

0785

BOX:

470

FOLDER:

4314

DESCRIPTION:

Bogart, Harry

DATE:

03/16/97



4314

POOR QUALITY
ORIGINAL

0786

Witnesses:

L. Thompson
Sam Francis

Counsel,

Filed

day of March 1892

Pleas,

Murphy

THE PEOPLE

vs.

10-3-ave

James

Harry Bogart

Deputy in the Third Degree.
Section 498, sub. 1, of the Penal Code.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Offg. Secy

Foreman.

Part 3. March 23/92

Pleas Guilty Ring 3-499

1 Am 170 B

POOR QUALITY
ORIGINAL

0787

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 31 years, occupation Janitor of No. 12 Sutton Place Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Sadie Strauss and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 6 day of March 1892 } Louis Schoenfeld
John Ryan
Police Justice.

POOR QUALITY
ORIGINAL

0788

Police Court— District.

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

of No. 20 Sutton Place Lucia Strauss Street, aged 22 years,
occupation Domestic being duly sworn

deposes and says, that the premises No. 20 Sutton Place Street, 19 Ward
in the City and County aforesaid the said being a Four Story Flat

House with store flat and which was occupied by deponent as a residence
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly opening the
front door leading from the hallway into
the front room of said flat with a key

on the 5 day of March 1898 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

One Suit of Clothes
and a pair of shoes together of
the value of twenty five dollars

\$ 25.00
710

the property of Jacob Frankenthaler and in the case as aforesaid 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

Henry Bogart
(suspect)

for the reasons following, to wit: That on said date
at about the hour of three o'clock P.M.
deponent left the said premises securely
locked and fastened deponent is informed
by Louis Schornfeld of 12 Sutton Place
that he saw the said deponent
leaving the premises 20 Sutton Place with
a bundle in his possession. Deponent
has since seen the said property found

POOR QUALITY
ORIGINAL

0789

in possession of said defendant as
property that was feloniously taken stolen
and carried away from defendants possession

Sworn to before me this } Sadler Thompson
6th day of March 1892

John Ryan
Police Justice

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

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

1

2

3

4

Dated _____ 188 _____

Magistrate.

Officer.

Clerk.

Witness,

No. _____

Street,

No. _____

Street,

No. _____

Street,

\$ _____

to answer General Sessions.

POOR QUALITY
ORIGINAL

0790

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

Harry Bogart

Question. How old are you?

Answer.

35 Years

Question. Where were you born?

Answer.

Germany

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

Answer.

570 3 Avenue. 2 Weeks

Question. What is your business or profession?

Answer.

Computer

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

Harry Bogart

Taken before me this

day of

March 1937

Police Justice.

POOR QUALITY
ORIGINAL

0791

BAILLED,
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, &c.,
ON THE COMPLAINT OF

John J. Smith
12 Battery Place
Henry J. Smith

Offense *Burglary*

Dated, *March 6*, 189*2*

Regan Magistrate
J. Hunt Officer

Witnesses *L. Schuyler*
25 Precinct.

No. *12* Street *Quinn* Street



No. *1000* 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 *Twenty* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, *March 6*, 189*2* *Regan* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0792

212-14-2500 (K & S) *Filed March 74*
Cal. No. _____
Court of General Sessions
CLERK'S OFFICE

PEOPLE
vs.
Carlton K. Petts
District atty
Due 4/14
Hawaii

POOR QUALITY
ORIGINAL

0793

482

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Harry Bogart

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

Harry Bogart

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

The said

Harry Bogart

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on the
fifth day of March in the year of our Lord one
thousand eight hundred and ninety-two, with force and arms, in the day-time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Jacob Frankenthaler

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 Jacob
Frankenthaler 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.

POOR QUALITY
ORIGINAL

0794

SECOND COUNT—

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

Harry Bogart

of the CRIME OF *Grand* LARCENY *in the second degree*, committed as follows:

The said

Harry Bogart

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,

*one coat of the value of fifteen
dollars, one vest of the value
of seven dollars, one pair of
trousers of the value of eight
dollars, and one pair of shoes
of the value of five dollars*

of the goods, chattels and personal property of one

Jacob Frankenthaler

in the dwelling house of the said

Jacob Frankenthaler

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.

POOR QUALITY
ORIGINAL

0795

THIRD COUNT:

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

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

The said

Harry Bogart

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

one coat of the value of fifteen dollars, one vest of the value of seven dollars, one pair of trousers of the value of eight dollars, and one pair of shoes of the value of five dollars

of the goods, chattels and personal property of

Jacob Frankenthaler

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

Jacob Frankenthaler

unlawfully and unjustly did feloniously receive and have; (the said

Harry Bogart

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

DE LANCEY NICOLL,

District Attorney.

0796

BOX:

470

FOLDER:

4314

DESCRIPTION:

Bolton, James

DATE:

03/16/92



4314

POOR QUALITY
ORIGINAL

0797

Witnesses:
Frederic J. Lawley

Counsel:
James B. Bolton
Filed:
Pleas:
1892

THE PEOPLE
Assault in the Second Degree.
(Section 218 Penal Code.)
James B. Bolton

DELANCEY NICOLL,
District Attorney.

For filing
March 29/92
Part III

A TRUE BILL.

Wm. C. Ryan

Part 3. March 29/92
Spied & committed
with reason to make.
New City from 1000p

POOR QUALITY
ORIGINAL

0798

Witnesses

Frederick J. Lawler

Counsel

Filed

Pleads

City of New York 1892

THE PEOPLE

Assault in the Second Degree.
(Section 218, Penal Code.)

James Bolton

DEFIANCEY NICOLL,

District Attorney.

A TRUE BILL.

Alfred J. S. [Signature]

Forfeiture.

Part 3. March 29/92

*Spied & convicted
with reason. to work.*

Man City from 10th St

POOR QUALITY
ORIGINAL

0799

Sec. 192.

X District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Edward Hogan a Police Justice
of the City of New York, charging James Bolton Defendant with
the offence of Assault

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 James Bolton Defendant of No. Westport
Conestoga Street; by occupation a brademan
and Ellen Foster of No. 673 Third Avenue
Street, by occupation a optician saloon keeper Surety, hereby jointly and severally undertake
that the above named James Bolton Defendant
shall personally appear before the said Justice, at the X 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 26

1892

James Bolton
POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0000

CITY AND COUNTY }
OF NEW YORK, } ss.

Ellen Foster

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 *Five* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *House and lot, located at*

N. 141 Camelia Street, Astoria, Queens County,
worth over Twenty-five Hundred Dollars,
free and clear *Ellen Foster*

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Taken the day of 18

Justice.

Undertaking to appear
during the Examination.

POOR QUALITY
ORIGINAL

0801

Police Court—X District.

City and County { ss.:
of New York,

of No. 100 West 61st Street, aged 32 years,
occupation wine merchant being duly sworn

deposes and says, that on 25 day of February 1892 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by James Bolton
(now here) who struck deponent a
blow on the head with a lantern
which said Bolton then and then
held in his hand

with the felonious intent ~~to take the life of deponent~~ 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 ~~bound~~ bound to answer
for the above assault, etc., and dealt with according to law.

Sworn to before me, this 25 day
of February 1892

F. Hawley

Police Justice.

POOR QUALITY
ORIGINAL

0802

Sec. 198-200.

4

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *James Bolton*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *Westport Conn. - 13 years*

Question. What is your business or profession?

Answer. *Drake-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*

James Bolton

Taken before me this *25*
day of *February* 1892

Police Justice.

POOR QUALITY
ORIGINAL

0003

94 Feb 26 1892

930 W. H. H.

\$500.00 bail

BAILED,

No. 1, by

Ellen Foster

Residence

673 - 3rd Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

En. Feb 27th 1892
10th St. N.Y.

Police Court... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frederick County

James Watson

Offense Assault

Dated

February 21 1892

Magistrate

Officer

43 Ave

Witnesses

No.

Street

No.

Street



No.

Street

No.

Street

to answer

G. J.

Alfred

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, February 25 1892

[Signature] Police Justice.

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

Dated, February 26 1892

[Signature] Police Justice.

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

Dated, 2 1892

Police Justice.

THE PEOPLE

COURT OF GENERAL SESSIONS, PART III.

vs.

JAMES BOLTON.

BEFORE JUDGE FITZGERALD.

Tuesday, March 29, 1892.

Indictment for assault in the second degree.

Asst. Dist. Atty. Osborne for the People.

Mr. McManus for the Defendant.

A Jury was empannelled and sworn.

FREDERICK J. CAWLEY, sworn and examined by Mr. Os-
borne.

- Q. What is your business? A. Traveling man.
- Q. For whom do you travel? A I travel for a champagne house, Ruinart pere & fels, Reims, France, and Henry VanBeil & Co., Philadelphia.
- Q. Do you remember the evening of the 25th of February, 1892?
- A. Yes sir.
- Q. Do you remember being at the New York Central depot on that occasion?
- A. At midnight, yes sir.
- Q. At midnight?
- A. Yes sir.
- Q. And who was with you at that time?
- A. The other gentlemen that are in this court now.
- Q. Name them?
- A. Mr. Ed Henning, Henry Thomas, Mr. Hector Sinclair and the other gentleman we went to see off.
- Q. What was the name of the gentleman you went to see off?
- A. Mr. Sinclair's brother, I do not know his first name.
- Q. Where was he going?
- A. To Boston.
- Q. State did you see the defendant that evening about that time?
- A. I did see him at the time he used very gross words.

Q State what called your attention to Bolton?

A. I heard somebody say ---

By the Court. Q. Were you in the depot?

A. Yes sir, right

on the platform.

By Mr. Osborne. Q. Was there a train on one side of the platform?

A. Yes sir.

Q. Which side?

A. The right hand side.

Q. Was Bolton on that train when your attention was first called to him?

A. He was on the platform, on the train platform.

Q. Which was he on, the steps or the platform?

A. On the

steps on the train.

By the Court. Q. On the cars?

A. Yes sir.

By Mr. Osborne. Q. You were on the sidewalk?

A. Yes sir.

Q. What was the first thing that called your attention to Bolton.

A I heard somebody say "why don't those -----

Q. Use the words, we have got to have them?

A. "Why don't

those bastards go on the other side of the train". I did not take notice of that; after a little while just as the train was going out we were shouting out good-bye to Mr. Sinclair and singing, "He's a jolly good fellow" -----

Q. To Mr. Sinclair?

A. Yes sir --- and I heard the defendant say, "shut up you sons of bitches."

Q. Had you spoken to him at that time?

A. Not a word.

Q. Did not refer to him in any way?

A. Never spoke to

him, never noticed him before.

Q. What happened then?

A. I went forward to ask him what he meant by that; the train was moving out slowly at the time, he jumped off the car, swung his lantern and hit

me across the head there.

Q. Did he make that scar there?
the doctor's immediately.

A. Yes sir, I went to

Q. Did he break his lantern?
to pieces, at least the glass.

A. Yes sir, smashed it all

Q. When you went up to the defendant to ask him what he meant by
calling you all sons of bitches did you speak to him?

A. I did not say a word.

Q. You did not have an opportunity?

A. No sir, he jumped

off the train and hit me so suddenly, he jumped on the train
again and the train was out by that time, the train was just
gone out of the depot.

Q. Did you fall down when he struck you?

A. O, I just

went forward, I did not fall entirely down, no sir.

Q. Where did you go then?

A. I went right down to the

Police Station underneath the depot and made a complaint
against him.

Objected to as incompetent.

Q. Did you go to a physician?

A. I did, sir.

Q. Were your wounds sewed up?

A. Yes sir, I had it

sewed up, I had two stitches put in that night and then I
had to have it ripped open again because it festered.

Objected to.

By the Court. Q. The scar that you have now, that is the mark?

A. Yes sir.

Q. That was not there before you were struck with the lantern?

A. No sir.

By Mr. Osborne. Q. Had you ever seen the defendant before in your
life?

A. No sir.

Q. Did you speak a word to the defendant that night?

A. Nosir.

Q. Or any of your friends?

A. Not that I know of, we were all talking together, we were not taking any notice of anybody else.

Q. There was a party of five?

A. Yes sir.

Q. A party of four that went down to see another friend off?

A. Five went to see another friend off.

Q. Altogether there were six of you?

A. Yes sir.

By the Court. Q. You have told us about Heining, Sinclair, Thomas and yourself, who was the fifth?

A. Mr. Rufus Shultz, he is away.

Q. Can you give us some description of this lamp you were struck with?

A. One of these ordinary railroad lamps, they are all about the same.

Q. A swinging lamp?

A. Yes sir, a swinging lamp to give notice to go on.

By Mr. Osborne. Q. About how high?

A. They are all of the same size I believe, I do not know.

Q. Indicate to the jury how high they are?

A. I suppose they are about that height (showing), I do not know exactly, you have all seen a railroad lamp.

Q. What portion of the lamp struck you?

A. The rim of it

Q. The bottom of the rim?

A. Yes sir.

Q. Do you know of what material that is composed?

A. I believe it is composed of tin plated over.

Q. What color was it?

A. White metal.

CROSS EXAMINED.

B. Counsel. Q What houses are you connected with?

A. A Reims champagne house and also a Philadelphia house, Henry VanBeil & CO.

Q. This was the 25th of what month?
24th, the 25th of February last.

A. The midnight of the

Q. It was Sunday night. was it not?

A. No sir, it was not.

Q. What night of the week was it?
night.

A. It was on Wednesday

Q. Who were you seeing off at that time?

A. Mr. Sinclair.

Q. A brother of one of your witnesses?

A. Yes sir.

Q. Is that Mr. Sinclair here?

A. No sir.

Q. He is not in Court?

A. No sir.

Q. You were out on the platform as I understand it?

A. Yes sir.

Q. Inside the depot?

A. Yes sir.

Q. Had you purchased any ticket?

A. I had not.

Q. Your party consisted of five?

A. Six altogether

Q. Five outside of Mr. Sinclair went into the depot?

A. Yes sir.

Q. You were there waiting to see him off?

A. We were.

Q. Were you singing?

A. We sang "For he's a jolly good fellow" as the train was going out.

Q. Anything else?

A. Nothing else.

Q. Did you make any remark to this defendant as he passed by you?

A. No sir.

Q. Was some insulting remark made by you or your companions in your hearing?

A. No sir, I will swear that I never heard anything said at all to the defendant, not a word.

Q. And that he addressed this vile language to you that you have described here without your folks interfering with him at all, that is what you mean to be understood as saying to this jury?

