0452

BOX:
255
FOLDER:
2470
DESCRIPTION:
Bough, John

DATE:
04/12/87

2470

Witnesses:

Richard J. Herbert

Memo

Should any effort be made to release the first of the Prisoners or to cause the Grand Jury to reconsider the matter to me, for the facts before any such application is made

88

B. N. Sandella

12th May Arraigned

Counsel

Filed 12th day of May 1887

Plead Not Guilty

THE PEOPLE

vs.

John Dough

Grand Larceny, 2d degree

[Sections 528, 531 Penal Code]

Filed 12th day of May 1887

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Foreman.

May 13 1887.

045

0454

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT—FOURTH DISTRICT.

Michael T. McCue

of No. 302 East 26th Street, aged 54 years, Blacksmith, being duly sworn, deposes and saith, that on the 3d day of April 1887, at the 1st Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent, by force and violence, without his consent and against his will, *the following property, viz:*

Good and lawful money consisting of one five and one dollar bills and a pair of Spectacles of

of the value of $5 and 75/100 Dollars, the property of deponent

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

Charles Brady (now here) and another person whose name is unknown to deponent, from the following facts to wit; That at about 2 o'clock A.M. on said date while deponent was passing along the north side of 25th Street between 1st and 2d avenues he was violently seized by said Brady who held him around the neck and head while he said unknown man did by force and violence and against the consent and will of deponent feloniously take, steal and carry away from the person of deponent. Deponent immediately shouted Police when both of said defendants ran away.

Deponent further says that he fully identifies said Brady as the man who so held him while he was being robbed, and he therefore asks that said Charles Brady be held to answer and dealt with according to law,

Michael T. McCue

Sworn to before me, this 1st day of April 1887

Charles Murphy
Police Justice.

0455

Sec. 198—200.

4th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question. What is your name?

Answer Charles Brady

Question. How old are you?

Answer 23 years

Question. Where were you born?

Answer. New York

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

Answer. 319 East 9th Street 6 weeks

Question What is your business or profession?

Answer. Plumber

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

Answer I am not guilty

Charles Brady

Taken before me this 4th *day of* March 1884

Police Justice.

0456

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 Brady

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

Dated April 4 188 Solon B Smith *Police Justice.*

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

to bail to answer by the undertaking hereto annexed.

Dated ..... 188 ..... *Police Justice.*

There being no sufficient cause to believe the within named .....

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

Dated ..... 188 ..... *Police Justice.*

0457

Police Court 4 District. 437

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael McCue
307 E. 26th St

1 Charles Brady
2
3
4

Offence Robbery

Dated April 4th 1887

Ray Smith Magistrate

Thomas Cassidy Officer.

18th Precinct.

CORPORATION COUNSEL
ATTORNEY'S OFFICE

Witnesses

No. Street.

No. Street.

No. Street.

$ 1500 to answer GS

Bour

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0458

CORRECTION

0459

BOX:
255
FOLDER:
2470
DESCRIPTION:
Bough, John

DATE:
04/12/87

2470

Defts. Ch. Beck has been convicted

Witnesses:

Richard J. Herbert

Memo

Should any application be made to release on bail or to reduce the bail defendants shall be made to me, for the facts before any such application is made

68

B. N. Tuesday May 18/87

12 M. Mary Kennedy

Counsel,

Filed, 12th day of Dec 188 7

Pleads, Not guilty

THE PEOPLE

vs.

John Bough

Grand Larceny, degree

[Sections 528, 53 Penal Code].

Tried & convicted

May 18/87

RANDOLPH B. MARTINE,

District Attorney.

True Bill.

Sam'l Leffingwell Foreman.

May 18 1887.

Alexander
vs
Bough

Examination proceeded
all parties being present January
18th 1887 Before Thos Duffy
Justice

William Alexander called as a
witness on the part of the plaintiff
being duly sworn deposes and
says

Q Where do you reside ?
A 157 East 108th Street
Q What is your business ?
A Jewelry business
Q Are you acquainted with the
defendant McBough ?
A I am sir
Q Have you had any business transac-
tions with him ?
A Yes sir
Q Do you know what business Mr
Bough was in
A I have heard that he was in the
liquor business at one time
Q And when you saw him what
business was he in what was

the last transaction you had with him?

A. Jewelry business

Q. What is the reputation of Mr. Baugh, what is his reputation for fair dealing and uprightness as far as you know?

Objected to no proper foundation having been laid for the question.

By the Court question Excluded

A. It has always been good as far as I have heard of.

Q. You have had business transactions with him in the jewelry business?

A. I have

Q. And you found these transactions always honest?

Answer

Q. Has anybody spoken to you about coming here to testify against Mr. Baugh?

Objected to.

By the Court.

Allowed

Q. Mr. Herbert wrote me a note to come to see me.

Q. What did Mr. Herbert say to you?

with reference to coming here to testify against McBough?
Objected to as being immaterial and irrelevant.
By the Court.
Objection.

Q Did you have a conversation at all with McSherrett?
A I did.
Q Where was that conversation?
Objected to, immaterial and irrelevant.
By the Court.
Objection.
Q Did McSherrett say this if you come here to testify against McBough, that you would be taken care of or remunerated or anything like that?
A He told me that if McBough owed me money and McBough knew that I was coming here to testify against him that McBough would pay me the money that he owed me.
Q Did he say anything further, did he say that you would be

taken care of or remunerated or anything in that way?

Answer: Nothing about being taken care of he told me that he would guarantee that I would get my money if I came down and testified against Baugh.

Q Did you know Mr Shepherd before October

Q How was it that you came to have this conversation with him?

A Mr Shepherd wrote a note for me and left it with Mr Jacobs.

Cross Examined

Q Will you swear that Mr Shepherd used the word guarantee?

A He said I would guarantee that you will get your money if Mr Baugh knows you are coming there to testify against him.

Q Did you understand by that that he was to pay you the money?

A I didn't understand anything about it

Q Did you understand by that that Mr Shepherd would pay you

the money?

A. I suppose that Mr Herbert might have meant Mr Baugh.

Q. I want to know what you understood by that?

A. Mr Herbert said that he would guarantee that if I would come out to testify against Mr Baugh or that of Mr Baugh I need that I was coming here to testify against him that I would get my money.

Q. I want to know what you understood from Mr Herbert said that he was going to pay you the money that Mr Baugh owed you?

A. Mr Herbert didn't say that he would pay me the money?

Q. You are quite sure about that?

Answer.

Q. Did he give you to understand that he would pay you any money

Answer.

Q. Did he give you to understand that he would give you any reward or pay you anything for coming here?

6

Answer.

Q You are quite sure of that?

Answer

Q How long is it since Mr McBough paid you what he owed you?

Objected to

By the Court

Q What sort of transactions were they that you had with Mr McBough

A He owed me goods for rent and I owed him goods for hire

And he owed me some commission on goods that I sold for him,

Q Was this a memorandum transaction?

A We formed goods between us. He owed me for goods from me and I owed him for hire

Q Did you ever demand payment from McBough for any goods?

Answer

Q Will you swear that Mr McBough did not owe you for goods obtained within 6 month?

Objected to as immaterial

By the Court

Q Did Mr McBough hire any goods

0467

5

Q. Have you an understanding with Commoth?

Objected to as immaterial.

Q. Did you ever threaten to assault Mr. Burrough if he drives off from certain goods to you?

A. I never did so.

Sworn to before me this 18th day of January 1887

[illegible]

Richard Sapsis being duly sworn deposes and says, called by the defendant.

Q. Under oath are you a U.S. citizen?

A. Yes I am.

Q. What is your business?

A. I am in the restaurant business.

Q. How long have you been in the business?

A. I have been in the business all my adult life.

Q. Have you ever had trouble with Mr. Brough?

A. I have had.

Q. What is Mr. Brough's reputation for fair dealing?

A. Objected to.

Q. Have you had any personal dealings with Mr. Brough?

A. Yes Sir.

Q. And did you find those dealings always correct?

A. Yes Sir. I loaned him money and he always returned it. I never took any memorandum of it.

Q. Do you know anything about this personal transaction between Mr. Herbert & Brough?

9

Answer I don't know personally what has passed between the two.

Cross Examined

Q. Do you know Mrs Park?

A. I don't only from seeing her in Mr Baughs office & Justice Osten

Q. Was he the only one in the office

A. The only one I went to see.

Q. How often did you use to go there?

A. Every day

Q. On detective business?

Answer nothing to do with detective business

Q. You were not in anyway connected with the Pennsylvania railroad

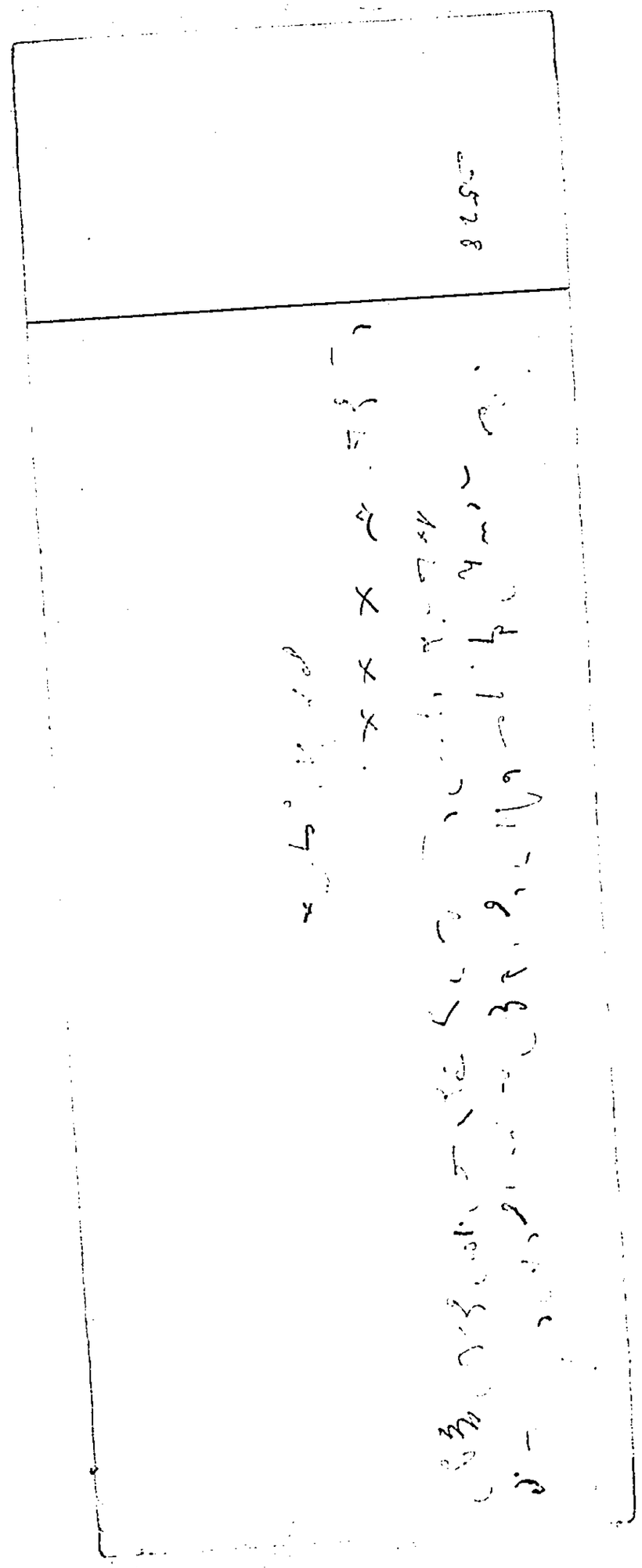
Answer

Q. Did you never get any tickets for the Pennsylvania Rail road?

Answer.

Sworn to before me this 18th day of January 1884

Rowe Jones



District Attorney's Office.

PEOPLE

vs.

0472

(3)

It must be conceded that, in order to establish the offence of larceny, there must be a trespass, & unless this element the offence is not complete.
43 Ny 61 . 56 id 394

Even although the owner is induced to part with his property by fraudulent means, yet if he actually intends to part with it, & retains upon possession, it is not larceny
53 Ny 111

There is, to be sure, a narrow margin between a case of larceny, & one where the property has been obtained by false pretences. The distinction is a very nice one, but still very important. The character of the crime depends upon the intention of the parties & that intention determines the ~~character~~ nature of the ~~parties~~ offense. In the former case, where by fraud, conspiracy or artifice, the possession is obtained with a felonious ~~intent~~ design, & the title still remains in the owner, larceny is established,

[illegible]

Loomis v Rio 67 T329

[illegible]
56 T 396 & 43 T 61

[illegible]
58 T 111 & 5 L 294

0475

Terms Cash.

