

0029

BOX:

457

FOLDER:

4198

DESCRIPTION:

Feeney, Owen

DATE:

11/11/91



4198

POOR QUALITY ORIGINAL

0030

1375
Counsel,
J. D. A.

Filed 11 day of Nov 1891
Pleads, *Allymbly 72*

THE PEOPLE
35 *manhattan*
54 *exp. 1891*
Owen Seery

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

De LANCEY NICOLL,
District Attorney.

Owen Seery

A TRUE BILL.

(Signed) [Signature]

Toreman.

Part 3. Nov 16, 1891.

P leads Assault 3 deg.

Per 1 gr 1/2

Witnesses:

*The parties
of the case is committed
to the care of
the State of New York
much done the
people of the
acceptance of
a plan of the
in the 3rd year
and proposed
to accept
not by the
act of the*

POOR QUALITY ORIGINAL

0031

Police Court 2 District.

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

Mary Mc Dermott
of No. *541 Washington* Street, aged *27* years,
occupation *Housekeeper* being duly sworn

deposes and says, that on the *9th* day of *November* 18*97*, at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by *Owen Feeney* (now here) who struck deponent a blow on the head with an axe then and there held in his hand by the said deponent, cutting deponent's head.

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

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

Sworn to before me, this 9 day }
of *November* 18*97* } *Mary Mc Dermott*

[Signature] Police Justice.

POOR QUALITY ORIGINAL

0032

Sec. 193-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Owen Feeney

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.

Owen Feeney

Question. How old are you?

Answer.

35

Question. Where were you born?

Answer.

Ireland

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

Answer.

541 Washington St - 9 years

Question. What is your business or profession?

Answer.

Longshoreman.

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. She

came up in my room and assaulted

me and she said she would tear

the ribs out of me. I struck

her accidentally and lightly. I

did not mean to hurt her.

Owen Feeney

Taken before me this day of December 1881

Police Justice

[Signature]

POOR QUALITY ORIGINAL

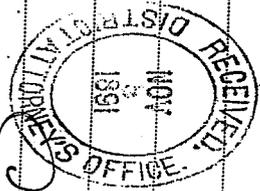
0033

BAILED,
 No. 1, by _____
 Residence _____ Street _____
 No. 2, by _____
 Residence _____ Street _____
 No. 3, by _____
 Residence _____ Street _____
 No. 4, by _____
 Residence _____ Street _____

Police Court... 1376
 District...

THE PEOPLE, etc.,
 ON THE COMPLAINT OF
 Henry W. Bennett
 541 Washington St
 Green Seaway
 Offence Assault

Date Nov 9 1891
 Officer Hogan
 Precinct 8
 Witness Bryan Murphy
 No. 29 Varok Street



No. 500
 \$ 500
 to answer
 Street
 No. 12

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...

Green Seaway

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

Dated Nov 9 1891
 Police Justice.

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

Dated 18 _____ 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 18 _____ Police Justice.

POOR QUALITY ORIGINAL

0034

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

THE PEOPLE OF THE STATE OF NEW YORK, against Owen Feeney

The Grand Jury of the City and County of New York, by this indictment, accuse Owen Feeney of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Owen Feeney late of the City of New York, in the County of New York aforesaid, on the third day of November in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, at the City and County aforesaid, in and upon the body of one Mary Mc Dermott in the peace of the said People then and there being, feloniously did make an assault and her the said Mary Mc Dermott with a certain axe

which the said Owen Feeney in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound, her the said Mary Mc Dermott with intent thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT-

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Owen Feeney of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Owen Feeney late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Mary Mc Dermott in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and her the said Mary Mc Dermott with a certain axe

which the said Owen Feeney in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, 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.

De Lancey McCall District Attorney.

0035

BOX:

457

FOLDER:

4198

DESCRIPTION:

Finnegan, John

DATE:

11/12/91



4198

POOR QUALITY ORIGINAL

0036

Witnesses:

135.
R. J. Nicoll

Counsel,

Filed, 12 day of Nov 1891

Pleads, *Arguably* 13.

THE PEOPLE

*H. J. vs
John Finnegan
36 Cherry St*

John Finnegan

H. J.

[Section - 129 - of Pennl Code.]

MANSLAUGHTER.

DE LANCEY NICOLL,

5410 S. F. A. Dec. 10

A TRUE BILL.

Allyst. Nicoll

Sub 2 Dec. 11, 1891

*Jury and Committee Foreman
Francis Langhorne 2nd, District
with strong recom. to hang.*

X5

POOR QUALITY ORIGINAL

0037

Police Court / District.

City and County of New York } ss.

of No. 221 Park Row Street, aged 47 years, occupation Carpenter being duly sworn, deposes and says, that on the 29 day of October 1891, at the City of New York, in the County of New York,

He was in the rooms occupied by John Finnegan at 36 Cherry Street between the hours of 4 and 5 o'clock pm on the afternoon of the 29th day of October 1891, when William Lang came into said said premises, and insulted said Finnegan, and said Finnegan opened the door to throw said Lang out, when said Lang struck said Finnegan with his fist and Finnegan struck Lang and put him out and shut the door immediately thereafter said door was broken open and John Whittle came in and said Finnegan ordered him out of said rooms and said Finnegan struck said Whittle with some instrument held in his hand, which I don't know and then the officers came and arrested them and that's all I know about it

Sworn to before me 1891 Michael G. ... this 31st day of October ... J. J. ... Police Justice

POOR QUALITY ORIGINAL

0038

Police Court, District.

THE PEOPLE & C.,
ON THE COMPLAINT OF

Peter Cantor

vs.

Michael Herman

1 _____
2 _____
3 _____
4 _____

Offense *Dr. Drive*

Dated *Nov 31* 189 _____

Al Kelly Magistrate,
P. Cantor Officer.

_____ Clerk.

Witnesses,
No. _____ Street.

No. _____ Street.

No. _____ Street.

to answer _____ Sessions.

POOR QUALITY ORIGINAL

0039

BAILLED,

No. 1, by _____
Residence _____ Street _____

No. 2, by _____
Residence _____ Street _____

No. 3, by _____
Residence _____ Street _____

No. 4, by _____
Residence _____ Street _____

Miriam Lee Baul
Witness by Charles Williams
119 E 13

Police Court
District

THE PEOPLE, vs.
ON THE COMPLAINT OF

John James
Offence: Murder

Dated *October 30th* 1891

Carver
Officer

William Long
Witness

George Bunker
Witness

Stewart Stevens
Witness

Robert James
Witness

James Long
Witness

James Long
Witness

William Lee
Witness

Charles Lee
Witness

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

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

Dated *Oct 30* 1891 *Paul A. Reilly* Police Justice.

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

Dated _____ 18 _____ 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 _____ 18 _____ Police Justice.

POOR QUALITY ORIGINAL

0040

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

John Finnegan 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 Finnegan*

Question. How old are you?

Answer. *49 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *36 Cherry St 1 year and 4 mos*

Question. What is your business or profession?

Answer. *System man*

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

Answer. *I am not guilty and I have nothing to say*

John Finnegan

Taken before me this

90

day of OCTOBER, 1897

J. J. Kelly Police Justice.

Peter Carter a police officer
attached to the 4th precinct police
being duly sworn deposes and
says, That about the hour of
5 o'clock p.m. on the afternoon
of the 29th day of October 1891. he
received information that a
fight was going on on the ground
floor of the premises 36 Cherry
Street, that deponent then went
to said premises, and was followed
by officer Shefferman, and found
in a room on the ground floor
of said premises, John Finnegan
William Lang and John Whittle
George Burke, Frank Stevens
Ellen Finnegan, Annie Lang
Sr. and Ellen Lang Sr. Deponent
says that he saw said Finnegan
Lang and Whittle fighting with
each other, and he saw said
Whittle run up 2 flights of
stairs in the said premises, when
deponent followed him, and

4
Joan Laedophin, and James
said Whittle was cut about
the head, and deponent then
brought said Whittle back to
where said Finnegan and Lang
were, and in the presence of
said Lang and Finnegan deponent
asked said Whittle who cut
him over the head, and said
Whittle replied said Finnegan
did and assaulted him, and
deponent then asked said
Whittle if he said Whittle wanted
to make a charge against him
said Finnegan he replied
he did, and deponent then
arrested said Lang and said
Finnegan and brought them to
the H. of Prison at Station house
where in the presence of said
Finnegan and said Lang, Sergeant
Noeg of the H. of Prison's police
asked said Whittle who had
assaulted him, and said

Whittle replied it was Finnegan
an ambulance then was
summoned and the surgeon in
charge of said hospital then
stated to deponent that his said
Whittle's skull was fractured and
said Whittle was then taken
to the Chambers Street Hospital
Department then asked said
Finnegan if he said Finnegan
had struck said Whittle and
said Finnegan stated to deponent
yes! that he said Finnegan
had struck said Whittle with
an ice pick, and that the ice
pick was in a closet in a
room in said Finnegan's
premises, Deponent further
says that he went to said
Finnegan's premises and
found the said ice pick in
a closet in said Finnegan's
rooms, and brought the said
ice pick to said Finnegan

4

and ~~was~~ said Funnigan if
 that (showing him the ~~see~~ press
 was the one he said Funnigan
 shown Whittle with ~~and~~ said
 Funnigan replied it was.
 Department further says that
 he was informed that the said
 Whittle died at the Chambers
 Street hospital at 2 o'clock and
 October 30th 1891 from the injuries
 so received at the hands of
 said Funnigan, and that
 is all departments know of
 the matter

Sworn to before me } Peter Porter
 this 30th day of October 1891

D. J. O'Rourke
 Police Justice

William Lang being duly sworn
deposes and says, that he is
29 years of age ^{and} resides at
36 Cherry Street on the 3^d floor
and that about the hour of 5
o'clock pm on the afternoon of
the 29th day of October 1891. he returned
from a funeral in company
with said Whittle ^{and} went
to apartments premises of record
and said Whittle ^{and} apartment
were invited by John Finigan
into his said Finigan's rooms
on the ground floor of said
premises ^{and} apartment says
that Ellen Finigan ~~was~~ also
in said premises ^{and} said
Finigan ^{and} myself had
a few words together, and said
Finigan put me on the
head with something I am
unable to say with ~~has~~ what
and then went out in the
hallway, and the next thing

POOR QUALITY ORIGINAL

0046

6

was I was arrested, and that is all I know about it, I did not see whether then, nor do I know what happened to him

I swear to be true and
this 30th day of October 1891 } William Long

Da 4 of Ruffey
Patrol Justice

7

George Burke being duly sworn deposes & says
 I reside at 35 Oak Street and am 45 years of age, yesterday afternoon October 29th 1891 about 5 o'clock, I returned from a funeral, and I called to see a Mr Sullivan at 36 Cherry Street on the 3rd floor per, and was talking to him, when Annie Lang^{sr} came up stairs and said there were 2 men Lang and Whittle bleeding in the yard and cut about the head, and I went down stairs, and just as I got down stairs the officers came in and arrested them and that all I know about it

George Burke

Sworn to before me
 this 30th day of October 1891

D. J. Kelly

Police Justice

8

Frank Stevens being duly
sworn deposes ^{and says} I reside
at 88 Chambers Street and am
25 years of age, about the
hour of 5 o'clock pm yesterday
October 29th 1891. William Lang
John Whittle ^{and myself} returned
from a funeral and we went
to the premises 36 Cherry Street
and Lang and Whittle then went
into the rooms occupied by
John Finnegan in said premises
while I remained in the door
way, when said Finnegan
and Lang began to quarrel, and
Finnegan hit Lang about the
head with either an oyster
knife or Ice pick I cannot say
which, and immediately there
after said Finnegan struck
said Whittle on the head with
either an ice pick or oyster
knife I don't know which
and then Whittle ran up stairs

POOR QUALITY
ORIGINAL

0049

9

and the officers came and
brought Whittle down, and he
was bleeding and cut about
the head, and that is all I know
about it,

Shown to me }
the 30th day of October 1891 } J. Stevens

J. C. Ruddy
Police Justice

Ellen Finnegan being duly
sworn deposes and says
I reside at 36 Cherry Street, and
am the wife of defendant
about the hour of 5 o'clock p.m.
on the afternoon of the 30th day
of October 1891. I was in my
rooms on the ground floor
of the premises 36 Cherry Street
with Mrs Carris who was
waiting for my husband to
return, when my husband did
return William Lang came into
my rooms and my husband
and said Lang had a gun with
him and was stopping the other
and I tried to get Lang out of my
rooms and Langs wife came
down and finally took him out
and then I closed my door
Then John Whittle came down
and broke open my door and
began fighting with my husband
and Whittle struck my husband

12

Annice Tang she being duly
proven defunct ^{Edwards}

I reside on the 3^d floor of 36
Cherry Street, about 5 o'clock
pm on the afternoon of the 29th
day of October 1891 I was in my
room and Mrs Boyle called me
down stairs and I found my
husband William Tang lying
down on the ground floor of
the hall of 36 Cherry Street and
John Finnegan jumping on his
stomach with an open knife
in his hand, and I pulled Finnegan
off of him, and got my husband
and his feet and then ^{John} Finnegan
caught him by the throat and
I got my husband and pushed
him out of the door and he
was cut about the head, I
then saw Wittte standing at
the door, and I saw he was
cut about the head and
bleeding, and I turned him

13

what was the matter, and
he only answered me I want to
get my coat and hat and went
away and then the officer came
and arrested him and that is all
I know

I swear to before me
this 30th day of October 1891 } Annie Lang

Do of co. R. W. W. J.
Police Justice

14

Annie Lang being duly
sworn deposes & says

I reside at 36 Cherry
Street and am 12 years of age
About 5 o'clock pm on the after
noon of the 29th day of October 1891
I saw John Whittle go into John
Finnegan's rooms at 36 Cherry
Street, and I saw said Finnegan
have an iron bar which looks
like a small club in his hand
and striking Whittle about
the head with it, and Whittle
who was bleeding went up
stairs and was arrested, and
I also saw said Finnegan
throw a knife in the yard of
said premises and keep said
knife away so that nobody
could see it, and that is all
I know about it—

Sworn to before me on the 1891
the 30th day of October

Do not deny Annie Lang.
Police Justice

POOR QUALITY ORIGINAL

0055

CITY AND COUNTY OF NEW YORK } ss. POLICE COURT, 1- DISTRICT.
Peter Carter
of the 4th Precinct - Police Street, aged 29 years,
occupation Police officer being duly sworn, deposes and says
that on the day of Ellen Finnigan,
at the City of New York, in the County of New York.

Annie Lang², Annie Lang³, William Lang⁴, George Burke⁵, Frank Stevens
(non present) are necessary and material
witnesses against John Finnigan for
causing the death of John Whittle
Deponent says that they have
no permanent place of abode and
prays that they give surety for their
appearance to testify

Peter Carter

Sworn to before me, this 30
of 1891

Police Justice

POOR QUALITY
ORIGINAL

0056

The Society of the New York Hospital,
HOUSE of RELIEF, 160 Chambers St.,
New York, Oct. 30 1891

To Judge O. R. Kelly

This is to certify that
John H. Little died at Chambers
St Hospital at 2 am on Oct 30- '91
From a Compound Fracture of the Skull
(depressed)

J. Manning,
House Surgeon.

POOR QUALITY ORIGINAL

0057

Police Court, First District.

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

of No. 100 East 23rd Street, in said City, being duly sworn,
deposes and says, that a certain female child called Annie Lang
[now present], under the age of sixteen years, to wit, of the age of twelve years, is a
necessary and material witness on behalf of the People of the State of New York in a certain
criminal case now pending in the Court of General Sessions of, in and for the City and
County of New York, entitled, The People against James
Finneyan, wherein the said James
Finneyan is charged with the crime of Household, under
Section _____ of the Penal Code of said State, in that he, the said _____

and that the said _____
will, as deponent verily believes, unless duly held to appear on trial thereof, avoid giving his
testimony at the instance of the people.

Wherefore, deponent prays that the said child Annie Lang
may be held as a witness to appear on the trial of the aforesaid criminal case, and be committed
temporarily to an institution authorized by law to receive children on final commitment, and to
have compensation therefor from the City or County authorities, as a witness, to appear on the
trial of the aforesaid criminal case, in pursuance of the statutes in such case made and provided,
and especially of Section 291 of the Penal Code of the State of New York.

Sworn to before me, this 30th
day of October 1899 } Hugo Schultz
J. J. [Signature]
Police Justice.

POOR QUALITY ORIGINAL

0058

POLICE COURT DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF



Argo

Annex

12. U.S. 36 Cherry Street.

WITNESS.
AFFIDAVIT.

Dated *October 20* 188*9*

Sam P. Kelly Magistrate.

Schuchter Officer.

V. S. P. C.

Disposition, Lanyon St. to New York Society for the Prevention of Cruelty to Children.

Hon^{ble} W^m Laucey Nicoll -

Dear Sir - Your attention is respectfully
Called to the great inconvenience that this Office
is frequently put to, owing to the negligence
— or worse, lack of Courtesy toward this department
at the Coroner's Office in sending us a Copy
of the testimony taken in Homicide Cases.

The accompanying papers afford a
fair sample of the manner in which this
Office is hampered

This inquest was held just 2 months
ago - Nov 12-1891 - the papers were only
received here yesterday - Jan 11th 1892

We had repeatedly endeavored to obtain
this testimony, but without success.

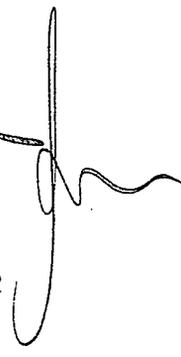
Mr McEntyre, who tried the case, also
made frequent application for this copy of the
testimony, but without avail.

The case finally went to trial without
this very necessary testimony - before Recorder
Smyth {McEntyre's assistant}

Pinnegar was convicted ^{Dec 15} of Manslaughter in the
2nd degree and sentenced to State's Prison for 5 years; and
now we get the testimony One month after the man has
been tried and convicted! Faithfully Yours - Edward J. Fitzgibbon, Clerk

**POOR QUALITY
ORIGINAL**

0060

New for
J. E. Attorney Niell


B. 167.

Coroners Office, New York County.

Inquest into the death

--of--

JOHN WHITTLE.

)
)
) Before
) HON. MICHAEL J. B. MESSEMER
) and a Jury.
)
)

New York, November 12, 1891.

OFFICER PETER CARTER, duly sworn:-

I am a patrolman attached to the 4th precinct.

BY THE CORONER:-

Q/ On what day did this occur? A. On the 29th of October between half past four and five o'clock.