A. Yes sir.

Q. And that after that he immediately struck you without any provocation?

A. He did.

Q. Did you knock him down?

A. I did not.

Q. Did you board the train?

A. I did not.

Q. Did you board the train starting for Boston?

A. No sir.

Q. Did you swear in the Police Court it was your intention to go to Boston?

A. Yes sir, I did say I was going to get on the train to get his name.

Q. That was after you were struck?

A. Yes sir.

Q. Isn't it a fact that you knocked this man down and knocked his hat off?

A. No sir.

By the court. Q. You did board the train

A. I did not

board the train, I went towards the train.

By Counsel. Q. Did the defendant ask you whether you were going on that train that was being made up at that time?

A. He did not ask me, no.

Q. Or any of your party?

A. I believe he did, one of them, I did not hear anything said at all.

Q. You were all together, weren't you?

A. We were all

together.

Q. Within hearing distance, ordinary conversation?

A. We were talking loud perhaps.

Q. Your hearing was good that night?

A. I presume it is

always.

Q. And your sight?

A. Yes sir.

- Q. You say it was twelve o'clock at night? A. It was.
- Q. You were entertaining this friend of yours from Boston during that time? A. Not during the time, we took him to dinner.
- Q. Where did you go after dinner? A. We went up to a friend's house.
- Q. How long did you remain there? A. An hour or two.
- Q. You drank something? A. NO.
- Q. Did you drink anything after you left there? A. Yes sir.
- Q. What was it? A. I believe I had a whiskey.
- Q. Isn't it a fact that you all, the company of five or six during that night were considerably under the influence of liquor? A. No sir.
- Q. You felt jubilant to draw it mild? A. No sir.
- Q. How was it in reference to your friend whom you were seeing off, in what condition was he? A. He was perfectly sober.
- Q. He retired to the sleeping apartment though before you folks left, did he not or do you know? A. I do not know, he was standing on the platform.
- Q. He immediately boarded the train when you went in the depot? A. Yes sir, but he came out again on the platform.
- Q. I assume you drank something at dinner? A. Yes sir, we had some champagne.
- Q. You say you did not strike this defendant and knock his hat off? A. I did not.
- By the court. Q. Did you all have champagne at dinner? A. No sir, two of them are teetotlers and never touch^d

drop in their lives --- Ed Henning is a teetotler, he never touched anything.

By Counsel. Q. That is the gentleman from Boston?

A. No sir, he is in court now.

Q. Now isn't it your intention and the object of this prosecution to lay the foundation to bring a civil suit against this railroad company and haven't you so expressed yourself?

Objected to. Objection sustained for the present.

The Court: This question is put with a view of affecting the motive.

Counsel: Yes sir.

By Counsel. Q. You say this defendant without having any conversation with you and without your attempting to assault him, struck you and inflicted that blow and injury?

A. I do, yes sir.

By Mr. Osborne. Q. You say you had a bottle of champagne that night at dinner?

A. Yes sir.

Q. How many partook of it?

A. Four of us partook of the champagne.

Q. Four of you all together?

A. Yes sir.

Q. What sort of a bottle was it?

A. One quart bottle.

Q. Have you brought any suit against anybody?

A. I have not.

By Counsel. Q. But you have consulted with reference to bringing a suit?

A. I what?

Q. You have consulted attorneys with special reference to bringing a suit against the New York and New Haven Railroad Company?

Objected to. Objection overruled.

A. I have not, sir.

Q. You have not consulted any attorney in relation to bringing a suit or whether you had sufficient grounds or reasons to bring an action against the principal, against the New York and New Haven Railroad co.?

A. No sir.

Q. Is not that your intention?

Objected to.

Objection sustained.

HECTOR B. SINCLAIR, sworn and examined.

By Mr. Osborne. Q. What is your name?

A. Hector B. Sinclair.

Q. Mr. Sinclair, do you remember the occasion of the 25th of February, that has been testified to by the last witness on the stand?

A. I do.

Q. Did you take dinner with him that day?

A. I did.

Q. And did you go with them to the New York Central Depot?

A. I did.

Q. Was it your brother that was going to leave that night?

A. It was.

Q. Were you one of the teetotlers?

A. No, I was not.

Q. You partook of the bottle of champagne?

A. I did,

yes sir.

Q. Will you state to the Judge and to the jury your recollection of that occurrence at the depot. as far as you can, from the time you got into the depot and from the time that your attention was first called to the defendant?

A. On the arrival of the party at the depot my brother procured his ticket and we went through the gate altogether, we were allowed by the man; we walked down the platform of the depot together and we were talking until we arrived at

the car on which my brother had a sleeper, and we asked the defendant if this was the right car.

Q. Who asked him that question? A. My brother asked him.

Q. He asked the defendant? A. Yes, and he answered it was, and he got on that car while we waited on the platform of the depot; he left his baggage in his berth I presume, and returned to us and got off and joined us as we stood on the platform. There was a remark made which drew my attention, about our being in the way.

Q. What was it? A. "Why don't those bastards get on the other side of the train".

Q. Go on? A. We did not know at the time that it was addressed to us and we took no notice of it; a few moments after the train started, my brother boarded the train and we all joined in chorus, "he's a jolly good fellow". The train was then going slowly, leaving the depot and we heard the defendant lean forward and say, "shut up, you sons of bitches."

Q. Was he looking in your direction at that time?

A. He had a lamp in his hand and was leaning on the platform of the train with one hand on the ~~bars~~ brass work and saying "shut up, you sons of bitches"; the train was then in motion, Mr. Cawley walked quickly forward to remonstrate and ask him what he meant.

Q. He walked quickly forward? A. Yes sir, and was about twelve yards ahead of us when the defendant jumped off and met him and struck him on the head with his lantern, smashing the lantern to pieces.

Q. Did you see him do that? A. I did.

Q. Did Cawley speak to him before he struck him?

A. Not particularly.

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Testimony in the
case of
James Bolton
filed March
1892

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THE PEOPLE

COURT OF GENERAL SESSIONS, PART III.

vs.

JAMES BOLTON.

BEFORE JUDGE FITZGERALD.

Tuesday. March 29, 1892.

Indictment for assault in the second degree.

Asst. Dist. Atty. Osborne for the People.

Mr. McManus for the Defendant.

A Jury was empanelled and sworn.

FREDERICK J. CAWLEY, sworn and examined by Mr. Os-
borne.

- Q. What is your business? A. Traveling man.
- Q. For whom do you travel? A I travel for a champagne house, Ruinart pere & fels, Reims, France, and Henry VanBeil & Co., Philadelphia.
- Q. Do you remember the evening of the 25th of February, 1892?
A. Yes sir.
- Q. Do you remember being at the New York Central depot on that occasion?
A. At midnight, yes sir.
- Q. At midnight? A. Yes sir.
- Q. And who was with you at that time? A. The other gentlemen that are in this court now.
- Q. Name them? A. Mr. Ed Henning, Henry Thomas, Mr. Hector Sinclair and the other gentleman we went to see off.
- Q. What was the name of the gentleman you went to see off?
A. Mr. Sinclair's brother, I do not know his first name.
- Q. Where was he going? A. To Boston.
- Q. State did you see the defendant that evening about that time?
A. I did see him at the time he used very gross words.

Q. State what called your attention to Bolton?

A. I heard somebody say ---

By the Court. Q. Were you in the depot?
on the platform.

A. Yes sir, right

By Mr. Osborne. Q. Was there a train on one side of the platform?

A. Yes sir.

Q. Which side?

A. The right hand side.

Q. Was Bolton on that train when your attention was first called to him?

A. He was on the platform, on the train platform.

Q. Which was he on, the steps or the platform?

A. On the steps on the train.

By the Court. Q. On the cars?

A. Yes sir.

By Mr. Osborne. Q. You were on the sidewalk?

A. Yes sir.

Q. What was the first thing that called your attention to Bolton.

A I heard somebody say "why don't those -----

Q. Use the words, we have got to have them?

A. "Why don't

those bastards go on the other side of the train". I did not take notice of that; after a little while just as the train was going out we were shouting out good-bye to Mr. Sinclair and singing, "He's a jolly good fellow" -----

Q. To Mr. Sinclair?

A. Yes sir --- and I heard the defendant say, "shut up you sons of bitches."

Q. Had you spoken to him at that time?

A. Not a word.

Q. Did not refer to him in any way?

A. Never spoke to

him, never noticed him before.

Q. What happened then?

A. I went forward to ask him what he meant by that; the train was moving out slowly at the time, he jumped off the car, swung his lantern and hit

me across the head there.

Q. Did he make that scar there?
the doctor's immediately.

A. Yes sir, I went to

Q. Did he break his lantern?
to pieces, at least the glass.

A. Yes sir, smashed it all

Q. When you went up to the defendant to ask him what he meant by
calling you all sons of bitches did you speak to him?

A. I did not say a word.

Q. You did not have an opportunity?

A. No sir, he jumped

off the train and hit me so suddenly, he jumped on the train
again and the train was out by that time, the train was just
gone out of the depot.

Q. Did you fall down when he struck you?

A. O, I just

went forward, I did not fall entirely down, no sir.

Q. Where did you go then?

A. I went right down to the

Police Station underneath the depot and made a complaint
against him.

Objected to as incompetent.

Q. Did you go to a physician?

A. I did, sir.

Q. Were your wounds sewed up ?

A. Yes sir, I had it

sewed up, I had two stitches put in that night and then I
had to have it ripped open again because it festered.

Objected to.

By the Court. Q. The scar that you have now, that is the mark?

A Yes sir.

Q. That was not there before you were struck with the lantern?

A. No sir.

By Mr. Osborne. Q. Had you ever seen the defendant before in your
life?

A. No sir.

Q. Did you speak a word to the defendant that night?

A. Nosir.

Q. Or any of your friends? A. Not that I know of, we were all talking together, we were not taking any notice of anybody else.

Q. There was a party of five? A. Yes sir.

Q. A party of four that went down to see another friend off? A. Five went to see another friend off.

Q. Altogether there were six of you? A. Yes sir.

By the Court. Q. You have told us about Henning, Sinclair, Thomas and yourself, who was the fifth? A. Mr. Rufus Shultz, he is away.

Q. Can you give us some description of this lamp you were struck with? A. One of these ordinary railroad lamps, they are all about the same.

Q. A swinging lamp? A. Yes sir, a swinging lamp to give notice to go on.

By Mr. Osborne. Q. About how high? A. They are all of the same size I believe, I do not know.

Q. Indicate to the jury how high they are? A. I suppose they are about that height (showing), I do not know exactly, you have all seen a railroad lamp.

Q. What portion of the lamp struck you? A. The rim of it.

Q. The bottom of the rim? A. Yes sir.

Q. Do you know of what material that is composed? A. I believe it is composed of tin plated over.

Q. What color was it? A. White metal.

CROSS EXAMINED.

By Counsel. Q What houses are you connected with?

A. A Reims champagne house and also a Philadelphia house, Henry VanBeil & CO.

Q. This was the 25th of what month?
24th, the 25th of February last.

A. The midnight of the

Q. It was Sunday night, was it not?

A. No sir, it was not.

Q. What night of the week was it?

A. It was on Wednesday

night.

Q. Who were you seeing off at that time?

A. Mr. Sinclair.

Q. A brother of one of your witnesses?

A. Yes sir.

Q. Is that Mr. Sinclair here?

A. No sir.

Q. He is not in Court?

A. No sir.

Q. You were out on the platform as I understand it?

A. Yes sir.

Q. Inside the depot?

A. Yes sir.

Q. Had you purchased any ticket?

A. I had not.

Q. Your party consisted of five?

A. Six altogether

Q. Five outside of Mr. Sinclair went into the depot?

A. Yes sir.

Q. You were there waiting to see him off?

A. We were.

Q. Were you singing?

A. We sang "For he's a jolly good fellow" as the train was going out.

Q. Anything else?

A. Nothing else.

Q. Did you make any remark to this defendant as he passed by you?

A. No sir.

Q. Was some insulting remark made by you or your companions in your hearing?

A. No sir, I will swear that I never heard anything said at all to the defendant, not a word.

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Q. And that he addressed this vile language to you that you have described here without your folks interfering with him at all, that is what you mean to be understood as saying to this jury?

A. Yes sir.

Q. And that after that he immediately struck you without any provocation?

A. He did.

Q. Did you knock him down?

A. I did not.

Q. Did you board the train?

A. I did not.

Q. Did you board the train starting for Boston?

A. No sir.

Q. Did you swear in the Police Court it was your intention to go to Boston?

A. Yes sir, I did say I was going to get on the train to get his name.

Q. That was after you were struck?

A. Yes sir.

Q. Isn't it a fact that you knocked this man down and knocked his hat off?

A. No sir.

By the court. Q. You did board the train

A. I did not

board the train, I went towards the train.

By Counsel. Q. Did the defendant ask you whether you were going on that train that was being made up at that time?

A. He did not ask me, no.

Q. Or any of your party?

A. I believe he did, one of them, I did not hear anything said at all.

Q. You were all together, weren't you?

A. We were all

together.

Q. Within hearing distance, ordinary conversation?

A. We were talking loud perhaps.

Q. Your hearing was good that night?

A. I presume it is

always.

Q. And your sight?

A. Yes sir.

- Q. You say it was twelve o'clock at night? A. It was.
- Q. You were entertaining this friend of yours from Boston during that time? A. Not during the time, we took him to dinner.
- Q. Where did you go after dinner? A. We went up to a friend's house.
- Q. How long did you remain there? A. An hour or two.
- Q. You drank something? A. NO.
- Q. Did you drink anything after you left there? A. Yes sir.
- Q. What was it? A. I believe I had a whiskey.
- Q. Isn't it a fact that you all, the company of five or six during that night were considerably under the influence of liquor? A. No sir.
- Q. You felt jubilant to draw it mild? A. No sir.
- Q. How was it in reference to your friend whom you were seeing off, in what condition was he? A. He was perfectly sober.
- Q. He retired to the sleeping apartment though before you folks left, did he not or do you know? A. I do not know, he was standing on the platform.
- Q. He immediately boarded the train when you went in the depot? A. Yes sir, but he came out again on the platform.
- Q. I assume you drank something at dinner? A. Yes sir, we had some champagne.
- Q. You say you did not strike this defendant and knock his hat off? A. I did not.
- By the court. Q. Did you all have champagne at dinner? A. No sir, two of them are teetotlers and never touch^{ed} a

drop in their lives --- Ed Henning is a teetotler, he never touched anything.