Mortgage Exhibit A.
Nov. 14/87.
E. H. T.

To 10 Brilliants 24 1/2 carats
at $[illegible] Ct

Cr by 4 Notes from date

2 mos. due	Aug 16th
4 " " "	Octbr 16th
5 " " "	Novr 16th
6 " " "	Decr 16th

0476

TORN PAGE

Settlement by check #502.50		1580.00
To balance		502.50
June 1/85 R. J. Herbert.		

0477

TORN PAGE

New York, June 16th 1885

Mr Jno

From **R. BERT,** *26 Maiden Lane, cor. Nassau St.*

BROKER IN DIAMONDS.

0478

No 58

JUNE 17 1885.

10 Bales

1400.00

Borrito

Borgh

0479

Rec'd & Exhibited
Nov. 15/87
G. H. Fr.

0480

To the
Hon. Randolph B. Martine
District Attorney's Office –

March 14th 1887 –

"People v John Burgh" –

Dear Sir:
In continuation of my request of 17th February! bearing it is decided Burgh be brought for indictment; I respectfully beg to submit the advisability of obstructing his chance to escape trial –!
The well known character of this man, and circumstances, may demand that the bail bonds be increased –
I have not to present time been summoned by the Grand Jury.

Remaining Sir
Most obediently
R. J. Herbert –

Referred to Mr Barrett D.A.

0481

To the Honorable
John R. Fellows.
District Attorney

From
R. J. Herbert.
~~Mr. Hunter's Inst.~~
New York. June 26 - 1888

Dear Sir

Mr. John Bough — sentenced, for Fraud Larceny - 18th Nov. 1887, 6 8½ years State prison - Released 25th May 1888, by Court of Appeal decision

I beg to request the return of my Four Notes, and papers, used in prosecuting this Criminal, and would Your Honor kindly order that I may be furnished with Copies, of the pleading and decision of Appeal Court.

I have the Honor to be
Sir Most Obedient Yr
R. J. Herbert

0482

Recorder Smith
Delaney Recall for Propler
Vincent & Fitzgerald
for appellee

0483

(2)

0484

POOR QUALITY ORIGINAL

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Richard J. Norton
agst.
John Bourgeois

Examination had November 16th 188 6
Before Hon. P. Q. Duffy Police Justice.

I, Laurence O'Sullivan Stenographer of the 1st District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of Richard J. Norton Geo. J. McGrath Wm. Swinson & Joseph B. Meurer as taken by me on the above examination before said Justice.

Dated December 8 188 6

P. Q. Duffy
Police Justice.

Laurence O'Sullivan
Stenographer.

First District
Police Court

The People &c
on complaint of
Richard J. Herbert
vs
John Bough

[illegible] Grand
Larceny

Nov. [illegible] 1880

Before Hon.
P. G. Duffy
Police Justice

Appearances

Mr Merriam on the part of the people
Mr Fitzgerald on the part of the Deft.
Mr Fitzgerald demands the examination proceed.

Richard J. Herbert the complainant being sworn examined by Mr Fitzgerald on his affidavit

Q Mr Herbert what is your full name?
A Richard Jacob Herbert.
Q where do you reside?
A 103 West 54th Street.
Q How long have you known Mr Bough the defendant?
A I believe since February 1880.
Q Didn't you know Mr Bough before

February 1885

A I don't remember having had the pleasure, I don't think so.

Q Have you done any business with Mr Baugh?

Answer No

Q What was the nature of it?

A I have sold him diamonds and he has never paid them?

Q About how much does the business relations between you and Mr Baugh represent, not approximate it?

A Within five or six hundred dollars I should say, I have sold him a thousand dollars.

Q Are these business relations current.

A Yes

Q Are these business relations current after organizing the partnership between you and Mr Baugh of diamonds?

A Yes sir. I don't exactly understand your question

Q Are these business relations current after organizing the partnership between you and Mr Baugh of diamonds?

A I have used to answer to name.

Q You used their goods?

A Well I will explain, he came to me for goods, that he had customers for; he said he had customers for goods. He he moved take them on memorandum Mr Apple

he said it was unpaid for then, they would be obliged to pay?

Q. What do you mean Mr Sherbert by memorandum?

A. The understanding in the trade of memorandum is that the goods are given on credit only that the title in the goods remains with the owner until a receipt in full is made

Q. Do you have a special receipt in your business which you give for goods on memorandum?

A. We do in some instances but generally not.

Q. Is there any difference in your business with reference to the receipts you give on memorandum and the receipts you give when a party purchases outright?

A. I cannot see a difference in the effect of a purchase, but not in regard to memorandum goods

Q. What do you mean by settlement?

A. The goods are owned, by the owner of them until the settlement is made until the party pays for them?

Q. Now Mr Sherbert, do you remember the 16th of June 1866?

A. I have some recollection about it

Q. Do you remember on that day

whether you paid a check of Hamilton to Jim Baugh a cash? (A Remember his taking the drawing, Mr. Fitzgerald

Objected to the witness to state it out.

By the Court.

Q Have you authority from your employer, receiving any checks to Mulberry creek the 16th of June 1884?

(A He does not expected, to take them in credition

: Mr Fitzgerald

Objected to the witness to state it out.

By the Court.

Question

Q Did you pay him any drawings on the 16th or not?

A I did not pay them although his check is dated on the 16th

Q You say you credit pay him any on the 16th?

Cross Ex

Q Will you look over this bill and tell me if that bill is a bill of your house or, the house you represent?

A Decidedly it is.

Bill offered in evidence by Defendant

Davis Cross-examined by Mr Mansfield & Mr Andrews

Exhibit A

Q. On that day Mr Norbert, in payment for that lot of goods you received Seven hundred & two 50/100 dollars in cash?

A. I did not

Q. Then why is it that you gave a receipt

A. The bills were taken on the 16th & the settlement was made on the 19th.

Q. Did you tell me when the settlement ended?

A. I did not account for the bill being dated the 16th.

Q. Is this your settlement?

A. The settlement was made on the 19th

Q. The bill is dated on the 16th?

A. On the 16th he took the stones, he was in possession of the stones on the 16th

Mr Fitzgerald

Objected to, Volume to show that the witness was not having refreshed.

Mr Murray

I remember the conversation the transaction was

Q. What statement did you have with Mr Borough in reference to the

bill of éléments?

A. All the rights I accepted notes from him and Five hundred and two 50/100 dollars.

Q. You accepted that and gave a payment?

A. No settlement that is a difference between payment and settlements

Q. No settlement?

A. Yes sir

Q. Now this I understand you to say that you received Five hundred and two 50/100 dollars. Upon principle notes and no payment or settlement whatever you choose to make for those items?

A. Quite so.

Redirect Examination

Q. You say you commenced to deal with him in February 1885?

A. I have since so.

Q. Those are the first transactions you had with him?

A. Yes sir

Q. Did you pass him goods on and off up to the time of this transaction

A. I did

Q. Was it your habit to give him the goods first on memorandum and then he would come down and you would make some arrangement

for the sale of them?

A. In one next week.

Q. Did you hear anything derogatory to Mr Boughs character during the prior afternoon dealing with him?

A. Nothing particular.

Q. When did you first learn about Mr Boughs character?

Mr. Fitzgerald

Objected to, as leading his proper and admissible.

By the Court

Overruled Exception

Q. When did you get from those particulars you have described in that Complaint at first?

A. The first, he had them on the 8th of June.

Q. Did he have them, then or memorandum?

A. He did.

Q. Do the memorandum show this to be?

A. I know that he took possession of the goods on the 16th Jun that is why I dated the bills and the notes on the 16th.

Q. But the amount that he paid was on the 17th, at the time he gave you the Notes in settlement?

A. Yes sir

7

Q For the sake of clearness,
Did you ever see any thing derogatory to Mr. Baughs character during the time of your dealing with him?
A Nothing particular.
Q When did you first learn character of Mr. Baughs character?
Mr. Fitzgerald
Objected to, as being immaterial and inadmissible.
By the Court
Question
Overruled. Exception.
Q When did you get hold of the pantaloons described in the complaint at first?
A The first, he had them on the first time.
Q Did he have them, then on another occasion?
A He did.
Q In the language of plaintiff's counsel?
A He did.
Q Did you ever have them in your possession after that, that you know of?
A I am not clear about that; to the best of my knowledge I had not. I am not positive of it.

8

Q Did you have them in your possession on the 16th of June 1856?
A He had them in his possession
Q He came to your office, did he not, and had his conversation to the back office with you?
A He was accompanied, I think, by a second person, I stated from memory, I cannot now the person exactly he said, that he wanted his customer I said I spoke about the dollars due on them, I certainly wanted and paid those goods. Further I stated that amount depended upon how much paid he would pay if he could get that amount from his customer, I with that understanding he left with the goods
Q Have you received any other having given him a bill on the 16th of July?
A I positively swear that I did not, that bill became due on the 17th
Q It dated on the 16th?
A I mean that he took possession of the goods on the 16th but that is why I dated the bills and the notes on the 16th.
Q But the amount that he paid was on the 17th, at the time he gave you the notes in settlement?
A Yes sir

Q. Did you say that on the 16th of June he caused you to see his customer?
A. He did
Q. Do tell us he caused you that amount of money on the goods?
A. He did
Q. When he came back on the 19th?
A. He did
Q. What did he tell you then?
A. He told me he had arranged with his customer
Q. Did he say that he got the five hundred dollars from his customer
A. He did
Q. Did you see the receipt of his having received the belonging to you?
Mr Fitzgerald
Objected to
By the Court
Question Allowed.
A. I did
Q. Did he say he received those diamonds for himself or a customer?
A. A customer
Q. When did you first have any intimation that he had passed the goods?
Mr Fitzgerald
Objected to
By the Court.

10

Question allowed

A. Somewhere about ten minutes ago
I think it was exactly the day
Q. Could you get that information
from you
Mr. Fitzgerald
Objected to as being wide
possible
By the Court
Allowed
A. From the associate office in
Perth
Q. In pursuance of that information
did you go to any vessel ship to
find rolls of goods of the description
you have given to him since
application passed there?
Mr. Fitzgerald
Objected to as irrelevant,
etc.
By the Court
Question allowed
A. I went on the Lucas directly to go
by the river and to know the
entire case, and found there was
no chance in William Simpson's bags.
Q. Did you make any effort to find
out whether those particular two
stones had been pawned?
Mr. Fitzgerald
Objected to.

//

By the Court:

Question allowed.

A I did

Question and you find that they had been purchased?

Ans. I did

Objected to.

By the Court:

Objection overruled

A At Mitchell's Drugstore last September

Why Sunday or No

Q On what date was it appears they were purchased?

Ans. I do not

Objected to

By the Court:

Question allowed.

A On the 19th of June 1885.

Q Did Mr Bough ever tell you of his having been poisoned these goods.

Ans. I do not

Objected to

By the Court:

Question allowed.

A Never

Q About what time of day was it that Mr Bough came to your office and said that he had got this ten hundred and two 57/100 dollars from his customer

A Between half past 12 o'clock and two.

between noon day and noon

Q. What at that time you said could have that those goods were passed?

Mr Fitzgerald

Objected to as leading

By the Court

Question allowed.

A. I did not

Q. Did you know what the condition of the goods were at that time?

Mr Fitzgerald

Objected to

By the Court

Question allowed

Ans.

Q. Did you know where the goods were at that time?

Mr Fitzgerald

Objected to

By the Court

Allowed?

Ans.

Q. From whom did you receive any inquiry as to the character of Mr Bough

By Mr Fitzgerald

Objected to as inadmissible

By the Court

Objection sustained.

Q. Did you communicate with Inspector Byrnes? as to the character of Bough

By Mr Higgins

Objected to as being inadmissible;

By the Court

Objection sustained

Q Did you communicate with the accused after being sworn in to the Northern Bank?

By Mr Higgins

Objected to as inadmissible

By the Court

Question allowed.

A I & found that he was sentenced for forgery for 18 years and for burglary for 21 years, for the first charge he was taken but not returned to prison and on the last charge he served his 3 years

Q Did Inspector Byrne tell you that Mr Brough was a dangerous criminal and was fond carrying weapons the last all the time?