Q. About what hour? A. Between half past four and five o'clock, I don't know exactly.

Q. How were you notified and by whom? A. By some parties who ran out and said there was a fight in the alley on Cherry Street; I went in with Officer Hefferman and when we went in found John Finnegan, John Whittle and William Lang; they were on the ground floor rangling together. When Whittle seen the policeman he ran up stairs; I ran up stairs after him and brought him down; I asked him why he ran up; he said he went to get his coat and hat and I brought him down and asked him who assaulted him; he said "Finnegan;" I asked him if he wanted to make a complaint against Finnegan; he said "yes", about that time another officer came and

we took Whittle, Lang and Finnegan to the station house; Lang was cut in the head and Whittle was cut and the surgeon telegraphed for the ambulance and after we found that the man's skull was fractured and I went to Mr. Finnegan and asked him what he had struck him with and he said "an ice pick"; I asked where it was; he said "in the house"; I went down there and found it and brought it back; he was then locked up in the cell; I took the ice pick in and asked him if that was what he struck him with and he said "yes."

Q. Who was the one that struck him? A. His name was Finnegan.

(The prisoner is asked to stand up to be identified.)

-----000-----

FRANK STEVENS, duly sworn:-

BY THE CORONER:-

Q. Where do you live? A. No. 88 Chambers Street.

Q. What is your occupation? A. Paper stock.

Q. Who employs you? A. Messrs. Chase & North.

Q. What are you, porter or what? A. I work at the paper press, I run the press.

Q. How long did you know the deceased, John Whittle, prior to his death? A. I knew him about 2 years to my knowledge, at the time he lived in 22 Cherry Street.

Q. Were you present when this occurred? A. Yes, sir; it was on the 29th of October, I think.

Q. This year? A. Yes, sir.

Q. What hour? A. Bout 5 o'clock in the evening.

Q. Where? A. No. 36 Cherry Street.

Q. Tell the Jury what you know about it? A. At the time, me and Mr. Lang and Mr. Whittle returned from the funeral at 36 *Cherry*

Street, Lang and Whittle entered Finnegan's apartments and I remained outside, and heard Finnegan and Lang quarrelling, I seen Finnegan strike Lang, I don't know whether it was an oyster knife or an ice pick; a little while after I seen him strike Whittle I don't know whether it was an ice pick or not; the police came and Whittle ran upstairs and they brought him down and I saw him cut on the head .

Q. Were you sober at the time? A. No, sir; I wa not exactly sober, I had several drinks.

Q. Was Finnegan sober, the man that struck Whittle? A. No, sir.

Q. Was Whittle or Lang sober? A. No, sir.

Q. What was the occasion of all your getting intoxicated? A. I couldn't say, only the drinks we had at the Calvary Cemetery and several drinks we had befor the funeral went to the church.

BY MR. LYNN:-

Q. What did Mr. Finnegan hit Lang for? A. I couldn's tell you what for.

Q. What for? A. They were quarrelling.

Q. About what? A. I couldn't say; I didn't over hear the words.

Q. You simply heard noise? A. Yes, sir.

Q. You saw Finnegan strike Lang? A. Yes, sir.

Q. And had he struck Whittle? A. Immediately after.

Q.. One or two blows? A. One blow.

Q. Did you see an oyster knife there? A. No, sir.

Q. An ice pick? A. No, sir.

Q. Why do you say it was an ice pick or oyster knife? A. I couldn't tell, it was a little dark there, I only seen him hit the blow.

-----oOo-----

ANNIE LANG, duly sworn:-

BY THE CORONER:-

Q. Where do you live? A. No. 26 Cherry Street.

Q. Did you see this quarrel? A. Yes, sir.

✓ Q. Do you remember what month and what day it was? A. The 29th of August, I don't remember the month it was but it was the 29th.

✓ Q. Do you know what day of the week it was? A. No, sir.

Q. Where was this? A. No. 36 Cherry Street, me papa and all of us.

Q. Who is you papa? A. William Lang; we were coming from the funeral and he went up to this woman's house that was getting buried and it seems words were had there with Stevens and Finnegan out of the window, Mr. Finnegan was in his own house Mr. Finnegan hit him and Stevens hit him back again and my father went in his own house, me father went into his house and it seems that they had some words and Mr. Finnegan hit my papa; and Mr. Finnegan came in and Finnegan hit Whittle one blow, I saw him with an iron in his hand like a club.

Q. How long was it? A. Just like a policeman's small club.

Q. What was the quarrel about? A. I don't know sir.

BY MR. LYNN:-

Q. Did you see Finnegan strike your papa? A. I saw him have my papa on the floor and kicking and fighting him, and Whittle tried to save my papa and Finnegan let go of my papa and went for Whittle with his iron thing.

Q. Did you see where he hit him? A. On the side of the head.

Q. Once or twice? A. Once.

Q. Had Whittle struck Finnegan before that? A. They closed the door and Whittle went in and they claimed he broke the door, he didn't break it, it was only closed.

- Q. Who hit Finnegan? A. Whittle hit Finnegan.
- Q. Before he was hit with this iron club? A. Yes, sir.
- Q. What did he strike Finnegan with? A. With his hand.
- Q. They were all fighting together? A. Yes.
- Q. Your para, Whittle and Finnegan? A. Yes.
- Q. Anybody else in that room? A. Yes.
- Q. Who else? A. Micheal Kirnan.
- Q. Do you recognize this man here? (Indicating to prisoner.) A. He is Mr. Finnegan.
- Q. That is the man that struck the dead man, Whittle? A. Yes.

-----0o0-----

MICHAEL KIRNAN, duly sworn:-

BY THE CORONER:-

- Q. Where do you live? A. No 221 Park Row.
- Q. What is your occupation? A. Oyster opener.
- Q. For whom? A. The last place I worked for myself.
- Q. Where was that? A. Peddling oysters around the streets.
- Q. Did you participate in this quarrel? A. No, sir.
- Q. Were you present? A. Yes.
- Q. On what day was this? A. On the 29th of October.
- Q. This year? A. Yes.
- Q. What hour? A. Between four and five in the evening. I helped that man to open a thousand of clams down at Beekman St., then we had something to eat at Finnegan's house.
- Q. Where is that? A. No. 36 Cherry Street, Lang came inside and insulted me.
- Q. How so? A. By calling me a *whore*, I told him I was no such thing; he said if I was to go out in the hall he would make a *whore* out of me; John Finnegan opened the door, Finnegan opened

the door and threw him out and they were out five minutes if not more.

Q. Who was thrown out? A. Whittle and Lang were thrown out of the door in the alley out of John Finnegan's room and in a few minutes afterwards the door came in on top of his wife and me the same as if you kicked it in.

Q. Was the door broken down? A. No, sir; it was kicked in, it flew open John Finnegan and this man Whittle, I don't know the other men, I don't know Whittle from a crowd, never seen him before nor Stevens; then Mr. Finnegan struck this man that is dead, but what he struck him with I don't know whether it was Whittle or Lang that bursted in the door; I don't know.

Q. Were you sober at the time? A. Yes, sir.

Q. Was Finnegan sober? A. I don't know; I couldn't say that he was and I couldn't say that he was drunk.

Q. How about Whittle? A. I couldn't tell you that.

Q. How about Lang? A. Lang was drunk; it was he that asked me out in the alley.

BY MR. LYNN:-

Q. What took place when you slammed the door, did he come into the room? A. He didn't make any attempt to hit John but John ordered him out and John hit him but what he hit him with I don't know; the policeman after that came in and took Finnegan out of his own room.

Q. All this happened in Finnegan's room? A. Yes, sir.

Q. The quarrel began between you and Lang? Yes, sir; and he took my part.

Q. What caused Lang to make that insulting remark to you? A. I couldn't tell you, sir, I never had a word before with him in my life.

Q. Did Finnegan carry an oyster knife with him? A. We always

carry oyster knives, because we don't know the minute we are called to work.

Q. It is heavy? A. It is heavy on one end and sharp on the other.

Q. You don't know which of these it was?

(The two picks are shown to the witness.)

A. No, sir; I couldn't make any statement at all whether he hit him with one of them or not.

-----0o0-----

/ Annie Lang, being called as a witness by the Coroner, duly sworn, and testifies as follows:-

BY THE CORONER:-

Q Where do you live? A 36 Cherry Street.

Q What is your occupation? A Sometime I work in restaurants, and sometimes I do not.

Q. When you work in restaurants, what do you do? A I do waiting.

Q Did you see this fracas? A No sir; I know nothing about it; I was called down by the housekeeper, Mrs. Boyd, she is the housekeeper at No. 36 Cherry Street; it was on the 29th of October, between four and five o'clock; I was called down by her; she said: my husband was getting killed; I went in Finnegan's room, and I saw him between the windows and the box, and Mr. Finnegan had the knife in his hand and he was over him; I took Mr. Finnegan off my husband and when he got on his feet again, and he grasped him again and he asked him to beat him, and I took him off him again and I took my husband out of the door. I said to the ^{man} men up-stairs,

my husband is getting killed, come down; he said I have got something else to do besides that; I saw after that Mr. Whittle they had a large lump on the side of his ear; he said let me alone I want to go up stairs to get my hat and coat and he was arrested after that.

Q Were they sober? A. They had three or four drinks in Calvary and three or four before they went to the funeral,

Q Where is your husband? A. Down there -- his name is William Lang.

-----000-----

WILLIAM LANG duly sworn,

By The Coroner:

Q What is your business? A. I work all summer at the ice business, carrying ice around Fulton Market.

Q You participated in this row, you took part in it?

A No, sir; I did not.

Q You saw it? A. No, sir, I was after coming from the funeral.

Q Are you wounded in the hand? A. No, sir; that is an old wound I got in the ice business; here is what I got in this (Witness shows a wound to the Coroner);

I have been doctoring for eight or ten days.

Q Who made that? A. That man there, John Finnegan.

Q Will you tell the jury what occasioned this quarrel?

A I was after coming home from the funeral; before that I was two nights to the wake and drinking a good deal and staying at this wake; I went to the funeral, we had High

Mass at James Street Church; I had some drink before that sometime, on the way to Calvary we had drinks and we came back on the Long Island Railroad, we came over that way and we stopped on the other side and had a drink in Long Island, when I came back Finnegan was sitting on the inside, he said you got home just now; I said, Yes; he invited me in his house, I went in and we had some argument, what the argument was I don't know, , but the first thing I knowed he jumped up and struck me on the head.

Q Were you sober at the time? A. No, sir; I was not; if I was sober I would know what I got hit with.

Q Was he sober? A. No, sir; we were always friends together, we were always in sociability.

Q Did you see him strike Whittle? A. No, sir.

Q Did you hear him have words with him? A. No, sir.

By Mr. Lynn:

Q Was Whittle there when you was there? A. He was there before I got hit, sir; he was inside the door the door was open; I never saw him doing anything to Kirns at all; Finnegan many a times treated Whittle and Whittle treated Finnegan in my company; I never knew them to have any words, any hard words together.

Q Who began the argument in Finnegan's? A. Me and Finnegan got in some argument.

Q Do you know whether you insulted Finnegan or not?

A I could'nt say, sir.

Q He invited you in in a friendly way? A. Yes, sir.

Q And you don't know what you did after you got in there at all? A. Yes.

Q You don't know what you did to Finnegan to cause him to strike you? A. That is just it, sir.

-----000-----

GEORGE BURKE, duly sworn.

By The Coroner:

I live 35 Oak Street My occupation is truck driver for George W. Anderson for the Charleston Steamship Company. I don't know this man Whittle; only Finnegan; I know a couple of parties concerned, Mr. Stevens and Mr. Lang; I knew this man 15 years, this man Stevens. I did not see the quarrel.

-----000-----

VERDICT: We find that John Whittle came to his death at the Chambers Street Hospital, October 30th, 1891, from a compound fracture of the skull, and compression of brain by ^{surface} clot caused by a blow struck ^{with} by some instrument in the hands of John Finnegan at No. 36 Cherry Street October 9th, 1891 between 4 and 5 o'clock, p. m., and we hold said John Finnegan to await the action of the Grand jury.

-----000-----

POOR QUALITY ORIGINAL

0071

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
Years	Months	Days			
48			U.S.	Chambers St Hoop.	Oct 30/91

H. H. Quinn, 257, 1891
HOMICIDE.

1432

AN INQUISTION.

On the VIEW of the BODY of

John McNeill

whereby it is found that he came to his Death by the hands of Nov 191

John Finnegan

Report taken on the 14th day of November 1891 before

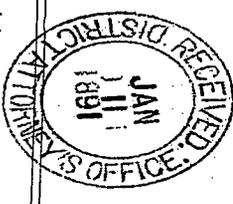
Wm J. McManus Coroner.

Committed

Obtained

Discharged

Date of death



POOR QUALITY
ORIGINAL

0072

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } SS.

John Finnigan being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer—*John Finnigan*

Question—How old are you?

Answer—*49 years old*

Question—Where were you born?

Answer—*Ireland*

Question—Where do you live?

Answer—*36 Cherry St*

Question—What is your occupation?

Answer—*Oyster Opener*

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

What I did I did in self defense
John Finnigan

Taken before me, this 12th day of Nov.

1891

W. J. Messinger

CORONER.

POOR QUALITY
ORIGINAL

0073



City of New York Recorder's Chamber

New York 188

Levi Sepulchre
Peshee

v.
Fineman

Accused
Murderer

Let. each upon following
Michael Keenan & Egan Fineman
Name persons. be sworn
True solemn ^{each} as witnesses
deem in Cause of Sebastian
as witnesses for the Peshee.

Done Dec: 21/91

RM

POOR QUALITY ORIGINAL

0074

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the ~~house~~ of Coroners Office
No. 174 Second Avenue ^{Street}, in the 17th Ward of the City of
New York, in the County of New York, this 12th day of November
in the year of our Lord one thousand eight hundred and 91 before

M. J. B. Messenger
of the City and County aforesaid, on view of the Body of John Whittle

Coroner,

Ten good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
John Whittle ^{being dead at}
upon the Oaths and Affirmations of
whom their Oaths and Affirmations, say: That the said John Whittle

came to his death by ^{at the Chambers Street Hospital}
October 30th 1891. from a compound fracture of the skull
and compression of brain by surface clot caused by
a blow struck with some instrument in the hands
of John Finnegan at No. 36 Cherry Street October
9th 1891, between 4 and 5 o'clock P.M.; and we hold
said John Finnegan to await the action of the
Grand Jury

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition,
set our hands and seals, on the day and place aforesaid.

JUROS.

- | | |
|---------------------------|-----------------------------|
| L. McKinney 90 Pittman | John Wheel 190 South St |
| John G. Tart 94 Barrow | Leon H. Bates 25 Pittman |
| W. J. Ripman 72 W. Lane | Sol. Appel 10 Catharine St |
| Seth E. Thomas 8 W. 30 St | Henry Meyer 78 Catherine St |
| Julius Koch 51 W. Lane | |
| Henry Hinck 151 South St | |

M. J. B. Messenger

CORONER, E. S.

TESTIMONY.

William Conway M. D., being duly sworn, says:
 I have made an autopsy of the body of
 John Whittle now lying dead at
 Chambers St Hospital and from such Autopsy & Examination
 and history of the case, as per testimony, I am of opinion the cause of
 death is Compound Fracture of the Skull
 & Compression of Brain by surface
 clot

Wm A Conway
 M. D.

An autopsy made at Chambers St Hospital
 on the body of John Whittle on Oct 30th 1891
 showed following results. On examination
 of skull a wound was discovered about 3 inches
 long and on skull cap a circular depression
 about an inch in diameter from which on
 lower portion some broken pieces of bones had
 been removed. On opening the skull
 cap an immense clot of blood was
 found in cavity of cranium pressing upon the
 brain substance. The lungs were normal
 except that pleura on left side was adherent.
 Heart normal; Liver fatty; Kidneys contracted;
 Stomach, mucous coats thickened and
 hemorrhagic spots apparent in places;
 Bladder distended with urine.

The cause of death was Compression
 of the Brain from surface blood clot
 by compound fracture of skull due to
 external violence

Wm A Conway
 M. D.

Sworn to before me,

this 3rd day of Nov 1891
 J. J. Mersereau

CORONER.

POOR QUALITY ORIGINAL

0076

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
14	Years	Months - Days	Us	Chambers St N York	Oct 30/91

Married
Laborer

Residence 75 East Chambers

Chamberlain called on
 Oct 29/91 about 11 PM
 by 24th Street Street
 in East R. St.
 Bennett brought in
 deceased who was
 slightly under the
 influence of liquor
 and said he had
 fallen R. Manning
 of Chambers St West
 Examination and
 found a Corpse
 Reported Fracture of the
 skull - Deceased also
 to Ed R. Manning he
 had fallen and the
 injured himself R. Manning
 did not know until the
 morning Oct 30/91 that deceased
 had been struck on the head
 with an iron pin. Deceased
 placed Oct 30/91 at 24th

M. J. B. M.
 Michael J. B. Messmer
 Coroner

No. _____
 Date 189

AN INQUISITION

On the VIEW of the BODY of

John Little

whereby it is found that he came to his death by (suicide)

Street & Corn

from

Corporal

Reported Fracture

of the skull and

Corporation of the Brain by surface of the

Request taken on the 12th day
 of October 1891 before
 MICHAEL J. B. MESSEMER, Coroner.

3127

POOR QUALITY ORIGINAL

0077

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

521

THE PEOPLE OF THE STATE OF NEW YORK
against
John Timinegan

The Grand Jury of the City and County of New York, by this indictment, accuse
John Timinegan
of the CRIME OF MANSLAUGHTER IN THE *first* DEGREE, committed as follows:

The said *John Timinegan*,
on the *twenty ninth* day of *October*, in the year of our Lord one thousand eight hundred and ninety-*one*, at the City of New York in the County of New York aforesaid, in and upon one *John White*, then and there being, wilfully and feloniously did make an assault, and *him*, the said *John White*, with a certain *ice - pick* which *he* the said *John Timinegan* then and there had and held in *his* hand, in and upon the *head* of *him* the said *John White*, then and there wilfully and feloniously did strike, *beat*, *fracture*, and wound, giving unto *him* the said *John White*, then and there, with the *ice - pick* aforesaid, in and upon the *head* of *him* the said *John White*, *one mortal wound and fracture*, of which said

POOR QUALITY
ORIGINAL

0078

mortal wound *and fracture* the said *John White*, at the City and
County aforesaid, from the day first aforesaid, in the year aforesaid, until the *fourth*
day of *October*, in the same year aforesaid, did languish, and languishing did
live, and on which said *fourth* day of *October*,
in the year aforesaid, *and* the said *John White*,
at the City and County aforesaid, of the said mortal wound *and fracture* did die.

And so the Grand Jury aforesaid do say: That the said

John White,
the said *John White*, in the manner and form, and by
the means aforesaid, wilfully and feloniously did kill and slay; 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.

DE LANCEY NICOLL,
District Attorney.