By Counsel. Q. That is the gentleman from Boston?

A. No sir, he is in court now.

Q. Now isn't it your intention and the object of this prosecution to lay the foundation to bring a civil suit against this railroad company and haven't you so expressed yourself?

Objected to. Objection sustained for the present.

The Court: This question is put with a view of affecting the motive.

Counsel: Yes sir.

By Counsel. Q. You say this defendant without having any conversation with you and without your attempting to assault him, struck you and inflicted that blow and injury?

A. I do, yes sir.

By Mr. Osborne. Q. You say you had a bottle of champagne that night at dinner?

A. Yes sir.

Q. How many partook of it?

A. Four of us partook of the

champagne.

Q. Four of you all together?

A. Yes sir.

Q. What sort of a bottle was it?

A. One quart bottle.

Q. Have you brought any suit against anybody?

A. I have not.

By Counsel. Q. But you have consulted with reference to bringing a suit?

A. I what?

Q. You have consulted attorneys with special reference to bringing a suit against the New York and New Haven Railroad Company?

Objected to. Objection overruled.

A. I have not, sir.

Q. You have not consulted any attorney in relation to bringing a suit or whether you had sufficient grounds or reasons to bring an action against the principal, against the New York and New Haven Railroad co.?

A. No sir.

Q. Is not that your intention?

Objected to.

Objection sustained.

HECTOR B. SINCLAIR, sworn and examined.

By Mr. Osborne. Q. What is your name?

A. Hector B. Sinclair.

Q. Mr. Sinclair, do you remember the occasion of the 25th of February that has been testified to by the last witness on the stand?

A. I do.

Q. Did you take dinner with him that day?

A. I did.

Q. And did you go with them to the New York Central Depot?

A. I did.

Q. Was it your brother that was going to leave that night?

A. It was.

Q. Were you one of the teetotlers?

A. No, I was not.

Q. You partook of the bottle of champagne?

A. I did, yes sir.

Q. Will you state to the Judge and to the jury your recollection of that occurrence at the depot, as far as you can, from the time you got into the depot and from the time that your attention was first called to the defendant?

A. On the arrival of the party at the depot my brother procured his ticket and we went through the gate altogether, we were allowed by the man; we walked down the platform of the depot together and we were talking until we arrived at

the car on which my brother had a sleeper, and we asked the defendant if this was the right car.

Q. Who asked him that question? A. My brother asked him.

Q. He asked the defendant? A. Yes, and he answered it was, and he got on that car while we waited on the platform of the depot; he left his baggage in his berth I presume, and returned to us and got off and joined us as we stood on the platform. There was a remark made which drew my attention, about our being in the way.

Q. What was it? A. "Why don't those bastards get on the other side of the train".

Q. Go on? A. We did not know at the time that it was addressed to us and we took no notice of it; a few moments after the train started, my brother boarded the train and we all joined in chorus, "he's a jolly good fellow". The train was then going slowly, leaving the depot and we heard the defendant lean forward and say, "shut up, you sons of bitches."

Q. Was he looking in your direction at that time?

A. He had a lamp in his hand and was leaning on the platform of the train with one hand on the bars brass work and saying "shut up, you sons of bitches"; the train was then in motion, Mr. Cawley walked quickly forward to remonstrate and ask him what he meant.

Q. He walked quickly forward? A. Yes sir, and was about twelve yards ahead of us when the defendant jumped off and met him and struck him on the head with his lantern, smashing the lantern to pieces.

Q. Did you see him do that? A. I did.

Q. Did Cawley speak to him before he struck him?

A. Not particularly.

Q. Then what did he do, the defendant? A. Jumped on the train again and the train was then going at quite a speed. It was out of the depot before we even realized the assault was as serious as it was.

Q. What did ~~he~~^{you} do with Cawley then? A. We took him to the doctor, we first went to the Police Station.

Q. You made a complaint? Yes sir; the Sergeant in charge - Objected to.

Q. Did you see your friend's wound sewed up by the doctor? A. I did.

CROSS EXAMINED.

By Counsel. Q. What time did you meet Cawley that day, the 25th?

A. I met him about six o'clock in the evening.

Q. That is the first time you met that day? A. That day, yes sir.

Q. Who were in company with you? A. I was in company with my brother at the time.

Q. You met Cawley by appointment? A. No, we met him by accident in the Morton House.

Q. Is that where you had dinner? A. No my brother staid at the Morton House.

Q. From the Morton House where did you go? A. From the Morton House we went to Purcell's to dinner after having gone and fetched another one to join us.

Q. After dinner where did you go? A. We went back to one of the companion's rooms.

Q. How long did you remain there? A. About accouple of hours or an hour and a half.

- Q. And from there where did you go? A. To the depot.
- Q. Then it must have been up close to twelve o'clock you started for the depot? A. Yes, twenty minutes to twelve I think it was.
- Q. This vile language that was used you claim was addressed by this defendant to your party before anything was said to him at all? A. Other than the question as to which was the right car.
- Q. You say that this vile language was the response made to that question? A. No, I do not.
- Q. Did you see the defendant walk down the platform?
A. The defendant did not pass us for he was on the car during the whole time of our conversation.
- Q. He was on the car, are you positive about that?
A. Yes, I did not see him get off.
- Q. You do not know what his duties were at that time as the train was being made up do you? A. I do not.
- Q. You do not know whether he was compelled to go down from one end of the train to the other? A. I do not.
- Q. You do not know whether he did so? A. I do not.
- Q. You say he did not pass your party? A. I did not see him, I only saw him on the car during the whole time.
- Q. Your vision was good, your sight was clear that night?
A. Yes sir.
- Q. You were singing? A. We were singing when the train had just started, we sang in chorus, "he is a jolly good fellow."
- Q. And he was inside then, your brother? A. He was on the train, yes, he was not inside, we could see him.

- Q. What was his condition? A. He was sober.
- Q. He had drank considerable had he? A. No, no more than any one of us.
- Q. You say that the complainant here followed up the defendant walked rapidly, didn't he run up towards the train?
- A. No.
- Q. Did not you or some of your party as this defendant passed by you. use insulting language to him? A. No one addressed him at all other than the question as to which was the right car.
- Q. None of your party? A. NO.
- Q. Are you positive about that? A. I am sure.
- Q. What is your business? A. I am a salesman.
- Q. Who with? A. A drug house in Boston.
- Q. How long have you been connected with the firm?
- A. Two years.
- Q. Where were you employed before that? A. I was employed for a candy house in Boston on the road as a salesman.
- Q. You knew what time the train left there, did you not?
- A. Yes sir.
- Q. Was there considerable profanity used by your party there?
- A. None at all.
- Q. Did your noise attract the attention of the employews of the road? . There was no noise other than the chorus, we sang in chorus when the train was leaving.
- Q. Were not you singing before the train left? A. NO.
- Q. This assault occurred before the train left?
- A. The train was in motion when the assault occurred.

Q. How far away were you when the assault occurred?

A. About twelve yards.

Q. You could see distinctly everything that occurred?

A. Everything.

Q. Who walked up behind Cawley? A. We all stood still.

Q. And let him go? A. He went forward, he was the only one went forward.

By Mr. Osborne. Q. You say you saw everything that occurred there, how were the lights, did you notice lights about the New York Central steps? A. There were lights in their depot.

Q. What are they? A. Electric lights.

Q. And I understood you to say that you were permitted by the door-keeper to go in? A. Yes sir.

Q. Your brother was the only one that bought a ticket? A. He was the only one, yes sir.

Q. Did you ask permission of the man at the door to let your party in? A. Yes, we did.

By the Court. Q. Can you tell us what position in the train that car occupied relatively? A. I should say about the second car.

Q. The second from the locomotive? A. The second from the end.

Q. Did the defendant get off that car? A. Yes sir, he was on the same part of the car that my brother got on.

Q. What part did he get on? A. On the following car.

Q. There were two cars behind this one? A. Yes sir, precisely.

THOMAS E. HENNING, sworn and examined.

By Mr. Osborn. Q. What is your business? A. I have been in the railroad construction business for the last three years.

Q. I believe you are one of the teetotlers?

A. Yes sir, never touched a drop in my life of anything.

Q. Do you remember this occasion that has been testified to by the previous witness? A. Yes sir.

Q. Did you take dinner with Mr. Sinclair that evening?

A. Yes sir.

Q. Was there any of that party drunk that night?

A. No, not to my knowledge, they did not appear so to me.

Q. You were there were you on that occasion? A. Yes sir.

Q. State what you remember of that occurrence.

A. The first time I noticed Mr. Bolton was on Wednesday evening I think, February 24 or 25th; about twelve o'clock a party of five of us came down to see a gentleman off by the name of Sinclair to Boston.

Q. You got to the Station? A. Yes sir.

Q. State what called your attention to Bolton first?

A. Bolton had a lantern in his right hand holding it up over his head walking in the middle of the platform between the cars about twelve or fifteen feet I should judge, and the party was singing "good-bye, old man", to Mr. Sinclair who had got on the car; Bolton says, "why don't those ^{Cock sucking} bastards move over to the other side of the train"; the train started to move on and he got on, it was twelve o'clock, the

train moved out and Bolton was standing on the second or third step of one of the sleepers and turned to our party and said, "shut up, you sons of bitches."

Q. Were your party singing that time? A. They had just finished, the train was moving on when he passed this remark, Mr Cawley turned and repeatedly remonstrated with him, I was right behind him, the rest of the party was some little distance back.

Q. Did Mr. Cawley speak to the defendant? A. I did not hear him say a word to him, he had not time, Bolton deliberately when he got within a couple of feet of him -----

Objected to.

Q. State what he did? A. He struck him with the lantern when he got within a foot or a foot and a half of him.

Q. What part of the lantern? A. I think it was the bottom.

Q. Did the lantern break? A. It smashed to pieces.

Q. Did Cawley strike him? A. No sir.

Q. Did he draw his hand back to strike him? A. He threw up his hand after he was struck and staggered forward.

CROSS EXAMINED.

Q. Where do you reside? A. My home is in Buffalo.

Q. How long have you resided there? A. About seventeen years.

Q. What is your business? A. The street railway construction business I said before.

Q. You were particularly sensitive about this remark which was addressed to your party? A. Certainly.

Q. When did you meet Cawley that night?

A. I met Cawley the evening of the accident about half

past six or a quarter to seven. it was the first time I ever met him.

Q. Where did you meet him? A. I met him on 18th Street between Third Avenue and Irving Place, No. 136; the Rothsays a flat house.

Q. He had apartments there? A. No sir.

Q. His friend did? A. Yes sir, Mr. Schultz.

Q. Is Mr. Schultz here? A. No, he is not, I don't know whether he is in town.

Q. Was he among your party that evening at the depot?
A. Yes sir.

Q. You remained at his apartments how long?
A. O, probably half an hour.

Q. No person other than your gentlemen friends and you were there?
A. That is all, a party of six of us.

Q. How long did you remain? A. About half an hour I should judge.

Q. Then where did you go? A. We went to Purcell's to dinner.

Q. How long did you remain at dinner? A. It took about three quarters of an hour I guess.

Q. Then where did you go --- is your recollection a little dim and vague as to what occurred that night?

A. I guess I do, I think I do, I don't recollect hardly where we went to after that though.

Q. I say your recollection is not perfectly perfect as to what occurred that night, it is a little dim?

A. I am just trying to think where we went after we left Purcell's.

Q. Do you know, can you recollect? A. I do not know, sir.

- Q. Your memory is a blank as to what occurred after you left Purcell's until you got in the depot? A. I think we went back to Schultz and the baggage went to the depot.
- Q. There was three or four hours intervened from half past seven until near twelve o'clock, you have not accounted for the presence of your party during that period, you do not recollect, is that the fact? A. NO.
- Q. You can't recollect anything that occurred after you left Purcell's until you arrived in the depot?
- A. No, I think we went back to Schultz's and got Mr. Sinclair's baggage, the gentleman going to Boston; we might have spent some time in joking and loitering on the way, I don't recollect.
- Q. Did you address any profane or insulting remarks to this baggage man, this defendant? A. No sir.
- Q. Did any of your party at all? A. I did not hear them.
- Q. You were in there seeing your friend off and was singing?
- A. Yes sir.
- Q. Any others singing beside yourself? A. We wished him a pleasant journey, hoping he would arrive home safe and we would see him again.
- Q. You did not say that? A. No, we did not, we sang "he was a jolly good fellow".
- Q. You believed he was a jolly good fellow? A. I believed he was good company, certainly.
- Q. You were having a pleasant time that evening?
- A. Undoubtedly we were having a pleasant time.
- Q. Your party drank with him? A. Yes sir.
- Q. Anything but wine? A. No, I think they all had wine at Purcell's.

Q. During the evening did you drink anything but wine?

A. I did not notice what they drank.

Q. You say that this defendant used these insulting remarks to your party without you or your friends saying anything to him?

A. Yes sir, I did not see any provocation for the attack whatever.

Q. That is our best judgment? A. Yes sir, in my judgment.

Q. Did you hear everything that was said by your party?

A. I think I was near enough to them all the time.

Q. Your recollection is perfect as to what occurred there?

A. Yes sir.

Q. Cawley followed him up to the track up where he was standing on the train? A. Yes sir, the train was moving very slowly and Mr. Cawley walked rapidly forward.

Q. He boarded the train, didn't he? A. Cawley?

Q. Yes? A. No sir, I know he did not board the train.

Q. Did not you hear him say that he boarded the train to go to Boston? A. His intentions might have been such, he did not board the train, I was right behind him.

Q. Don't you know as matter of fact that Cawley knocked this man's hat off and bruised him? A. No sir, Mr. Cawley never touched him.