By Mr Higgins;

Objected to, as being incompetent

By the Court

Sustained

Question. Did Mr Burgh come to Coaling with you, and he represented to you that he was employed with the Pennsylvania Rail road as a detective in their employ?

By Mr Defendant

Objected to

By the Court

Question allowed.

Witness said he had come to town employed by the road recovering a good variety from them. Say that he never gave me a pass any time. Travelled to go to Philadelphia on security. Not furnished with either a free ticket or pass, he said that he was employed by the Pennsylvania Rail road Company, Said he had met a number of other persons, in connection with the rail road company.

Q. Did you receive any communication from the rail road in reply to the communication you sent?

By the Counsel. Mr Fitzgerald

Objected to

By the Court

Question allowed.

Witness said

Q. Did that communication state that Mr Borough is about to be arrested Say that he cannot get his effects?
By Mr Fitzgerald
Objected to
By the Court
Sustained
Q. Look at that letter (showing witness a letter) and say if that is the letter that you received from the Surveyor General and read to company?
By Mr. Fitzgerald
Objected to
By the Court
Sustained
Q. Is that the communication that you received from the Warden at Quiz Quiz?
By Mr. Fitzgerald
Objected to
By the Court
Objection Sustained
Q. Is this the second letter that you received from the Warden at Quiz Quiz? (showing to a letter).
By Mr Fitzgerald
Objected to
By the Court
Objection Sustained
Q. By what means Mr Borough is to be served to you?

A By his friend Mr McGrath, in his own Name George McGrath, on his part I suppose you might say.

Q Were you told at that time that Mr Bough was an honorable man dealing and a good business?

A Yes

Q Did you Pay any Commission at all of a Very decent nature?

A None whatever

Q Did you continue to deal with him on the faith of his representations?

A Yes Sir

Q Did notice you had ceased dealing with him you were bound against Mr Boughs character?

A What was the reason, my leaving the business

Re Cross Examination

Q Did you make application to any Pawnbroker in this city before applying to Jacobs Clubby for this overcoat,

A No Sir

Q Are you sure about that Sir?

A I am quite sure.

Re Direct Examination

Q Look at this paper Mr Nesbeat which is offered in evidence by the defendant, and state again whether you gave that bill to the bailiff

11

Q What is the bill again.

Q Did you get that bill before or after the Fair hundred and ten 50/100 dollars was paid to you?

A After.

Q Were there notes written before or after the Fair hundred and ten 50/100 dollars was paid?

A After the Fair hundred and ten 50/100 was paid.

Q Did this happen on the 14th or 15th of June?

A The 15th

Q May you not have got these gases then to the ~~14th~~ 15th?

A I did not.

Q Do that you are looking at the front of the bill (showing witness a bill)?

A It is

Q Where did you get that bill to the disposition of your property values?

A I have

Q Did it have any part of its form or contents?

A I do not

Q This is the first time that you knew of it having any degree of opening form out?

A It is.

Q Look at that bill please (showing

[illegible] a [illegible] the [illegible] of it [illegible] at the
Lottery petitioned by [illegible]. Fifty hundred
[illegible] the [illegible] [illegible] Dance [illegible] the club
[illegible] and 1888

Richard D. Hickock

By Mr Fitzgerald

Objected to as being
Immaterial

By the Court

Admitted

Q Did you know that
Mr Dwyer which, with the date from off
Is binding more than the date of the
[illegible] [illegible] off?

A Exactly

Q To the best of your recollection what
was the rule at the time of this
bill? Direct to the [illegible] ?

A Off.

Redirect Examination

Q Did you think these notes which you
received [illegible] were they made
[illegible]?

A Made by Mr Bough

Q Payable to your order?

A Exactly

Recross Examination

Q So far as your information has
led you to believe Mr Hickock
were Mr Boughs representations
that he had a customer false

By Mr Fitzgerald.
Objected to
By the Court.
Question allowed
A. Decidedly

Sworn to before me
this 16th day of November 1881

Chas Englehardt

George S. McGrath being a witness, called on the part of the complainant being duly sworn deposes and says

By the Court

Q. What is your name?

A. John Bradway McGrath Sr.

Q. What is your age?

A. 35 years.

Q. What is your business?

A. Stationer.

Direct Examination

Q. Do you know the defendant John Beach?

Answer Yes

Q. How long have you known him?

A. Since 1881.

Q. Did you introduce Mr. McGrath to Mr. Beach?

Answer Yes

Q. When was that about February 1881?

Answer Yes

Q. Are you aware that since that time up to July you and Mr. McGrath had business with Mr. Beach?

Answer Yes

Q. Did you ever get any goods from Mr. Herbert under Mr. McGrath's guarantee?

Objected to

By the Court

Question allowed

Answer Yes

Q Did you have any conversation with Mr Brough in the month of June or thereabouts in relation to Lee Oines?

Mr. Fitzgerald
Objected to

By the Court.
Question allowed;

Answer Sir

Q About what time after June did it occur?

A I cannot say exactly, it was before harvest the first of, the month;

Q Sometimes after the first?

Answer Sir

Q Did Mr Brough tell you what he was going to do with the Oines?

By Mr. Fitzgerald
Objected to

By the Court
Question allowed

A Yes Sir

Q What did he tell you he was going to do with those Oines?

By Mr. Fitzgerald
Objected to

By the Court
Question Answered

A Pawn them to get some money;

2-2

Q. But what did he want the money for did he say?

A. He was going to start a saloon up town

Q. Was that the same saloon at 15th and Chestnut Sts?

A. Yes Sir

Q. Did you see Mr. Bingham after the 16th of January?

A. Yes Sir

Q. How long was it before you saw him?

A. Probably the same date, I used to see him every day

Q. Did you see him after the 19th of January?

A. Yes Sir

Q. What conversation did you have with him on that occasion?

A. About what.

Q. After the 19th of January relating to the stones?

A. He was told we had got the money for them?

Q. Did he tell you that he had pawned them?

A. Yes Sir

Q. Did he tell you where he had pawned them?

A. Yes Sir

Q. Did he tell you how much money

43

he got for himself out of that?
A. I do not know exactly
Q. How he said he got about nine hundred dollars for himself out of it.
A. I think it was Eleven hundred dollars.
Q. Did he show you the same time?
A. I do.
Q. Was at this time Mr Jefferson Davis either a tenant or was it that appears to be the same house that Mr Bough showed you at the time of the conversations? Does it appear to be the same house?
A. I do.
Q. Do you believe it is the same house?
A. I do.
Q. It has the same color, appearance has it not?
A. I think it has.
Q. Do you know from what Mr Bough said that he formerly lived in one of the houses in 57th Chatham?
A. I don't recollect what number it is.
Q. The premises right at the corner of Chatham Street when William
A. Yes sir near where the star possibly company is
Q. The right next door to the drug store of Gouverneur, isn't it?

24

Cross Exd

Q Did Mr Brough tell you before the 16th of June that he intended to get those goods from Southworth to move away on them?

Cross Exd

Q Did he not of course tell you that he had sold the goods from Southworth and removed them?

Cross Exd

Mr Mac Cammon

Q Mr Brough refused to give bail for his Vagrancy

Redirect

Q How long have you been in this town a year or more?

Q Are you still in it?

Recross Exd

Q Have you not indicted men for any offence?

Mr Murray

Objected to as being irrelevant,

By the Court

Objection overruled

Counsel Ex Septimi

Q Who is the complainant who appears for the people in this indictment?

By Mr Murray

Objected to as Irrelevant

By the Court

Objection, Overruled

25

Where you will find an agreement with Mr Sherbert, that if you certified the
his favour of this bill he would withdraw
any criminal prosecution that
he has against you.
(By the Mercury)

Witness to
Sylvester

Sylvester Jones Fined

Sworn to before me
this 12th day of December 1[illegible]

Peter Cantor

p. 6.

William Simpson called as a witness on the part of the people being duly sworn testified as follows

By the Court

Q What is your business?

A Grocery business.

Q Where?

A. 81 Chatham Street.

Q What is your age?

A 30 years.

(By Mr. Fitzgerald.)

It is admitted that the goods in question were purchased by Mr Baker

By Mr. Fitzgerald.

I cannot admit anything without the admission being before under oath it should come from the record.

Direct Examination (By Mr. Brennan)

Q Are you the son of McSimpson the keeper of this pawn shop?

Answer the respondent.

Have you the book containing the entry of records of articles pawned in your store on the 9th of June 1895

A Yes sir

Do this the book (showing a book)?

A It is.

39.

Q. Do you see on the page marked 1. the pawning of goods on the 19th of March 1850. corresponding to the page 1?
Answer. Yes.

Q. Do you see on the page and entry numbered 58. the diamond stars, pawned on the 19th of March for the sum of Fifteen hundred dollars, under the name of Brooks in the name column and John Boughs in the goods column which is commonly used to describe the total gain by the person who pawns the goods;

By Mr. Fitzgerald

Objected to

By the Court

Objection Overruled

Answer. Not to sights

Q. Did you know Mr. Boughs at your office then;

A. I have seen him there

Q. Was he ever pawned goods with you personally;

Answer. I think he has once or twice

Q. Was he not so far as you know very the name of Brooks in pawning goods in your place;

A. Not from him personally

Q. He also gave the name of Bough

Q Did you also write Baugh on the tickets?
A Yes sir
Q Look at these tickets please (showing witness a ticket,) are all these are the same tickets which were given for those ten stones, these ten diamond stones?
A I don't know
Q All those the duplicate tickets following witness ticket)
A Yes sir
Q What are the officers you give to the person who carries the goods, are the officers you keep yourself?
A Yes sir
Q Please read from the one which you give to the party that carried the goods?
A June 19th ten stones fourteen hundred dollars ($1400) Mr Brooks.
Q Read the duplicate (showing witness a ticket)
A 19th June ten stones fourteen hundred dollars, ($1400) Mr Brooks.
Baugh
Q These are the regular books and tickets kept in your office (referring witness to books and tickets)
A Yes sir
Q Are you keep the books with Mr

29

Examination

A. Part of the time

Q. You know don't you that there are the regular blanks of record in your office?

Ans. Yes Sir

Cross Examined.

Q. Mr Simpson did you create the record numbers appears on the pages of this book (referring to the book) they appeared to me in your office before I came

A. Yes personally I began in 5

Q. Please Sir

Ans. Yes Sir

Q. Then whatever information you get you get from the books in your office?

Ans. Yes Sir

Q. Then if the book is wrong then you could be wrong?

Ans. of course

Q. Did you make the records of these tickets?

Answer. not personally

Q. What according to these tickets Mr Simpson does it appear that they represent goods pledged by a man named Brooks.

Ans. Yes Sir it appears so.

Q. Mr Simpson according to these tickets a man named Brooks pledged the goods that is represented

on the district?

A. That is the supposition.

Q. Do you know a man named Brooks

A. I have heard that name frequently.

Q. Mr Simpson you do not know that the name Brooks and this case is on these dockets, does not connect with this man named Bourke who is here, you do not know that that is not the case

By Mr Bilyeu

Objected to

By the Court

Objection Overruled

Answer

Q. Mr Simpson you do not know that the name Brooks, stated in these books, does not represent the man named Daniel Bourke the defendant?

By Mr Bilyeu

Objected to

By the Court

Question allowed

Answer

Recross Examination

Q. Mr Simpson do you know who banned these goods? A. No sir.

Sworn to before me this 16th day of Nov 1886

Further hearing adj to Nov 17, 1886 at 2 P.M.

November 18th 1791.

All Justices present, the Commission proceeded.

William Simpson Released by the people and Examined by the Jury

Q Are you thoroughly familiar with the books, and the manner of keeping the books, and making entry therein in the office of the Commissioners in Chatham County?

Answer

Q From your own knowledge of the books and the entry therein do you state of Mr Burnett the deponent, has borrowed goods at your store under the name of Burnett?

Mr Fitzgerald

Objected to

By the Court. Question allowed?

It is considered that the question be objected from the record.

Q You have the entry of the payment after ten times on the 7th of June day on mat?

Answer

Q It appears that they are passed under the name of of Burnett?

Answer

Q And in the next column there is the name John Bough. is there not?

Answer

Q Do the names John Bagby mean to identify the persons who purchased these goods?

Answer

Q What would be the value in an advancing price of goods on which you loaned Twelve hundred ($1200) dollars?

A For purposes of lending under such circumstances ($1200) if they were purchased for Twelve hundred ($1200) dollars and mortgaged it to lending Seventeen hundred ($1700) dollars at a sale

Q Do you consent at an auction sale?