0079

BOX:

457

FOLDER:

4198

DESCRIPTION:

Fitzpatrick, James

DATE:

11/23/91



4198

0080

BOX:

457

FOLDER:

4198

DESCRIPTION:

Roche, Walter D.

DATE:

11/23/91



4198

0081

BOX:

457

FOLDER:

4198

DESCRIPTION:

McMahon, Joseph

DATE:

11/23/91



4198

POOR QUALITY ORIGINAL

0002

Witnesses:

Padon advised apt on merits - but

submitting docs phys. credit to discontinue

of 500 -
May 27, 1903

3. 1891
142

Counsel,

Filed

1891

Pleads,

THE PEOPLE

vs.

James Ditzfalter

Walter D. Roche

and

Joseph McShannon

Burglary in the Third Degree.
Section 498, 1891

DE LANCEY NICOLL,

District Attorney

A TRUE BILL.

Sept 2 - Nov. 27 1891. Foreman.
Mrs. S. P. R. 2 yrs - R.B.M.
Sept 2 - Dec. 15, 1891.
No. 2. Trial and Acquittal

POOR QUALITY
ORIGINAL

0083

District Attorney's Office,

CITY AND COUNTY OF NEW YORK.

7

Nov 25 1893

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see Officer Lawton
attached to your command in
Nov 25 in relation to the case of
Joe McMahon
sentenced Dec 18 91 to 2
years and months imprisonment by
James Martine

Please ask the officer to bring such information in relation to the case, and as to the previous record of the prisoner, as he may be enabled to obtain.

Yours truly,

HENRY W. UNGER,
Deputy Assistant and Secretary to the District Attorney.

POOR QUALITY ORIGINAL

0085

Police Court 3 District.

City and County } ss.:
of New York,

of No. 179 Division Street, aged 21 years,
occupation Butcher being duly sworn

Morris Fischer

deposes and says, that the premises No. 179 Division Street, 7 Ward
in the City and County aforesaid the said being a two story brick building

in part and which was occupied by deponent as a Butcher Shop and dwelling
~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly breaking the

lock on the front door and breaking the
hinges of said door leading in of the door
from the street and entering therein with intent
to commit a felony

on the 9 day of November 1888 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

Two pairs of pantaloons one overcoat one
suit of clothes one Collie one silver
watch together of the value of Fifty
dollars

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

James Fitzpatrick, Walter D. Rosch and
Joseph Mc Mahon (all now here)

for the reasons following, to wit: deponent is informed by

Wally Kaufman, a man employed by deponent
as a butcher that at about the year
6 o'clock and thirty minutes of the said
date the he Kaufman secured, locked and
fastened the doors and windows in said
premises while he Kaufman went to supper
and at about the hour of seven o'clock PM
on said date when said Kaufman returned

POOR QUALITY ORIGINAL

0086

to said premises he Kaufman discovered the premises had been burglarized and said robbery taken stolen and carried away and said Kaufman found the cash and Mc Mahon and a smaller gun in said premises when he returned to said shop and Kaufman positively identifies the money found in the shop as money lost by some customer of the Police that he saw the defendants previous to the Commission of said burglary standing outside the store in said premises said officer positively identifies the defendants

Sworn to before me
 this 14th day of July 1888
 [Signature]
 Police Justice

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

 Police Justice

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of _____ Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.
 Dated _____ 1888
 I have admitted the above named _____
 to bail to answer by the undertaking hereto annexed.
 Dated _____ 1888
 There being no sufficient cause to believe the within named _____
 guilty of the offence within mentioned, I order he to be discharged.
 Dated _____ 1888
 Police Justice.

Police Court, District _____

THE PEOPLE, vs.,
 on the complaint of _____

vs.

1 _____
 2 _____
 3 _____
 4 _____

Dated _____ 1888

Magistrate _____
 Officer _____
 Clerk _____

Witnesses,
 No. _____ street,
 No. _____ Street,
 No. _____ Street,
 \$ _____ to answer General Sessions.

POOR QUALITY ORIGINAL

0087

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 25 years, occupation Wolff Kaufman
Butcher of No.

179 Division Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Morris Fisher

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

Sworn to before me, this

day of Nov 1890

Wolff Kaufman
Butcher
J. G. Peffer
Police Justice.

(3692)

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 21 years, occupation John J. Lawton
Police Officer of No.

2nd Precinct Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Morris Fisher

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

Sworn to before me, this

day of Nov 1890

John J. Lawton
J. G. Peffer
Police Justice.

(3692)

0088

POOR QUALITY ORIGINAL

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

3 District Police Court.

James Fitzpatrick 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. James Fitzpatrick

Question. How old are you?

Answer. 24 years

Question. Where were you born?

Answer. New York City

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

Answer. 546 Water St 10 years

Question. What is your business or profession?

Answer. Carter

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

Answer. I am not guilty

James Fitzpatrick

Taken before me this

[Signature]
day of [Signature]
Police Justice.

0089

POOR QUALITY ORIGINAL

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

Walter Roche 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. *Walter D Roche*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *518 Myrtle Brooklyn 7 years*

Question. What is your business or profession?

Answer. *Laborer*

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*

Walter D Roche

Taken before me this
day of *July* 19*38*
[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0090

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

3 District Police Court.

Joseph Mc Mahon 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. Joseph Mc Mahon

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. New York City

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

Answer. 245 Henry St - 15 years

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

Joseph Mc Mahon

Taken before me this _____ day of _____
[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0091

PAIDED,
 No. 1, by _____
 Residence _____ Street
 No. 2, by _____
 Residence _____ Street
 No. 3, by _____
 Residence _____ Street
 No. 4, by _____
 Residence _____ Street

Police Court

District

THE PEOPLE, Ec.,

ON THE COMPLAINT OF

Morris Tischer

James C. Hatcher

William B. Hatcher
Josephine Hatcher

Offence

Dated

Nov 14 1891

Residence

Magistrate

No. 3, by

Officer

Residence

Precinct

Witnesses

Isaac Kaufman

No. 1, by

Street

Residence

Street

No. 1, by

Street

No. 1, by

Street

No. 1, by

Street



1000
\$ 1000
1891

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

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

Dated Nov 14 1891 Police Justice.

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

Dated _____ 18 _____ 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 _____ 18 _____ Police Justice.

POOR QUALITY ORIGINAL

0092

462

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

THE PEOPLE OF THE STATE OF NEW YORK

against

James Fitzpatrick, Walter D. Roche and Joseph Mc Mahon

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

James Fitzpatrick, Walter D. Roche and Joseph Mc Mahon

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

The said

James Fitzpatrick, Walter D. Roche and Joseph Mc Mahon, all

late of the *7th* Ward of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *November* in the year of our Lord one thousand eight hundred and ninety-*one*, with force and arms, in the *right* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Morris Fischer

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent the goods, chattels and personal property of the said *Morris Fischer* in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

James Fitzpatrick, Walter D. Roche and Joseph McMahon
of the CRIME OF *Grand LARCENY* in the first degree, committed as follows:

The said

James Fitzpatrick, Walter D. Roche and Joseph McMahon, all

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

three pair of trousers of the value of five dollars each pair, one overcoat of the value of ten dollars, one coat of the value of eight dollars, one vest of the value of four dollars, one pair of shoes of the value of five dollars and one watch of the value of ten dollars

of the goods, chattels and personal property of one

Morris Fischer

in the dwelling house of the said

Morris Fischer

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

Wm. Lancy Nicoll
District Attorney.

0094

BOX:

457

FOLDER:

4198

DESCRIPTION:

Fleury, Charles

DATE:

11/25/91



4198

POOR QUALITY ORIGINAL

0095

Witnesses:

Wm. H. ...
Secy ...
Peace for ...
...
...

...
Counsel,
Filed *...* 189
P. reads, *...*

Grand Larceny, *...* Degree
[Sections 528, 529, 530, Penit Code.]

THE PEOPLE

vs.

Charles Deering

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

...
Foreman.
...
...

POOR QUALITY ORIGINAL

0096

(1205)

Police Court— District. Affidavit—Larceny.

City and County } ss. *Caroline Ballard*
of New York, }

of No. *109 Chrystie* Street, aged *35* years,

occupation *Cook* being duly sworn,

deposes and says, that on the *10* day of *November* 189*9* 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:

*a gold cross
a gold locket, a gold chain, a
pair of earrings, and other articles of
jewelry, all of the value of about
thirty five dollars \$ 35-*

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 *Charles Henry (now here)*

The said property was kept in a trunk belonging to deponent, in a hallway of No 109 Chrystie Street, deponent lived in said premises, and had access to said property, which was stolen by breaking open the said trunk. and deponent charges deponent with the said larceny for the reason that deponent sold the said stolen property to Emmanue Abelas (now here) as deponent is informed by said Abelas who returned part of said property to deponent

Caroline Ballard

Sworn to before me, this *17* day of *November* 189*9* at the City of New York, in the County of New York, I, *James Justice*, Justice of the Peace.

POOR QUALITY ORIGINAL

0097

CITY AND COUNTY }
OF NEW YORK, } ss.

Emanuel Abela

aged 36 years, occupation Second Hand Dealer of No.

326th Avenue

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Leontine Ballard

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

Sworn to before me, this 17 day of Nov. 1897 } E. Abela

John S. Kelly
Police Justice.

Lined area for additional text or notes.

0098

POOR QUALITY ORIGINAL

Sec. 193-200.

2

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Charles Fleury 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 Fleury

Question. How old are you?

Answer.

44 years

Question. Where were you born?

Answer.

France

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

Answer.

No home

Question. What is your business or profession?

Answer.

Printer

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.

C. Fleury

Taken before me this 19th day of May 1938
John S. Kelly

Police Justice.

POOR QUALITY ORIGINAL

0099

BAILED,
 No. 1, by _____
 Residence _____ Street _____
 No. 2, by _____
 Residence _____ Street _____
 No. 3, by _____
 Residence _____ Street _____
 No. 4, by _____
 Residence _____ Street _____

Police Court... 2
 District... 1435

THE PEOPLE, Ac.,
 ON THE COMPLAINT OF

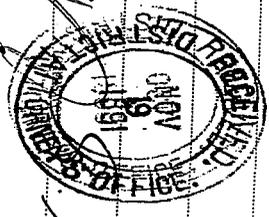
Carlini Ballant
 1189 Broadway
 Charles Henry

1
 2
 3
 4
 Offence... Larceny
 felony

Dated Nov 13 1881

Kelly
 Magistrate
 Broderick & Hunt
 Officer

Witnesses
 No. 1 Sumner Abelas
 No. 2 32 6th Avenue
 Street



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

Charles Henry
 of the City thereof, I order that he be held to answer the same and he be admitted to bail in the sum of \$1000 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
 Dated Nov 17 1881 John Kelly Police Justice.

I have admitted the above-named...
 to bail to answer by the undertaking hereto annexed.
 Dated... 18... 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... 18... Police Justice.

0100

POOR QUALITY ORIGINAL

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Fleury

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

Charles Fleury

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

The said

Charles Fleury

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

one cross of the value of five dollars,
one locket of the value of ten dollars,
one chain of the value of ten dollars,
one pair of earrings of the value of ten dollars, and diverse other articles of jewelry, of a number and description to the Grand Jury aforesaid unknown, of the value of ten dollars

of the goods, chattels and personal property of one

Caroline Ballard

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.

POOR QUALITY
ORIGINAL

0101

SECOND COUNT—

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

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

The said *Charles Fleury*

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

one cross of the value of five dollars, one locket of the value of ten dollars, one chain of the value of ten dollars, one pair of earrings of the value of ten dollars, and divers other articles of jewelry of a number and description to the Grand Jury aforesaid unknown, of the value of ~~ten~~ dollars,

of the goods, chattels and personal property of one

Caroline Dollart

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

Caroline Dollart

unlawfully and unjustly did feloniously receive and have; the said

Charles Fleury

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

DE LANCEY NICOLL,

District Attorney.

0102

BOX:

457

FOLDER:

4198

DESCRIPTION:

Folk, Dey

DATE:

11/25/91



4198

POOR QUALITY ORIGINAL

0103

Witnesses:

Counsel,

Filed

Pleads,

25th day of Nov^r 1891

Attest by
[Signature]

THE PEOPLE

vs.

B

Day Talk

[Signature]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

[Signature]

72 Jan 7 1892 Foreman.

Sent to Special Viewers

People
vs
Dry / Folk

Nov 26 1891

The case against
the above defendant is very
clear, as appears by the
examination papers herewith
submitted.

The Police authorities,
for similar violations of Section
290 P.b., have arrested the
managers of Huber's Museum
Dorris' (Harem) "
Dorris' (8th St) "

The two cases against Dorris
are still pending and under
examination; the case against
Huber was dismissed, by
Judge Kelly, for the reason
that the chief in the case
swore, on the examination,
that he went into the Museum
with a man who purchased
a ticket for him.

The Agent of the S.P.B.
informs me that he thinks Dorris
will be held as the ^{agent} ~~party~~ ^{against whom} ~~party~~
strong. J.F. Macdonald

POOR QUALITY
ORIGINAL

0105

(522)

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Jay Folk

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

indictment, accuse

Jay Folk of a
Misdemeanor,

of the crime of

committed as follows:

The said

Jay Folk,

late of the City of New York, in the County of New York aforesaid, on the
sixth day of *November,* in the year of our Lord one thousand
eight hundred and ninety- *one,* at the City and County aforesaid,

did unlawfully admit to, and allow to remain
in a certain museum there situate, known
as the Grand Museum, kept and managed
by him in part, one Thomas Barrett, who

**POOR QUALITY
ORIGINAL**

0106

was then and there a child actually and
apparently under the age of sixteen years,
to wit: of the age of fourteen years, the said
Thomas Barrett not being then and there
accompanied by his parent or guardian,
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.

de Lancey Mill,
District Attorney.

0 107

BOX:

457

FOLDER:

4198

DESCRIPTION:

Foo, Wong Chun

DATE:

11/11/91



4198

0108

POOR QUALITY

Counsel,

Filed

day of Nov 1891

Pleas,

THE PEOPLE

vs.

Wong Chin Foo

FRAUDULENT REGISTRATION. [Chap. 410, Laws of 1882, § 1908.]

DE LANCEY NICOLL,

District Attorney.

Part I Nov. 19, 1891

A TRUE BILL.

Foreman.

Witnesses:

Lead hand (handwritten)

De Lancey Nicoll (handwritten signature)

Nov 19 1891 (handwritten date)

Spencer (handwritten signature)

POOR QUALITY ORIGINAL

0109

18⁶

City and County of New York, ss.:

4755

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK.

To any Peace Officer in the County of New York:

Information upon oath having been this day laid before me that heretofore, to wit: on the 2nd day of November in the year of our Lord one thousand eight hundred and ninety one, the same being a day duly appointed by law as a day for the general registration of the qualified voters of the said City and County, one Wong Ching Foo at the City and County aforesaid, did personally appear before the Inspectors of Election of the 18th Election District of the 2nd Assembly District of the said City and County, at a meeting of the said Inspectors of Election then being duly held for the purpose of the general registration of the qualified voters of the said City and County, resident in the said Election District, at the duly designated polling place of the said Election District, and did then and there, at the said general registration of voters, feloniously register in the said Election District, without having a lawful right to register therein.

You are therefore commanded forthwith to arrest the above-named Wong Ching Foo and bring him before me at the 7th District Police Court, in this City, or, in case of my absence or inability to act, before the nearest or most accessible Magistrate in this County.

Dated at the City and County aforesaid this 2nd day of November 1891.

[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0110

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before J. T. Kilbeth a Police Justice of the City of New York, charging Wong Ching Foo Defendant with the offence of Illegal Registration

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 Wong Ching Foo Defendant of No. 11

Wong Ching Foo Street; by occupation a Journalist

and Valentin Neuberger of No. 304 South 8th Street

Wong Ching Foo Street, by occupation a Wong Ching Foo Surety, hereby jointly and severally undertake

that the above named Wong Ching Foo Defendant

shall personally appear before the said Justice, at the 1 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 100

Hundred Dollars.

Taken and acknowledged before me, this 17

day of July 18 91.

J. T. Kilbeth POLICE JUSTICE.

Wong Ching Foo
Valentin Neuberger

POOR QUALITY ORIGINAL

01111

CITY AND COUNTY }
OF NEW YORK, } ss.

[Signature]
Police Justice

Sworn to before me, this
day of *Jan* 18*99*

the within named Bail and Surety being duly sworn, says that he is a resident and
holder within the said County and State, and is worth *ten* 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 *home and lot of land situated*

at 293 & 7th East 103rd Street
valued at \$5000.00 mortgages
for \$1000.00. Valentin Rosenberg

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 18

Justice.

POOR QUALITY ORIGINAL

0112

4758

City and County of New York, ss.:

Police Court, 1st District.

James S. Perkins
of 6th Precinct Street, aged 28 years, being duly
sworn, deposes and says, that on the 23rd day of October 1891,
at the City of New York, in the County of New York, the same being a day duly
appointed by law as a day for the general registration of the qualified voters of said
City and County, Wong Chung Foo did
personally appear before the Inspectors of Election of the Eighteenth
Election District of the Second Assembly District of the said City and
County, at a meeting of the said Inspectors of Election then being held for the purpose of
the general registration of the qualified voters of the said City and County, resident in the
said Election District, at the duly designated polling place of the said Election District,
and did then and there, at the said general registration of voters, feloniously register in the
said Election District, not having a lawful right to register therein.

Wherefore deponent prays that the said Wong Chung Foo
may be apprehended and dealt with according to law.

James S. Perkins

Sworn to before me, this 2nd
day of November 1891.

[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0113

Sec. 193-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Wang Chung Joo 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. *Wang Chung Joo*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *China*

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

Answer. *11 Matt Street 5 months*

Question. What is your business or profession?

Answer. *Journalist*

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*
Wang Chung Joo

Taken before me this
day of *March* 1937
at *NY*
Police Justice.

POOR QUALITY ORIGINAL

0114

BAILED,

No. 1, by *James J. Quinn*
Residence *155th St. N.Y.C.*
Street

No. 2, by _____
Residence _____
Street

No. 3, by _____
Residence _____
Street

No. 4, by _____
Residence _____
Street

Police Court

THE PEOPLE vs. *James J. Quinn*
ON THE COMPLAINT OF

District

1891

Dated

Nov 3 1891

William H. Quinn Magistrate

No. 1

James J. Quinn Precinct Officer

Witnesses

James J. Quinn

No. 2

Henry Lee King

No. 3

James J. Quinn

No. 4

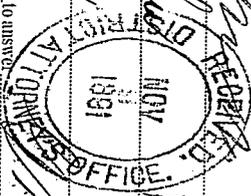
James J. Quinn

No. 5

James J. Quinn

No. 6

James J. Quinn



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

_____ guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *1000* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *Nov 7 1891* _____ Police Justice.