Q. What is your age? A. Twenty-one.

Q. What is your height? A. About six feet two.

Q. What is your weight? A. About 170 I guess.

By Mr Osborn. Q. You say you just met Mr. Cawley that evening?

A. Yes sir.

Q. How long had you known Sinslair? A. I met him that evening --- all were strangers to me except one gentleman, Mr. Schultz. Mr. Thomas was the other teetotler.

HENRY THOMAS, sworn and examined.

By Mr. Osborn. Q. Mr. Thomas, what is your business? A. Steward
at Purcell's.

Q. Did you go to the depot with these gentlemen here that
night? ^{Yes} A. ~~No~~ sir.

Q. *Did you take dinner with them that night? A. No sir.*
Do you remember the occasion which has been testified to by

Mr. Cawley and the other witness? A. Yes sir.

Q. Will you state what occurred? A. I met Mr. Cawley, at
least they dined at Purcell's on the night of the accident
and after they had dinner I got through about half past
eight. and we went to Mr. Schultz's and stayed there about a
couple of hours. It was about half past eleven I guess or
twenty-five minutes to twelve we left there and went down
to the depot to see Mr. Sinclair's brother off and got
there about ten minutes to twelve, something like that.

We went through and stood on the platform wishing him good-
bye and Mr. Sinclair went and put his baggage in the sleeping
car, he came out and we stood talking until the time the
train was to go, then he got on, we were wishing him good-
bye and singing "he's a jolly good fellow", wishing him a
good journey. and I heard the defendant making a remark to
the effect, "why don't those ^{cock sucking} bastards get out of the way?"

We were standing together; then I saw him, he walked down
and got on the train, he was standing on the platform be-
tween two cars, the second or third car from the front I
think it was; we were still singing together. He said,
"shut up, you sons of bitches." Mr. Cawley walked forward to
ask him what he meant and he jumped ----

By Counsel. Q. Did he say anything? A. I did not hear a word said.

By Mr. Osborn Q. You saw him walk forward? A. He walked forward, I saw the defendant swing his lamp round and cut Mr. Cawley here, I saw Mr. Cawley put his hand up like that after he was struck, and then Mr. Henning, the last witness, walked up behind Mr. Cawley and the train was in motion and he jumped on again.

Q. Who jumped on again? A. The brakeman, the defendant, after he hit him he jumped on, the train was going out.

Q. What did you all do then? A. We were standing behind, we went up to Mr. Cawley, we saw the lump, he was bleeding, we went up and took him to the Station House the next door and made a charge; after that they went down to the doctor's and had it stitched.

Q. Had his wound sewed up? A. Yes sir.

Q. Did you see the lantern with which the defendant struck the complainant? A. I saw it, I saw him swinging it around like that and hitting him.

Q. Did you hear the glass break? A. Yes sir.

Q. Was it one of these ordinary lanterns they have around?

A. A brakeman's lamp.

CROSS EXAMINED.

By Counsel. Q. What is your business? A. Steward at Purcell's, 912, 914, 916 Broadway.

Q. Had you an acquaintance with these gentlemen?

A. I had known Mr Cawley about a week I guess before.

Q. Where did you meet him? A. I did not meet him at all he only came into the store, I buy wines from him, through

business transactions; they sell us wine; that is all I have known him by, just coming in once in a while and asking one of the managers if they wanted any of his wine, that is all.

Q. Were you close intimate friends? A. Nothing only through that.

Q. This party came in there for dinner that evening?

A. Yes sir.

Q. How many were there? A. I believe Mr. Sinclair, his brother, Mr. Henning and Mr. Cawley.

Q. A man of the name of Schultz too? A. I could not say whether he was there or not, I did not see him until after, I went up in his room.

Q. You were apparently a stranger to all? A. Yes sir.

Q. You did not know either of the other party except Mr. Cawley
A. That is all.

Q. You met them later on that evening? A. I met them after they got through, half past eight, after they had dinner.

Q. By appointment? A. NO .

Q. Where did you meet them? A. At Purcell's after they got through.

Q. Where did you go? A. I went to Mr. Schultz's room.

Q. How long did you remain there? A. About a couple of hours I guess, it may have been a little more.

Q. Any other company beside these five gentlemen and yourself?
A. NO.

Q. You remained there drinking I suppose? A. I did not take anything there.

- Q. None of the party drank? A. Not at Mr. Schultz, no.
- Q. No other persons other than you six were there?
- A. That is all.
- Q. When this party started to leave you went up to the depot with them? A. Yes sir.
- Q. You felt it incumbent upon yourself to go there and see this gentleman off? A. Yes.
- Q. You had no previous acquaintance with him?
- A. Only with Mr. Cawley, that is all.
- Q. Your regard for Mr. Cawley prompted you to go?
- A. He invited me to go down, yes.
- Q. You say that this defendant then used some insulting remarks to your company? A. Yes sir.
- Q. About which you were sensitive I suppose? A. Yes sir.
- Q. You need not repeat them, they are the same as you made here a few moments ago? A. Yes.
- Q. Nothing was said to this defendant before that?
- A. I did not hear anything.
- Q. You were in a position to hear? A. Yes sir.
- Q. Did you see him walk down the platform from one end of the train to the other? A. I did not notice that.
- Q. While the train was being what they call made up?
- A. I suppose so, I did not pay any particular attention to him at all.
- Q. Did you start to sing as soon as you got in the depot proper? A. Not directly when we went in, not until the train began to move.
- Q. The train began to move? A. Yes, and we began to sing "he's a jolly good fellow", wishing him good-bye.

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- Q As the train moved out, this man the defendant used some further profanity to you? A. Yes.
- Q And the complainant started for it? A. He walked up.
- Q. Rapidly or slowly? A. Rapidly I should think.
- Q. Who was behind the complainant? A. Mr. Henning. I believe.
- Q. Who was behind Henning? A. There was nobody, the four of us was standing, we did not walk at all.
- Q. Close by? A. About ten or twelve yards I suppose.
- Q. Both of those people were in front of you. between you and the defendant? A. Yes.
- Q. Both large men? A. Yes.
- Q. Then the first thing you heard was the crash of this lantern was it, that revealed light in the air?
A. Yes sir.
- Q. You do not know what occurred before that between those two parties, what words were exchanged? A. I did not hear any words passed.
- Q. You could not hear? A. I could hear.
- Q. You claim that you could hear everything that occurred between Cawley and the Defendant? A. Yes sir.
- Q. How long have you been in the city? A. I have been at Purcell's going on two years.
- Q. Where did you work before you went there? A. In Boston.
- Q. Are you acquainted with this gentleman referred to from Boston? A. No sir, never saw him before.
- Q. You say you were in this room for over two hours without drinking anything, ^{any of} ~~any of~~ your party? A. Did not touch anything.
- Q. You went there alone? A. Yes sir.

By Mr. Osborn. Q. Mr. Thomas, you did not drink anything at all that night? A. No, I did not dine with them at all.

Q. Do you drink anything at all? A. Once in a while.

Q. Did you take a drink that evening? A. I had one drink.

Q. Which one of these gentlemen did you know prior to the evening in question? A. Mr. Cawley, that is all.

Q. You never saw any of the other gentlemen at all?

A. No sir.

Q. The counsel for the Defendant as I understood the question asked you whether your view between the defendant and Cawley was interrupted by those people walking between you, was it, did they stand between you, did they obstruct you?

A. No, I could see clearly right along, they were not in the way at all.

JOHN D. SULLIVAN, sworn and examined.

By Mr. Osborn. Q. Officer Sullivan, do you remember the evening of the 25th of February, Wednesday? A. Yes sir.

Q. Do you remember these five gentlemen coming down into your place there, into the Station House? A. Yes sir.

Q. Was it before you that they made the charge?

Objected to.

A. I was present.

Q. Were you present at the time? A. Yes sir.

Q. Was any of that party drunk?

Objected to. Objection sustained.

A. No sir, not as I can see.

Q. Did you arrest the defendant? A. Yes sir in the morning.

Q. Were those gentlemen sober at that time?

Objected to. Objection sustained.

Q. Officer, did you arrest the defendant here?

A. Yes sir.

Q. Did you have any conversation with him at the time, any talk about this transaction?

A. In the morning when I placed him under arrest.

Q. Did you have any talk?

A. No sir, no more than when I made the arrest.

By the Court.

Q. Did you have a talk with him then?

A. In the morning

when I placed him under arrest ---- if it is proper I will explain the whole business, I arrested him on the car.

Q. What time in the morning?

A. About seven o'clock the morning after this occurrence.

Q. What did you say to him when you arrested him?

A. I asked him if his name was Bolton. I says, "where is Bolton?" He says, "I am the man, Officer, you are looking for." I said, "what did you do that for?" He said, "if I did not do that they would do me"; that is the answer he made to me.

By Mr. Osborn. Q. That was all your conversation?

A. That was

about all I had.

By a Juror. Q. Did you arrest him the following morning?

A. Yes sir.

Q. That man (the defendant) went to Boston that night?

A. No sir, I understand he only went to Springfield.

Counsel: We will show that he only went to New Haven.

THOMAS E. HENNING, recalled by Mr Osborn.

Q. Did you observe the character of the lantern with which the defendant struck the complainant? A. Yes sir.

Q. What was the kind of lantern? A. It was a lantern stood about that high with a handle up. (Showing.)

Q. What kind of lantern is it called, do you know?

A. I do not know, it is a brakeman's lantern. I thought you wanted the name of the maker.

Q. You have been in the railroad construction business?

A. Yes sir.

Q. Are you familiar with lanterns of that kind?

A. Yes, we use a great many of them.

Q. About how much does one of those lanterns weigh?

A. I presume they weigh about pretty near four pounds when filled up.

Q. They are made of what? A. Heavy tin.

Q. With a glass globe? A. A heavy glass globe very thick with wires running up.

Mr. Osborn: That is the case for the People.

The Case for the Defence.

Counsel: I ask your Honor to rule on the Peoples' showing that there is not sufficient to justify the Court in submitting the case to the Jury, I make a motion for a dismissal.

The Court: Motion denied.

Counsel: I except.

Counsel opened the case to the Jury.

JAMES BOLTON, sworn and examined.

By Counsel. Q. What is your business? A Brakeman for the New York, New Haven and Hartford Railroad.

Q. How long have you been employed there? A. Somewhere in the neighborhood of ten years.

Q. Have you ever been convicted of crime? A. No sir.

Q. Have you ever been arrested charged with crime?

A. No sir.

Q. Do you recollect the night of the 24th of February?

A. Yes sir.

Q. Do you recollect what you were doing that night?

A. I was working, I went into the baggage room a quarter to eleven, I worked in there five minutes before I went to the train.

By the Court. Q. You worked in the baggage room from what time?

A. From a quarter to eleven to five minutes of twelve.

Q. Then you went to the train? A. Yes sir.

By Counsel. Q. At a quarter to eleven did you see this complainant Cawley and his friends? A. No, I did not see them.

Q. When did you first see them? A. When I was going down to the train first I met them on the platform, I seen them first a distance off, till I got up to them they were facing, coming towards me, that is by the way I supposed they were coming.

Q. You assumed they were going to take the train?

A. Yes sir.

Q. What time was that? A. When I met them it wanted about four minutes to twelve.

Q. How many were there in company together? A. All I seen at this time was three.

By the Court. Q. Was the complainant one of the three?

A. Yes sir.

By Counsel. Q. Cawley was one of the number?

A. He was one of the number, the first I saw that came up here was the only one that was in the party, I did not see the fellow that ~~they~~ left on the train, I did not know nothing about him, I saw these three.

Q. State what occurred from the beginning to the termination of it?

A. When I left the baggage room I was a little bit late, I had my lanterns, I had two lights, one red and one white one; when I got a little ways from the platform I seen them fellows pretty near the middle of the platform linked. I heard them hallooing making a noise, I could hear that in the baggage room and when I got down close by them they began hooting at me.

Q. State what was said?

A. I passed by them and as soon as I got a little ways by one of these called me back.

By Mr. Osborn. Q. What did he say?

A. He said, "come here."

By Counsel. Q. State what was said?

A. He says, "come here." I turned around, I was a little way from him, he came and walked up to me. I said, "what is it?"

Q. Who was that

A. The complainant, the one I struck, I do not know what his name is. He said something to himself.

Q. Then what occurred?

A. Then I walked on to the coach where I was going, I supposed they left this friend; there was one coach on there; I left my red light inside, I had the white light on my arm.

Q. You were compelled to pass by them?

A. Yes.

Q. Then what occurred?

A. When I came out they were standing out there still, I saw three of them, they followed

me back there. So I asked them seeing it was pretty near time for the train to start, I asked them if they were going on the train? They told me it was none of my God damned business. I says, "you fellows ought not to be making so much noise, we can't hear nothing here." They made noise hooting and hallooing; I did not hear half as much as somebody else heard. You heard hooting and hallooing by them?

Yes sir. I started then to go out of the yard to walk down going across 46th Street to see that the cars did not uncouple. They were telling each one, "give it to me, give it to me." So as soon as the train got in motion then this man hauls off and hits me on the side of the face and knocks my cap off and staggered me up against the cars; I turned around with the light and I raised it that way (showing) and I fetched it down, he was right on me the second time.

Before you struck him with the lantern he was clinching you? Yes sir, I jumped on the next platform, the three were trying to assault me from the cars, to strike me. All I had was the lantern in my hand; those two parties were with him.

Do you recognize this tall party as being one of them? (Mr. Henning.) Yes sir, he was in the party. He was with Cawley? Yes sir. Go on and state what else occurred?

That is all I know; I went on my train and when I came back the next morning I heard up at Stamford I had been arrested; so I came on still down to New York, then the officer came in after me and made the arrest. Where is your home? Saugerties, Conn. What does your family consist of you are a single man? Yes sir, I am single. You live home with your mother? Yes sir, I do, and sometimes I stop

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in New York. When the train comes over that way you remain over night with your mother? Yes sir. You say three of these men were about assaulting you when you raised this lantern? Yes sir. You had been knocked toward the side of the train? Yes sir. I went up without my cap to New Haven. It was left in the depot in the scuffle? Yes sir. Did you attempt to strike these men before they assaulted you? No sir. Did you believe that they would do you violent injury and great bodily harm? Yes sir. You heard this language which you testified to that you used, did you use any such language? No sir, such words never came out of my mouth. You are not in the habit of using such words? No sir.