A Always business sale

Q What would be the value of these goods in your opinion between an ordinary purchaser in a business house from a person outside of any auction sale?

By Mr. Bagby

Objected to as leading

By Mr. Mercer

Question Withdrawn

Q Supposing I offered them goods for sale what would be the value that they ought to bring not at an auction sale

A The ten stores?

Q Yes?

A I had I could tell you?

0518

33

1

Q. In your opinion was
A. At least Eighteen hundred ($1800) dollars
bribe.
Q. Are there any records in your books
of the passing of goods under the
name of Brooks, which you know
to have been passed by Mr Bough.
By Mr Bigelow:
Objected to
By the Court
Objection
Overruled
Q. Not so far as you know the name
Bough written on the passes which
which were given for those the Witness
was put there to identify the
Witness Bough as describing the
name Brooks, as the person Bough.
in this case, that passed the goods
A. Never that I know of
Q. But you do mean that it was put
there to identify the person Bough
Overruled.
Q. From the portion of this entry number 68
on June 19th about what time
of day does it appear that these
goods were passed?
A. Sometime between 10 and 12 o'clock.
Q. And this you know from your own
knowledge as shown by the books?
Overruled.

Q Did you know whether this Mr Bourke who is identified as Mr Bough received these goods himself?
Answer I do not.
Q You were not present when they were received yourself?
Answer
Cross Examined
Q Mr Dimpson how do it that you only at the moment value of these plates
A By public auction
Q But that is the only way you have of knowing?
Answer
Q Mr Dimpson were you present when these goods in question were passed
Answer
Q Do you know whether Bough passed the goods referred to in court?
A I do not know.
Q Will you mean that to the best of your knowledge, that Bough passed them
Answer

Sworn to before me this 16th day of Nov 1886

Ponsonby Jones

Joseph B Marner, called on on behalf on the part of the people being duly sworn deposeth & says.

By the Court

Q Where do you reside?

A 182 W 31st Street

Q What is your age?

A 19 years

Q What is your business?

A Office boy

Direct Examination

Q Did you accompany to the office of Mr Shepherd the complainant?

Objected

Q Do you remember the 16th of June 1895?

Objected

Q Do you remember when Mr Borough came to the office of Mr Shepherd on what day?

Objected

Q Do you remember any conversation in reference to the ten times about which you have the testimony that took place between your employer Mr Shepherd & Mr Borough?

A I remember then speaking about them

Q State the conversation as far as you can recollect it?

A I remember Mr Borough coming in

and paying that he had a money or customer he owed all these goods to that that he owed and got owed for them - he owed him to pay them on time

Q What did Mr Thornton say to that proposition?

A Mr Thornton mentioned something about having some five hundred dollars in bonds to be paid that he had paid for clothes and that he owed and got them unless he gave the money he said definitely that he would not see these goods unless he had the five hundred dollars and for them

Q What did Mr McBough do then?

A I saw him take McBough going out and any saying he owed for the clothes

Q Were you present on the 19th of June 1896 when the notes in this case were given?

A Yes sir

Q Did you furnish the promissory notes that were written out?

A I brought the note book pen and ink and McBough wrote the notes out?

Q Did you have any conversation in relation to the matter?

A There was no particular conversation that I can remember. I saw the money

signing these and I saw Mr McBough write the notes.

Q. Do you know how much money these were?

Answer I did not at the time

Cross Examined

Q. How long have you been working for Mr Herbert?

A. Since October 1874

Q. Does Mr Herbert do a money lending business?

A. He does some lending I cannot say how much.

Q. This business is pretty large?

A. He does a business of a trifle. And he does the most of it outside

Q. Does he do much of it in the office

A. Yes a great deal he does more out side.

Q. How is it that you remember these particular facts as to between Mr Herbert and Mr McBough?

A. I remember because I had to go to their offices of Mr Elliott and Bough and look them up a great deal.

Q. Those notes that were made by Mr Bough in favor of Mr Herbert were made individually Mr McMurray

The notes are the best evidence

0523

38

Mr Fitzgerald to Mr Murray have you the notes here?

Mr Murray yes Sir producing the notes,

Q are you aware of the notes that are written here are the notes that Mr Baugh gave to Mr Sherbert (showing witness notes)

A I believe they are they look to me to be the same notes.

Mr Murray.

Q are they?

A yes Sir

Mr Fitzgerald

I offer the notes in evidence which are four notes made by John Baugh to Richard J Sherbert bearing date June 16th, and each of said notes being for Three hundred and ninety five ($395.00) dollars each and being Ten, four, five and six months from date and numbered. 277. 278. 279. and 280. Notes cancelled and marked Exhibits Ex 2 Nov 18/1886.

Sworn before me this 18th day of November 1886

Parker Justice

Case closed for the people.

Further hearing adjourned to Nov 30th 10 AM

0524

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before P. G. Duffy a Police Justice of the City of New York, charging John Baugh Defendant with the offence of Grand Larceny

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, John Baugh Defendant of No. Perry Street; by occupation a Cleaner and Mary Baugh of No. 144 W. 3rd Street, by occupation a Housekeeper Surety, hereby jointly and severally undertake that the above named John Baugh Defendant shall personally appear before the said Justice at the 1st 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 Three Hundred Dollars.

John Baugh

Mary Baugh

Taken and acknowledged before me, this 11th *day of* November 188 6

P. G. Duffy

POLICE JUSTICE

0525

CITY AND COUNTY OF NEW YORK, } ss,

Mary Bough

the within named Bail and Surety being duly sworn, says, that he is a resident and free holder within the said County and State, and is worth Sixty 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 The house and lot of land situated at 307 West 19th Street, Valued with fifteen thousand dollars clear of all debts or encumbrances

Mary Bough

Sworn to before me, this day of 188

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,

0526

Police Court—First District.

Affidavit—Larceny.

City and County of New York, } ss.

Richard J. Herbert

of No. 26 Maiden Lane New York City Street, aged 47 years, occupation wholesale dealer and broker in diamonds being duly sworn deposes and says, that on the 16th day of June 1885 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:

Ten diamond stones of the value of Two thousand eighty two and 50/100 ($2082 50/100) Dollars among various and diverse other diamonds and precious stones

the property of said deponent Richard J. Herbert

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 a certain John Rough who is an Ex-convict and resides at Ravenswood near Astoria County in the State of New York, in manner following viz: On the 8th day of June 1885, deponent gave the said ten diamonds to said John Rough on memorandum. A few days thereafter he returned the said diamonds to deponent and on the 16th day of June 1885, the said Rough came to deponent and with the intent to cheat and defraud him of said diamonds, he represented that he had a bona fide and responsible customer who would purchase them and that he would take them to said customer and obtain from him the sum of Five hundred ($500 00/100) Dollars as part payment of the price thereof, which sum deponent required to be paid before he would sell them to said Rough, and thereby on the faith of

Sworn to before me this day of 188

Police Justice

such representations, he obtained possession of said diamonds from deponent: The next day, June 17th 1880, the said John Bough came back to deponent without said diamonds and represented that he had obtained the required sum of Five hundred ($500-) Dollars from his said customer, and offered the same with his notes for the balance of the price of said diamonds, and thereupon deponent, being deceived as said Bough intended he should be, by the aforesaid representations and pretenses, all of which were false and fraudulent and were made by him with felonious intent to deprive and defraud deponent, the true owner, of said diamonds or to appropriate the same to the use and benefit of the taker said John Bough, accepted said sum of money and the notes offered as aforesaid and gave the said diamonds and the possession thereof to said John Bough.

That the said John Bough did then and there, feloniously obtain and receive the said ten diamond stones, the property of this deponent of the value of Two thousand Eighty two and 50/100 ($2082 50/100) Dollars and the possession thereof, from this deponent, by color, means and aid of the fraudulent and false representations or pretenses aforesaid, with the intent to deprive and defraud the true owner, this deponent, of his said property, viz: the said ten diamond stones or of the use and benefit thereof, or to appropriate the same to the use of the taker namely the said John Bough.

Sworn to before me this 8th day of November 1886 } Richard J. Herbert

P. C. Dissel
Police Justice

0528

Sec. 198—200

1st District Police Court.

CITY AND COUNTY OF NEW YORK } ss.:

John Bough 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 Bough.

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer, New York City

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

Answer. Rosewood L I 2 years

Question. What is your business or profession?

Answer, Speculator.

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

John Bough

Taken before me this 11 *day of* October *188*9

John Ryan

Police Justice.

0529

Sec. 151.

1st District Police Court

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 any Marshal or Policeman of the City of New York:*

Whereas, Complaint on oath, has been made before the undersigned, one of the *Police Justices* in and for the said City, by Richard L. Herbert

of No. 26 Maiden Lane Street, that on the 16 day of June 188 5 at the City of New York, in the County of New York, the following article to wit:

Ten diamond Stones &c

of the value of Two Thousand Eighty two 50/100 Dollars,

the property of Complainant

was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by John Doughr

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 every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 1st 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 8th *day of* November 188 5

J. W. Rees Jr. POLICE JUSTICE.

0530

POLICE COURT ..... DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Richard J Herber

vs.

John Bough

Warrant—Larceny.

Dated Nov 8 — 1886

Duffy Magistrate

O'Connor Officer

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

E. J. O'Connor Officer.

Dated Nov 10 — 1886

This Warrant may be executed on Sunday or at night. in the County of Queens

Stephen J Karnan Police Justice.
Justice of the Peace
Long Island City

REMARKS.

Time of Arrest, Nov 10/86
John Bough
Long Island City

Native of US

Age, 42 y

Sex M

Complexion, Sandy

Color W

Profession, Speculator

Married No

Single,

Read, No

Write, No

0531

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 Brough

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

Dated July 29 188 7 P. G. Seeley *Police Justice.*

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

Dated July 29 188 7 P. G. Seeley *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

0532

TORN PAGE

Bail 2000

Bondsman Identified

Charles Moore

145 Liberty St

January 4th 1887 Richd J. Herbert

26 Maiden Lane

Witness

to be notified where the

Judge is sitting

BAILED,

No. 1, by

Residence 144 W. 37 Street

No. 2, by

Residence Street

by

Street

Bailed by

Street

Nov 16 20

18 20

Decision on 21 of

Dec 88 2 pm

Jany 22

Held

No. 137

Police Court Dist. 87

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Richd J. Herbert

26 Maiden Lane

John Burgh

1

2

3

4

Offence

Dated November 9 188 6

Magistrate

Geo. McGrath 243 Bway, Bklyn ED

Officer

Joseph Mainer 26 Maiden Lane

Jas. C. Murray 11 Pine (Duncan Bldg 5th Fl.)

Precinct

Wm. Simpson Jr. 57 Chatham

Witnesses Wm. Simpson Sr.

No. 57 Chatham Street.

No. 11 Pine Street

No. Street.

to answer

Jan

Bailed

0533

District Attorney's Office.

PEOPLE

vs.

[illegible]

[illegible]

Rd on papers the name of Cornelius [illegible] Hackamack State Prison term, as per accompanying papers.

0534

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

188

People
vs
Bough

Witnesses

Wm Simpson - Sr + Jr. 57 or 59 Chatham St
bring book with entry of June 1st 1885
showing the pawning of two diamond stones by Bough or Brooks
for $1400.00 and pawn ticket, made out for themselves
& the one given to Bough.

~~Geo S. McGrath. 243. Bedford Ave Brooklyn E.D.~~
~~Joseph Meurer. 76. Maiden Lane.~~
~~Wm Simpson Sr Deceased~~

0535

To
The Hon. Randolph B. Martine

Feby. 1st 1887.

Dear Sir:
May I beg the favor of early attention to a Case I have for trial! I am desirous of arranging my plans to go abroad and cannot do so until my trouble is settled.

"Herbert - versus - Bough - "Grand Larceny" - Bough was held for trial 22nd January by Police Justice Duffy, Tombs Court and I have not yet been called by the Grand Jury!

This is the Sequel to the Case I had the honor of submitting 30th November 1886. Re, George S. Magrath - Grand-Larceny - who Bough inveigled into Collusion by which means I was largely victimized

Bough is an Ex-Convict, Inspector Byrnes in presence of my Counsel proclaimed him one of the most dangerous Criminals in the State, he some years back with Ellen Peck (now in the Penitentiary) was detected conniving to defraud a Boston Pawn-broker and in Connection with the case he prosecuted

0536

the Woman Peck Ass't District Attorney Purdy conducted the prosecution, but the case to present day has been in abeyance!.