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

Dated *November 5 1891* _____ 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 _____ 18 _____ Police Justice.

POOR QUALITY ORIGINAL

0115

The Presiding Magistrate
in my absence, will please issue
and determine the within case.

Albion

500 E 200 St 2nd
Albion
Nov 2 1891

BAILED,
No. 1, by _____
Residence _____ Street
No. 2, by _____
Residence _____ Street
No. 3, by _____
Residence _____ Street
No. 4, by _____
Residence _____ Street

Police Court... 1 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James M. Perkins

Wang Chung

Offence

Dated Nov 3 1891

Magistrate
Munroe

Practical

Witness
Bennett

No. 517 50 Park Street

No. 19 North Street

No. _____ Street

to answer

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

Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated Nov 3 1891 Police Justice.

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

Dated..... 1891 Police Justice.

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

Dated..... 1891 Police Justice.

POOR QUALITY
ORIGINAL

0116

527

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Wong Shui Tso

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *Wong Shui Tso*
of a FELONY, committed as follows:

Heretofore, to wit: on the *Twenty - Third* day of October, in the year of our Lord one thousand eight hundred and ninety- *one*, the same being a day duly appointed by law as a day for the general registration of the qualified voters of the said City and County, the said *Wong Shui Tso*, late of the City and County aforesaid, at the City and County aforesaid, did personally appear before the Inspectors of Election of the *Eighteenth* Election District of the *Second* Assembly District of the said City and County, at a meeting of the said Inspectors of Election then being duly held for the purpose of the general registration of the male residents of the said Election District as then were, or would be on the day of election next following the ^{said} day of registration (to wit: on the *Third* day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in the said month of November, and being the day duly appointed by law for the holding of a general election throughout the said State and in the City and County aforesaid), entitled to vote therein, at the duly designated polling place of the said Election District, and did then and there, at the said general registration of voters, feloniously and fraudulently register in the said Election District, not having a lawful right to register therein, in this, to wit: that the said *Wong Shui Tso* was not then a male resident of the said Election District as then was, or on the said day of election next following the said day of registration would be entitled to vote therein, for the reason that he was not then, nor would he on the said day of election have been, an inhabitant of the said State one year next preceding such election, and the last four months a resident of the said County of New York, and for the last thirty days a resident of the said Election District, against the form of the statute in such case made and provided, and against the peace and dignity of the said People.

DE LANCEY NICOLL,

District Attorney.

0117

BOX:

457

FOLDER:

4198

DESCRIPTION:

Frank, Joseph

DATE:

11/25/91



4198

0118

BOX:

457

FOLDER:

4198

DESCRIPTION:

Frank, Joseph

DATE:

11/25/91



4198

POOR QUALITY ORIGINAL

0119

Witnesses:

Wm. J. [Signature]
Counsel
Filed *[Signature]* day of *[Signature]* 189

Pleas, *[Signature]*

THE PEOPLE

2 divisions vs. [Signature]
Joseph Frank

Burglary in the Third Degree, Section 498, *[Signature]*

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

[Signature]

Part 3. Dec 2/91. Foreman.

Tried and Convicted

[Signature]

370 13 2009 09

[Signature]

Police Court 3 District.

City and County } ss.:
of New York,

of No. 35 Hester Herzog Veitch Street, aged 71 years,
occupation Peddler being duly sworn

deposes and says, that the premises No. 35 Hester Street, 10 Ward
in the City and County aforesaid the said being a three story brick
building one room on the 3rd floor of
and which was occupied by deponent as a Jewelling
and in which there was at the time a human being by name

were BURGLARIOUSLY entered by means of forcibly opening the lock
on the door of said room

on the 18 day of November 1891 in the day time, and the
following property attempted to be feloniously taken, stolen, and carried away, viz:

House hold Furniture and clothing
and ~~got~~ good and lawfull money
of the United States amounting to Two
Dollars in small coins
all together of the value of One hundred
Dollars

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

for the reasons following, to wit: on said date the said
property was in said room and deponent
securely locked ^{and fastened} the door of said room
with a Padlock - and about half past
eight o'clock a.m. went away - and about
about the hour of 12.30 o'clock P.m. he returned
and found the said pad lock unfastened
and the door unfastened, and when he
opened the door he saw the Defendant

POOR QUALITY ORIGINAL

0 122

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Joseph Frank 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. Joseph Frank

Question. How old are you?

Answer. 21 yrs

Question. Where were you born?

Answer. U.S. Austria

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

Answer. 54 Division St - 4 months

Question. What is your business or profession?

Answer. Sailor

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

Joe Frank

Taken before this day of June 1891

Police Justice.

POOR QUALITY ORIGINAL

0123

BAILED,
 No. 1, by _____
 Residence _____ Street _____
 No. 2, by _____
 Residence _____ Street _____
 No. 3, by _____
 Residence _____ Street _____
 No. 4, by _____
 Residence _____ Street _____

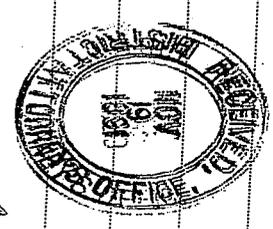
Police Court... 3
 District... 1439

THE PEOPLE, &c.,
 ON THE COMPLAINT OF
 Henry Teck F
 Joseph Frank
 1
 2
 3
 4
 Offence... Burglary

Dated Nov 18 1891

Magistrate... Ryan
 Officer... Brewer

Witnesses... [Signature]
 Precinct... 11



No. 500
 to appear... 9/1/91

[Signature]

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

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

Dated Nov 18 1891 [Signature] Police Justice.

I have admitted the above-named
 to bail to answer by the undertaking hereto annexed.
 Dated... 18... 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... 18... Police Justice.

The People
Joseph Frank

Court of General Sessions. Part III
 Before Judge Fitzgerald. Dec. 2. 1891
 Indictment for burglary in the third degree
 Hattoch Recht, sworn and examined. I live
 at 35 Hester street. I stand in Hester
 street with a ~~basket~~ selling goods. I am
 a pedlar. I live in 35 Hester street on the
 top floor front. Did you lock up the
 door on the 18th of November about half
 past eight o'clock? Yes. I locked it with
 a key and a padlock. I left the house
 at half past eight o'clock in the morn-
 ing. When you locked up your room
 what was the amount of property that
 you had in your room and what
 was it worth about? About a hundred
 dollars worth of articles I had in my
 room. What did that property consist
 of? I had a bed and bedding. I had
 goods I am dealing in - pocket forks and
 such things. Did you have any clothing?
 Yes, clothing also. Did you have any
 money, and in what did it consist?
 Yes, I had copper coins. It was too much
 trouble to carry them with me and I
 left them - about two dollars worth of
 these coins. You returned at half past
 twelve did you not that day? Yes.
 What was the condition of the door

that you locked with the padlock when you returned? The padlock was hanging and the key was in the padlock. Did you go in your room? Yes. I opened the door and entered. Who did you see in there? He was alone there - the prisoner was alone. Did you have him arrested? What did you say to him if anything? I commenced to hullo thief, thief. Then you commenced to hullo "thief", "thief". What did he do or say? He did not say anything. Did you have him arrested? Yes sir. Was he arrested by the officer while he was in your room? He was half way down stairs when the policeman took him. These pennies here when they were taken from the prisoner did you identify any one as belonging to you (showing pennies)? Yes. I recognized two pennies as belonging to me. What kind of pennies? An old penny, a big penny which used to be in circulation about fifteen years ago here; and the other penny is a coin that is in circulation yet. Is that the other one? Yes sir, that is the penny.

Mr. Bedford. I offer these two pennies in evidence. When did you last see these pennies, and particularly these two before they were

taken from the prisoner the Friday before he was arrested; about four or five days before I saw the pennies. Where did you keep all these pennies? I had them on a shelf but it could not be seen. How could he find them? He disturbed everything in the room, he threw everything out in the room. Were those pennies yours? Yes. You never allowed that man to go in your room during your absence did you? No sir. How many pennies were gone when you came back? I did not find any more pennies in the room, he took them all. They were all gone? Yes. How about the pocket books and the combs and the other things? He had no time, there was nothing taken only the pennies. What was the condition of the room when you came in? Everything was disturbed around the room, and the lock was broken and taken off. Was there any property taken out of the trunk? No sir.

Cross Examined. How long have you lived in that building No. 35 West street? About a year. Do you know a man named Goldberg living there? Yes. What is his business? He is an express man. Is it not a fact that he is a tailor? I do not know. Do you know how long ago Goldberg

lived there? I cannot tell, he has not lived there any more. Has he not been living there since you went there to live first? No sir. How long after you moved there did Goldberg move in? I do not know. I did not charge my mind with it. I do not know. How many times have you spoken to Goldberg since you lived in that house? I had very little to say to Goldberg. How many times were you in his rooms? Not at all. I believe you said your business was keeping a stand. I keep a basket of goods in the street. Do you go from house to house peddling your wares? No sir. I remain in the street standing with my basket. Where do you generally stand? I am changing, sometimes in one block and sometimes in another. wherever it is more convenient. How long have you been in this country? I think about twenty four years. You do not speak English? No sir, in Hester street they do not speak English. What kind of a lock was on that door? Here is the key to it - it is a padlock. That is a kind of lock you take the upper part of the lock and then you shove the lock up and it opens at the bottom does it not? Yes, just as you say. When you went away that morning you

locked that lock? Yes sir. When you returned at half past twelve in what condition did you find the lock? It was hanging only on one staple and the key was in the lock. Did you ever have your apartments broken into before by any person? In Ridge street about eight or ten years ago my place was burglarized. Since the time you moved to 35 West street has your premises been tampered with at all up to this time? No, not in that place. I bought that padlock when I moved into that house about ten months ago. Did you ever see this man before that day? No sir. I only had those coins about four days before they were taken. I got them from customers. I remember when I was brought to the Police Court when this man was arrested. Is it not a fact that when you came up to your place at half past twelve o'clock you met this defendant in the hallway? No sir, he was standing inside my room. Do you mean to tell the jury that after you found him in your room that you left him there and went out and called a policeman? I commenced to call "thief, thief", and about twenty persons came from different parts of the house

and then they caught him and they called the police. The policeman brought the keys to the Essex Market Police Court. The lock is on the door yet. I am using it. When I locked the door in the morning I locked it with my own key, and the key I saw in the lock when I came back was ^{not} my own key.

Frank Bresser, sworn and examined testified. I am an officer of the Eleventh precinct and arrested Joseph Frank in No. 35 West street. Where was he when you arrested him? I arrested him in the room of the old man, he was standing in the room and there was a crowd there watching him. I arrested the defendant on the complaint of the complainant. I noticed the condition of the padlock at the time. It was hanging in the screw eye, not on the door, but on the other side of the door; the lock was hanging on one screw. It was unlocked so that anybody could get in. I asked the defendant what he was doing up here. He said that he went to see a man that lived in that room (pointing to the room next door.) I said, What were you doing in that man's room? He

said, I was not in the room. I arrested him in the room. I told the complainant to look around and see if he had lost anything. He looked and he said he lost two dollars in change. I searched the prisoner and as I threw his coat open the first thing I took out was this screw driver (producing it) I took it from his inside pocket. I put my hand in his outside pocket and found money loose. The complainant was there and in the Police Court he identified the pennies which are now shown me. I found on the prisoner when I searched him three pawn tickets, a screw driver, and six or eight keys. He had laundry tickets which I returned to him. The complainant brought me the keys and he claimed he found them on his bed; he said they were not his. Had no further conversation with the defendant. There was another man keeping guard over him. There was nobody else arrested at the same time. Had a conversation in the defendant's presence with the man who was on guard over him. He lives on that floor. I don't know his name. I asked him whether he had seen the defendant in the room and he said,

yes; I asked him would he come down as a witness, and he said, No., that he could not afford to lose the time. The defendant ^{and heard that} Cross Examined. I was standing at No 33 West St. and the complainant came rushing up to me and said, "Thief, thief." I says, "Where is the thief?" He said, at the door of my room I asked him where he lived, and he pointed to the house again and I went up stairs with him. I saw the defendant standing in the doorway. He was not being held by any person; a man stood in front of him by the door; there were three or four men outside in the hallway the defendant was fully in the door with his shoulder leaning against the casement. Three or four persons were within ten feet of him. There was one person nearer to him than that. Did that man have his hand on the defendant's collar? He did not. Did he have hold of him in any way? He did not - he was about two feet and a half away from him. I might have said to the clerk of the Police Court that I found skeleton keys with the defendant. There was no evidence offered in behalf of the defendant. The jury rendered a verdict of guilty of burglary in the third degree. The defendant was sent to the State prison for three years and three months.

OR QUALITY
GINAL

0132

Testimony in the
case of
Joseph Frank

filed Nov. 1891

OR QUALITY
GINAL

0133

Testimony in the
case of
Joseph Frank
filed Nov. 1891

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Frank

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

Joseph Frank

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

The said

Joseph Frank

late of the 10th Ward of the City of New York, in the County of New York aforesaid, on the eighteenth day of November in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, in the day-time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Herzog Vecht

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

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

SECOND COUNT—

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

Joseph Frank

of the CRIME OF *Petit* LARCENY

committed as follows:

The said

Joseph Frank

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *day* time of said day, with force and arms, divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of fifty cents, five keys of the value of ten cents each, and one screw driver of the value of twenty five cents

of the goods, chattels and personal property of one

Herzog Vecht

in the dwelling house of the said

Herzog Vecht

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

De Lancey Nicoll
District Attorney

0136

BOX:

457

FOLDER:

4198

DESCRIPTION:

Freudenberger, Albert

DATE:

11/25/91



4198

POOR QUALITY ORIGINAL

0137

Witnesses

San Francisco
Specially Selected
by the Peace,
F.M.

Sandwich
I am able

037 NAK
Counsel, by *[Signature]*
Filed *[Signature]* day of 1891
Plends *[Signature]*

THE PEOPLE

[Signature]
380 H. St.
San Francisco, Calif.
Albert Feuerberges

Grand Larceny, Second Degree, [Sections 123, 58] Penal Code.]

DR LANCEY NICOLL,

District Attorney.

Part I Dec 20 1891

Part I Dec 20 1891

A TRUE BILL.

[Signature]

Part 2 - Dec 8, 1891
Foreman.

Ready Spooling

[Signature]

Dec. 11/91

POOR QUALITY ORIGINAL

0138

Good

Police Court _____ District. Affidavit—Larceny.

City and County }
of New York, } ss.

of No. *114 First Avenue* Street, aged *27* years,
occupation *Pawnbroker* being duly sworn

deposes and says, that on the *17* day of *November* 18*97* at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the *day* time, the following property, viz:

*One gold watch two plated lockets
one pair of diamond earrings and
one gold chain together of the
value of about fifty dollars*

the property of *Beckia Sobel* in the care and custody of deponent

and that this deponent has a probable cause to suspect *Albert* does suspect, that the said property was feloniously taken, stolen, and carried away by *Albert*

Truheny! from the fact that the defendant was in the employment of a watch maker and jeweller and at some missed said property and the defendant admitted and confessed to deponent that he defendant had stolen said property and deponent found the aforesaid watch and two lockets were shown in Court in the defendant's possession which deponent identified as a portion of the property taken stolen and carried away by aforesaid

Henry Sobel

Sworn to before me this _____ day of _____ 18*97*
John P. Ryan
Police Justice.

POOR QUALITY ORIGINAL

0139

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Albert Trendelenburg 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. *Albert Trendelenburg*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *380 East 4th Street New York*

Question. What is your business or profession?

Answer. *Watchmaker*

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 guilty of taking a portion of said property of *Christ* Albert Trendelenburg*

Taken before me this 1889 day of *June* 1889
John R. Ryan

Police Justice.

POOR QUALITY ORIGINAL

0140

BAILED,
 No. 1, by _____
 Residence _____ Street _____
 No. 2, by _____
 Residence _____ Street _____
 No. 3, by _____
 Residence _____ Street _____
 No. 4, by _____
 Residence _____ Street _____

Police Court District

THE PEOPLE, Ec.,
ON THE COMPLAINT OF

James Schell
Wm. H. Logan
Arthur J. Sturman

1
2
3
4

Offence *Larceny Felony*

Dated *Nov 18 1891*

St. John
Magistrate
Officer

14
Precinct

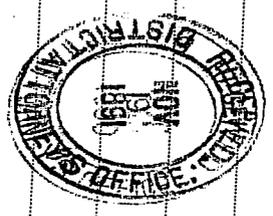
Witnesses

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

No. *1000* Street *98*
to answer



Wm

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

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

Dated *Nov 18 1891* *John Ryan* Police Justice.

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

Dated _____ 18 _____ 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 _____ 18 _____ Police Justice.

0141

POOR QUALITY ORIGINAL

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Albert Freudenberger

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

Albert Freudenberger

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

The said *Albert Freudenberger*

late of the City of New York, in the County of New York aforesaid, on the *17th* day of *November* in the year of our Lord one thousand eight hundred and ninety-*one*, at the City and County aforesaid, with force and arms,

one watch of the value of thirty dollars, two lockets of the value of five dollars each, one pair of earrings of the value of twenty dollars and one scarf pin of the value of five dollars

of the goods, chattels and personal property of one *Cecilia Sobel*

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.

De Lancy Nicoll
District Attorney

0142

BOX:

457

FOLDER:

4198

DESCRIPTION:

Freund, John

DATE:

11/19/91



4198

0143

BOX:

457

FOLDER:

4198

DESCRIPTION:

Burdick, Henry C.

DATE:

11/19/91



4198

POOR QUALITY ORIGINAL

0144

The recommen-
dation written
in the back of the
indentment applica-
tion of defendant
Fremont. The previous
Bundick was the
printer who printed
the article complained
of. I recommend
that the indentment
be also dismissed
as to him, as he
was the agent only
of the printer
Fremont and I recommend
De Lancey & Co
District Atty

This indictment should be for-
feited, ought not to have been
found. It goes out of its ground
against two men who had
been arrested in the main
arrest of a trade newspaper.
The defendant is not
knowing the other in and out
of point. The defendant as the
case changes his former
accusations of the defendant and
discredits. Charges were made
made by the defendant
against the defendant. I
do not attempt to discuss the
merits of the case. But
from his examination of
all the facts of the case
that a conviction is impossible
and that the time of the Court
would be frittered away by
attempting a trial. It has
been suggested to me also that
James G. Hargrave, upon the
complaint to begin the pro-
ceedings and that the defendant
is intended to embarrass
some such unworthy and
This suggestion is by no means
unfounded, and he should
not be furthered by dis-
missing the indictment
De Lancey & Co
District Attorney

19 day of 1889
W. H. Hargrave, District
Attorney
vs
THE PEOPLE
vs
John C. Fremont
vs
Henry C. Bundick

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Henry G. Hargrave
Foreman.