CROSS EXAMINED.

By Mr. Osborn. Q. Will you kindly tell me where it was you were at five minutes to twelve? At five minutes to twelve I was in the baggage room I believe. Where is the baggage room? Right at 42nd Street entrance near 4th Avenue. And when you came out of that you went toward the end of the platform I mean to that part of the depot where the trains go out, you walked in that direction? Yes sir. And where were the parties when you met them, when you passed them by? The train was the whole length of the depot, they were in the middle of the platform when I got in a straight line to see down. Which of the tracks did that train go out of? I think it is No. 12 we go out on; the conductor over there I guess he knows the number. There is only three platforms for the New Haven and two more for the Harlem. Which of those platforms were you on, was it the one nearest to Vanderbilt Avenue or was it the one nearest Third Avenue?

It was about in the middle near Fourth Avenue. It was the train on the right hand side of the platform on which they were standing looking toward the exit platform on which they were standing that you belonged to, was it looking north? Yes sir. Which car did you belong to on that night? I rode in between the two cars from the last. And where were they standing in reference to that car? They were standing a little ways above that towards New Haven. You had to go to your car to put your white light on? That is where I ride; after I go I only ride in there to go across the yard only to see that they do not unlock -- You had to go there to put your lanterns on? Yes sir, I had to go up to the coach from there to leave my red light all those cars are sleepers, I put it on the ground. And that called you to pass them by? Yes sir. As you passed them by you heard somebody say to you, "come here", is that it? Yes sir. Which one of the gentlemen said that? The biggest one. The taller one, the complainant said, "come here"? Yes sir. What did you say to him? I said, "what is it?" And I stood still, I turned around with my two lights. Which direction were you going in at that time? I was going up towards the coach, I had passed them. He says, "come here", how near were you to him at that time? About as far as from here over there to where those two gentlemen are. There were three of them talking together at that time? They were coming towards me that time, yes sir. And your back was turned to the complainant? My back was turned to the complainant. As far as you know he might have said come here to one of his friends?

It was to me he meant of course; they were slurring me before I met them. I want to know how you do not know he was speaking to one of his friends? Before I met them face to face when they seen me coming down they began shouting, hooting and hallooing at me; there was not anybody else there but me, I did not stop when I was going to tell the rest before I met them first before I got by them. Your Counsel asked you this question, what was the first remark made by those men when they said. "come here" --- your back was turned to them at that time according to your testimony was it not, was your back turned to them at that time you heard that remark? Yes, my back was turned to them when I heard that remark. You turned around? Yes, I thought it was a matter they wanted some information about.. You turned around and what did you say to the complainant? I says, "well, what is it?" And he said to you, what? "Balls" was the answer I got. What was the next thing that happened? I turned around intending to go where I was going up to the coach. You made no reply whatever to that? No sir. You went on up there to your coach? Yes sir. And left your lantern and came back? I did not come back, I stood still; when I came outside I saw the three were out there and they followed me down. Did you pick up the red lantern and leave it in the coach? Yes sir. Did you come back by those men? Yes sir. Did you pass them by? No, I did not pass them by, not then. Did not you testify just now that it was your duty to walk back to get on your car? I do not understand how you mean, you put things so to me so wrong, I am right in my way. After you deposited your red lamp up by the passenger coach did you then walk

back and start away from New Haven toward the New York entrance from the 42nd Street entrance? When I came outside and I asked them if they were going on this train I passed them by afterwards, after I said that to them I went down towards the train. You met them standing out there and you said to them, "are you going on this train?" Yes sir. What was said to you then? They told me it was none of my God damned business. Which one of them said that? The whole three of them --- there was only two voices. They exclaimed with one accord. "it is none of your God damned Business"? Yes sir. Name your words to them, what you said when you spoke to them about going on the train, your exact language as near as you can give it? Do you mean after I asked them if they were going on the train?

By the Court. When you stepped off the platform and saw these men what language did you use about going on the train? O, I passed some remarks about making so much noise that we could not hear.

By Mr. Osborn. Q. I want you to tell me what you said before they made that remark, what were your words, how did you ask them? O, I asked them if they were going on this train -- I did not mention anything else. You testified in the Police Court, didn't you? Yes sir. Didn't you swear to this, "are you people going on this train"? Yes sir, I did. Did not you testify there that their reply was, "none of your business"? I have not got the words down so plain as that. Did you testify to that in the Police Court? They told me none of my God damned business. Did you testify before Judge Hogan? Yes sir. Did not you say there

that their reply to you was "none of your business" without the profane words you are using now? I might have, I don't know about that --- "God damned business" was the word that came out. I testified in the Police Court "none of your business, what in the hell is it to you." I do not know which one of the three said, "give it to him." After that I was struck along side of the car on the belly, I was standing on the platform of the depot, not on the car about two cars up from where I was going to ride. The first thing I knew I got struck alongside the face which knocked me up against the wheel. the cars had been all in motion. It was the one I hit afterwards who hit me, he followed me up. I turned around and I raised up the lantern to defend myself, he was close to me. Then according to your testimony up to the time you were struck nobody had hit you but the big fellow? No sir. In response to his blow you turned around and hit him with the lantern? Yes, the train was just starting when it happened. The complainant hit me in the side of the face, it did not leave any mark. I had been struck by these men before I used my lantern. After I struck him I got on the train and went to New Haven and came back the next morning. I had met with an accident in a collision on a freight train at one time and I had a compound fracture of the leg, I was seven months in the hospital in New Haven suffering from the effects of that injury; it was not near as strong as my other limb; this was over ten years ago; I have been a brakeman on passenger trains ever since; I have been employed by the Central Road three years as brakeman. I am a cripple and my limb is now

bandaged.

WILLIAM HOAR, sworn and examined.

I am a railroad porter at the Grand Central Depot and was there the night this trouble took place. As I was going down with the baggage to put on the train at twelve o'clock these gentlemen were singing on the platform; the defendant was two or three yards away from them directing the passengers in upon the train. I heard Bolton say to the gentlemen to keep a little quiet for a few minutes. I passed on, I was in a hurry and was very busy. I got up about one hundred and twenty-five feet from them and I heard a racket down there, Bolton was on the lower step and one of these men drew his hand and tried to strike Bolton, I am not able to say whether he caught the stroke or not, Bolton pulled back and I heard the crash as if something broke, I heard the noise of a lamp breaking, the car was moving at the time very slowly and the complainant followed the car up all the way and went to the end of the platform; that is all I seen; they crossed over in the Station House. I did not go down, I was very busy at the time; there were four or five other people on the platform, I did not take much notice to them at the time. They were singing "we are jolly good fellows". I am not connected with the same road as this defendant. I am working with the New York Central, I am no relation of the defendant, I know him by sight, I knew him to speak to him on the platform, I never knew his name.

CROSS EXAMINED.

I am sure I heard Bolton say to the gentlemen to make a little less noise. When I heard this I was coming back from the baggage car; I saw Bolton stand on the platform of his car,

I was away about a hundred and twenty-five feet from Bolton's car when I saw someone strike at him. I don't know how heavy these lamps are.

GEORGE D. DEEMS, sworn and examined.

I am city freight agent of the West Shore Railroad and on this night in question I was at the Central Depot and witnessed a portion of this disturbance. I had been walking on the platform of the depot finishing a cigar down in the train house, I got I think on the front platform of the rear car and I should judge about thirty seconds after the train started Bolton jumped on the rear platform of the car opposite to me, he had the lantern in his hand, at least the remnants of it; previous to that I had heard a crash, I was still sitting on the platform; then I saw the complainant accompanied by two gentlemen running by the side of the car I recognized the smaller gentleman there but not the tallest the smallest gentleman was next to the complainant, the complainant seemed to be grabbing or trying to get hold of Bolton, Bolton at that time was defending himself by swinging his lantern and holding on to the car with the other hand. The smaller gentleman expressed a great desire for a knife, to the best of my knowledge and belief that was the gentleman with the black moustache (pointing to Mr. Sinclair). He said, "give me a knife, give me a knife", or words to that effect. Then the complainant shoved his hand in here and said, "I will fix him." I was standing on the front platform of the rear car, I put my hand on the knob of the door to get out of the way in case any bullet came around and said, "none of that, none of that". I did not see any

weapon. Did you hear any other song? Yes sir; sometime previous to that I should judge perhaps some five or six minutes I did not hear singing. I did not notice that because I was at the rear end of the platform, at least the New York end, but I saw gentlemen coming down, they were having a very pleasant time, they were shouting and talking very loudly but I did not notice anyone singing. I did not notice whether any profanity was used; they followed after Bolton I should judge until they reached the end of the train house. I did not see the actual striking, I only noticed three men shouting and talking very loud when they were running after Bolton. One of them I think suggested getting on the train; any of them could very easily get on the train on the platform where I was, Bolton prevented them from getting very close to him by swinging the lantern; that was after the lantern was broken; they were still pursuing him, I think to the best of my belief they pursued him to the end of the train house, the train got pretty well started; of course they left. I stayed on the platform two or three minutes before we got to the tunnel and went inside.

CROSS EXAMINED.

Were you on the same train with Bolton? Yes/ You and Bolton went out together at the same time? Yes. All you saw of the fight was after the final blow had been struck?

After the blow had been struck. You saw Bolton standing on the platform with the broken lantern in his hand swinging it and saw three of these men running after the car? They were trying to get hold of him, I heard one say, "I will fix him."

ELMERINE KNAPP, sworn and examined.

I am an engineer of the New York and New Haven Railroad, I was in the depot on the night of the 24th at about twelve o'clock opposite the train which Bolton was on, I saw the complainant and his friends there, I saw Bolton on the car as the train was going out, I saw a man coming along the side of the train when Bolton's train was going out, with his hands up this way (showing), and then I heard a crash; the complainant is the man I saw. You swear that before you heard this crash that you saw Cawley, was he walking or running alongside of the track with his hand up in the air? It was about a fast walk. What attracted my attention first was loud noise, a hallooing noise and then the next I saw was his walking up by Bolton's train and then the crash came.. I did not notice anything in Bolton's hand and I did not see anything in the hand of the complainant, I heard some singing noise before the train started, I did not see the complainant strike the defendant, I made no report of it to the officers of the Company.

GEORGE H. MILLER, sworn.

I am a conductor on the New York and New Haven Railroad and have been in the employ of the Company twenty-five years, I know Bolton about six years, his reputation is good. I have never heard any complaint of any passengers on the train in reference to him.

ELLEN FOSTER, sworn .

I live at 673 Third Avenue and have known Bolton four years, he hired a room from me, I have always known him to be a very peaceful young man.

WILLIAM CROSBY, sworn.

I reside 163 East 46th Street and am connected with the Registrar's office. I have been on speaking terms with Bolton for about two years and have known him about four years by sight and by reputation, he was always a peaceable quiet and respectable young man.

JAMES CAWLEY, sworn.

My name is the same as the complainant's; I know Bolton for the last five years, he had always the reputation of being a quiet and respectable young man; I have never heard of him being in any trouble.

FREDERICK J. CAWLEY, recalled by Mr. Osborn.

There is a gentleman here who testified that he saw you put your hand down in here, will you state to the Jury why you put it there at that time?

Objected to. Objection sustained.

GEORGE D. DEEMS, recalled by Mr. Osborn.

At the time you saw this young man going by that car you said you saw the remnants of a lantern in the hand of the brakeman, did you notice any mark or scar on the head of the young man at that time? A. I noticed what appeared to be bruises.

The Jury rendered a verdict of guilty of an assault in the third degree with a recommendation to mercy.

STENOGRAPHER'S MINUTES.

H District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

BEFORE HON.

Eduard Hogan
POLICE JUSTICE,

July 17 - 188

APPEARANCES:

For the People

For the Defence,

John M. Mitchell
Wm. W. Mann

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<i>Cawley, Fred J.</i>		<i>1-5</i>	<i>5-6</i>	
<i>Smiley, Hector B.</i>	<i>7-8</i>			
<i>Hennery, John E.</i>	<i>8-9</i>	<i>9-10</i>		
<i>Sullivan, John D.</i>	<i>10-11</i>			
<i>Bolton, Joe M.</i>	<i>12-14</i>	<i>14-15</i>		
<i>Knappe, Edwin E.</i>	<i>15-17</i>	<i>17-18</i>		

George A. Hegan
Official Stenographer.

FOURTH DISTRICT
POLICE COURT

-----x
FREDERICK J. CAWLEY : Before HON.
 : :
 -vs- : EDWARD HOGAN,
 : :
JAMES BOLTON : :
 : :
-----x

New York, February 27th, 1892.

A P P E A R A N C E S:

John Murray Mitchell, Esq., for the Complain-
ant

Mr McManus, for the defendant.

FREDERICK J. CAWLEY, the Com-
plainant, being duly sworn, testified as
follows:-

By Mr McManus:-

- Q What is your business ?
A Wine and spirit merchant.
Q Where are you engaged in business ?
A 55-57 Beaver Street, New York.; also in Philadelphia.

POOR QUALITY
ORIGINAL

0857

- Q You are a traveling man ?
- A I represent a house in New York City.
- Q You have no interest in the house other than on commission ?
- A That is all.
- Q You say this assault occurred when ?
- A Wednesday night, midnight.
- Q Whereabouts ?
- A Grand Central Depot.
- Q Who was with you ?
- A Four other gentlemen besides myself.
- Q What ~~ix~~ was your business there ?
- Q A We went to see Mr St Clair off to Boston.
- Q Is he here ?
- A No, Mr St Clair's brother is here.
- Q Who were in company with you ?
- A Mr H. St Clair, Mr Henning, Mr Rufus B. Schultz and Mr Henry Thomas.
- Q When did you first see the defendant ?
- A About a minute before the train went out.
- Q Were you near the track ?
- A We were on the platform.
- Q Had you been drinking that day any ?
- A I had a bottle of wine in the afternoon amongst five of us.