I have expended much time and money in obtaining proof and arriving thus far in my proceeding and have been advised to relinquish the endeavour to obtain redress, on account of the prisoners numerous influential friends. I have many communications confirming the character I report of this man and ample proof of his guilt —

Praying that my request may have early consideration

I have the honor to be
Sir, Obediently

R. J. Herbert.

0537

To the Honorable Copy
Jno R. Fellows.
District Attorney

From
R. J. Herbert.
~~26 Maiden Lane.~~
New York, 18

R. MOVED TO
176 BROADWAY,
CARE OF
ROBERTS & YERRINGTON.

Dear Sir
— Re John Bough — sentenced for Grand larceny 18 Nov. 1884 — to 8½ years, state prison — released 25 May 1888 by Court of Appeal decision — I beg to request the return of my Four Notes and papers used in prosecuting this Criminal, and would your Honor kindly order that I may be furnished with Copies of the pleading and decision of Appeal Court

I have the honor to be
Sir most obediently
R. J. Herbert —

0538

To The Honorable
Jno R. Fellows
District Attorney

From
R. J. Herbert
~~26 Hudson Sum.~~
New York July 5th 1888

REMOVED TO
176 BROADWAY,
CARE OF
ROBERTS & YERRINGTON.

Dear Sir
Will you kindly give attention to my request of 26th ult, of which I beg to enclose copy - or instruct me how to obtain, my papers, & the copies desired -
Awaiting reply at early convenience
I have the honor
to remain Sir
Most obediently
R. J. Herbert.

0539

Amount
July 19

Defendants Points

I

I. There was an absolute title to the diamonds conferred on the defendant Bough, by the complainant Herbert. The delivery of the goods took place followed by the consideration money which was $502 50/100 and four notes of $395. each to mature in two, four, five and six months and dated June 16th 1885 made by John Bough the defendant herein in favor of Richard J. Herbert. We have all the essentials of a sale, viz: the purchase the delivery and the consideration. The goods having been sold to the defendant Bough, there could be no larceny.

This position is affirmatively established by the following extract from the examination of Herbert the complainant.

By F. T. Fitzgerald defts counsel

Q. Have you done any business with Mr. Bough?

A. Yes Sir

Q. What was the nature of it?

A. I have sold him diamonds and have taken notes from him . . . . . .

Q. Is there any difference in your business with reference to the receipt you give when a party purchases diamonds

A. It would be a settlement in case of a purchase, but not in regard to memorandum goods . . . . . .

Q. Now then I understand you to say that you received $502 50/100 and four seperate notes as payment or settlement which ever you desire to call it for these stones.
A. Yes Sir . . . . . .
Q. Mr. Herbert those notes which you received, whom were they made by?
A. Made by Mr. Bough
Q. Payable to your order?
A. Exactly

II.

The property in question was not obtained by defendant, by false pretenses, in order to make out the crime of obtaining property by false pretenses, it is necessary to prove the false pretenses; that in reliance thereon and under the inducement thereof the property was parted with, and also that the false pretenses were made with intent to cheat and defraud.

96 N.Y. 340

The claim of the prosecution through the evidence of Mr. Herbert the complainant is that Bough represented he had a customer.
Q. He came to your office and what

was his conversation to the best of your recollection.
A. His conversation was that he had a customer for them, and I told him I would not sell the goods except for cash, and he said that he would see his customer - I said I paid about $500. duty on them and I certainly would not sell those goods unless I had that amount refunded, and he then said he would see if he could get that amount from his customer, and with that understanding he left with the goods.....
Under that evidence it is not disclosed that the defendant had any specific customer in view, that he represented that he was going to see some particular individual, to dispose of the goods.
Now the question comes up. Did the complainant on the reliance of that representation and under its inducement part with the property in issue.
Certainly not. _____ if he did he would not have accepted the personal notes of the defendant Bough. He would have looked for the customers notes or at least his indorsements on the notes made by Bough.

Bough had done business with Herbert before the present transaction. Bough had established a credit with Herbert, therefore Herbert gave the goods to Bough without relying on any representation which Bough may have made.

The attempt to draw a distinction in the case under consideration is untenable. The style of business between Herbert the complainant and Bough defendant is best described by the testimony of Herbert as follows

. . . . . Have you done any business with Mr. Bough?

Ans. Yes Sir

Q. What was the nature of it

A. I have sold him diamonds and have taken notes from him . . . .

The law of this State upon this question is as follows. "Another essential element of the crime, which the people in all cases of this kind are bound to establish is, that the money was paid, or the property parted with in reliance upon and under the inducements of the false pretenses alleged . . . . It must be borne in mind that mere silence and mere suppression of the truth, the mere withholding of knowledge upon which another may act is not sufficient to constitute

the crime of false pretenses.
96 N.Y. 348 + 349

III

The possession of the goods being rightful originally - the defendant being the owner of them - he could do as he pleased with them - he could have given them away, burned them - poisoned them if he desired to.
14 Eng. L. + Equity Rep. 544.

The ownership of the property is proven by the following evidence of Mr. Herbert the complainant.

Q. Now then I understand you to say that you received $502 50/100 and four seperate notes as payment or settlement which ever you desire to call it for these stones

A. Yes Sir

IV

The goods were sold to defendant Bough by Herbert, therefore there could be no larceny. There was no false pretenses made upon which Herbert relied, or any inducement held out by which Herbert parted with the property, therefore the goods were not obtained by false

representation. If there was any false pretenses it was made as to the ability of the defendant to pay.— This is not criminal, unless made in writing and signed by the party.

Penal Code Sec. 544.

V

The complainant has his remedy in the civil courts to enforce the payment of the notes given by the defendant Bough. The complaint should be dismissed and the defendant Bough discharged.

Frank T. Fitzgerald
of counsel for deft Bough.

People
vs.
John Bough

FIRST DISTRICT POLICE COURT.

The People, &c. on complaint of Richard J. Herbert,

vs.

John Bough

COMPLAINANT'S POINTS.

I.

The original taking of the diamonds by Bough on 8th Feb'y 1886, was FELONIOUS: He intended to appropriate them to his own use and defraud Herbert the owner. Magrath's testy. on page 21 Elsaquitar, also p. 24

II.

Bough's Felonious intent was CONSUMMATED by inducing Herbert to sell the goods on June 17th by means of the false and fraudulent representations and pretenses, 1st, that he had a particular customer who would buy the goods and 2nd, that said customer had agreed to buy them on time and had given him the required $502.50 cash to give to Herbert. See testy. of Herbert p. 7 to 9 and J. Meurer p. 36 & 37

III.

Bough PAWNED these goods on the MORNING of June 17th at Simpsons, obtaining $1400 on them. See testy. of Wm. Simpson p. & Magrath p. 22 to 24.

IV.

The TITLE to and PROPERTY in the goods was in Herbert at the time Bough pawned them.

next page

See testy. of Herbert p.17 and J. Meurer p.36 & 37.
and of Wm. Simpson p.34 that they were pawned between 10 and 12 A. M. on June 17.

V.

He appropriated $900 to his own use and gave Herbert $500 in order to DECEIVE Herbert by making it look like a bona fide transaction.

See testy. of Herbert p.17. and Magrath p 23

VI.

The notes were executed by Bough and the bill given by Herbert on June 17TH AFTER the diamonds were pawned and AFTER the $500 had been paid to Herbert.

See testy. of Herbert p.17 and J. Meurer p.37 Also RECEIPT for $502.50 at bottom of bill. p 18

VII.

The bill and the notes were dated June 16TH because on that day Herbert stated his final TERMS and Bough agreed to submit those terms to his customer. See testy. of Herbert.p.8

VIII.

The value of the representations that Bough had a customer who would purchase and had agreed to purchase the diamonds consists in this: that if the representation were true and Bough had failed to pay his own notes when they became due, he (Bough) could then (if he was acting honestly) have transferred to Herbert his claim against such customer, whom Herbert assumed to be a responsible party from his buying such a valuable lot of diamonds amounting to $2085.00

IX.

The PROOF of LARCENY is complete and ample: For:

1st, There is proof of FELONIOUS INTENT.

2nd. " the representations.

3rd. " " " being false.

4th. " " Bough inducing Herbert to act on these representations

5th. " " felonious appropriation of the goods by Bough.

See especially testy. of Simpson identifying Bough with Brooks; p32re ; and of Magrath identifying the pawn tickets and Bough's conversation with him p22, 23, 24

This case is clearly within the rule stated in People v. Baker 96 N. Y. 340; also Loomis v. People 67 N. Y. 329.

X.

Even if these facts would under the old law have constituted only the crime of FALSE PRETENSES, NOW under the Penal Code they constitute the crime of larceny.

Penal Code Sec. 528.

Weyman v. People 4 Hun. 511.
Thorn v. Turck 94 N. Y. 95
People v. Baker, 96 N. Y. 340
Loomis v. People 67 N. Y. 329.
Smith v. People 53 N. Y. 111.

It is respectfully submitted that the above is more than sufficient proof of a prima facie case of larceny and the defendant should therefore be held.

Dated N. Y., 1st Dec'r 1886.

James C. Murray,
Counsel for Complainant,
Richard J. Herbert,
11 Pine St.

Police Court
First district

The People ex rel
Richard J. Herbert
against
John Bough

Complainant's
Supplemental Points

James C. Murray
Counsel for
Complainant
11 Pine St.
City.

JAMES C. MURRAY,
COUNSELLOR AT LAW
No. 11 PINE STREET,
New York.

0550

[illegible]

0551

JAMES C. MURRAY,
COUNSELOR AT LAW,
~~20 NASSAU STREET,~~
11 PINE ST.

The Bench

NEW YORK, 2nd March 1887

Mr R. Parker Esq

Dear Sir:
I have endeavored to
find some one decision on
the point which you raised in
the interview we had when
you been unable to do so.
Said bankruptcy, it cannot
be decided upon principle, &
in that view of it, it would
seem as if the most favorable
view of the authority obtaining
upon title, would not lead to any
other result, than that it was

objectionable as a means of
nullifying the felony as a
direct agreement would be to
compound the felony.
This I think is the only
view that can be taken of it,
& I trust that you will find
the evidence strong enough
to advise indictment & trial.
I remain
Yours truly
James C. Carter

In the matter of the complaint

of Richard J.Herbert against : Grand Larceny

John Bough.

----o----

Hon. Randolph B. Martine,

District Attorney.

Sir :

I have the honor to report in the above entitled matter as follows:

The complainant charges the defendant with the larceny of a number of diamonds from the complainant. The facts in the case, as they appear from the complaining affidavit, and the testimony taken before the Police Justice, are, in outline, as follows:

On the 8th day of June, 1886, the defendant Bough obtained from the complainant Herbert, a jeweler engaged in business in Maiden Lane, ten diamonds, of the value of $2082,50, on memorandum - a term in common use in the jewelry trade, meaning an application for the articles mentioned in it, for the purpose of exhibiting them to a customer; and being intrusted for that special purpose, the title remains in the person upon whom the order is made, until the consummation of the bargain with the customer. There is some discrepancy as to whether the diamonds were ever thereafter in the possession of the defendant, his affidavit stating that they were returned to him by the

defendant a few days after the 8th, and again delivered to the defendant on memorandum; while in his testimony (page 7) in the Police Court, he declares that he is not positive that he ever had them in his possession after the 8th, and that to the best of his knowledge he had not. This variance is, however, of no materiality, in view of the further facts of the case, as he declares that on the I6th, the defendant, having the stones then in his possession, represented that he had a customer for them; that the complainant said he would not sell except for cash - that he had paid about $500. duty on them, and that he certainly would not sell unless he had that amount refunded; that defendant then said he would see if he could get that amount from his customer, and with that understanding left with the goods (page 7); and that on the I7th he returned, stating that he had succeeded, and arranged with his customer, and paid to complainant $502, 50, which he stated he had got from his customer (page 8), to satisfy the cash requirement~~s~~, and giving his four notes of $395 each, at two, four, five and six months respectively, dated June I6, I885, for the balance.

There was put in evidence on behalf of the defendant at the Police Court ~~the~~ a bill of said stones, for $2082,50, to defendant from Herbert, on one of Herbert's printed bill-heads, crediting him with his four notes above mentioned for $I580, and charging him with the balance of

$502,50. This bill is dated June I6, I885. The complainant swears positively, however, that the bill and notes were not made out or delivered until after the $502,50 had been paid to him on the I7th (pages 8 & I7), and that both bill and notes were dated on the I6th, because the defendant had taken possession of the goods on that date (Page 8).