Indictment

Dismissed
Accusation

POOR QUALITY ORIGINAL

0145

The recommen-
dation written
in the back of the
indictment applies
to the defendant
Hend. The defendant
Burdick was the
printer who printed
the article explaining
of the occurrence
that the indictment
is also returned
against him, as he
was the agent only
of the principal
Hendrick and Hendrick
DeLancey Nicoll
District Atty

19 day of July 1891
W. M. M. D. D.
THE PEOPLE
vs.
John C. Freund
Henry C. Burdick

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Henry C. Burdick
Foreman.

Indictment

Dismissed
per indictment

This indictment is returned against
the defendant and to have taken
ground. It was returned against
Hendrick and Hendrick who had
been arrested in the main
arrest of a single person
and they appeared such as
showing the other in and out
of court. The defendant in this
case changed his former
accusation of the defendant and
testimony. Charges were made
made by the defendant and
against the defendant. It
is not attempted to deny the
facts of the indictment. But
from his representation of
all the facts of the indictment
that a conviction is impossible
and that the time of the Court
would be frittered away by
attempting a trial. It was
then suggested to me also that
Hendrick and Hendrick were
compelled to begin the pro-
cedure and that the indictment
is intended to subvert the
course of justice and
The suggestion is by no means
unfounded and Hendrick
and me the belief that justice
will be frustrated by the
returning this indictment
DeLancey Nicoll
District Attorney

**POOR QUALITY
ORIGINAL**

0146

COURT of GENERAL SESSIONS of the PEACE
COUNTY of NEW YORK

In the matter of the indictment
of

JOHN C. FREUND and HENRY C. BURDICK
CITY and COUNTY of NEW YORK S. S.

Victor S. Flechter, being duly sworn, says:-

I reside at #138 West 65th St. in this city and my place of business is at 23 Union Square. I know the defendant Freund in this action, and have been acquainted with him for about ten years.

I am also acquainted for more than five years with Mr. J. Travis Quigg, who is really the complainant against the defendant.

In my opinion this indictment should not stand for the following reasons:)

It is a matter growing out of mere personal differences between Mr. Quigg and the defendant, Freund in which the people can have no sort of interest. I have known of the business relations existing between Mr. Freund and Mr. Quigg for some years and until about the year 1890. they were in perfect harmony.

About the beginning of 1890, Mr. Freund frequently complained in my presence and in the presence of others that Mr. Quigg did not attend to his work on the paper (while drawing a large income,) being unable to do so by reason of his personal habits. I agreed with Mr. Freund and did everything in my power to adjust the differences between him and Mr. Quigg and also to induce Mr. Quigg to

give proper attention to his work.

The paper was good property and was building itself up, and I think would have made a great success if Mr. Quigg had used the same energy towards its furtherance as did Mr. Freund.

I have seen the indictment referred to herein against Mr. Freund, and in regard to that part which refers to me and my dealings with Mr. Quigg in connection with a certain note, I desire to say: I had been in the habit of accommodating the American Musician through Mr. Freund, and looked to Mr. Freund for my protection.

On the occasion referred to in the indictment where I gave a note for \$257.00. to Mr. Quigg who gave me his personal note in exchange.

I had had no such dealings with Mr. Quigg before and I told Mr. Freund of the circumstance a day or two after as I looked to him for protection in the matter. Mr. Freund was not satisfied with what had been done by Quigg but said that he would see me protected and told me that he had just given Quigg \$120.00 a few days before in cash and could not understand why Mr. Quigg should want accommodation from the advertisers of the paper.

Within the last fortnight I have had a conversation with Mr. Quigg. I called at his office at his special written request. He wanted me to obtain an adjournment for him from Mr. Benno Loewy, who is my attorney, and who at the same time was acting for Mr. Freund.

He said that an examination was set down for that afternoon in a civil action which he had brought against Mr. Freund in which he was not on that day prepared to go on. I promised to apply to Mr. Loewy and did so, and the request was granted. A further conversation occurred at the time. He asked me if I could not meet him the next day at lunch; that I was a mutual friend of both parties, for the purpose of arranging some way by which his troubles with Mr. Freund might be settled.

POOR QUALITY ORIGINAL

0148

~~with Mr. Quigg. I called at his office at his special~~
written request. He wanted me to obtain an adjournment
for him from Mr. Benno Loewy, who is my attorney, and who
at the same time was acting for Mr. Freund.

He said that an examination was set down for that
afternoon in a civil action which he had brought against
Mr. Freund in which he was not on that day prepared to go
on. I promised to apply to Mr. Loewy and did so, and
the request was granted. A further conversation
occurred at the time. He asked me if I could not meet
him the next day at lunch; that I was a mutual friend of
both parties, for the purpose of arranging some way by
which his troubles with Mr. Freund might be settled.

I asked him how he came to get Mr. Neuberger as his
attorney, as I knew that Mr. Neuberger was the attorney
for the newspaper called the Musical Courier, and that
that paper was Mr. Freund's principal competitor and had
therefore been always deadlv opposed to him. Mr. Quigg
answered that Mr. Neuberger had never been employed by
him, and that he should have never thought of engaging
him if it had been left to himself, nor was he the real
instigator of the suits against Mr. Freund. I then said
to him, "who did employ Mr. Neuberger?" and he replied
"you know as well as I do." I have not seen Mr. Quigg
since.

Victor J. Fleckner

*Subscribed before me
this 18th day of December 1891
Giffen Tompkins*

NOTARY PUBLIC KINGS CO.
CERTIFICATE FILED IN N. Y. CO.

POOR QUALITY
ORIGINAL

0149

People
by
John C. Lewis

Nov 1911

Put with papers
in office of
Elder of Good
Society
D. Bell

Court of General Sessions of the Peace
for the City & County of New York

The People of the State of New York
— against —
John C. Freund and Henry C. Burdick

City & County of New York, ss.

John C. Freund, being
duly sworn, says. I reside in Dolgevillle, Herkimer
County New York. I am a journalist by profession
and am at present editing the "Dolgeville Herald"
and also "The Empire Trades" which is published in
the city of New York. I know J. Travis Quigg

I first made his acquaintance
when he became my Philadelphia correspondent
when I was editing and publishing in this city
a paper called "The Musical and Dramatic Times"

He remained my correspondent for two years
Afterwards he was an employee of mine on
"Freund's Weekly" which was published in this city
and he was then with me nine months

About 1884, the Mutual Musical Protective
Union in consequence of labor troubles started
a paper of their own ^{called The Athlete and Musician} and shortly afterwards
employed J. Travis Quigg as editor and manager

The paper was not successful at first under
Quigg and it was stopped. When the business
was closed Quigg was given the good will of
the paper which cost him nothing. Shortly
afterwards I met Quigg in this city, he told me
of his condition so far as the paper was concerned

and his inability to interest any person with him.

He spoke of my large acquaintance in the piano trade and asked me to associate myself with him saying that I might name my own terms.

I consented. Neither of us had any capital. It was agreed between us that we should go in as equal partners. He worked as such for three months and it was evident that he was then neglecting his duties so much so that I found it necessary to make other arrangements.

The business was turned into a stock company. I was made manager and I was given a majority of the stock and I always held a majority of the stock up to the time I left the paper.

Under this arrangement matters proceeded very much as before with the exception that we were more successful and as we proceeded Dugg seem to give himself more and more up to intemperate habits until at last I was obliged to leave the paper and dissolve my association with it. The burden was heavier than I could bear. I was paid by check an amount of money for my shares of stock and interest and that money I advanced to pay money due from the company to its employees and others and that money has not been returned to me. I employed counsel to collect the amount due and about the same time started for myself a paper called "The Music Trades" to which I have above referred and which is now successful.

The American Musician failed a few months

after I left it and I am informed that it was
 purchased by Mr. Stearns. Most of the business
 that I had brought in to the American Inquirer
 followed me to my new paper "The Inquirer"
 After I had started "The Inquirer" and before
 the American Inquirer had actually failed offers
 were made to me by Dugg and others interested
 with him through mutual friends that I should
 resume my position on that paper. I declined
 Mr. Dugg had written to me which letter is now
 in existence admitting that he had no excuse
 for his conduct while I was on that paper
 and that I was perfectly justified in leaving
 it, but I was perfectly sure that no change
 could come over Mr. Dugg so far as his habits were
 concerned that would make it possible for me
 to be further associated with him and I
 informed him. From that time up to the
 present Mr. Dugg and his friends have done
 their utmost to destroy my paper and to injure
 me in the minds of my friends. As Treasurer
 of the American Inquirer Publishing Co. Dugg first
 obtained a warrant for my arrest upon the
 charge of larceny in having misappropriated
 \$1000.00 while I was manager. I was arrested
 and gave bail before Police Justice Meade. A
 hearing was had and at the close of their
 testimony I not being called to produce a
 witness Justice Meade dismissed the complaint
 using the following language: "This complaint
 is dismissed for the want of any evidence"

whatever to sustain the charge or any part of it.
 During the five or six weeks that the charge of larceny against me was before Justice Meade I each week published in the *Immeric Trades* what I then believed and believe now to be a correct statement of what occurred before Judge Meade and thereupon I was convicted upon a criminal charge of libel upon the complaint of Quigg and was compelled to give bail in the sum of \$500.00 to answer any indictment which might be found by the Grand Jury.

I was prepared to introduce evidence in my behalf on this subject of libel but was advised by persons whom I then supposed to be my friends not to do so on the ground that no further proceedings would be had in the matter and that I would be allowed to go on with my paper without further troubles.

Much to my surprize I was indicted upon that very charge and that is the only indictment against me in this court.

After I had given bail on the proceeding on the libel charge before Mr. Justice Kelly I was arrested in an action brought in the Supreme Court by Quigg for misappropriating money belonging to the *American Immigrant* and an order of arrest was obtained against me and my bail was fixed at \$5000.00. I furnished bail and the case is now pending.

I am credibly informed that Mr. Quigg has left this city and has gone to New Orleans.

to be connected with a paper there, that he has stated to Mr. Flechter a mutual friend in effect that these proceedings were not brought at his instigation, that the lawyer employed by him Mr. Newberger was not retained by him and had never been paid by him; that he was tired of this thing and that he was going away.

I honestly believe that Bugg was but a tool in the hands of others who desired to destroy my paper and any influence that I had with friends by destroying my character.

I have no partner in my business and my duties require my attention both here and at Dolgerville. Both of these papers are under my control and direction and it is necessary to give my whole time and attention to them.

I have a wife and child and others dependent upon me and have no means except such as derived from my business and those who are opposed to me well know that the readiest way to destroy me is to take my time away from my business.

Sworn to before me this
18th day of December 1891

John F. Freund

Albert Martinez
Com. of Deeds
N.Y. City & Co.

Court of General Sessions of the Peace,
for the City & County of New York.

The People of the State of New
York

— against —
John C. Freund and Henry C. Burdick

City & County of New York vs.

Americo Gori being
duly sworn says: I reside at No. 108 East 25 St.
in the city of New York. I am a musician.

From the year 1888 to 1891 I was musical
critic for the American Musician and in that
capacity I was constantly thrown in contact
with Mr. John C. Freund and J. Francis Quigg.

The former was the general manager of the
paper and the latter Treasurer & Secretary of the
American Musician Publishing Co. I recognized
during the time I was on the paper Mr. Freund
to be an earnest & hard working man who devoted
most of time so far as I could see to the
furtherance of the interest of the paper.

Mr. Quigg on the contrary was a good deal
of the time away from the office and when there
often apparently so much under the influence of
liquor as to be unable to perform any duty. I
can recall several occasions when I have seen
him in the office stupidly intoxicated and
snoring. I have frequently heard Mr. Freund
complain of such conduct on the part of Mr.
Quigg. This he has done in the presence of

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many persons.
Sworn to before me this } Amrico G. G. G.
18 day of December 1891 }

Albert G. G. G.
Com. of Deeds
Myrtle St.

Court of General Sessions of the Peace
for the City & County of New York

The People of the State of New
York

— against —
John C. Fraud and Henry C. Burdick

City & County of New York ss.

Mellon Steel being
duly sworn says: I reside at No 79 East 124
Street in the city of New York. I am a Journalist
and am now connected with The Hebrew Standard
In the performance of my duty I have had
occasion at least once a week during the
years 1889 & 1890 to visit the offices of The
American Israelite and during such time became
well acquainted with John C. Fraud the manager
of the paper and with J. Travis Dugg who was
the Treasurer & Secy of the American Israelite
Pub. Company. At such times when I called
Mr. Fraud appeared to be very earnest and
desirous for the success of his paper and seemed
to me to be very laborious. I think I did not
find Mr Dugg in the office more than once a
month and from what I saw of him I judge
he was a very intemperate man. I can
remember distinctly upon two occasions when
I have seen him in a maudlin state of
inebriety so much so that he did not seem to
recognize me when I spoke to him

POOR QUALITY
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0158

On one occasion I saw him in the Spingler
House cor. 14 Street & University Place in this
city; it was in the day time and he was leaning
up against the bar grossly intoxicated.

I have heard Mr. Freund complain of having
the whole burden of the paper on his shoulders.

Shown before me this
18th day of December 1891

Milton Weil

Albert Martens -
Comm. of Deeds
N.Y. City & Co.

POOR QUALITY ORIGINAL

0159

Count of General Expresses of the
U. S. Peace for the City of New York
of New York

The People of the
State of New York

Plaintiff

vs.

Defendant

John C. Fremont et
al ^{against}

(Copy.)

Affidavits

Sir: Please take notice that a
of which the within is a copy, was this day duly
entered in this action, in the office of the Clerk of this
Court.

Dated, New York, 189

Yours, etc.,

JOHN D. TOWNSEND,

Attorney for

49 Chambers Street,
NEW YORK CITY.

JOHN D. TOWNSEND,

Attorney for Dept. Fraud.

49 & 51 Chambers Street,
NEW YORK.

To

Attorney for

POOR QUALITY ORIGINAL

0160

*County of Queens, Town of the
A. H. Peace, Public City County Court,
of New York*

*The People of the
State of New York*

Plaintiff

Defendant

*John C. French et
al*

against

(Copy.)

Affidavits

Sir:

Please take notice that a
of which the within is a copy, was this day duly
entered in this action, in the office of the Clerk of this
Court.

Dated, New York,

189

Yours, etc.,

JOHN D. TOWNSEND,

Attorney for

49 Chambers Street,
NEW YORK CITY.

JOHN D. TOWNSEND,

Attorney for *Deft. French.*

49 & 51 Chambers Street,
NEW YORK.

To

Attorney for

POOR QUALITY
ORIGINAL

0161

Court of General Sessions of the Peace
of the City and County of New York

The People of the State of New York
against
John C. Freund
and Henry C. Burdette

Indictment for Libel
(Filed Nov-19, 1891)

Sir,

Please take notice that the demurrer
of the above named defendants to the
indictment herein will be ^{brought} to argument
before Hon Frederick Luyth, Recorder
of the City of New York, and President
Justice of said Court, in Part I of the
said Court, on Friday the 27th instant
at the opening of Court on that, or as soon
thereafter as counsel can be heard.

Yours &c

De Lancey McCall
District Attorney

Bennet Loewy Esq
Counsel for defendants
206-208 Broadway
New York City.

POOR QUALITY ORIGINAL

0162

49

No. 49

THE PEOPLE OF THE STATE OF
NEW YORK

against

John C. Freund and

Henry C. Burdick

Plaintiff
vs.
Defendant

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

To
Benjamin Sweeney Esq

Comml for depts

206-208 Broadway

NY City

Service of a notice of which
within is a copy hereby administered
Nov 25, 1891

POOR QUALITY ORIGINAL

0163

1880 July 1, 11 am

The presiding magistrate is authorized to hear and determine this case in my presence, and to accept bail.

Police Justice.

BAILED

No. 1, *Thomas W. Kelly*
 Residence *315 East 193*
 Street

No. 2, *Thomas W. Kelly*
 Residence *315 East 193*
 Street

No. 3, *Thomas W. Kelly*
 Residence *315 East 193*
 Street

No. 4, *Thomas W. Kelly*
 Residence *315 East 193*
 Street

Police Justice
District

THE PEOPLE, &c.,

OF THE COMPLAINANT OF

Thomas W. Kelly
John E. Kelly
James E. Kelly
Libel

Offence

Dated *July 2d* 188*1*

Magistrate

Officer

Precedent

Witnesses

No. Street

No. Street

No. Street

No. Street

500 East 193
 to assist
320 East 193 June 4 1881
 " " " " 16-20-81
 " " " " 17-20-81
 " " " " June 23 1881

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

guilty thereof, I order that *they* 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 *they* give such bail.

Dated *July 1st* 18*81* *John E. Kelly* Police Justice.

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

Dated *July 1st* 18*81* *John E. Kelly* Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY ORIGINAL

0164

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

2 District Police Court.

Henry C. Burdick 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. Henry C. Burdick

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. U.S.

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

Answer. Morton House - since May 1

Question. What is your business or profession?

Answer. Printer

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

H. C. Burdick

Taken before me this

28

day of May

1889

John G. Kelly

Police Justice.

POOR QUALITY ORIGINAL

0165

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

John C Freund 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 C Freund*

Question. How old are you?

Answer. *42 years*

Question. Where were you born?

Answer. *England*

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

Answer. *517 W. 158 St. 2 years*

Question. What is your business or profession?

Answer. *Editor*

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*

John C. Freund

Taken before me this

day of

May

1887

Police Justice.

P O L I C E C O U R T
Second District.

T H E P E O P L E &c.
J. T R A V I S Q U I G G
against
John C. Freund and H. C. Burdick

Examination before Justice Kelly

June 4th 1891.

For the People, DAVID M. NEWBURGER, Esq.

For defendant BENNO LOEWY, Esq.

Mr. Lowy: I move to dismiss the complaint on the papers on the ground that the article on which this charge of libel is based is a privileged communication; that the alleged libellous words are ~~are~~ a part of the evidence taken before Justice Meade in a criminal proceeding begun in the Third District Court on a charge made by the complainant against one of these defendants. I claim that under Section 247 of the Penal Code this article was privileged. I move that the complaint be dismissed.

THE COURT: Your motion is denied.

Exception.

MICHAEL J. TREACY, a witness for the defendant being called out of order by consent, and duly sworn deposes and says: My name is Michael J. Treacy. I am an official stenographer appointed by the Board of Police Justices of this city and am attached to the Third District Police Court.

Q. Did you take an examination in the case of J. ~~XXXXXX~~ Travis Quigg against John C. Freund, the defendant before Justice Meade on or about the 7th day of May 1891? A. Yes sir.

Q. Will you please produce Exhibit B, of that case taken by you?

Objected to on the ground that there is no Exhibit shown.

THE COURT: Is it part of the proceedings.

Mr. Loewy: Yes.

THE COURT: I will admit it.

