of said Barrett on Pier 1, with a quantity of coal in it. Deponent says that said wagon had been left at Battery Place near pier 1 and that said Barrett had no right to take the same or use it in any way

John O'Connor

Sworn to before me, this day of 188

Police Justice.

Sec. 198—200.

_____ District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question. What is your name?

Answer. Martin Barrett

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. NY

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

Answer. 97 Washington St. 3 years

Question. What is your business or profession?

Answer. None

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

Answer. I am not guilty

Martin Barrett

Taken before me this 3 *day of* [illegible] 188[illegible]

[illegible]

Police Justice.

21 1521

Police Court--- 7 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John O'Connor
226 Stoyes
Martin Barrett
2
3
4

Offence Murder & Robbery

Dated Sept 27 188

W. Hurley Magistrate.

Officer.

38 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 to answer G.S.

Committed to Coroner

RECEIVED, SEP 27 1888 DETECTIVE BUREAU OFFICE

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

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 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 *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.*

CITY AND COUNTY OF NEW YORK, } ss.

Francis Edward Lane

aged ..... years, occupation Policeman of No. 27 Prince Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of John O'Connor and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 27 *day of* July 185[illegible] Francis E. Lane

A. J. White

Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Martin Barrett

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

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

The said Martin Barrett

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

one wagon of the value of sixty dollars

of the goods, chattels and personal property of one John O'Connor

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

SECOND COUNT—

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

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

The said Martin Barrett

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

one wagon of the value of sixty dollars

of the goods, chattels and personal property of one John O'Connor

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

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

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

JOHN R. FELLOWS,
District Attorney.

0214

BOX:
323

FOLDER:
3068

DESCRIPTION:
Barry, Garrett

DATE:
10/11/88

3068

WITNESSES:

Off Collins

209 B.W. Ord

Counsel,

Filed 11 day of Oct 1888

Pleads

THE PEOPLE,

vs.

Garrett Barry

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

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Laurel Lawson *Foreman.*

F. Oct. 31st 1888.

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is yonr name?

Answer. Garrett Barry

Question. How old are you?

Answer. 24 years

Question. Where were you born?

Answer. Ireland

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

Answer. 71 Second St 12 months

Question. What is your business or profession?

Answer. Bar tender

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

Answer. I am not guilty and I demand a trial by jury

Garrett Barry

Taken before me this 25 *day of* June 188 4

John Cottman

Police Justice.

0217

Bond received Nov. 10/88

BAILED,

No. 1, by [illegible]

Residence 301 [illegible] Street.

No. 1, by John Corcoran

Residence 301 East 41st Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

209

Police Court 9 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Eugene J. Collins

vs.

1 Garrett Barry

2

3

4

Offence Viol of the Excise Law

Dated June 25 188

Patrick Collins Magistrate.

Collins Officer.

Collins Precinct.

Witnesses Lee Dermott

No. Collins Office Street.

No. Street.

No. Street.

$ 100 to answer 9 d

RECEIVED JUN 28 1888 DISTRICT ATTORNEY'S OFFICE.

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

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

Dated June 25 188 8 J. M. Patterson *Police Justice.*

I have admitted the above-named defendant

to bail to answer by the undertaking hereto annexed.

Dated June 25 188 8 J. M. Patterson *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.*

Excise Violation—Selling on Sunday.

POLICE COURT— 2 DISTRICT.

City and County of New York, } ss.

Eugene D. Collins

of No. Odell Headquarters Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 25 day of June 188 8, in the City of New York, in the County of New York, at premises No. 768 Second Avenue Street, Garrett Barry (now here) did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

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

Sworn to before me, this 25 day of June 188 8. } Eugene D. Collins

J M Patterson Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Garrett Barry

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

Garrett Barry

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

The said Garrett Barry

late of the City of New York, in the County of New York aforesaid, on the 24th day of June in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one Eugene D. Collins,

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

Garrett Barry

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 Garrett Barry

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.

0220

BOX:
323

FOLDER:
3068

DESCRIPTION:
Barry, Thomas

DATE:
10/05/88

3068

WITNESSES:

I have examined the evidence in this case, and do not believe a conviction could be had on same. Therefore recommend dismissal of indictment and discharge of Accused.