On whichever of the two days the said papers were made out and delivered, it appears very forcibly from the testimony that it was not intended that any sale should be had except upon the receipt of the $500 cash by the complainant, and that the payment of that sum was made a prerequisite to the passing of the title to the defendant. (Herbert's testimony, page 7 & I7 - Meurer's testimony, page 37). Both Herbert (page 8) and Meurer, who was in his employ at the time, swear that the cash in question was paid by the defendant on the I7th, and between I2 & 30 and 2 P.M. on that date - (Herbert's testimony, page II). At the bottom of the bill, somewhat apart from the addition, is the following note, in the same handwriting as the body of it:

"Settled by cash $502,50 June I885. R.J.Herbert"

The piece containing the day of the month is torn out, and the gap left is of such a shape as to arouse the suspicion that its removal could scarcely have been the result of accident. The character and position of the memorandum, separate from the body of the bill, would seem to indicate the noting of a subsequent transaction, and

may be to that extent regarded as a corroboration of the testimony that the momey was paid on the I7th.

The transaction is, thus far, upon this statement, a simple sale and delivery of the diamonds by the complainant to the defendant, upon the I7th of June, I885. But George S. Magrath, who first introduced the defendant to the complainant, and who, with defendant, had dealings with complainant for several months, testifies (page 2I) that

"Somewhere around the first of the month" of June, I885, he had a conversation with Bough in regard to the stones in question; that Bough then told him that he intended to get the stones to pawn them, and get some money on them to start a saloon up town (which he subsequently did); that he saw Bough after the I7th of June, and he told him he had got the money for the stones, and where he had pawned them, and how much he got for himself out of the proceeds of the pawning, which Magrath does not remember exactly, but thinks was $II00, and that the place of pawning was Simpson's in Chatham St. near William.

William Simpson, a pawnbroker, testifies that on June I7th, I885, between the hours of ten and twelve A.M. ten diamonds were pawned for $I400, by a man giving the name of Brooks, but who is noted upon his books as being recognized as John Bough.

Assuming, then, all these facts to be true (and there is no testimony impeaching them), it would appear from the testimony that Bough obtained the stones from the

complainant with the preconceived design, not of exhibiting them to a customer, but of disposing of them for his own use, with the intention to deprive the owner of them; that he did so dispose of them, and subsequently, with part of the proceeds of that wrongful disposal, returned to the complainant, and satisfied the condition precedent to his obtaining title to the property. ¶ Here, it cannot be doubted, is every element of larceny. Here is the felonious intent, existing at the time of the obtaining of the goods, the taking away and ~~the~~ a wrongful disposal. There is no evidence showing that the defendant's re-presentations as to the customer had any foundation in ~~th~~ the first instance, and all the testimony is hostile to their truth. The whole offense was consummated before any title passed, and its proceeds were used to secure the color of title, which the defendant now endeavors to set up. But even if title had passed at the outset, as all the evidence tends to show, the falsity of his re-presentations, and that the defendant, relying upon their truth, intrusted the stones to his possession for the carrying out of the declared purpose, the defendant would have been guilty of obtaining the goods under false pretenses.

The testimony also shows that the defendant is a man of bad character, having been heretofore convicted and sentenced for forgery and burglary, and served a term in State Prison for the latter offense.

I accordingly recommend that the complaint be laid before the Grand Jury for action, with a view to the indictment of the defendant.

Yours respectfully.

A D Parker

March 15, 1887.

THE PEOPLE OF THE STATE OF
NEW YORK, ex rel.

Richard J. Herbert

against

John Bough

Respondent

RANDOLPH B. MARTINE,
District Attorney,
No. 32 Chambers Street,
NEW YORK CITY.

Approved Mch 30 1887
R.B.M.

0560

New York, June 13th 1885

Mr. Jno. Bough

From **R. J. HERBERT,** *26 Maiden Lane, cor. Nassau St.*

BROKER IN DIAMONDS.

Terms Cash.

To a pr. brilliants	1062	3 3/4 1/32	130 00	
" " single "	1100	2 C/16	225 00	
" 2 Owl opal scarf pins		for	25 00	
				$380.00

Settled by 3/mos Note dated 1st Inst.
due Sept 14th/85 — R. J. Herbert

0561

No. 58

W. & J. SIMPSON,
No 51 Chatham Street.
One block above Brooklyn Bridge.
Established, A. D. 1822.

JUNE, 17 1885.

108 [illegible]
1400.00
[illegible]

Not accountable for loss or damage by fire, breakage, moth or burglary.

☞ SEE RATES ON OTHER SIDE. ☜

0562

Rates of Interest.

On sums of 100 Dollars or under, 3 per cent. per month or any fraction thereof, for first six months, and 2 per cent. per month thereafter. On sums over 100 Dollars, 2 per cent. per month for first six months, and 1 per cent. per month thereafter.

This Ticket Good for One Year Only

0563

New York, April 16th 1885

Mr J. Bough

From **R. J. HERBERT,** *26 Maiden Lane, cor. Nassau St.*

BROKER IN DIAMONDS.

Terms Cash.

To a ruby & diam^d ring	200 00.
" " ladys Gold O.F. Watch	45 00
	$ 245.00.

Settled by
60 day Bill from
April 21st 85
"due June 20th/85"

R J Herbert

FIRST DISTRICT POLICE COURT.

THE PEOPLE, ex rel RICHARD J. HERBERT, Complainant, against J O H N B O U G H, Defendant.	GRAND LARCENY.

STATEMENT OF FACTS:

The testimony in this case shows the following to be the true state of the facts:

That the defendant Bough was introduced to complainant Richard J. Herbert in February, 1885, and this transaction occurred in June 1885. That about June 8, 1885, the defendant Bough obtained the ten diamond stones from complainant Herbert on memorandum, to show to his customers generally. Memorandum is a transaction by which a dealer, on the representation of an applicant that he has a customer for a certain class of goods, gives to the applicant goods of the class desired to show to his customer, on the distinct understanding that the goods can be sold only for cash, at not less than a price fixed by the dealer when possession is given to the applicant, and that until that cash price is paid to the dealer the title to, and ownership of the goods

is in the dealer, and the goods must be returned to the dealer either on demand or within a time specified as the case may be.. That at the time Bough obtained the diamonds he did so with the criminal intent (unknown to complainant) of pawning them and appropriating the proceeds to his own use (see testimony of George S. Magrath) That defendant Bough came to Herbert on the 16th June and said that he could not sell the stones for cash, but that he had a particular customer who would buy them on time. To this complainant relied that he would not sell the diamonds on time and that he must have at least $500. in cash from that customer before he would sell them. The defendant then said that he would see his customer as to whether he would buy the stones on those terms (see testimony of complainant and also Joseph Meurer, who was present) The defendant Bough then left the office with the stones in his possession and on the morning of the 17th day of June, between ten and twelve o'clock, pawned them at Simpsons, 51 Chatham Street, for $1400. After thus getting the money on them he came back to complainant's office between 12.30 and 1.30 o'clock and said that his customer had agreed to the above terms; that his customer had paid him the $500. required, all of which was false. The defendant thereupon paid complainant said $500. and gave his own notes for the balance and obtained from complainant a bill for the goods dated June 16th but with a receipt at the bottom for the cash paid dated

June 17th, as complainant testifies. This date at the bottom is now torn off since it has been in the possession of defendant, evidently for the reason and with the intent to destroy the evidence of the true state of the transaction. The remaining $900. defendant appropriated to his own use in assisting to buy a liquor store at 3rd Avenue and 15th Street The evidence that defendant pawned the stones is clear and conclusive. It consists first of the testimony of Magrath as to Bough's intention in getting the diamonds. 2nd, of the pawnbroker's register, where the entry is made of the pawning of the goods by defendant in the name Brooks, but with the name J. Bough written at the same time along side of Brook's, and for the distinct purpose of identifying Brooks with Bough, the defendant here (See testimony of Simpson on November 18th, 1886) 3rd, by the testimony of Magrath as to a conversation with Bough one or two days after June 17th, in which defendant Bough stated that he had pawned these very stones at Simpson's in Chatham Street, at the same time showing witness the pawn ticket. 4th, By the pawn tickets, one of which Magrath identifies as the one shown him during his said conversation with defendant Bough; and the other, the duplicate, having the names Brooks and Bough written thereon for the purpose of identifying the defendant Bough with the assumed name Brooks (See testimony of William Simpson November 18th, 1886), and 5th, by the admission on the record herein by Bough that these ten diamonds were pawned by him.

There is also ample evidence showing the criminal charac-

ter of the defendant and of his having served a term in State's Prison for burglary, and having been again convicted and sentenced, and of the fact that the complainant was not aware of the bad character of Bough at the time he was doing business with him, and that as soon as the complainant discovered the place where the diamonds had been pawned, this charge was made.

As to the points of law in the case, I think it is clear that this is a case of larceny,

1st: At the time defendant obtained possession of, and pawned the diamonds, there was no intent on the part of the complainant to part with his ownership or property therein. See Smith v. People, 53 N.Y. 111, holding such a state of facts to constitute larceny. Also Weyman v. People, 4 Hun. 511.

2nd: The defendant appropriated the complainant's property to his own use before there was any attempted sale to him. > while deft. still held them merely as bailee on memorandum.

3rd: Even if this were only a case of obtaining property under false pretences, according to the old law, still it is now under the Penal Code a case of larceny, People v. Morse, 99 N.Y., 662, and cases cited. That case was tried under the old law, and held larceny. See especially language of Judge Cowing at folio 56 of printed case on appeal to Ct of Appeals

4th: The defendant, with a proved intent to deprive or defraud Richard J. Herbert, the true owner of his property, or to appropriate the same to his own use, obtained the said

diamonds from the possession of the true owner, by color and aidof the fraudulent or false pretense that he had a customer for them and that such customer would buy the diamonds on the terms stated by complainant, and then appropriated the said property to his own use. This clearly constitutes larceny.

Penal Code Section 528.

Dated N. Y., 30th November, 1886.

JAMES C. MURRAY,

Counsel for Complainant,
Richard J. Herbert.

0569

District Attorney's Office.

PEOPLE

vs.

John Brough

Received Deft
Papers to A.A.
Returned on
May 11. 1887

0570

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

People
v.
John Rough
--

New York, March 1st, 1887.

R.J.Herbert, Esq.

26 Maiden Lane.

Dear Sir :

I am instructed by the District Attorney to acknowledge the receipt of yours of the 17th ultimo, in the above matter, and to state that the case will be disposed of at an early date.

Yours respectfully,

A D Parker

Chief Clerk.

FIRST DISTRICT POLICE COURT.

The People, &c. on complaint of Richard J. Herbert, vs. John Bough	

COMPLAINANT'S POINTS.

I.

The original taking of the diamonds by Bough on 8th ~~Feb'y~~ June 1849, was FELONIOUS: He intended to appropriate them to his own use and defraud Herbert the owner. Magrath's testy. on page

II.

Bough's Felonious intent was CONSUMMATED by inducing Herbert to sell the goods on June 17th by means of the false and fraudulent representations and pretenses, 1st, that he had a particular customer who would buy the goods and 2nd, that said customer had agreed to buy them on time and had given him the required $502.50 cash to give to Herbert. See testy. of Herbert p. and J. Meurer p.

III.

Bough PAWNED these goods on the MORNING of June 17th at Simpsons, obtaining $1400 on them. See testy. of Wm. Simpson p.

IV.

The TITLE to and PROPERTY in the goods was in Herbert at the time Bough pawned them.

See testy. of Herbert p. and J. Meurer p. and of Wm. Simpson p. that they were pawned between 10 and 12 A. M. on June 17.

V.

He appropriated $900 to his own use and gave Herbert $500 in order to DECEIVE Herbert by making it look like a bona fide transaction.

See testy. of Herbert p. and Magrath p

VI.

The notes were executed by Bough and the bill given by Herbert on June 17TH AFTER the diamonds were pawned and AFTER the $500 had been paid to Herbert.

See testy. of Herbert p. and J. Meurer p. Also RECEIPT for $502.50 at bottom of bill.

VII.

The bill and the notes were dated June 16TH because on that day Herbert stated his final TERMS and Bough agreed to submit those terms to his customer. See testy. of Herbert.p.

VIII.