Mr. Loewy: I now offer Exhibit B, in evidence

Objected to.

Objection overruled.

Exception.

Q. Did you mark this paper Exhibit B, May 7, '91? A. Yes sir.

Q. Were you acting in your official capacity as stenographer in taking the record before Mr. Justice Meade in that proceeding? A. Yes sir.

CROSS-EXAMINED By Mr. NEWBURGER:

Q. I show you a paper and asked you if that is a ^{correct} transcript of the minutes and exhibits taken by you which are in evidence on May 7?

Objected to as immaterial and withdrawn.

Q. Is "Exhibit B" May 7, 1891" marked upon any of the papers contained in this ~~xxxxxx~~ wrapper. Are those words written upon the wrapper enclosing these papers marked "Exhibit B, May 7" are those words written upon any papers which are enclosed in that wrapper? A. No sir.

Q. When were those words "Exhibit B, May 7, 1891" - when were those words written? A. The day I marked *it*.

Q. Will you swear that these papers were ever received in evidence before Judge Meade? A. Certainly.

Q. Now I ask you to show the record of it in your minutes?

Objected to.

BY THE COURT:

Q. As stenographer you have Exhibits marked? A. Yes sir.

Q. And have you marked this paper? A. Yes.

Q. This is part of the record as it came up? A. Yes sir.

Q. And as it is your custom to mark them? A. Yes sir.

Mr. Loewy: I call your Honor's attention to Section 247 of the Penal Code.

THE COURT: What do you want to show by that?

Mr. LOEWY: That this article referred to in this complaint is a part of a report of a judicial proceeding.

THE COURT: I have admitted it in evidence. What is your object now.

Mr. LOEWY: I have shown ^{that} ~~this~~ this charge of libel is based on a privileged communication and it should be dismissed.

THE COURT: I denied your motion when you started out and I deny it now. If you have any other motion I will listen to it.

Mr. LOEWY: I have no further examination of the witness.

The paper referred to as "Exhibit B" in the case before Justice Meade is admitted in evidence in this case and three pages thereof selected by Mr. Loewi are marked by the stenographer "Defendant's Exhibit 1, June 4, 1891."

Adjourned to ~~July~~ June 16th 1891. at 2 P.M.

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P O L I C E C O U R T
Second District

T H E P E O P L E &c.
J. T R A V I S Q U I G G
against
John C. Freund and H. C. Burdick

Examination continued June 23rd 1891, before
JUSTICE KELLY.

Appearances as before.

General Horatio C. King as counsel for Mr. Steinway who had been subpoenaed as a witness appeared and informed the Court that Mr. Steinway, being engaged in official duties, as a member of the Rapid Transit Commission, could not attend at this hearing. He said that Mr. Steinway could obey the subpoena conveniently on any other day than Tuesday and would bring any papers which the court might deem necessary to be produced in this case so far as he was able.

Mr. ~~Loewy~~ Loewy: I ask that Mr. Steinway shall appear at this time in obedience to the subpoena.

The Court:- At the proper time if it is shown that he is a material witness, I shall secure his attendance. We can go on at present without him.

Mr. Loewy:- I take exception to the ruling of the court on the ground that the court has no right to require me to show that it is material to have the attendance of the

witness until that witness appears, and that the court has no right to pass upon the materiality of a document called for until I offer it in evidence and has no right to hear a witness represented by counsel here except the statement of that counsel be under oath as to the fact that the witness could not appear and testify.

J. TRAVIS QUIGG, the complaining witness called for cross-examination.

By Mr. Loewy:-

Q. You are the complainant in this action? A. Yes sir.

Q. What is your ~~max~~ business at present? A. Journalist.

Q. Are you employed anywhere? A. I am writing every day.

Q. For what publication? A. I decline to answer.

THE COURT: Answer the question.

A. Several publications.

Q. What are they? A. I do not see that it is necessary.

THE COURT: ~~I think~~ you may answer.

A. For two or three publications.

Q. Tell their names? A. The Sunday Transcript.

Q. Next? A. I am writing special articles for Colonel Cockerel in the Advertiser.

Q. Are you writing for any other paper at the present time?

A. No.

Q. How long have you been engaged in writing these special articles for Colonel Cockerel? A. Ever since the suspension of the American Musician.

Q. When did the American Musician suspend? A. The 18th of April.

Q. Of this year? A. Yes.

Q. Since the 18th of April of this year have you been engaged in writing for any other paper than the special articles for the Advertiser. Have you not written articles for the Musical Courier? A. Over my signature, I have.

Q. Have you not written articles with reference to the defendant Freund? A. I have, not for pay.

Q. I show you the Musical Courier of May 27, page 558, column 3, to the end of the column to page 559 signed J. Travis Quigg, did you write that article? A. If it is signed J. Travis Quigg, I presume I did.

Q. I show you the article and ask you to read it and say whether you did? A. I did.

Mr. LOEWY: I offer this paper in evidence.

Objected to as immaterial and irrelevant and as not relating to this case.

Objection sustained.

Exception by Mr. Loewy.

Mr. Loewy: Has your Honor read the article?

The Court: Yes sir, and I have ruled it out.

Q. I ask you Mr. Quigg, whether you wrote this article in the Musical Courier of May 6, page 454, column 1, about two thirds of the way down on the column on the second column. The signature is J. Travis Quigg?

Objected to.

Objection sustained.

Exception.

The paper is marked "Defendant's Exhibit 1, June 23 for identification."

The paper marked May 27, is marked defendant's Exhibit

2 for identification, O. Jr."

Q. I now show you a circular signed J. Travis Quigg, and dated the 28th of April, 1891, and ask did you issue that circular?

Objected to as issued long before the commencement of this proceeding.

Objection sustained.

The ~~xx~~ paper is marked "Defendant's Exhibit 3 for June identification, ~~JANUARY~~ 23, 1891, O.Jr."

Q. How long have you been in the journalistic profession?

A. Twenty years.

Q. With what papers have you been connected? A. With the Philadelphia Press, Inquirer, North American Sundan Times, New York World, Managing editor of the Kansas City Times, several musical papers, the Cleveland Leader, the St. Louis Critic and a number of others.

Q. Of what papers were you the owner or part owner, Mr. Quigg?

A. The Philadelphia Sunday Times, and the St. Louis Critic.

Q. Any other papers? A. I thought I was part owner of the American Musician.

Q. Are you part owner of the American Musician? A. I believe now the courts have stepped in to decide that.

Q. Is there any action pending and in what court to decide that?

A. I think so.

Q. Who brought it?

Objected to.

Objection sustained.

Exception.

Q. Are there any suits pending by you against A. C. Freund?

A. Individually, no.

Q. Have you made effort to establish your ownership of the American Musician as against John C. Freund?

Objected to.

Objection sustained.

Q. What portion of the work of the American Musician were you to do, Mr. Quigg? A. The work of managing editor, to get the paper together,- the editorial side.

Q. From what period to what period were you to do that work? A. Through the whole year.

Q. Did you do it through the whole year? A. I did it as long as I was here, as long as I was in New York.

Q. Do you mean to swear that as long as you were in New York you did put together the paper and attend to the editorial duties incident to the American Musician? A. I do.

Q. In October 1890 you wrote the editorials and put together the American Musician, was that so? A. I was so engaged.

Q. Sure of that? A. I was.

Q. In the year 1890 you went to Europe, did you not? A. I did.

Q. When did you leave for Europe? A. The 21st of May 1890.

Q. When did you return? A. About the 7th or 8th of October.

Q. From the 31st of May to the 7th or 8th of October, you didn't do any writing or making up of this paper? A. I had written what I had agreed to do.

Q. What writing did you agree to do? A. I furnished them with three to six columns a week.

Q. Every week? A. Every week.

Q. I ask you to produce and show to the court articles by you on the 30th day of May 1890 to the 6th day of December 1890?

A. I will do so.

- Q. When you returned between on the 7th or 8th of October up to the 18th of October 1890, how much did you write for the American Musician? A. The files of the paper will show.
- Q. How many columns did you write for the American Musician between the 7th or 8th of October and the 18th day of October the date of the letter containing this alleged libellous charge? A. The files of the American Musician will show. Mr. Freund asked me not to write and told me my time would be more valuable to go out and sell stock to my friends. He asked me not to write, to go and sell stock.
- Q. Is it not a fact that on two or more occasions you ~~had~~ were taken home helplessly drunk by employees of the paper? A. No sir, that is a lie.
- Q. Were you not drunk twice between the 7th of October and the 18th of October? A. Not what I consider drunk. I was able to attend to my business.
- Q. Will you describe to the court what you consider drunk?
Objected to.
A. I was able to attend to my business.
- Q. Your affidavit says "He (meaning this deponent) has not done a stroke to help although I never saw such hard times. He (meaning this deponent) has been horribly drunk twice and has raised two awful rows in the office and completely broken me up.", is that true that you were horribly drunk twice? A. No it is an absolute falsehood.
- Q. Is it true that you raised two awful rows at the office? A. Absolutely false. I raised a row. He known what the row was about.
- Q. Didn't you raise two rows? A. No sir.

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- Q. Dont you know you wrote a letter to Mr. Freund, asking forgiveness because you raised these very rows and because you had been drunk? A. No sir.
- Q. You are willing to admit that you raised one row between the time you came back from Europe, how many times were you drunk altogether do you think, between the time that you returned from Europe on the 7th or 8th day of October and the 6th day of December, the day on which Mr. Freund severed his connection with the American Musician? A. I never was drunk.
- Q. During that period from the 7th or 8th to the 6th of December, were you under the influence of liquor? A. If a man takes only one drink he is under the influence of liquor. That I could not tell.
- Q. How many times before the writing of this letter of the 18th October after you returned from Europe, were you under the influence of liquor? A. I do not know what you mean by that. If a man takes one drink he is under the influence of liquor.
- Q. You took several drinks? A. I did.
- Q. What number in a day? A. As many as I wished. It never interfered with my business.
- Q. Dont you recollect that on two occasions between the 7th of October and the 18th day of October 1890, the date of this letter, you ~~were~~ were taken or assisted home in a vehicle by an employee of the American Musician? A. No sir.
- Q. Are you prepared to swear that such an occurrence did not take place between those periods? A. I may have gone home in a vehicle, yes.
- Q. Were you not assisted home by an employee of the publication room? A. An employee may have gone home with me, yes; to

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get out of the fuss, to stop the row. I would like to show what the row was about and to explain it all here.

Q. Is it not a fact that on two occasions between the date of your return from Europe in 1890 and the date of the rwriting of that letter that you went home with a vehicle and an employee of the American Musician was compelled to accompany you? A. I mma~~y~~ have gone home in a vehicle many times. I was just as sober as you are now.

Q. Were you not on two occasions when you went home with an employee of the American Musician under the influence of liquor? A. I have answered that before.

Q. I dont recollect that you have? A. I think I have. If a man takes one drink, he is under the influent e of liquor.

Q. Did not an employee of the American Musician accompany you home simply because it was necessary to help you and that they helped you out of the carriage? A. No. It is not so

Q. ~~xxxxx~~ Were you helplessly drunk? A. No.

Q. Are you sure of that? A. That is a lie.

Q. If a number of persons should testify that you were drunk, will you swear that it was false? A. It would depend upon whom they were. If they were Freund's lackeys I should say they were not dcredible witnesses.

Q. You would say they were saying what is not true? A. I do. I say it is not true and I deny it.

Q. These two rows that were referred to in this complaint, which occurred between the 7th or 8th of October 1890 and the date of the writing of this letter, what were they?

A. The row was that we made an agreement-- this man and my-

self. Under the contract I gave him a controlling interest in the paper-- two thirds of the stock-- I retaining one third for myself. I was never to be asked or required to do any work at all, whatever except editorial work. When I got back from Europe he complained that I was not doing other work. I said that that was not my bargain at all, that when I gave him the controlling interest in the paper I was to do no work but editorial work. I said "Now you want me to take charge of the whole thing." I had hoped to take a rest from a great deal of my work.

Q. What is the value of the stock that you gave to Freund?

A. Oh, the stock wasn't worth five cents. Freund could'nt raise any money on the stock. He could'nt raise a cent.

Q. Didn't Steinway own stock? A. Yes.

Q. Did Mr. Freund have a share of this stock in his possession?

A. Yes.

Q. Was not the whole of it in the possession of William Steinway? A. Certainly not. At the time you talk of no judgment had been taken in October 1890. Freund said he would

have to get out of the paper and I wanted to get on with him, tried to the very last minute to get on with him before I ^{saw} ~~received~~ that letter.

Q. You knew in October that Freund had written that letter about your being horribly drunk? A. No. It was never read in Court. It never was read. Only when it was published in the paper it was the first time I ever saw it.

Q. On the 20th of November 1890, did you write to Freund as follows:

Mr. Newberger: I object. Show him the letter.

Q. Did you write this to Mr. Freund "Jack, I feel too wretched both physically and mentally to answer you. I admit you were right and confess my own wrong. I have but one excuse although it will not appear to you I know. It is that mental worry about taking the paper as my own is I am afraid more than I can bear. As to my relations with the paper dont let that worry you at all. I am ready to step down and out. I have not the ability to carry it on, even if it was in a good financial condition. I authorize you to dispose of my interest in any way you may think best for the interest of the paper.

THE WITNESS: Read it all.

Mr. LOEWY: "Let whatever can be disposed of go to reducing the debt of Steinway. I was far happier when I was working for ten dollars a week.

The stenographer stated that from the manner in which the letter was being read, part of it being read inaudibly by the witness he was unable to take down the words correctly.

Mr. LOEWY proceeded to read further parts of the letter to the stenographer.

Mr. Newberger objected that the letter as read by Mr. Loewy to the witness should be offered in evidence.

The Court: You did not object to his putting the question.

Mr. Newberger: And I object now to the part which Mr. Loewy is reading over to the stenographer.

The COURT: I will sustain your objection so far as it relates to the part which the stenographer has not taken but

I will let the question stand so far as the stenographer has taken.

Mr. LOEWY: I have not finished my question and I ask that the whole of it be taken, and I except to your Honor's ruling.

~~The~~

Mr. Newberger: I move to strike out the whole question.

Motion denied

A. I did write such a letter.

Q. How many more such letters did you write to Mr. Freund between the time you returned from Europe on the 7th or 8th day of October, 1890 to the 6th day of December 1890?

Objected to.

Objection sustained.

Exception by Mr.

Loewy.

Q. In this very letter which was called out before his Honor Justice McMahon, on the 27th of May 1891, you say the times were hard? A. I have not said so.

Q. You knew so, didn't you after you had got back? A. I knew after I examined the books and I know why they were hard too.

Q. Mr. King was president, General Horatio C. King? A. Yes

Q. And you were secretary of the company A. Yes sir, I was.

Q. And Mr. Freund was general manager? A. Yes.

Q. Now when you came back you were told then that the times were hard? A. Yes.

Q. Who told you so? A. Mr. Freund.

Q. Was there any body else who could have told you so but Freund

A. I do not know what you mean.

Q. Mr. Freund was the only one who was able to tell you the condition of the paper? A. He was the only one that did really know.

Q. Mr. Freund told you that times were hard? A. Yes.

Q. Was not that statement true? A. Yes, but there would be some qualification.

Q. In your complaint you say "He (meaning complainant) has not done a stroke to help although I never saw such hard times."

~~He, (meaning this defendant)~~

That part of the sentence which says that Freund never saw such hard times was true, was it not? A. How do I know.

Q. You dont know? A. How can I tell about Mr. Freund.

Q. You were secretary and treasurer? A. He said to me that they were hard times but I did not know it.

Q. You were secretary and treasurer? A. Yes sir, nominally.

Q. When were you elected treasurer of the American Musician Publishing Company? A. At the organization.

Q. When was that? A. The record will show. I think it was in 1889..

Q. You have been an officer of the corporation from the first of March 1889 to the time of the resignation of Mr. Freund?

A. I think it was March 1890. My impression that the New Jersey organization was in March 1889, sometime in the spring.

Q. There was a New York corporation then? A. Yes.

Q. When was the New York corporation organized?

Objected to as immaterial.

Objection overruled.

A. I think it was in 1887.

Q. In 1887 you were elected Secretary and Treasurer of the New York corporation?

Objected to.

A. I was.

Q. So that from the beginning of the incorporation of the paper right down to the resignation of Mr. Freund, you were continuously treasurer and ~~xxxxxxx~~ secretary of the corporation which owned the paper,-- nominally owned the paper?

A. Yes., nominally I was an official.

Q. During that time did you sign any checks or keep any books?

A. For a short time, I think in 1887, for a short time.

Q. Did you keep books and sign checks and sign books? A. I did.

Q. During what portion of 1887 did you keep books and sign checks? A. From the beginning.

Q. For how long a time? A. I cannot remember, it may have been two or three months.

Q. For that two or three ~~books~~ months Freund kept ~~some~~ ^{some of the} books and signed all the checks? A. Yes.

Q. So that the whole management of the paper was with Mr. Freund? A. Yes.

Q. There were no directors meetings called? A. Yes.

Q. How many directors meetings between 1887 and 1890?

A. I could not tell possibly.

Q. How many were held between 1887 and your departure for Europe on the 31st of May 1890? A. I could not tell you without reference to the books.

Q. As many as three? A. I should think more than that.

Q. Do you recollect more than three? A. No, I cannot without referring to the record,- the minutes.

- Q. Where are those minutes? A. They are in the hands of the President.
- Q. As secretary, you are supposed to keep the minutes?
A. I left them with him with the stock book.
- Q. You never kept those minutes in your possession, is that true?
A. No, I wrote the minutes either at the meeting or after the meeting and left them there.
- Q. How long after the meeting? A. Perhaps the next day or the day after.
- Q. Did you write more than three such minutes between 1887 and 1890? A. I only repeat what I said before, that I could not answer that question without referring to the record.
- Q. Now in this letter of the 18th of October 1890, Mr. Freund received an answer from the President of the corporation, General King which is produced on page 11 of this paper, the Music Trades, which is before the court in King's hand writing? A. Yes.
- Q. Photographed? A. Yes.
- Q. Who got that letter? A. I presume he did.
- The letter is read in evidence from page 11 of the Music Trades of May 23, 1891.
- Q. Who is Tom Quigg, referred to in this letter? A. He was an employee of the paper.
- Q. A relative of yours? A. Yes.
- Q. Your brother? A. Yes.
- Q. And did Mr. Freund write a letter dated October 18th to Mr. King in which he said "This day week Tom Quigg left for Elkhart, Ind. with \$275. to fix up balance of a loan secured from a bank there through the kindness of C. G. Conn. Tom got drunk as usual, arrived there drunk and everything is

to hell there." A. What do you ask me for. I dont know anything at all about it. I know it is a pack of lies from beginning to end.