POOR QUALITY
ORIGINAL

0058

(3)

- Q Anything later on between that and midnight ?
- A Yes.
- Q How much ?
- A Two drinks.
- Q Is that all ?
- A Yes, I believe so.
- Q I want your best judgment and recollection of all you had until twelve o'clock at night ?
- A We had a bottle of wine for dinner.
- Q What after that did you have ?
- A One whiskey just before we left the house.
- Q You were all friends together ?
- A Yes, we were.
- Q State the first conversation you had with this defendant by any of your party in your presence ?
- A We had no conversation with the defendant except these words "What do you mean by saying that ?"
- Q Who said that ?
- A I myself.
- Q That was in response to a question put by him--what was said by him ?
- A " Shut up you sons of bitches"
- Q You had not said anything ?
- A Never spoke to the man in my life.
- Q He was a perfect stranger ?
- A Perfect.

(4)

- Q Thereupon he turned around and spoke to you ?
- A I walked up to the car; he was on the sleeper; the train was moving out when he mentioned these words. I walked up to the sleeper; I was about to get on---
- Q Were you going on to Boston ?
- A I was.
- Q Had you your ticket purchased ?
- A No, sir.
- Q That was a secondary idea then ?
- A Yes, when he called me those words.
- Q That conduced you to go to Boston ?
- A That conduced me to get on the train to find his name.
- Q You were on the train ?
- A I was on the platform, the platform of the railroad depot. I asked him what he meant by calling us those names. He jumped off the train and hit me across the head with that lantern; that was his response to my question.
- Q Had you not knocked his hat off ?
- A No, sir.
- Q And called him a son of a bitch ?
- A No, sir, never spoke to the man.
- Q Had not one of your party addressed insulting remarks to him ?
- A No, sir.

(5)

- Q How long have you been in New York city ?
- A About eleven years.
- Q Where did you originally come from ?
- A Reims, in France.
- Q Born there ?
- A No, sir, I am an irishman by birth.
- Q You say you didn't knock this man's hat off ?
- A No.
- Q Or one of your party ?
- A No.

By Mr Mitchell:-

- Q Will you please state what first occurred when you saw this defendant, what was the first remark he made to you ?
- A We were standing on the platform and the defendant shouted out "Why don't those cock sucking bastards get on the other side of the train" We didn't take any notice of that at all. We were not there for trouble.
- Q Then what occurred ?
- A Then the train was just moving out of the depot; we all took off our hats and said "Good by , old man, for he's a jolly good fellow." We shouted it out pretty loud. Then he shouted out as the train was moving out of the

POOR QUALITY
ORIGINAL

0051

(6)

depot "Shut up you sons of bitches" I went forward to ask him what he meant. He jumped off the train and hit me across the head with a lantern.

Q You stated you were going on to Boston, for what purpose did you get on the train ?

A I was going to get on the Boston train so as to get his name.

Q How many men were at dinner when you stated you had a bottle of champagne ?

A Six of us.

Q And six before ?

A Yes, sir.

(7)

H E C T O R B . S I N C L A I R, called for the
People, being duly sworn, testified as fol-
lows:-

By the Court:-

Q What is your business ?

A I am a salesman.

Q Where do you reside ?

A In Boston.

Q How old are you ?

A I am twenty six.

Q Will you state what you know about this difficulty be-
tween the complainant and the defendant, if you know
anything about it ?

Q We were all walking down the platform of the depot and
we had got to the car on which my brother was going
away and we were in conversation there until the train
has made a motion to move out of the depot. When my
brother got on the car it began gradually to move. I
heard the remark "Why don't those cock sucking bastards
get on the other side of the train" I didn't really
know who made that remark, but it was made by the man
who had a lantern in his hand. The train was gradually

(8)

moving out and leaving us. We didn't follow the train. When I heard somebody shout "Shut up you sons of bitches" in response to out "He's a jolly good fellow" Mr Cawley walked forward; none of us followed him. With that we saw the brakeman get off the train and hit him with the lamp and jump on the train again.

Q You mean the defendant ?

A Yes, sir.

Q Is that all you saw ?

A That is all I saw.

THOMAS EDMUNDS HENNING,
called for the People, being duly sworn, testified as follows;-

By the Court;-

Q What is your business ?

A I am in the street Railway Construction business. My home is in Buffalo. I am 21 years of age.

Q If you know anything about this difficulty between the

(9)

complainant and defendant, please let us know ?

A The first time I saw the defendant was about twelve o'clock Wednesday night; he was holding a lantern in his hand. The party was seeing a friend off and singing "He's a jolly good fellow" and the remark he made was "Why don't those cock sucking bastards get on the other side of the train. The train gradually pulled out. The defendant stood on the lower step and said "Shut up you sons of bitches" Mr Cawley being the last man walked partly back to remonstrate with the defendant for the remark he made, when he got off the train and struck Mr Cawley on the head with a lantern and got on again. That is all I know about it.

By Mr McManus:

Q That is all you seen of it ?

A Yes, sir.

Q You don't know what that remonstrance consisted of ?

A I couldn't hear what was said.

Q You could see everything that was done ?

A Yes, sir.

Q Did you see this defendant's hat knocked off ?

A No.

Q Did you see a hat lying down on the ground ?

A Mr Cawley's.

10

Q Nobody else's ?

A No, sir.

Q Don't you know as a matter of fact that the defendant's hat was knocked off and he went off without it ?

A No, sir.

Q He was in uniform was he not ?

A Yes, sir.

Q And connected with that train ?

A Yes, sir.

Q And there were four of you standing on the platform ?

A Yes, sir.

Q You started to sing "He's a jolly good fellow" not that the defendant, but your brother was ?

A Sinclair's brother.

Q Had you been drinking ?

A I never touched a drop of liquor in my life.

J O H N D. S U L L I V A N, called for the People,
being duly sworn, testified as follows; -

By the Court;

Q You are an officer attached to what Precinct ?

(11)

A 23d Sub Precinct.

Q Did you arrest the defendant ?

A Yes, sir, in the morning at seven o'clock.

Q What caused you to arrest him ?

A On the complaint of Mr Cawley.

Q At the time you made the arrest what was the condition of the complainant ?

A The complainant was sober as far as I could see. He had a cut on his forehead about one and a half inches long. At the time this thing occurred at midnight, the train had gone off on the train and got back at seven o'clock in the morning. I went with the complainant to the doctor's and had his head dressed and I arrested the defendant in the morning.

By Mr Mitchell;

Q What time was this complaint made to you ?

A About twelve o'clock.

(12)

J A M E S W. B O L T O N, the defendant,
called in his own behalf, being duly sworn, tes-
tified as follows:-

By Mr McManus;-

Q What is your business ?

A I am a brakeman of the New Haven Railroad.

Q You have been employed by them for about ten years ?

A Somewhere about that.

Q Do you recollect the night spoken of by the witnesses ?

A Yes, sir.

Q State what occurred ?

A I worked in the baggage room until five minutes before
leaving time of the train and I then walked down to the
train. I heard the parties 'hollering' when I was in-
side the baggage room. When I first met them they were
standing in the middle of the platform when one fellow
called me and I turned around and said "What is it?" and
he said "Balls" I seen they were out for fun and though
it was best to get away. I walked on as far as the coach
and left my red lantern and when I came down they were
standing there. When I came down I said "Are you people
going on this train?" and they said "None of your busi-

(13)

ness? What in hell is it to you" The train got in motion and one was calling to the other to give it to him and the first I knew I got a hit in the ear and I turned around to defend myself and threw up the lantern; with that I jumped on the train.

Q You had been struck by those men before you used your lantern at all ?

A Yes, sir.

A Did you use any of these remarks that they say you did ?

A No, sir.

Q Did you use any insulting language ?

A No, sir.

Q And there were four together ?

A There were only three after one man got on.

Q And you went on the train without your hat? Your cap was knocked off the complainant ?

A Yes, sir.

Q Is there anything further ?

A That is all I know about it.

Q That is the whole transaction ?

A Yes, sir, just as it occurred.

(14)

Q Have you ever been convicted of any crime or charged with any crime ?

A No, sir, this is the first time I ever was arrested.

By Mr Mitchell:

Q Didn't you state when you were first arrested in the 42d street Depot "That they have got me this time; I will get three years." ?

A No, sir; I stated to the officer that arrested me--when he took me in he said "Well, I didn't expect to find you here, but as you lived in Connecticut I thought you would stop there." I said "I suspected you were after me. I am right in my way; there is no use of running away; they will get me any way and that will make it worse" That is what I told the roundsman that arrested me. I said I didn't know what would become of me if I had got off the car.

Q Did you ever make a remark that you were handy with your dukes ?

A No, sir, I never mentioned that.

Q Have you never had any fights of any kind ?

A No, sir.

Q You have stated the complainant knocked off your hat, where were you when he knocked off your hat ?

A I was on the platform at the time.

(15)

13

- Q Was the train in motion ?
- A The train just started.
- Q And Mr Cawley came up to you and struck you ?
- A He was after following me down three cars from the coach.
- Q And then he ran at you, you having your lantern in your hand, tried to strike you and knocked your hat off ?
- A Yes, sir.
- Q What did you do then ?
- A I raised my light up, there was three of them; it was no swinging blow.

E L M E R E. K N A P P, called for the defence,
sworn, testified as follows;-

By the Court;-

- Q Where do you live ?
- A In Stamford, Connecticut.
- Q What is your business ?

(16)

A Engineer.

Q Where are you employed ?

A By the New York and New Haven Railway.

Q How old are you ?

A Thirty years.

Q Were you employed thereon the night of this difficulty ?

A Yes, sir

Q State what you know about it ?

A I was on the opposite train, on the opposite track and before the train started i heard i heard a hind of a "Hello" noise and I looked over that way; as the train went out I saw a man running opposite the train with his hand up.

Q Running after the train ?

A Yes, sir., the brakeman stood on the step of the car.

Q Do you know who the brakeman was ?

A I didn't know at the time.

By Mr McManus;-

Q You found out who that brakeman was ?

A Bolton.

Q And it was after that you heard a crash of breaking glass ?

A The train went out half a car or a car length, then I heard the crash.

(17)

- Q You say this man followed up the brakemen with his hand in the air before the crash occurred ?
- A Yes, sir.

C R O S S E X A M I N A T I O N

By Mr Mitchell;-

- Q Was that before or after the crash ? You stated you were on this car and saw a man running along the track with his hand up in the air ?
- A Running along the platform with his hand in the air.
- Q Then the brakeman at that time was on the car ?
- A Yes, on the step
- Q Did this man that was running have his hat on ?
- A I couldn't say.
- Q Didn't he have his hat off ?
- A I couldn't say that.
- Q You don't know whether he had his hat on or off ?
- A I don't know. After the train passed by I saw his hat was off.
- Q How far off was your train from the other ?

(18)

A About fifteen or twenty feet.

Q This crashing of glass which you heard, that took place just before you saw the man running with his hand in the air ?

A Just after.

Q You didn't see any blows ?

A No, sir.

By Mr McManus:

Q ~~XXXX~~ The other train was moving out ?

A Yes, sir.

Defendant's counsel moves for the discharge of
the prisoner.

Motion denied.

POOR QUALITY
ORIGINAL

0074

238

District Police Court.

Edmund Hogan

vs.

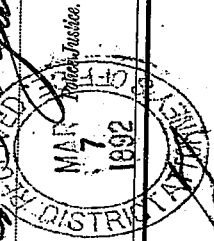
James Bolton

STENOGRAPHER'S TRANSCRIPT.

Feb 27 1892

BEFORE HON.

Edmund Hogan



James Bolton

Official Stenographer.

POOR QUALITY
ORIGINAL

0875

420

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 Bolton

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

James Bolton

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

The said *James Bolton*,

late of the City and County of New York, on the *Twenty Fifth* day of
February, in the year of our Lord one thousand eight hundred and
ninety-*Two*, at the City and County aforesaid, in and upon one

Frederick J. Randerf

in the peace of the said People then and there being, feloniously did wilfully and wrongfully
did make an assault; and the said *James Bolton*,

with a certain *lantern* which *he* the said

James Bolton

in *his* right hand — then and there had and held, the same being then and there
a weapon and an instrument likely to produce grievous bodily harm, *him*, the said

Frederick J. Randerf then and there feloniously did wilfully and
wrongfully strike, beat, bruise 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.

J. Sweeney Mill,

Attorney

0876

BOX:

470

FOLDER:

4314

DESCRIPTION:

Brennan, Charles

DATE:

03/16/92



4314

POOR QUALITY
ORIGINAL

0877

Witnesses:

Wm. Carson
Free Fingerherbese

Counsel,

Filed

16 day of *March* 189*2*

Pleads,

THE PEOPLE

vs.

Charles Brennan

[Second Degree,
Penal Code.]

[Sections 528, 531,
Grand Larceny,

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Penal for
W.B. Carl
157 Secto
Book pen
Gen. B

Wm. Carson
March 16/92
Free Fingerherbese
Wm. Carson
March 21/92

POOR QUALITY
ORIGINAL

0078

(1365)

Police Court— District.

Affidavit—Larceny.

City and County } ss.
of New York, }

of No. 439 East 19th Street, aged 52 years,
occupation Sawmill tender being duly sworn,
deposes and says, that on the 14th day of August 1891 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property, viz:

One horse, of the value of One
Hundred and Seventy-five Dollars

\$175⁰⁰/₁₀₀

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 Brennan (now here)
for the following reasons to wit:
Said defendant was employed, at said
time, by deponent as a driver. Deponent
was informed by one Frederick Jangerherschke
of 330 Avenue A, the stable-keeper from
whose stable at No. 507 East 19th Street,
said property was taken, that one of his
employees John Smith, by name, told said
Jangerherschke, Smith, saw this defendant
take said property from said premises.
Defendant disappeared after said date until
he was arrested by Officers Robinson and
Cray, of the Eighteenth Precinct Police
on Saturday March 5. 1892.

POOR QUALITY
ORIGINAL

00879

deponent is informed by said Officers, that
the said defendant admitted to them having
stolen said property. Therefore deponent
accuses the said defendants of the larceny
of said property and prays that he may
be dealt with according to law.

Subscribed and sworn to before me this }
7th day of March 1892 } Wm. H. Benson
John Ryan
Police Justice

POOR QUALITY
ORIGINAL

0000

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

4 District Police Court.

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

Question. What is your name?

Answer.

Charles Brennan

Question. How old are you?

Answer.

24 yrs.

Question. Where were you born?

Answer.

New York

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

Answer.

330 Ave "A" - 2 yrs

Question. What is your business or profession?