Henry Hartman
Dep. Mass. Dist. Atty.

Jany 31st 1889

I approve -
V. M. Davis
Asst

Jan. 31/89

165

Counsel,

Filed 5th day of Oct 1888

Pleads Not guilty 8

THE PEOPLE,

vs.

B

Thomas Barry

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1983, Sec. 21 and page 1989, Sec. 5.]

2330

JOHN R. FELLOWS,
District Attorney.

Pl. Jany 31/89
On recom. of Dist. Atty. indict dis.
RBM,

A True Bill.

Lowell Lincoln
Foreman.

Part 2 dec. 24th
Jan 14/89

POOR QUALITY ORIGINAL

0224

0222

Sec. 188—200.

5 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas Barry 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. Thomas Barry

Question. How old are you?

Answer. 40 Years

Question. Where were you born?

Answer. Ireland

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

Answer. 1053 - 8 - Avenue

Question. What is your business or profession?

Answer. Liquors

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

Answer. I am not guilty and I demand a jury trial if held after examination

Thomas Barry

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

Police Justice

0223

BAILED,
No. 1, by Abraham Stahlin
Residence 733 3/4 3d Av Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street

65

Police Court— 5 District. 1404

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.
Thomas Barry
2
3
4
Offence Pro Elecie law

Dated Sept 3 188 8
Magistrate.
Officer.
Precinct.

Witnesses
No. Street.
No. Street.
No. Street.
$ to answer

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 Thomas Barry *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 Sept 3 188 8 *Police Justice.*

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

Dated Sept. 3 188 8 *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.*

0224

Excise Violation—Selling on Sunday. POLICE COURT— 5 DISTRICT.

City and County of New York, } ss.

Peter Fingerer

of ~~No.~~ the Police Central Office ~~Street,~~

of the City of ~~New York, being~~ duly sworn, deposes and says, that on SUNDAY the 2 day of September 188 8, in the City of New York, in the County of New York, at premises No. 2339 — 3 — Avenue ~~Street,~~

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

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

Sworn to before me, this 3 day of September 188 8. Peter Fingerer

[illegible] Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Barry

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

The said Thomas Barry

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

Peter Nugent

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

The said Thomas Barry

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.

0226

BOX:
323

FOLDER:
3068

DESCRIPTION:
Basney, Ernest

DATE:
10/06/88

3068

Witnesses:

Emma Basney

Mrs J Hamilton

225.
ordered

Counsel,

Filed 16 day of Oct 188 8

Pleads,

THE PEOPLE

vs.

Ernest Basney

BIGAMY.
(Section 298, Penal Code).

JOHN R. FELLOWS,

District Attorney.

2nd Monday in Nov. '88

N.M.D.

This defendant has been adjudged a lunatic. He is now in charge of a Committee of his person & property

A True Bill.

Lowell Lincoln Foreman.

For the People

People
v.
Ernest Barney

Names of additional witnesses

Dr S. H. Linsley, 149 E. 39 St. N.Y.

Larry Denny, 880 Gates Ave. Brooklyn N.Y.

Sophey Rogers, 880 Gates Ave. Brooklyn N.Y.

Robert Thompson, 169 William St. N.Y.

Mary C. Hamilton, 227 E. 127 St. N.Y.

0229

HEALTH DEPARTMENT OF THE CITY OF NEW YORK.

Liber 9
No. 10079

Sanitary Bureau; Seventh Division. Vital Statistics.

OFFICE, 301 MOTT STREET,

New York, July 19th 1888

A Transcript from the Record of Marriages

IN THE CITY OF NEW YORK.

Date of Marriage. Month.	Year.	Name of Groom.	Residence. Number.	Street.	Age. Years	Color.
April 2	1886	Edward Barney		New York	46	W.

Groom's Birthplace.	Name of Father.	Name of Mother.
New York	John Barney	Julia Marache

Occupation.	No. of Groom's Marriage.	Name of Bride.	Residence. Number.	Street.	Age. Years	Color.
Painter	3	Mary Laight		New York	37	W.