Q. Do you know that Tom got arrested? A. I do not know anything at all about it.

Q. Do you know of the fact that the day before that letter was dated Mr. Freund had received from C. G. Conn a letter in which it is stated "I gave Quigg \$25. and a little good advice last evening. He has been locked up last night and is now being tried before the Justice."

Objected to on the ground that the letter should be produced.

Objectaon sustained.

Q. Do you know the hand writing of C. G. Conn? A. No.

Q. You dont know the hand writing of C. G. Conn? A. No.

Q. Dont you recollect that Mr. Freund showed you that letter of Mr. Conn? A. No. He never did.

Q. You say that Freund never showed you these letters from Mr. Conn? A. No sir, he never did.

Q. Will you swear that on your return from Europe that Mr. Freund didn't show you these letters which he had received from C. G. Conn? which Mr. Conn wrote about the drunkenness of Tom and about his giving him \$25. and about Tom's getting locked up and being tried before the Justice at Elkhart, so that tthe bank threw out your paper and refused to discount it? A. Did he show me.

Q. Yes, did he show you these letters? A. No. He never showed me those letters. He spoke to me of a row that Tom had out there.

- THE COURT: You say he spoke to you of letters that he had received? A. Yes, but he never showed me the letters
- Q. He did tell you that Tom went out and got drunk and got locked up? A. He told me something of the kind, yes sir.
- Q. Did you see it in the Elkhart papers? A. No.
- Q. You never took the trouble to find out about your brother? A. No.
- Q. In this letter of October 18, Mr. Freund says "~~Travis is here~~
~~He has written six columns for the paper~~
"Since Travis has returned he has written six columns for the paper." Is that true? A. No, it is false.
- Q. How many columns did you write for the paper between the 7th or 8th of October and the 18th of October? A. I cannot testify. I will bring the files and show you if it is necessary.
- Q. Is it true that you got \$257 which George Steinway gave you? A. On account of the paper. That letter was written to make King believe that I was getting money on account of the paper.
- Q. The letter says "Without my knowledge he got a note out of Flechter for \$257." "which George Steinway discounted for him personally? A. No, it was discounted by the Union Square Bank.
- Q. And not by George Steinway? A. No sir.
- Q. Did you have an account at the Union Square Bank? A. I did, sir.
- Q. Did you have an account in your own name in that bank? A. Yes, I did.
- Q. Is it not true in Mr. Freund's letter "I gave him \$120 in cash? A. The books will show that.

Q. Is it not true that he gave you this \$120 between the time of your return from Europe and the time of the writing of that letter? A. I do not know, sir.

Q. He gave you some money? A. Yes, certainly. I was entitled to it. I gave him \$250.

Q. Is it not true that he stated in that letter that he gave you \$120? A. Really I have no recollection whether it is true or not.. I will admit it.

THE COURT: He means that he got \$120. A. Yes. I will admit it..

Q. And in this letter Mr. Freund says "I therefore enclose my resignation" As a matter of fact the resignation was not enclosed? A. No sir. I never saw the letter of resignation.

Q. Now Mr. Freund's letter of the 18th says "It is manifestly impossible for me with any such surroundings to carry on the paper. I therefore enclose my resignation as manager. Now what I mean to do is this. The paper must go on, therefore I shall sell my stock for all I can get for it and shall pay all the debts, Steinway, Printer &c. I think I can get a good man with money to take my place and continue the enterprise. There will be no scandal or row or interruption to the paper. You may be thoroughly assured that I shall in all things not only act honorably but save you even annoyance. It has been suggested that I buy Quigg out. I refuse absolutely to buy my own work for that is what it would be."

Objected to as not charged in the complaint.

THE COURT: I will let it in.

Mr. LOEWY: It is in the paper here.

Mr. NEWBERGER: That paper is part of this complaint.

Mr. LOEWY: I want that on the record that Mr. Newberger admits this whole paper is part of the complaint.

Q. Is the American Publishing Company still in existence?

A. I presume it is.

Q. Where is the stock book of this concern?

Objected to as irrelevant.

THE COURT: What do you wish to prove.

Mr. LOEWY: I desire to prove that this witness is under the control of William Steinway.. It is charged in the complaint that Mr. Freund has libeled Mr. Quigg by writing concerning him "As far as Quigg is concerned he never was anything but a poor miserable tool in the hands of unscrupulous man". and I claim that I can show if these papers are produced that Mr. Quigg, the complainant is really a tool of these men who represent Mr. Steinway and in order to do this I ask for the production of these books and papers, the stock book, the minutes and other papers which I have tried to produce by subpoena of Mr. Steinway and unless those papers are produced I cannot properly continue my cross-examination and justify this publication as I have a right to do.

Mr. NEWBERGER: I object to the stock book being produced.

THE COURT: What do you wish to prove by the stock book, Mr. Loewy

Mr. LOEWY: I do not think it is fair to compel me to give my case away.

THE COURT: Well you have the books here at the next meeting.

Adjourned to July 1, at 11 o'clock A.M.

POOR QUALITY
ORIGINAL

0187

Court of General Sessions
City and County of New York

The People of the State of New York

vs.
Alva G. Freund & Sons

The defendants demur to the indictment herein
because it appears upon the face thereof

First that more than one crime is charged in the
indictment within the meaning of sections 278 or 279 of
the Code of Criminal Procedure

Secondly: That the facts stated do not constitute a crime

Thirdly: That the indictment contains matter, which
if true and constitutes a legal justification or excuse for the
acts charged and is a legal bar to the prosecution

Alva G. Freund

Counsel for defendants

Examination Continued July 1

For the Defendant Mr Goldseer

Mr Goldseer - We have no further questions to ask Mr Lugg.

Re-direct examination of the Complainant witness by Mr Newberger

2 - It is in evidence here as part of the charge upon which this complaint is based that the defendant published this about you: - "As far as Lugg is concerned he never was anything but a miserable tool in the hands of unscrupulous men." Is that statement true?

Objected to as irrelevant
Objection overruled.

Exception

1. It is an absolute falsehood
2. Part of the charge is that the defendant published this about you "Without my knowledge, he got a note out of Fletcher for \$257 which George Steinway discounted for him personally. Besides this I have given him \$120 in cash since his return from Europe a few

3

2

days ago" Was that statement true

Objected to
objection overruled
Exception

A It was not true

2 In the complaint it is charged that the defendant published about you "He has been horribly drunk twice and has raised two awful rows in the office and completely broken me up". Is that statement true?

A I did not have two horrible rows.

2 Were you horribly drunk?

A No

2 How much have you expended for lawyers fees and expenses in these different prosecutions of Mr. Freund?

Objected to
objection sustained
Exception

2 Have you spent your own money in the prosecution of the different complaints against Mr. Freund or have you received money from

9
A - Other sources?
Objection to
Objection Sustained
Exception

Mr. Goldner moves to dismiss the com-
plaint against both defendants
on the ground that the publication
of the alleged libel by the defendants
has not been shown; that the
alleged libel was really part of
a judicial proceeding; that no
malice has been shown; that the
truth of the charges has been
shown; that especially with
reference to the defendant Bur-
dick that it has not been shown
that he had any connection with
the alleged publication of the libel

The complainant J. J. Guigg recalled
by Mr. Newbry
? who is the editor of the newspaper
"The Mirror Trade" that has been
offered in evidence here

A John C. Freund.
Objection to
Objection overruled.

9

Q Who is the printer of the paper
A The American Publishing Co.
Q What position does defendant
Burdick hold in that company
A Superintendent of the American
Publishing Co.

Objected to
Objection was overruled
Mr. Goodsee - I object further that
the evidence does not show
that Mr. Burdick is responsible
for the printing of the paper

The Court - Your motions are denied
Exception

Defendant to answer \$500 bail
each

POLICE COURT,
SECOND DISTRICT,
W. J. ORMSBY, JR.,
STENOGRAPHER.

POOR QUALITY ORIGINAL

0193

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before Daniel H. McMahon a Police Justice of the City of New York, charging John C. Freund Defendant with the offence of Libel

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 C. Freund Defendant of No. 517 West 15th Street; by occupation a Editor and Henry C. Rudick of No. Murphy House Street, by occupation a Printer Surety, hereby jointly and severally undertake that the above named John C. Freund Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Five Hundred Dollars.

Taken and acknowledged before me, this 28 day of May 1891.
D. McMahon POLICE JUSTICE.

John C. Freund
H. C. Rudick

POOR QUALITY ORIGINAL

0194

CITY AND COUNTY }
OF NEW YORK, } ss.

Age of *Henry*
Minneapolis Police Justice.
1891

Sworn to before me, this *28*

Henry C. Burdick

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

in printing establishment at 12 Union Square worth \$5000, over all encumbrances.

H. C. Burdick

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear during the Examination.

vs.

Taken the day of 18

Justice.

POOR QUALITY ORIGINAL

0 195

Sec. 193.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Daniel T. McMen a Police Justice of the City of New York, charging Henry C. Burdick Defendant with the offence of Libel

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, Henry C. Burdick Defendant of No. Morton House Street; by occupation a Printer and George D. Smith of No. 48 East 14th Street, by occupation a Restaurant Surety, hereby jointly and severally undertake that the above named Henry C. Burdick Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Five Hundred Dollars.

Taken and acknowledged before me, this 28

day of May

1891.

W. W. Mahon

POLICE JUSTICE.

H. C. Burdick
Geo. Smith

POOR QUALITY ORIGINAL

0196

CITY AND COUNTY } ss.
OF NEW YORK, }

Magistrate Police Justice
1891

Sworn to before me, this 28

George D. Smith

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

Stock and fixtures in Columbia Restaurant 48 East 1st St worth \$5000, from and clear of all encumbrances
G. D. Smith

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear during the Examination.

ss.

Taken the day of 18

Justice.

POOR QUALITY ORIGINAL

0198

design to maliciously and unlawfully to injure, oppress, aggrieve vilify and libel this deponent and his good name, fame, credit and reputation and to bring this deponent ~~and~~ into public scandal, infamy, disgrace and ridicule, did unlawfully and maliciously publish and caused and procured to be published in a certain newspaper and publication, printed, ~~and~~ published, ^{and circulated} in the City of New York and known as the "Music Trades", the certain false, scandalous, malicious and defamatory libel of and concerning this deponent, which said false, scandalous, malicious and defamatory libel, is as follows, that is to say:

" He (meaning this deponent) has not done a stroke to help although I never saw such hard times. He (meaning this deponent) has been horribly drunk twice and has raised two awful rows in the office and completely broken me up "

POLICE COURT—

DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT.

vs.

Dated _____ 188

Magistrate.

Officer:

Witness,

Disposition

POOR QUALITY ORIGINAL

0199

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

POLICE COURT, DISTRICT.

of No _____ Street, being duly sworn, deposes and says,

that on the _____ day of _____ 188

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

that said language refers to deponent and is contained in a letter published and printed in said newspaper or publication which paper is held to answer and made a part of its complaint aforesaid, that said words exposed deponent to hatred, contempt, ridicule and obloquy and causes or tends to cause deponent to be shunned and avoided and injures deponent in his business or occupation.

Deponent further alleges that on said day and in the aforesaid newspaper the defendants ~~etc~~ unlawfully ^{and maliciously} wrote, published and circulated or caused to be written published and circulated the further certain false, scandalous malicious and defamatory libel of and concerning this deponent which said libel is as follows, that is to say:

"As far as Luigg (meaning this deponent) is concerned he (meaning this deponent) never was anything but a poor, miserable fool in the hands of unscrupulous men. Without my (meaning defendants friend) knowledge he (meaning

POOR QUALITY ORIGINAL

0200

"deponent) got a note out of Fletcher
"for \$257.⁰⁰ which George Steinway
"discounted for him (meaning deponent)
"personally. Beside I have given
"him (meaning deponent) \$120.⁰⁰ in
"cash since his (meaning deponent)
"return from Europe a few
"days ago."

Thereby meaning it to be believed
that deponent was dishonest
and had appropriated the said
sum of \$257.⁰⁰ to his own use.

That said malicious publication
aforesaid exposes deponent to hatred
contempt, ridicule or obloquy and
tends to injure deponent in his
business or occupation and was
done with the intent and design
aforesaid.

Wherefore deponent prays that
the defendants may be arrested
and dealt with as the law directs.

SWORN TO BEFORE ME
THIS 27th DAY OF May, 1891
W. M. W. W.
POLICE JUSTICE

J. J. Luzz

POLICE COURT— DISTRICT.

AFFIDAVIT.
THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.

Dated _____ 188

Magistrate.

Officer.

Witness.

Disposition

0201

THE CITY OF NEW YORK
DEPARTMENT OF RECORDS AND INFORMATION SERVICES
MUNICIPAL ARCHIVES

SEPARATION SHEET

INSTRUCTIONS: For each item or unified group of items separated, complete two exactly duplicate forms. Place one form within the collection at the exact place the separated item would occupy if it could remain in the collection. File the other form with the separated item in its new location.

DESCRIBE ORIGINAL LOCATION OF ITEM (S):

1. Record Group:
COURT OF GENERAL SESSIONS
INDICTMENTS

2. Subgroup:

3. Series:
COURT OF GENERAL SESSIONS
INDICTMENTS

4. File Unit & Box No.
Freund J. + Burdick H. Box 457
Folder 4198 Nov. 1891

5. BRIEF DESCRIPTION OF ITEM (S):

Music Trades Newspaper

SEPARATED TO:

6. New Location:

Oversize box

7. Room:

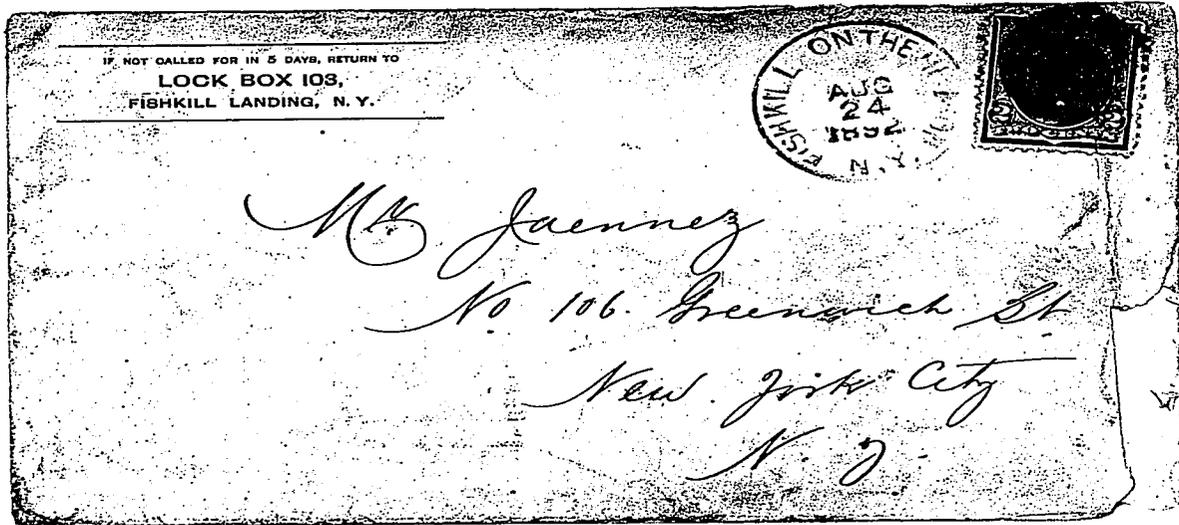
8. Date Separated:

9-15-97

9. Separated By:

M.L.

0202



POOR QUALITY ORIGINAL

0203

May 23, 1891.]

THE MUSIC TRADES.

11

GENERAL HORATIO C. KING'S POSITION LAST OCTOBER.

WHAT HE THOUGHT OF JOHN C. FREUND AND THE TWO QUIGGS. HIS REPLY TO MR. FREUND'S LETTER OF RESIGNATION. (FOR THIS LETTER SEE OPPOSITE PAGE).

KING & CLEMENT,
COUNSELORS AT LAW,
38 PARK ROW, N. Y.

HORATIO C. KING,
GEORGE A. CLEMENT,

Private & Confidential

New York, Oct 20th 1890

My dear Freund:

Your resignation is real and will not be accepted by the Trustees. It simply means death to the musician.

I cannot understand why you do not phrase your authority as "Manager & Sinner" John Quigg. There is no use humoring him any longer as to Davis. I think the Trustees should come together & call the matter over. - Give your time to us here & let's determine what to do.

I've a miserable cold, else I would see you today.

I gave Maxwella a \$100 last week & have your check for the amt which I must use tomorrow - unless Blahut who has stuck me for \$75 makes his check good today.

I will communicate your invitation to Mrs. H.

Yours very truly
H. C. King

COOPER PIANOFORTE M'FG CO.

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POOR QUALITY ORIGINAL

0204



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Published Every Saturday, at 835 Broadway, New York.

Sold to the interests of the Piano, Organ, and Musical Instrument Trades of the United States.

SUBSCRIPTION. One Year (including postage) \$4.00 Foreign Single Copies 5.00

ADVERTISING RATES. Per Line, per insertion, 20 cents. Per inch, per quarter, \$20.00. Special rates for six and twelve months. All advertisements are payable monthly.

Press of American Publishing Co., 30 Union Square, N. Y.

Incorporated 1878.

THE NEW YORK COLLEGE OF MUSIC,

163 East 70th Street, New York.

ALEXANDER LAMBERT, Director.

Thorough Musical education after the methods of the Conservatories of Berlin, Vienna, and Leipzig. This College is also connected with a Seminary for the Training of Teachers.

NEW YORK, MAY 23, 1891.

Wm. STEINWAY AND THE "AMERICAN MUSICIAN."

A PLAIN STATEMENT OF FACT.

The readers of this paper and all others can bear me witness, that in spite of the avalanche of filth, of malice, of the most contemptible personalities to which I have been subjected that I have not retaliated in kind. I have done my best to aid my counsel in fighting my case in court, but in this paper, as well as in others whose columns have been offered me, I have, except by the publication of a couple of Mr. Quigg's own letters, and by calling attention to certain glaring features of the case, kept an almost absolute silence. Those who know Mr. Quigg, his habits, his record, have wondered at this silence. The case is being tried in the courts, and silence, for the present, is not only my most dignified, but most judicious course, besides which, it is the best means I have of expressing my utter contempt for the man. But it is not with Mr. Quigg that I have to here. The courts will deal with him in due time. For several weeks past I have been made aware that throughout the trade and the musical world, with a large section of the public it has been asserted that the Steinways or rather Mr. Wm. Steinway was the cause of my leaving the American Musician. Indeed, certain New York papers, one paper in Boston and several out West have gone so far as to say so in as many words, and thus have tried to heap all the odium they could upon Mr. Steinway, and place him in the position of a man who had destroyed a great paper because its editor, at least in a business sense, was in his way, and objectionable to him. I believe it to be my duty to break my silence as to the true inwardness of all the matters involved in the life and death of the American Musician, so far as to state over my

own signature, in as plain language as I can command, that the charge brought against Mr. Steinway is, in so far as I am concerned, in every sense absolutely untrue. After Mr. Quigg's return from Europe, last fall, I determined to cut loose from him, his brother, and the paper at all hazards and at any sacrifice. As the best possible proof of this assertion I herewith publish a letter I sent to Gen. Horatio C. King, the president of the American Musician Co. at the time. The answer in fac simile, will be found on page 13 opposite.