The value of the representations that Bough had a customer who would purchase and had agreed to purchase the diamonds consists in this: that if the representation were true and Bough had failed to pay his own notes when they became due, he (Bough) could then (if he was acting honestly) have transferred to Herbert his claim against such customer whom Herbert assumed to be a responsible party from his buying such a valuable lot of diamonds amounting to $3085.00

IX.

The PROOF of LARCENY is complete and ample: For:

1st, There is proof of FELONIOUS INTENT.

2nd. " the representations.

3rd. " " " being false.

4th. " " Bough inducing Herbert to act on these representations

5th. " " felonious appropriation of the goods by Bough.

See especially testy. of Simpson identifying Bough with Brooks; p ; and of Magrath identifying the pawn tickets and Bough's conversation with him p

This case is clearly within the rule stated in People v. Baker 96 N. Y. 340; also Loomis v. People 67 N. Y. 329.

X.

Even if these facts would under the old law have constituted only the crime of FALSE PRETENSES, NOW under the Penal Code they constitute the crime of larceny. Penal Code Sec. 528.

Weyman v. People 4 Hun. 511.
Thorn v. Turck 94 N. Y. 95
People v. Baker, 96 N. Y. 340
Loomis v. People 67 N. Y. 329.
Smith v. People 53 N. Y. 111.

It is respectfully submitted that the above is more than sufficient proof of a prima facie case of larceny and the defendant should therefore be held.

Dated N. Y., 1st Dec'r 1886.

James C. Murray,
Counsel for Complainant,
Richard J. Herbert,
11 Pine St.

Police Court
First District

The People ex rel
Richard J. Herbert
agst
John Boughs

Copy
Complainant's
Supplemental Brief

James C. Murray
Counsel for
Complainants
11 Pine St.

0575

May 10th 1887

To the
Hon. Randolph B. Martine
New York -
Dear Sir

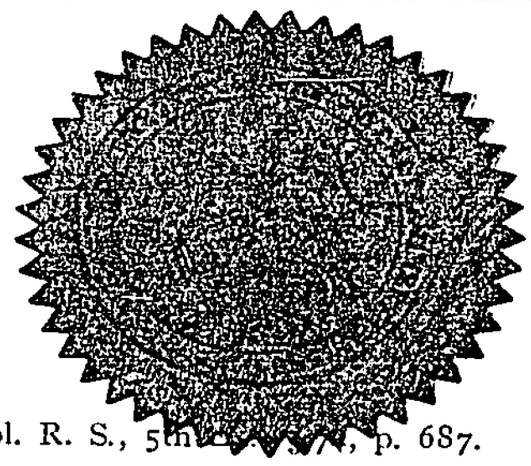
If you will kindly have my Case "re Jno Baugh - Grand Larceny" tried & finished with, I promise never to try to bring another Criminal to Justice! — The worry, time & expence imposed upon me is beyond just Endurance; while really, the prisoner, acknowledged to be one of the most dangerous of criminals, has all consideration, altho' guilty of Crime, & sentenced to Twelve years & further terms, has hitherto defeated most of the Charges against him, by obtaining new trial & thwarting his victims in any satisfaction, coming off without punishment of any kind - fearing I may be held in abeyance to a much later date I venture this to attract notice &

Especially Sir Most obediently

R. J. Herbert —

I, JOHN SPARKS, Clerk of the Court of General Sessions of the Peace, and Clerk of the Court of Oyer and Terminer held in and for the City and County of New York (each being a Court of Record and having a Common Seal), do hereby certify that the annexed is a copy of an order of the Court granting the recognizance of John Bough, as entered in the minutes, —

now on file in the Clerk's Office, and that the same has been compared by me with the original, and is a correct transcript therefrom and of the whole of such original.



3d Vol. R. S., 5th [illegible], p. 687.

GIVEN UNDER my hand and attested by the seal of the said Court this thirtieth *day of* September *in the year of our Lord one thousand eight hundred and eighty* seven

Commissioner of Attorneys.

0577

At a Court of General Sessions of the Peace,

Holden in and for the City and County of New York, at the City Hall of the said City, on the 18th *day of* May *in the year of our Lord one thousand eight hundred and eighty* seven

Present

The Honorable Frederick Smyth, Recorder *of the City of New York.* } *Justice of the Sessions.*

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Bough } *On Indictment for* Grand Larceny first degree — (filed April 12. 1887)

The Defendant not appearing, and Mary Bough *his surety not bringing him forth to answer to this Indictment, pursuant to the condition of their recognizance. On motion of the District Attorney,* **It is Ordered by the Court,** *that the said Recognizance be and the same is hereby forfeited.* **And it is further Ordered,** *that the said Recognizance, together with a certified copy of this Order, be filed in the office of the Clerk of the City and County of New York, and that judgment be entered thereon, according to law, against the said* John Bough *the Defendant above named, and the said* Mary Bough *his surety, for the several sums set forth in said Recognizance.*

A true Extract from the Minutes.

CLERK OF COURT.

0578

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

An order having been made on the 29 day of January 1887, by Patrick J. Duffy a Police Justice of the City of New York, that John Brough be held to answer upon a charge of Grand Larceny 1st degree, upon which he has been duly admitted to bail in the sum of twenty hundred dollars:

We, John Brough defendant, residing at ~~No.~~ Rawlewood Field ~~Street,~~ in the said ~~City~~ State of New York, and Mary Brough residing at No. 1441 West 37th Street, in said City, surety, hereby jointly and severally undertake that the above-named John Brough shall appear and answer the charge above mentioned, in whatever Court it may be prosecuted, and shall at all times render himself amenable to the orders and process of the Court; and, if convicted, shall appear for judgment, and render himself in execution thereof; or if he fail to perform either of these conditions, that we will pay to the people of the State of New York the sum of twenty hundred dollars.

Taken and acknowledged before me, this 29 day of Jany 1887

John Brough Principal.
Mary Brough Surety.

P. J. Duffy
Police Justice.

0579

State of New York,
CITY AND COUNTY OF NEW YORK, } ss

I, [illegible] the surety mentioned in the annexed undertaking to answer, do hereby authorize and empower any Policeman of the City of New York, or or either of them, in my name, place, and stead, to take, seize and surrender the said [illegible], (in the said undertaking held as defendant,) to the Court wherein he is bound to appear for trial, or deliver him to the custody of the authorities of said city and county, in my exoneration as surety therein.

Dated [illegible] 30th 188[illegible]

[illegible] Surety.

NEW YORK
Court of General Sessions of the Peace.

THE PEOPLE,
ON THE COMPLAINT OF

vs.

[illegible]

Recognizance to Answer.

Taken the [illegible] day of [illegible] 188[illegible]

Approved as to Form and Sufficiency.

~~Dated~~ 188

~~District Attorney.~~

Identified by

Filed [illegible] day of [illegible] 188[illegible]

0580

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

Mr. Hubbell:-

Interviewed Feb. 65 by Geo. J. McGrath at [illegible] as a business man of large [illegible] who sold [illegible] goods.

Had to use of such [illegible] [illegible]

Stone had known McG. for about 8 yrs. At this time H used [illegible] [illegible] or notes which were sold at [illegible] [illegible] made other [illegible] to Berger some of which were paid for others on notes maturing after the prosn of the 10 diamonds in question.

Bought on June 8. 65 allegedly 10 diamonds on [illegible] - [illegible] [illegible] to [illegible] [illegible] - [illegible] [illegible] the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Next seen Bergh on the 14th June at my office - [illegible] [illegible] to [illegible]

District Attorney's Office
City & County of
New York

2.

[illegible] the 10th [illegible] he did not think he could obtain cash for them. I said there were very [illegible] duties paid which I would have [illegible] paid — but that the balance might possibly be secured by notes, providing it was all right — I then told him that if the goods were sold for cash the firm would be charged [illegible] — & 55 per cent. On this date they were rendered on basis of 55. Though the [illegible] paying that he would see his customers & see what he could arrange.

Next conversation on 19th June. He said that he had arranged with his customers. He paid me 700 [illegible] cash & the balance in notes made by himself, 2 [illegible] 5 & 6 months, each $395. He said that he had obtained the cash from his customers — — — —

He then gave me a bill dated on 16th & dated the notes all on 16th, because the final terms were arranged on the 16th. — His office boy Joe Mercer was present & supplied the material for making the notes —

0582

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

3

This was between B & [illegible] witness

[illegible]: [illegible] Has [illegible] of
[illegible] introduced [illegible] in [illegible]. Had a
conversation with the R[illegible] 5 or 6 times about
the [illegible]. Bergh said that he was going to
get [illegible] the stolen property from [illegible] a [illegible]
Had conversation after [illegible] time - before of the
[illegible] said [illegible] had [illegible] them at Simpson
Street the [illegible] tickets -

Joseph [illegible] [illegible]

Mr. Simpson, Sworn No. 57 - Second [illegible]
Recalled that B. passed these particular goods,
but knows that he has passed goods -

0583

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

July 6th, 1888.

Received from John R. Fellows, District attorney of the County of New York four promissory notes each promising to pay $395 00/100 made by John Borgell and payable to order of R. J. Herbert and dated New York June 16th, 1885. Also copy of stenographer's minutes of the case of The People v. John Bough in the Police Court. These notes and minutes are my personal property.
New York July 6th, 1888.

R. J. Herbert
176 Broadway. City
N.Y.
Room 32
c/o Robert L. Yerrington

Court of General Sessions, City and County of New York.

The----------x

The People &c.

vs.

Notice of Motion.

----------x

To John R. Fellows, Esq.,

District Attorney of the City and County of New York,

Dear Sir:

Please take notice that on Wednesday, the 23rd day of May A. D. 1888, at eleven o'clock in the forenoon or as soon thereafter as counsel can be heard, at a Court of General Session of the Peace to be held in and for the City and County of New York at the City Hall of the City of New York, in Part Three of the said Court, upon all the papers heretofore faled and the proceedings heretofore had in this action, I shall move that the above-named defendant be discharged upon his own recognizance, and if that motion shal be denied I shall then move, at the same time and place and upon the same papers and proceedings that the defendant may be admitted to bail.

Dated the 22nd day of May A. D. 1888.

Yours respectfully,

Maurice Meyer,

Of Counsel for Defendant.

Court of General Sessions.

The People &c.,

vs.

John Bough.

Notice of Motion.

Maurice Meyer,
Of Counsel for Defendant.
No. 38 Park Row,
New York City.

To John R. Fellows, Esq.,

District Attorney, &c.

Fol.1 At a General Term of The Supreme Court of The State of New York held an and for the First Judicial Department at the Court House of the City and County of New York on Monday the 21st day of May A. D. 1908,

Present:

The Honorable Charles H. Van Brunt, P. J.,
The Honorable John R. Brady, J., and
The Honorable Willard Bartlett, J.,

The People &c., Respondents, vs. John Hough, Appellant.	Order of Reversal.

The above-named appellant having been convicted in the Court of General Sessions of the Peace in and for the City and County of New York, of the crime of grand larceny in the first degree, and judgment having been rendered against him upon such conviction, that he should be imprisoned in the State Prison at hard labor for the term of eight years and
5 six months, and the appellant having appealed from the said judgment to this Court, and his said appeal having duly come on to be heard, and counsel for the appellant and the respondents respectively having been heard in argument thereon, and due deliberation having been thereupon had,

And this Court having examined the record and being of the opinion that there is error in the said judgment affecting the substantial rights of the appellant, for which the said judgment should be reversed and a new trial ordered,

Now on motion of Maurice Meyer, Esq., of counsel for the

Vol. 4 Appellant,

It is adjudged, ordered and considered by the Court, that the said judgment rendered in the above entitled action against the above-named appellant, John Brough, by the Court of General Sessions of the Peace in and for the City and County of New York, on the fifteenth day of November in the year of our Lord one thousand eight hundred and eighty seven, be, and the same hereby is, in all things vacated, reversed, annulled and set aside, and that a new trial of this action be and the same hereby is ordered, and that this action be and the same hereby is remitted to the said Court of General Sessions of the Peace, to be further proceeded in according to law.

Copy
Lincoln Black
Clerk

S U P R E M E C O U R T.

The People &c., Respondents,

vs.

John Bough, Appellant.

Order of Reversal.

Maurice Meyer,
Of Counsel for Appellant,
No. 38 Park Row,
New York City.

0589

District Attorney's Office.

To the Ex-
Off
PEOPLE
vs.
Peter Barch
G. L. Fish Defts

Gen'l Term, ordered
a New Trial —

① Indict'd & rob'd
entitled

Terms
10 6 mo

② The Proof in
the case was Defective

Gen Term, ordered a
New trial —

Qere — If proof
be defective & the People
have no further proof
The Defts should be
discharged on this
conviction
May 24 '80 G. L. F.