Answer.

Painter

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

Answer.

I am guilty

Taken before me this

day of

March 1912
John Ryan

Police Justice.

POOR QUALITY
ORIGINAL

00001

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, &c.,
ON THE COMPLAINT OF

William Chapman
437 E 19th St

Charles Brennan

Offense

Larceny

Dated, March 7 1892

Regan Magistrate.

Robert H. Regan, Officer.

18 Precinct.

Witnesses
William Chapman
No. 330 Ave A Street.

No. _____ Street _____

No. _____ Street _____

No. 1000 Street _____
to answer \$5.



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

Dated, March 7 1892 Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0002

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.

~~137~~ If this Subpoena is disobeyed, an attachment will immediately issue.

~~138~~ Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

431

Issued Pursuant to the
SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To

of No.

Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of **MARCH** 189¹⁰₂ at the hour of ¹⁰₁₁ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Charles Pearson
Dated at the City of New York, the first Monday of **MARCH**
in the year of our Lord 189¹⁰₂

DE LANCEY NICOLL, *District Attorney.*

POOR QUALITY
ORIGINAL

00003

157.3. are

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.

If ill when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

POOR QUALITY
ORIGINAL

0004

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

Charles Brennan

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

Charles Brennan

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

The said

Charles Brennan

late of the City of New York, in the County of New York aforesaid, on the *14th*
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 horse of the value of
one hundred and seventy-five
dollars*

of the goods, chattels and personal property of one

William Clarkson

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 Lazrey Nicoll,
District Attorney*

0885

BOX:

470

FOLDER:

4314

DESCRIPTION:

Brettner, Morris R.

DATE:

03/02/92



4314

POOR QUALITY
ORIGINAL

0006

338
Counsel,
Filed
Pleads,
day of
1892

THE PEOPLE
vs.
Morris R. Bretner
Misdemeanor,
Section 571, Penal Code

Dep't 64
DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Henry D. Garrison
Foreman.

April 5. 1892
disch arged on his
verbal recognizance

Henry Kaiser

The complainant
files heretofore a statement
that full satisfaction
has been rendered
him and under Sec
664 of Criminal Code
he prays the Court
for an order permitting
the dist to be discharged
which I recommend
and concur in

Wendell G.
Ant. West
April 5
1892

No. 3531

MORTGAGE ON GOODS AND CHATTELS.

To all to whom these presents shall come: KNOW YE,

THAT I *Morris P. Bretner* of the County of *New York* and State of *New York* in the City of *New York* County and State of *New York*, party of the first part, for securing the payment of the money hereinafter mentioned and in consideration of the sum of one dollar to me duly paid by *DREISACKER & CO.*, of No. 2287 Third Avenue, in the City, County and State of *New York*, party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged have bargained and sold, and by these presents do grant, bargain and sell unto the said party of the second part all those certain goods, wares and merchandise, consisting of the following articles to wit:

One (1) *Bureau* *Parlor Suite* Consisting of
Expenses viz
One (1) *Settee* *ette* One *Divan* Chair One *Arm* Chair
One *Corner* Chair One *Side* Chair
Twenty Eight $\frac{1}{4}$ (28 $\frac{1}{4}$) *yards* #4002 *Victrol* Carpet
Twenty *one* (21) *yards* *Attach* *Lining*
One (1) *Cherry* *finish* *frame* *glass* *sign* 12×20
Twenty *one* $\frac{1}{2}$ (21 $\frac{1}{2}$) *yards* #284 *Oil* *Cloth*
Two (2) *Rush* *seiders*
One (1) *Walnut* *finish* #60 *Side* *Board*
Two (2) *Window* *Tables*
One (1) *Dayton* *Corner* *Stand*
One (1) #9 *Sam* *Range* *1* *joint* *stove* *type* *one* *clean*
One (1) *Steel* *1* *Ornament*
One (1) *Smoking* *Table*
One (1) #534 *Barby* *Carrage*

and now or soon to be, in possession of the said party of the first part at his residence as aforesaid and being the same recently purchased of the said DREISACKER & CO. TO HAVE AND TO HOLD all and singular the goods and chattels above bargained and sold, or intended so to be unto the said party of the second part, forever. AND I, the said party of the first part, all and singular of the said goods and chattels above bargained and sold unto the said party of the second part against myself, the said party of the first part and against all and every person or persons whomsoever, shall and will warrant and forever defend:

UPON CONDITION, that if I, the said party of the first part shall and do well and truly pay unto the said party of the second part, without demand or notice, at their office, No. 2287 Third Avenue, aforesaid,

sum of *Four Hundred and Twenty five* $\frac{97}{100}$ dollars, payable as follows:

and *Five* *Dollars* on *Delivery* *of* *goods* $\frac{22}{100}$ dollars on signing these present

and *Five* *Dollars* on *Delivery* *of* *goods* $\frac{22}{100}$ dollars payable thereafter *Monthly*

on the 2nd day of each and every month
Commencing the 2nd day of April 1891

until the whole sum is paid then these presents shall be void. AND I, the said party of the first part, do covenant and agree to and with the said party of the second part, that in case default shall be made in the payment of the said sum above mentioned, or any part thereof, or if either or any of the installments thereof, or in case any attempt shall be made to remove or secrete or sell or dispose of the said goods, or any part thereof from said house without the written consent of the said DREISACKER & CO., first obtained therefor, then the whole amount expressed in this Mortgage (less the amount already paid) shall become due and payable at once, without demand, and if not so paid then it shall and may be lawful for, and I, the said party of the first part, do hereby authorize and empower the said party of the second part their agent or attorney, with the aid and assistance of any person or persons whomsoever, to enter my said dwelling house, store or other premises, and such other place or places as the said goods or chattels are or may be placed, and take and carry away the said goods and chattels, and to sell and dispose of the same at public or private sale for the best price they can obtain: and out of the money arising therefrom to retain and pay any and all sums due on the above goods and chattels, and all charges touching the same, rendering the surplus (if any) unto me. AND I, the said party of the first part do further covenant and agree to and with the said party of the second part, that they, their agent or attorney, with the aid and assistance of any persons whatever, may at any time, whether any installments may be due or not, enter my said house or said premises where said property may be stored and take away the said goods and chattels, and convert the same to their own use and benefit, anything in this mortgage to the contrary notwithstanding, in which latter case however, they shall return to me all moneys paid on such goods, less a reasonable amount for cartage and wear and tear and damage to the same. AND until default to be made in the payment of the said sum of money, or any or either of the said installments, or until any attempt be made to remove, secrete, sell or dispose of said goods or until said party of the second part shall elect to take and remove said goods as above provided for I am to remain and continue in the quiet and peaceable possession of the said goods and chattels, and the full and free enjoyment of the same. It is mutually agreed between the parties to these presents, that the same shall be binding on themselves and their legal representatives.

IN WITNESS WHEREOF, I, the said party of the first part, have hereunto set my hand and seal, the 9 day of *March* one thousand eight hundred and *Ninety one*

Signat *Sealed and delivered in presence of*
J. P. Mathews *Ch. R. Proctor*

POOR QUALITY
ORIGINAL

0000

the Mortgages within named,
do certify and state that there remains due and unpaid on the mortgage, of which the foregoing is a true
copy,

and this copy and statement are filed to continue the notice required by the statute made and provided for
the renewal of chattel mortgages.

Dated this day of A. D. 18.....

Last payment
June 2/91

Balance 299.97

Morris R. Brettn
of No. 1064 Ave B
In the City of New York
To
DREISACKER & CO.

Dated March 9th 1891
Filed March 12 10:32 am 1891

MORTGAGE.
Renewed Feb 8 9:00 am 1892

POOR QUALITY
ORIGINAL

0889

Police Court, 5 District.

City and County } ss.
of New York,

of No. 113 E. 112th St. Otto Henschel
Street, aged 52 years,
occupation Furniture Dealer being duly sworn, deposes and says,
that on the 15th day of June 1891, at the City of New
York, in the County of New York,

Morris R. Brettman alias Lafayette
did unlawfully sell a quantity of
personal property consisting of household
furniture. on which he had theretofore
executed a mortgage. and while
said mortgage was still a lien
upon said property with the intent
to defraud the mortgage. in violation
of section 591. of the Penal Code of
the state of New York.
deponent further says that on the
9th day of March. 1891. the said
defendant purchased a quantity of
household furniture. from the firm
of Dreisacker & Co of which firm deponent
is the manager. amounting to the sum
of four hundred and twenty five \$275.00
dollars. and paid the sum of eighty
five dollars. as a first installment.
and executed the mortgage thereto
annexed. a copy of which was duly
filed in the Registers office of the
City and County of New York. as
security for the payment of the
balance of the amount of said
furniture. and while said mortgage
was still a lien on said property he
the defendant sold said property at
auction.

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

Sworn to before me } Otto Henschel
this 16th day of July 1892 } J. H. [Signature]

POOR QUALITY
ORIGINAL

0090

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY { ss:
OF NEW YORK,

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

Question. What is your name?

Answer. *Morris R. Brettner*

Question. How old are you?

Answer. *21 yrs.*

Question. Where were you born?

Answer. *Hungary*

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

Answer. *349 E. 85 St - Cnchs.*

Question. What is your business or profession?

Answer. *Diamond Setter*

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 have nothing to say.
and demand a trial
by Jury.*

Morris R. Brettner

Taken before me this

day of *July* 189*8*

W. H. McCall
Police Justice.

POOR QUALITY
ORIGINAL

0091

Sec. 151.

Police Court 5 District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Otto Kenschel of No. 117 E. 112th Street, that on the 15th day of June 1897 at the City of New York, in the County of New York, (

Morris R. Lethman alias Lafayette.
Did and lawfully sell a quantity of personal property, consisting of household furniture, in which he had theretofore executed a mortgage, and while said mortgage was still in force upon said property with the intent thereby to defraud the mortgagee

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

These are, therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 5th DISTRICT POLICE COURT in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 16 day of July 1897

M. J. Smith Police Justice.

POOR QUALITY
ORIGINAL

0892

Police Court.....District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated.....189

Magistrate.

Dwyer Officer.

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

John Dwyer Officer.

Dated *February 22* 1892

This Warrant may be executed on Sunday or at
night.

William J. ... Police Justice.

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

Dated.....189

Police Justice.

David P. Bectwell 21. *Henry ...*

The within named

POOR QUALITY
ORIGINAL

0894

ZZZZZZZZZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ

People of the State of New York

-vs-

Morris R. Brettner.

ZZZZZZZZZZZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ ZZ

City and County of New York, ss:

Otto Henshel being duly sworn deposes and says, that he is connected with the firm of Dreisacker & Co., which firm is composed of John Dreisacker and Martha Henshel, and that the said Martha Henshel is the wife of deponent who represents her interests in said firm; that on the 16th day of February 1892, he made an affidavit before Police Justice Charles Welde, and upon which a warrant was issued against the defendant Morris R. Brettner, upon the charge of a misdemeanor in having unlawfully sold house-hold furniture which had been mortgage by Dreisacker & Co., and appropriating the proceeds thereof to his own use. That on the 9th day of March 1892 an indictment was found by the Grand Jury against the said Morris R. Brettner; that since the said indictment the said defendant has been incarcerated in the City prison and is still so incarcerated pending the trial under the said indictment; that said defendant has made restitution to deponent's firm and in view of such restitution and the fact of the previous good character of the said defendant, so far as deponent could ascertain, he is desirous on behalf of the firm of Dreisacker & Co., of discontinuing these proceedings and having the prisoner discharged with the approval and

POOR QUALITY
ORIGINAL

0095

consent of the District Attorney.

Sworn to before me this

1st day of April 1892.

Otto Kenschke

JAMES M. W. H. H. H.
Notary Public
N.Y.C.

POOR QUALITY
ORIGINAL

0096

Court.

People of the State of New York

Plaintiff

against

Morris R. Cantor

Defendant

Appellant

GEORGE W. GALINGER,

Attorney for

Office and P. O. Address: 7 BEEKMAN ST.,

TEMPLE COURT.

NEW YORK CITY.

POOR QUALITY
ORIGINAL

0897

Grand Jury Room.

PEOPLE

vs.

County of Suffolk

*Has any day been
fixed for this case +
if not otherwise directed, please
put it on calendar of
Court for April 10th*

April 10/92

*W. L. ...
Jest*

Dec. 664

People of the State of New York

Moritz R. Bretner.

To the District Attorney of the City and County
of New York.

The defendant in the above entitled action, having been indicted for a misdemeanor at our request, and having since said indictment been incarcerated in the City prison for a period of upwards of five weeks, and having made restitution, we hereby

Dated New York, March 31, 1892.

Freisacker st

POOR QUALITY
ORIGINAL

0899

(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

Morris A. Brettner

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

indictment, accuse *Morris A. Brettner*

of the crime of *fraudulently disposing of*
mortgaged personal property.
committed as follows:

The said *Morris A. Brettner,*

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

did duly execute a certain mortgage of personal
property whereby he granted, bargained and
sold to John Dreisacker and Martha Mandel,
co-partners then and there carrying on business

POOR QUALITY
ORIGINAL

0900

By the name and style of Dreisacker and
Company One side of quarter of quarter,
Twenty eight and one quarter rods of land, twenty
one rods of corner line, one minor, twenty one
and one half rods of solid, two windows, one
side board, two window sills, one corner board,
one range, one door and ornament, one painting
table and one baby-carriage, upon certain conditions
in the said mortgage duly set forth and expressed.

And afterwards, to wit: on the 25th day
of June, in the year aforesaid, the said
mortgage then being a lien upon the said
personal property, the said Morris B. Brethun,
of the City and County aforesaid, did
unlawfully sell and dispose of the said
personal property, with intent thereby to
defraud the said John Dreisacker and
Martha Wendel, said mortgagees as
aforesaid, against the form of the
Statute in such case made and
provided, and against the peace of the

POOR QUALITY
ORIGINAL

0901

People of the State of New York, and
their agents

Debraugh Newell,

District attorney

0902

BOX:

470

FOLDER:

4314

DESCRIPTION:

Brown, John

DATE:

03/08/92



4314

POOR QUALITY
ORIGINAL

0903

Witnesses:

Dr. Geo

Mr. Patrick - 31 P.