This letter of mine is but one of a number of others of similar character, all of which are part of the evidence in the case now before Judge Meade.

The letter is as follows:

Letter to General Horatio C. King.

NEW YORK, Oct. 18th, 1890.

MY DEAR KING: I have been through the valley of the shadow this week and have the same fate before me.

This day week Tom Quigg left for Elkhart, Ind, with \$275 to fix up balance of a loan secured from a bank there, through the kindness of C. G. Conn.

Tom got drunk as usual, arrived there drunk and everything is to hell there. I got a letter from Conn in which he says: "Tom has been arrested and locked up and the town is full of his disgrace."

We are dead with the bank there forever. Since Travis has returned he has written six columns for the paper.

Without my knowledge, he got a note out of Flechter for \$257 which George Steinway discounted for him personally. Besides this I have given him \$120 in cash since his return from Europe a few days ago.

He has not done a stroke to help, although I never saw such hard times. He has been horribly drunk twice and has raised two awful rows in the office and completely broken me up.

It is manifestly impossible for me with any such surroundings to carry on the paper. I therefore enclose my resignation as manager.

Now what I mean to do is this. THE PAPER MUST GO ON, therefore, I shall sell my stock for all I can get for it and shall pay all the debts, Steinway, Printer etc.

I think I can get a good man with money to take my place and continue the enterprise.

There will be no scandal or row or interruption to the paper.

You may be thoroughly assured that I shall, in all things, not only act honorably, but save you even annoyance.

It has been suggested that I buy Quigg out.

I REFUSE ABSOLUTELY TO BUY MY OWN WORK FOR THAT IS WHAT IT WOULD BE.

I shall go into some other enterprise (what it will be I will let you know later), at present I am simply concerned to see the paper go on with strong hands to hold it up, and I am also concerned to see all liabilities wiped out by January 1st. before I leave it.

I write this with the utmost calmness. It is Sunday and I am alone in the office.

There is no power on this earth can make me continue with these drunken, jealous and lazy men.

I refuse most absolutely to go on building up a property, while they do all to break down my efforts.

Be assured of this, there will be no row. Be equally assured that nothing can shake my determination.

I prefer to get out without a \$5 bill, to continue as I am with these drunken and incompetent men.

I am also determined not to let Blumenberg and the others have the satisfaction of seeing the paper go under.

I enclose my formal letter of resignation. I will add, that I shall take good care to leave Travis Quigg in such a position that his stock will be worth a fair price and that he will also have a good opportunity to make a good living if he will do his duty by the paper in the future.

Perhaps he will do for others what he would not do for me.

Believe me, my dear King, with many grateful remembrances of all your kindness.

Always most sincerely,

Copy. JOHN C. FREUND.

I candidly think the above letter does not need one word of comment or explanation. Taken in connection with General King's answer, published on page 13, it defines the entire portion with regard to the brothers Quigg and myself as it existed but a few weeks before my resignation was accepted (December 6th).

Up to this time Mr. Steinway had not made a move or taken the least action to foreclose on the stock he held as collateral.

What he did later is entirely immaterial to the issue, namely, that my resolution to quit the paper was born of grave and sufficient reasons, with which he had nothing to do whatever, and whatever he had done I should have carried that resolution out.

True it is that his subsequent action, which I honestly believe was prompted because the facts were deliberately misrepresented to him, placed me where I was forced to get out, without deriving one dollar of benefit from my interest in a paper which I had built up by my personal efforts and the financial help of my personal friends.

Nevertheless, I must candidly admit that there was no sacrifice I was not prepared to make to be freed from my association with the Quiggs.

JOHN C. FREUND.

THAT LOGUS BOND STORY.

(By Telegraph.)

BOSTON, May 21, 1891.

TO JOHN C. FREUND.

Editor THE MUSIC TRADES:

Absolutely no truth in story published in the Courier about mortgage bonds.

HENRY F. MILLER & SONS' Piano Company.

[The story published in the last issue of the Musical Courier to the effect that the Miller firm were negotiating \$150,000 of mortgage bonds looked fraudulent on the face of it. It is but one of the many efforts made by the Musical Courier to injure the credit and reputation of the Miller firm and like all the previous efforts it has fallen flat.

Ed. M. T.]

THE SMITH AMERICAN CO.

In Future They Will Manufacture Pianos Exclusively — John N. Merrill Will Continue Their Organ Business.

The Smith American Co. of Boston have finally decided on their future plans. They will henceforth manufacture pianos exclusively while Mr. John N. Merrill, their old London representative, will remain in this country and continue their organ business which will be transferred to a handsome new building on Dover street.

It is probable that the Smith Company may give up their present factory on Tremont street and move a little out of town. Their present site has increased in value enormously of late years.

POOR QUALITY ORIGINAL

0205

May 23, 1891.]

THE MUSIC TRADES.

7

FLECHTER VICTORIOUS.

Judge Lawrence of the Supreme Court Vacates the Order of Arrest in the Fox case—His decision fully Exonerates Mr. Flechter—Benno Loewy's Splendid Work as Counsel for Flechter—A bad Set Back for the Blackmailers, who have been Trying to Ruin Mr. Flechter.

It will be remembered that quite recently a Mr. Fox, a wealthy amateur, had Victor S. Flechter, the well-known importer and dealer in violins arrested for fraud, for having sold a violin for a large sum as a genuine Stradivarius which Fox claimed was only a cheap French model, worth at most \$250. Flechter was put under \$3,000 bonds.

Benno Loewy, Mr. Flechter's counsel, applied to Judge Lawrence, the judge who granted the order of arrest, to have it vacated on the ground that no fraud had been committed and that the instrument was in the opinion of disinterested experts just what Mr. Flechter had asserted it to be, according to his judgment.

On Tuesday Judge Lawrence rendered his decision not only vacating the order of arrest but stating that in his opinion no fraud had been committed and that the order of arrest, should never have been granted!

JUDGE LAWRENCE'S OPINION.

BY LAWRENCE, J.

Fox vs. Fletcher.—To justify the retaining of an order of arrest, upon a motion made upon affidavits to vacate it, the plaintiff should show by a preponderance of proof that the defendant has been guilty of the fraud with which he was charged in the affidavits upon which the exparte order was granted. Having perused very carefully the voluminous affidavits read upon this motion, I feel constrained to say that the plaintiff has not in my judgment brought himself within this rule. A mere expression of opinion on the part of a vendor does not amount to a fraud. The defendant, upon being requested by the plaintiff to give a guarantee in writing that the instrument was a genuine Stradivarius, wrote as follows upon the bill of sale: "According to my judgment, I guarantee this instrument to be a Stradivarius." This was not an absolute guaranty, yet it was accepted by the plaintiff, and that circumstance has great weight with me in determining this motion. If the plaintiff understood that the defendant intended at all hazards to guarantee the instrument as a genuine Stradivarius he would not have, in my opinion, accepted such a guarded guaranty. Again, so far as the evidence of the experts go, it is not clear to me that fraud on the part of the defendant can be predicated therefrom. The two experts, who make affidavits in support of the plaintiff's claim, are met by the affidavit of Mr. Oehlhey, who states that he has been a cellist since his ninth year, and has played that instrument for twenty-one years; that he has played as a solo cellist in Hamburg and in this country, and is the solo cellist of the Boston Orchestra Club, and has played as such with the Theodore Thomas orchestras and with the Seidl and Damrosch orchestras. He also states that he is a pupil of Joseph Servais, and the first prize cellist of the Brussels conservatory for the year 1884; that he has seen the most celebrated Stradivarius cellos in the world, and, among others, that of Servais, his teacher, and considers himself competent to judge of the genuineness of an instrument. He further avers that he has played upon the instrument which is the subject of this controversy, and has tried to buy it of defendant, and has offered to exchange for it his own Stradivarius, for which

his father paid ten thousand marks, in Hamburg, which is equivalent to about \$2,400, and that he also offered a Guarnerius cello, in addition thereto, valued at \$1,000. Guarnerius was a celebrated maker, who seems to have ranked with the Amati and Stradivarius himself, who was a pupil of the three Amati at Cremona. This affiant does not hesitate to pronounce the instrument in question to be a genuine Stradavarius, for which he states he would have willingly paid \$3,000 in cash. With this evidence before me from an unimpeached witness, it would, in my opinion, be gross injustice to refuse to grant this motion. As before intimated, the defendant has but expressed an opinion, which he strenuously insists was and is sincere, that the instrument sold by him was made by the celebrated Stradivarius, who died at the age of ninety-three years, in 1737. In that opinion he is sustained by the witness who is unimpeached. In addition to this it is apparent to me, from an examination of the papers, that there is a degree of feeling in this case which may have influenced the judgment of the plaintiff's experts. Whether this be so or not, I am of the opinion that the defendant is entitled to an order vacating the order of arrest, with costs.

Judge Lawrence's decision, which is very clear and emphatic, is a terrible blow to the gang of conspirators who have, for sometime past been making the most desperate efforts to ruin Mr. Flechter's business. Victor S. Flechter's troubles began with his refusal last year to spend \$500 a year for advertising in a certain musical paper.

Since then the editors of that paper have been ceaselessly at work to destroy him. It was through their instrumentality that a scurrilous and wholly false article on Mr. Flechter and his business methods was published in the *N. Y. Times*.

Mr. Flechter is now suing that paper for \$100,000 damages. Judge Lawrence's decision will have a great bearing on this suit. The editors of the musical paper in question stirred up Mr. Fox, who had bought a violin from Flechter, and so worked upon him that he was finally induced to have Flechter arrested.

The order of arrest was largely granted on the strength of an article published in this musical paper, to the effect that Fletcher was about to "flee" to Europe—a wholly false statement.

The affidavits supporting Mr. Fox's story were not those of independent experts, but

of two of Mr. Flechter's most violent competitors, whose maliciousness was so apparent that Judge Lawrence pointedly alludes to it in his decision.

The judge's decision is a great triumph for Mr. Flechter's able counsel, Benno Loewy. As far as Mr. Fox is concerned he has undoubtedly been misled and used as a tool for false imprisonment, with a claim for heavy damages, that to be even an innocent party in a deliberate conspiracy to ruin a man, carries with it a very heavy penalty.

When Mr. Flechter's libel suit against the *New York Times* comes to trial the connection of the editors of the musical paper we have referred to with the various efforts to ruin Mr. Flechter's business will be made clear that we cannot see how they can escape a criminal prosecution.

What can show the miserable animus of the editors of this musical paper more thoroughly than the simple fact that while they devoted columns to Mr. Flechter's arrest and the affidavits of his enemies and business competitors, they did not publish one word as to Judge Lawrence's decision vacating the order of arrest although the same was prominently displayed in every daily paper fully twenty-four hours before they issued their last number.

We desire to particularly call attention to the fact that Judge Lawrence's decision is not based on any legal technicality, but is practically a review of the merits of the entire case; indeed, it is a judgment, from the highest possible source, as to Mr. Flechter's position as a dealer in violins.

One of the so-called "experts" who supported Mr. Fox's case, was Mr. Geo. Gemunder, Jr.

Mr. Gemunder is one of the most bitter of Mr. Flechter's enemies, and fuel has been added to the flames of his jealousy by the fact that Theodore Thomas recently bought a fine old Italian violin from Flechter, and for it part in cash and part with a George Gemunder violin which Mr. Gemunder had specially made for him some years ago.

What Mr. Thomas thinks of his new purchase is best proven in his own words, which we quote below.

We rejoice at Mr. Flechter's vindication. We knew it could be but a matter of time. We felt assured that justice would triumph in the end.

As for the scamps who have tried to ruin Mr. Flechter, it is only a question of time when they will be brought to justice.

Dear Sir,
I give you a certain piece in regard to the ~~same~~ beautiful violin which I recently purchased from your fine collection. It gives me perfect satisfaction in every way and you deserve for it.
Very truly
Theodore Thomas.
108 E. 17th St. N.Y.
April 23rd 1891

**POOR QUALITY
ORIGINAL**

0206

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

-----X
The People of the State of New York

Against

John C. Freund and Henry C. Burdick
-----X

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,
by this indictment accuse John C. Freund and Henry C.
Burdick of the crime of publishing a libel, committed as
follows:

The said John C. Freund and Henry C. Burdick
both late of the City and County of New York aforesaid,
on the twenty-third day of May in the year of our Lord
one thousand eight hundred and ninety-one, unlawfully and
maliciously contriving and intending to vilify and de-
fame J. Travis Quigg who was then pursuing the business
and occupation of a musical writer and critic, and to
bring him into public scandal and disgrace and to cause
it to be believed that the said J. Travis Quigg was a
dishonest person and a person wholly unworthy of trust
or confidence, and was a common drunkard, and a person of
quarrelsome and violent nature, at the City and County
aforesaid, of their great hatred, malice and ill-will
towards the said J. Travis Quigg, unlawfully, wickedly and
maliciously did print and publish, and cause and procure

**POOR QUALITY
ORIGINAL**

0207

(2)

to be printed and published, in a certain newspaper and publication published in the said City and County and known as "The Musical Trades", a certain false, scandalous, malicious and defamatory libel of and concerning the said J. Travis Quigg, the same being a malicious publication by printing, which exposed him the said J. Travis Quigg to hatred, contempt and obloquy, and which tended to cause him to be shunned and avoided, and to injure him in his said business and occupation, which said libel then and there contained amongst other things the false, scandalous, malicious and defamatory words and matter following, of and concerning the said J. Travis Quigg, that is to say:

"Without my knowledge, he" (meaning said J. Travis Quigg) "got a note out of Flechter for \$257 which George Steinway discounted for him personally" (meaning thereby that the said J. Travis Quigg had dishonestly obtained a certain note for the payment of the sum of \$257 and had procured the same to be discounted for his own use and benefit). "Besides this I have given him" (meaning the said J. Travis Quigg) "\$120 in cash since his return from Europe a few days ago."

"He" (meaning the said J. Travis Quigg) "has not done a stroke to help, although I never saw such hard times. He" (meaning the said J. Travis Quigg) "has been horribly drunk twice and has raised two awful rows in the office and completely broken me up."
to the great damage, disgrace, scandal and infamy of the

**POOR QUALITY
ORIGINAL**

0208

(3)

said J.Travis Quiggs; 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.

DE LANCEY NICOLL,

District Attorney.

0209

BOX:

457

FOLDER:

4198

DESCRIPTION:

Fuchman, Benny

DATE:

11/12/91



4198

POOR QUALITY ORIGINAL

0210

Witnesses:

Counsel,

Filed

12th day of Nov 1891

Pleads,

Agguly 13

THE PEOPLE

vs.

Benny Suchman
May 29th
Spec. Requisite

Grand Larceny, Second Degree.
[Sections 622, 621, Penna Code.]

DE LANCEY NICOLL,

District Attorney.

off. de...
See 10...

A TRUE BILL.

[Signature]

Foreman.

[Signature]
Foreman

[Signature]
April 28, 1891

0211

POOR QUALITY ORIGINAL

gok

Police Court _____ District. Affidavit—Larceny.

City and County }
of New York, } ss:

of No. *43 Clinton* Street, aged *25* years,
occupation *Dealer in Diamonds & Jewels*

deposes and says, that on the *12* day of *August* 189*7* at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the *day* time, the following property, viz:

One Diamond Ring of the Value of Thirty two dollars and fifty cents

the property of *Samuel Miller and 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 *Henry Furman* (now here)

from the fact that on said date the deponent came to deponent's place of business on *Clinton Street* and stated to deponent that he desired to purchase a ring to make a present to his deponent's wife. Deponent believing said representations made to him deponent by the deponent to be true gave the deponent the above described ring with the understanding that deponent was to return said ring or the money for the same on said date. The deponent failed to return said ring or the money for the same but withheld and appropriated the same to his own use. Deponent further says that the deponent

Sworn to before me this _____ day of _____ 1897
[Signature]
Police Justice

POOR QUALITY ORIGINAL

0212

admitted and confessed to defendant that
he had pawned said gun and defendant
subsequently went to the pawn office of
A. Frankenstein & Co no 54 Delancey Street
5th. Officer Edward Chalra of the 12th
Precinct Police and identified the gun
represented by a pawn ticket here shown
in Court and found in possession of
the defendant

Sworn to before me this

9th day of Oct 1891

Moritz Schandorf.

~~Moritz Schandorf~~

[Signature]
Police Justice

[Faint scribbles]

POOR QUALITY ORIGINAL

0213

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 33 years, occupation Police Officer of No. 12
Francis Police Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Mark Depondy
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 10th day of Oct, 1890, } Edward Shalvey
[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0214

Sec. 198-200

CITY AND COUNTY OF NEW YORK, ss.

3
District Police Court.

Benny Fuchman 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. *Benny Fuchman*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *Russia Poland*

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

Answer. *9 Ridge St. 6 years*

Question. What is your business or profession?

Answer. *Tailor*

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*
Benny Fuchman
J. Frank

Taken before me this
day of _____ 1938

[Signature]
Police Justice

POOR QUALITY ORIGINAL

0215

BAILIED,
 No. 1, by *Thomas J. Sutcliffe*
 Residence *479 Clinton* Street,
 No. 2, by _____
 Residence _____ Street,
 No. 3, by _____
 Residence _____ Street,
 No. 4, by _____
 Residence _____ Street

Police Court---
District

Em 1297

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas J. Sutcliffe
James J. Sullivan
 Office *Larney felon*

Dated *Oct 21* 1891

Ed. Dwyer Magistrate

Ed. Dwyer Officer

Ed. Dwyer Precinct

Witness *Leather Officer*

No. _____ Street

No. _____ Street

No. _____ Street

No. _____ Street



John
Charles

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 *Dejuna*

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

Dated *Oct 18* 1891 *Ed. Dwyer* Police Justice.

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

Dated *Oct 8* 1891 *Ed. Dwyer* Police Justice.

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

Dated _____ 1891 _____ Police Justice.

POOR QUALITY
ORIGINAL

0216

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Benny Fuchman

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

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

The said

Benny Fuchman

late of the City of New York, in the County of New York aforesaid, on the 12th
day of August in the year of our Lord one thousand eight hundred and
ninety-one, at the City and County aforesaid, with force and arms,

one finger ring of the value
of thirty-two dollars and fifty
cents

of the goods, chattels and personal property of one

Moritz Schondorf

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.

He Lancy Recoll
District Attorney