Fol.1

At a General Term of The Supreme Court of The State of New York held in and for the First Judicial Department at the Court House of the City and County of New York on Monday the 21st day of May A. D. 1888,

Present:

The Honorable Charles H. Van Brunt, P. J.,
The Honorable John R. Brady, J., and
The Honorable Willard Bartlett, J.,

2 The People &c., Respondents, vs. John Bough, Appellant.	Order of Reversal.

The above-named appellant having been convicted in the Court of General Sessions of the Peace in and for the City and County of New York, of the crime of grand larceny in the first degree, and judgment having been rendered against him upon such conviction, that he should be imprisoned in the State Prison at hard labor for the term of eight years and
3 six months, and the appellant having appealed from the said judgment to this Court, and his said appeal having duly come on to be heard, and counsel for the appellant and the respondents respectively having been heard in argument thereon, and due deliberation having been thereupon had,

And this Court having examined the record and being of the opinion that there is error in the said judgment affecting the substantial rights of the appellant, for which the said judgment should be reversed and a new trial ordered,

Now on motion of Maurice Meyer, Esq., of counsel for the

Fol. 4 appellant,

It is adjudged, ordered and considered by the Court, that the said judgment rendered in the above entitled action against the above-named appellant, John Bough, by the Court of General Sessions of the Peace in and for the City and County of New York, on the fifteenth day of November in the year of our Lord one thousand eight hundred and eighty seven, be, and the same hereby is, in all things vacated, reversed, annulled and set aside, and that a new trial of this action be and the same hereby is ordered, and that this action be
5 and the same hereby is remitted to the said Court of General Sessions of the Peace, to be further proceeded in according to law.

Geo. Ely
Deputy Clerk

S U P R E M E C O U R T.

The People &c., Respondents,

vs.

John Bough, Appellant.

Order of Reversal.

Maurice Meyer,
Of Counsel for Appellant,
No. 38 Park Row,
New York City.

0593

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

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

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

The said

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

of the goods, chattels and personal property of one

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.

District Attorney.

0594

BOX:
255
FOLDER:
2470
DESCRIPTION:
Brady, Charles
DATE:
04/12/87

2470

Witnesses:

.....

.....

.....

.....

70

A 1

Counsel, Mennen & Gray

Filed 12 day of April 1887

Pleads, Arraigned 13

THE PEOPLE

vs.

Charles Brady

Robbery, First degree.
[Sections 224 and 228, Penal Code].

RANDOLPH B. MARTINE,
District Attorney.

P 2 Apr 21/87.
Tried & acquitted.

A True Bill.

James T. Liantt *Foreman.*

21 c
HHP.

0596

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT—FOURTH DISTRICT.

Michael T. McCue

of No. 302 East 26th Street, aged 54 years, Blacksmith,

being duly sworn, deposes and saith, that on the 3d day of April

1887, at the 17th Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent, by force and violence, without his consent and against his will, *the following property, viz:*

Good and lawful money consisting of one five and one dollar bills and a pair of Spectacles of

of the value of Six and 75/100 Dollars, the property of deponent

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

Charles Brady (now here) and another person whose name is unknown to deponent, from the following facts to wit, That at about 2 o'clock A.M. on said date while deponent was passing along the north side of 25th Street between 1st and 2d avenues he was violently seized by said Brady who held him around the neck and head while the said unknown man did by force and violence and against his consent and will of deponent feloniously take, steal and carry away from the person of deponent. Deponent immediately shouted Police when both of said defendants ran away.

Deponent further says that he fully identifies said Brady as the man who so held him while he was being robbed and he therefore asks that said Charles Brady be held to answer and dealt with according to law.

Michael T. McCue

Sworn to before me, this day of 1887

Police Justice.

0597

Sec. 198—200.

4th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question. What is your name?

Answer Charles Brady

Question. How old are you?

Answer 23 years

Question. Where were you born?

Answer. New York

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

Answer. 319 East 9th Street 6 weeks

Question What is your business or profession?

Answer. Plumber

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

Answer I am not guilty,

Charles Brady

Taken before me this 7th *day of* July 1887

Police Justice.

0598

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 Grady

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

Dated April 4 188 Solon B Smith *Police Justice.*

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

to bail to answer by the undertaking hereto annexed.

Dated ..... 188 ..... *Police Justice.*

There being no sufficient cause to believe the within named .....

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

Dated ..... 188 ..... *Police Justice.*

0599

437

Police Court— 4 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Michael McGeer
307 E. 26th St

1 Charles Brady

2

3

4

Offence Robbery

Dated April 4th 188 7

Magistrate

Officer. Thomas Cassidy

Precinct. 18th

Witnesses

No. Street.

No. Street.

No. Street.

$ 1500 to answer GS

Bail

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0600

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 Brady

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

of the CRIME OF ROBBERY in the first degree, committed as follows:

The said Thomas Brady

late of the First Ward of the City of New York, in the County of New York aforesaid, on the — third — day of April, in the year of our Lord one thousand eight hundred and eighty-seven, in the night time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one Michael T. McRae, in the peace of the said People, then and there being, feloniously did make an assault, and one United States Treasury Note of the denomination and value of five dollars, one Bank Note of the denomination and value of five dollars, one United States Treasury Note of the denomination and value of one dollar, one United States Silver Certificate of the denomination and value of one dollar, and one postage stamp of the value of twenty five cents, —

of the goods, chattels and personal property of the said Michael T. McRae, from the person of the said Michael T. McRae, against the will, and by violence to the person of the said Michael T. McRae, then and there violently and feloniously did rob, steal, take and carry away, (the said Thomas Brady being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid as yet 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.

Randolph B. Martine

District Attorney.

0601

BOX:
255
FOLDER:
2470
DESCRIPTION:
Brady, Philip
DATE:
04/27/87

2470

Witnesses:

Officer Oenheim

174

Counsel, City Attorney.

Filed, 27th day of April 1887

Pleads, Not Guilty

THE PEOPLE

vs.

B

Philip Brady

Poly 2 K.G.

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), page 1930, Sec. 5]

RANDOLPH B. MARTINE,
District Attorney.

June 16 10 AM
June 16 10 AM

A True Bill.

James T. Leavitt *Foreman.*

861 22

0603

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Philip Brady

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

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 Philip Brady

late of the City of New York, in the County of New York aforesaid, on the 1st day of April, in the year of our Lord one thousand eight hundred and eighty-seven, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did open, and cause and procure, and suffer and permit, to be open, and to remain open; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE, District Attorney.

0604

BOX:
255
FOLDER:
2470
DESCRIPTION:
Brenner, George

DATE:
04/21/87

2470

Witnesses:

Off. Lawrcool,

Counsel, W. Kuffner 153 Prince

Filed 21 day of April 1887

Pleads (1st guilty)

THE PEOPLE

vs.

George Brenner

CONCEALED WEAPON.
(Section 410, Penal Code.)

RANDOLPH B. MARTINE,
District Attorney.

Part III May 10/87
Pleads Guilty.

A True Bill.

May 10 87 3 ABP

Fine $5

James T. Leavitt *Foreman.*

0606

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 2 DISTRICT.

John O. Sawyer

of No. 5th Pct Police Street, aged ____ years,

occupation Police Officer being duly sworn deposes and says,

that on the 16th day of April 188 4

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

(now here) did unlawfully carry concealed upon his person with the intent to use the same against another a weapon commonly known as a billy in violation of section 410 of the penal code of the state of New York. And deponent further says that at about the hour of 9.30 O'clock P.M. said date on Thompson Street near West Houston St his attention was called to the said defendant by an other boy who informed deponent that the defendant had a pistol

Sworn to before me, this ____ day of ____ 188 ____

Police Justice.

0607

and when deponent arrested and searched the defendant he found concealed in the back or hitre pockets of his pantaloons said bilty.

Wherefore deponent prays the said defendant may be held and dealt with according to law.

Sworn to before me this 17th day of April 1887

J. Henry Smith

Police Court, District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 188

Magistrate.

Officer.

Witness,

Disposition,

0608

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer George Brenner

Question. How old are you?

Answer 15 years old past

Question. Where were you born?

Answer. New York

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

Answer. 145 Thompson St. 4 years

Question What is your business or profession?

Answer Work as a hacker

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

George Brenner

Taken before me this 17 *day of* April 188 }

[illegible] *Police Justice.*

0609

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 George Brennan

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 April 7 188 7 ..... *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 he to be discharged.*

Dated ..... 188 ..... *Police Justice.*

06 10

Police Court-- 2 District. 503

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John O. Sawyer
Q. Street
George Brunner
2
3
4

Offence Carrying Concealed Weapon

BAILED,
No. 1, by Joseph Hammer
Residence 137 Brooklyn Street.

No. 2, by
Residence Street,

No. 3, by
Residence Street.

No 4, by
Residence Street.

Dated April 17 188 7
Fox Magistrate.
Sawyer Officer.
Precinct.

RECEIVED. DISTRICT ATTORNEY'S OFFICE APR 18 1887

Witnesses
No. Street.

No. Street.

No Street.

$ to answer

06 11

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Fagonay Brennan

The Grand Jury of the City and County of New York, by this Indictment, accuse — Fagonay Brennan —

of the CRIME OF CARRYING A CONCEALED WEAPON, committed as follows:

The said Fagonay Brennan, — late of the City of New York, in the County of New York aforesaid, on the [illegible] day of — [illegible], — in the year of our Lord one thousand eight hundred and eighty-[illegible], at the City and County aforesaid, with force and arms, feloniously did furtively carry, concealed on his person, a certain instrument and weapon of the kind commonly known as a [illegible], — with intent then and there feloniously to use the same against some person or persons 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 — Fagonay Brennan —

of the CRIME OF POSSESSING A CONCEALED WEAPON, committed as follows:

The said Fagonay Brennan, — 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, feloniously did possess a certain instrument and weapon of the kind commonly known as a [illegible], — by him then and there concealed, and furtively carried on his person, with intent then and there feloniously to use the same against some person or persons 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.

RANDOLPH B. MARTINE,
District Attorney.

06 12

BOX:
255
FOLDER:
2470
DESCRIPTION:
Brier, Ludwig

DATE:
04/14/87

2470

Witnesses :

107

A

J.B.

Counsel, ...

Filed, 14 day of April 1887

Pleads, Not guilty 15/

THE PEOPLE

vs.

Ludwig Brier

Grand Larceny *Second* **degree**

[Sections 528, 531, ——— Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

By April 18 Bail recognized.

A True Bill.

James T. Leavitt *Foreman.*

0614

Police Court— 1 District.

Affidavit—Larceny.

City and County of New York, } ss.

Antonio Lovasz of No. 76 East Houston Street, aged 30 years, occupation Waiter being duly sworn deposes and says, that on the 2 day of April 188 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 Over coat 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 Ludwig Brier from the fact that on said date deponent gave into the possession of said Brier said property with instructions to sell the same for deponents account and to turn the proceeds of the sale over to deponent. Deponent now says that he has demanded from said Brier said property or its money value, but that he said Brier refused to deliver to deponent said property or the money obtained therefor

Antony Lovasz

Sworn to before me, this 2 day of April 188

Police Justice.

0615

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss

1 District Police Court.

Ludwig Brier 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. Ludwig Brier

Question. How old are you?

Answer 39 years

Question. Where were you born?

Answer. Hungary

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

Answer. 47 Avenue A. 2 days

Question What is your business or profession?

Answer. Waiter

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

Answer. I am not guilty

Edward Geiger

Taken before me this 1 *day of* 188 *Police Justice.*

06 16

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 Appellant

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 March 11 188 5 _____ *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 he to be discharged.*

Dated _____ 188 _____ *Police Justice.*

0617

457

Police Court— 1 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Antonio Lovenz
376 East Houston
1 Ludwig Brier
2
3
4

Offence Larceny

BAILED,

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

Dated April 4 188 7

Wlk Magistrate.

Koenig Officer.

10 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 to answer

RECEIVED. DISTRICT ATTORNEY'S OFFICE APR 11 1887

0618

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Ludwig Brian

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

— Ludwig Brian —

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

The said Ludwig Brian,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the second day of August, in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, with force and arms,

one overcoat of the value of Fifty dollars,

of the goods, chattels and personal property of one

Anthony Sowerwy

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.

Randolph B. Martine

District Attorney.