Bride's Birthplace.	Name of Father.	Name of Mother.
England	Henry Lannon	Mary Pyrer

No. of Bride's Marriage.	By whom Married, and Official Station of Person Solemnizing the Marriage.	When Recorded.
3	Rev. J. L. Wheaton	Apr 6 1886

The persons authorized to solemnize Marriages by the Laws of New York are the following:

1. Ministers of the Gospel and Priests of every denomination.
2. Mayors, Recorders, and Aldermen of Cities.
3. Judges of County Courts and Justices of the Peace.
4. Jews and "Quakers (or Friends)," in a manner agreeable to the regulations of their respective societies.

Hence, certificates of the solemnization of Marriages by Notaries, or by or before any other person or officers than those above named, ARE NO EVIDENCE OF SUCH MARRIAGES.

John T. Nagle M.D.
Deputy Register of Records.

A True Copy,
C. Goldman
Chief Clerk & Secretary.

Sec. 193—200.

11 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Ernest A Burney 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. Ernest A Burney

Question. How old are you?

Answer. 42 Years

Question. Where were you born?

Answer. New York

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

Answer. 346 East 106 St. 7 Months

Question. What is your business or profession?

Answer. Painter

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

Answer. I am not guilty and claim Examination in this Case.

Ernest Burney

Taken before me this 9 *day of* May 1888

Michael Mahon

Police Justice.

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

Police Court, 5 District.

Ernest A. Barney

of No. 880 Gates Avenue Brooklyn

Street, being duly sworn, deposes and says, that on the Second day of April 1886

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

Ernest A Barney (Goodhue) did willfully feloniously and bigamously marry one Mary Daigh from the Sach. that on the 16th day of September 1867 deponents wife Caroline Daigh made to the said Ernest A. Barney in the City of New York. That the said Barney has not been divorced from deponents and that at the present time deponents is the lawful wife of the said Ernest A. Barney. That the said Ernest A. Barney admitted and confessed in deponents presence and in the presence of witnesses that he did on the 2d day of April 1886 at the City of New York Married one Mary Daigh under the name of Edward Barney as set forth in the annexed Certificate. Deponents therefore prays that the said Ernest A Barney may be dealt with as the law directs

Sworn to before me
this 6th day of October 1886

Wm. Smith
Police Justice

Mrs Emma Barney.

0232

BAILED,

No. 1, by Rudolph Manger

Residence 144 E. 87th Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Emma J. Blunck

880 Sac ave Brooklyn

Charles C. Blunck

Offence Bigamy

2

3

4

Dated October 12 188 9

Recd. Magistrate.

Officer.

Precinct.

Witnesses Thos. S. Hamilton

No. 227 East 123 Street.

No. Street.

No. Street.

RECEIVED, OCT 11 1889 DISTRICT ATTORNEY'S OFFICE

Answer

Police Court--- 01 District.

D 1 W 325 1596

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Charles C. Blunck 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 October 9 188 9 Wm Mitchell Police Justice.

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

Dated Oct 9 188 9. Wm Mitchell 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.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Ernest Barney

The Grand Jury of the City and County of New York, by this indictment, accuse Ernest Barney of the CRIME OF BIGAMY, committed as follows:

The said Ernest Barney, late of the City of New York, in the County of New York aforesaid, on the sixteenth day of September, in the year of our Lord one thousand eight hundred and and sixty-seven, at the City and County aforesaid,

did marry one Emma Barney and her the said Emma Barney did then and there have for his wife; and the said Ernest Barney afterwards, to wit, on the 2nd day of April, in the year of our Lord one thousand eight hundred and eighty-six, at the City and County aforesaid,

did feloniously marry and take as his wife one Mary Bright, and to the said Mary Bright was then and there married, the said Emma Barney, being then living and in full life, 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.

0234

BOX:
323
FOLDER:
3068
DESCRIPTION:
Baur, August
DATE:
10/11/88

3068

WITNESSES:

A. J. Maylin 33

219

Counsel,

Filed 11 day of Oct 1888

Pleads Not guilty

THE PEOPLE,

vs.

B

August Bauer

Nov. 12th Part 2

At depth adjourned

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

JOHN R. FELLOWS,

District Attorney.

Transferred by consent to C. J. S. for trial

A True Bill.

Lowell Lincoln Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

August Baur

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

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