Counsel,

Filed

189

Pleads,

THE PEOPLE

vs.

John Brown

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John W. Felt

Foreman.

John W. Felt

Therese A. G. G. G. G.

147 10 11 5 P

POOR QUALITY
ORIGINAL

0904

Police Court—

5th

District.

(1385)

Affidavit—Larceny.

City and County } ss.
of New York, }

Mrs Dora Rees

of No. 228 West 124th

Street, aged 23 years,

occupation Kept House

being duly sworn,

deposes and says, that on the 29th day of February 1892 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession &
person of deponent, in the day time, the following property, viz:

A Pocket Book containing good and lawful
moneys to the amount and of the value of Ten
Dollars and about sixty seven cents in change
Two 10c and a number of Tickets all of the
value of Ten Dollars and 60^{cts} dollars

Sworn to before me, this 1st day
of March 1892

the property of

Deponent and her husband Benjamin F. Rees

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen
and carried away by John Brown (now here) and two other young
colored men not arrested from the following facts to-wit:
That on said day at about 4.15 o'clock P.M. deponent was
walking down River Avenue on the East side when she
was accosted by said defendant and the other two men
mentioned aforesaid when one of said defendants knocked
deponent's hat over her forehead, then he said John
Brown struck her on the hands which contained
said Pocket Book, knocking the Pocket Book from her hands
on to the sidewalk, and then one of said defendants
picked up the Pocket Book containing said moneys
and other property, and ran away with it. Deponent
therefore charged the said John Brown and the two
unknown with feloniously taking and stealing said
property from her person and she asks that they be dealt
with according to law. Deponent further says that she ran after
the defendants and caught the one of them said Brown and that she did not lose
sight of him said Brown.

Mrs. Dora Rees

POOR QUALITY
ORIGINAL

0905

Sec. 198-200.

5th

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

John Brown

being duly examined before the under-
signed according to law, on the annexed charge, and being informed that it is *his* right to
make a statement in relation to the charge against *him*; that the statement is designed to
enable *him* if he sees 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 Brown

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

Virginia

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

Answer.

239 East 93rd Street. 2 years

Question. What is your business or profession?

Answer.

House work

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

Answer.

*I am not guilty. I was walking behind
the Perms that did it.*

John Brown

Taken before me this

1st

day of *March* 1892

John Brown
Police Justice

POOR QUALITY
ORIGINAL

0906

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

Police Court--

261

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Brown

228 W 127 St

John Brown

Office _____

Date

March 1 1892

Residence

Male Magistrate.

No. 1, by

John Robert Officer.

Residence

31st Precinct.

Witnesses

Matthew

No. 4, by

196 Leonard St Street.

Residence _____ Street _____

No. _____

Street.

No. _____

Street.

\$ _____

500 to insure.



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

John Brown

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 *March 1* 1892 *Matthew* 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

0907

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

523

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Brown

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

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

The said

John Brown
late of the City of New York in the County of New York aforesaid, on the *29th* day of
February in the year of our Lord one thousand eight hundred and ninety-*two*
at the City and County aforesaid, with force and arms, in the *day* — time of said day,
divers promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *ten*

No. 65
dollars; divers other promissory notes for the payment of money, being then and there due and un-
satisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *ten*

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

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

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of
the value of *ten dollars and sixty-seven*

cents, two keys of the value of
ten cents each, and five pieces of
paper of the value of one cent each piece;

of the goods, chattels and personal property of one *Dora Rees* on the person
of the said *Dora Rees*, then and there being found,
from the person of the said *Dora Rees*
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.

0908

BOX:

470

FOLDER:

4314

DESCRIPTION:

Brown, Joseph

DATE:

03/30/92



4314

POOR QUALITY
ORIGINAL

0909

Witnesses:

James Gaffney
H. Griffin 4P

Counsel,

Filed 30 day of March 1892

Pleads,

THE PEOPLE

36 vs. 1st

vs. 1st

Joseph Brown

N.D.

Grand Larceny, [Sections 528, 551]
Second Degree. Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Henry S. S. S.

Foreman.

Part 3. April 4/92
People Petition Larceny
Remedy P.B.M.

POOR QUALITY
ORIGINAL

09 10

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, / DISTRICT.

of No. 24th Precinct Street, aged 37 years,
occupation Police man being duly sworn deposes and says,
that on the _____ day of _____ 188

James Gaffney
now here is a material witness against
Joseph Brown charged with Larceny from
the person. As defendant has cause to fear
that the said Gaffney will not appear in
Court to testify when wanted he prays that
he be committed to the House of Detention
as a witness in default of One Hundred
Dollars bail.

Jeremiah Griffin

Sworn to before me, this _____ day

of March 1887

27 day

W. J. Kelly
Police Justice

POOR QUALITY
ORIGINAL

0911

Police Court, _____ District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Jeremiah Griffin

vs.

James Griffin

AFFIDAVIT.

House of Detention

Dated *March 27* 18*97*

Duffy Magistrate.

Griffin Officer.

Witness, _____

Disposition, _____

POOR QUALITY
ORIGINAL

0912

Police Court

District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. Rickland Mass. James Gaffney
Street, aged 37 years,
occupation Plumber being duly sworn,

deposes and says, that on the 26 day of March 1892 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 daytime, the following property, viz:

About
Seven dollars good and lawful money
of the United States of the value of
About Seven dollars

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by from his person Joseph Brown (now here)
for the reason that on said date deponent was
in the company of the defendant in a street
the name of which is unknown to deponent.
Deponent had the above described money in his
pant pocket, the defendant inserted his hand
in deponent's pocket took the said money and
ran away with the same. Deponent is informed by
Officer Jeremiah Griffin of the 4th Precinct that after
he had arrested the said Brown he asked the said
Brown to give him what he had taken from the
deponent, the defendant Brown then handed the said
Griffin Seven dollars. Wherefore deponent charges
the said Brown with Larceny from the person and
prays that he be held to answer.

J. E. Gaffney

Sworn to before me, this 27 day of March 1892

Police Justice.

POOR QUALITY
ORIGINAL

0913

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

aged 37 years, occupation Jeremiah Griffin
14th Precinct Policeman of No. _____
Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of James Gaffney
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 27
day of March 1892

Jeremiah Griffin
James Gaffney
Police Justice.

POOR QUALITY
ORIGINAL

09 14

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

182
District Police Court.

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

Question. What is your name?

Answer.

Joseph Brown

Question. How old are you?

Answer.

40 years

Question. Where were you born?

Answer.

New York city

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

Answer.

East 125 St. 2 weeks

Question. What is your business or profession?

Answer.

Ship Cook

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 Brown

Taken before me this
day of May 1914

Police Justice.

POOR QUALITY
ORIGINAL

0915

Police Court---

District.

350

THE PEOPLE, &c.,
ON THE COMPLAINT OF

HOUSE OF DETENTION CASE.

James Murphy
Jack Brown

BAILED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Dated,

March 27

1892

Magistrate.

W. J. Murphy
James and others

4

Precinct.

WITNESSES

James Murphy
4-45

No.

Street.

Offenders 44 Precinct
Amplewood Chemical Co.

No.

Street.

House of Detention 100, and

No.

Street.

1000



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

Defendant

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

Dated, *March 27* 1892 *[Signature]* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

POOR QUALITY
ORIGINAL

0916

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

523

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Brown

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

Joseph Brown

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

The said

Joseph Brown

7.00 late of the City of New York in the County of New York aforesaid, on the *36th* day of
March in the year of our Lord one thousand eight hundred and ninety-*two*
at the City and County aforesaid, with force and arms, in the *day* - time of said day,
divers promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *seven*

dollars; divers other promissory notes for the payment of money, being then and there due and un-
satisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *seven*

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

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

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

of the goods, chattels and personal property of one *James E. Gaffney*, on the
person of the said *James E. Gaffney*, then and there being found,
from the person of the said *James E. Gaffney*,
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.

09 17

BOX:

470

FOLDER:

4314

DESCRIPTION:

Brown, Morris

DATE:

03/31/92



4314

POOR QUALITY
ORIGINAL

0918

Counsel,

Filed

189

Pleas,

THE PEOPLE

vs.

Autbor

Morris Brown

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Part 3. April 4/92

Reads Attach-ment

Almida Ref. 8

April 8/92

Ref. B.M.

Witness:

James Morrison

[Section 498, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

POOR QUALITY
ORIGINAL

0919

Police Court— District.

City and County } ss.:
of New York,

as Joseph Howard James Morrison (Known
of No. 92 Bowry Palua House) Street, aged 22 years,
occupation Printer being duly sworn

deposes and says, that the premises No. 92 Bowry Street, 14th Ward
in the City and County aforesaid the said being a dwelling

and which was occupied by deponent as a dwelling

~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly opening the door
of room 407 in said Palua House
by means of a skeleton key or pick
lock

on the 7th day of March 1892 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

One over coat, One watch and chain
one finger ring, under wear, valise
together of the value of Fifty dollars

the property of Depunt

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

Morris Brown

for the reasons following, to wit:

That on said date at about
the hour of 7 am deponent seemingly
locked said room containing said
property and subsequently was
informed by Clerk Samuel Hunt of
said Hotel that he saw in the possession
of said Brown a watch and chain
which deponent has since seen
and fully identifies as a portion

POOR QUALITY
ORIGINAL

0920

of the property taken from his room.
Dependent further says that said
Thorn had confessed in the presence
of witnesses that he committed said
offense and that he after arrest
assisted dependent in recovering the
rest of said stolen property.

Sworn to before me
this 5th day of March 1894

James
Morrison

W. M. M. M.

Police Justice

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

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

Offense—BURGLARY.

vs.

1
2
3
4

Date

188

Magistrate.

Officer.

Clerk.

Witness.

No.

Street.

No.

Street.

No.

Street.

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0921

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

Morris Brown being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *h* right to
make a statement in relation to the charge against *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 *h* waiver cannot be used
against *him* on the trial.

Question. What is your name?

Answer. *Morris Brown*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *N.Y.*

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

Answer. *None*

Question. What is your business or profession?

Answer. *Shoe Cutter*

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*
Morris Brown

Taken before me this

James H. H. H.
1892

Police Justice.

POOR QUALITY
ORIGINAL

0922

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, etc.,
ON THE COMPLAINT OF

James McLaughlin
93 Broadway, New York
66 Broadway, New York
Morris Johnson

Dated _____

March 14
1892

C. McLaughlin
Magistrate.

Hogan & Joyce
Officer.

10
Precinct.

Witnesses: *Samuel Stuart*

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____



2500
to answer *R.S.*

Committed

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 *Twenty 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, *March 14* 1892 *D. McLaughlin* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0923

JAMES SHEEHY,
Publisher,

W. A. COURTENAY, Manager.

No. 30 NORTH FIFTH ST.

Philadelphia, 188

Whom it may Concern

Martin A. Brown has been in
the employ of above firm
for past three years
and during that time
always conducted himself
with honesty & propriety -
Can safely recommend
him to any person needing
his services

W. A. Courtney
Mch. 10/84

POOR QUALITY
ORIGINAL

0924

Joe Sheehy
84 Murray St

619 0424

POOR QUALITY
ORIGINAL

0925

Philadelphia

March 21 92

To whom it may concern
The
bearer Mr Martin Brown
has worked for me
2 years and can only
say that he is a first class
loyal man in every respect
and knows the business
from beginning to end
he is honest reliable
and willing and
would make a good
man for anyone

Respectfully

Harry Edwards.
136 N. 13th St
Philadelphia

POOR QUALITY
ORIGINAL

0926

State of Pennsylvania
County of Philadelphia S P

Personally appeared before me, Geo
Mills who being duly sworn according
to law doth depose and say that
the key sent to Morris Brown at
New York City is a key to this deponent
house in Philadelphia no 1225 ~~th~~ Grayden
St - said key is a brass dead latch
key is $3\frac{1}{2}$ inches long with two holes
in top

Sworn & Subscribed
to before me this
21st day of March
ad 1892

Joseph H. Conant
Notary Public

George Mills

POOR QUALITY
ORIGINAL

0927

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Samuel Hunt,
aged *32* years, occupation *Clerk Palmyra House* of No.
92 Bowens Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *James Morrison*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this

day of

March 189*7* *S Hunt*

Wm. M. M. M.

Police Justice.

POOR QUALITY
ORIGINAL

0928

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

Morris Brown

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

Morris Brown

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

The said

Morris Brown

late of the *14th* Ward of the City of New York, in the County of New York aforesaid, on the
seventh day of *March* in the year of our Lord one
thousand eight hundred and ninety-*two*, with force and arms, in the *day*-time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Isaac W. Turner

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 one~~
James Morrison 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.

POOR QUALITY
ORIGINAL

0929

SECOND COUNT—

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

Morris Brown

of the CRIME OF *Grand LARCENY* in the second degree, committed as follows:

The said

Morris Brown

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,

*one overcoat of the value of
fifteen dollars, one watch of the
value of fifteen dollars, one
chain of the value of ten dollars,
one finger ring of the value of
ten dollars, and divers articles
of wearing apparel of a number
and description to the Grand Jury
aforesaid unknown, of the value
of ten dollars, and one valise
of the value of two dollars,*

of the goods, chattels and personal property of one

James Morrison

in the dwelling house of the said

Isaac W. Turner

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 McCall
District Attorney

0930

BOX:

470

FOLDER:

4314

DESCRIPTION:

Burke, Thomas

DATE:

03/31/92



4314

POOR QUALITY
ORIGINAL

0931

Witnesses:

Thomas Heraghty

Left Court May 2/93
P.M.

Counsel,

Filed

Pleads

31 day of

March 1892

THE PEOPLE

vs.

Thomas Burke

[Section 498, c. 2 c. 1, s. 1]
Burglary in the Third Degree

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Attest

Foreman.

Post 3. April 4/92-
Pleads Burg. 3d deg.
Sentence suspended
May 5/893.
May 31/93 P.M.

POOR QUALITY
ORIGINAL

0932

Police Court— 3 District.

City and County { ss.:
of New York,

of No. 37 Hamilton Street, aged 39 years,
occupation Laborer being duly sworn

deposes and says, that the premises No. 37 Hamilton Street, 7th Ward
in the City and County aforesaid the said being a dwelling house
a room on the first floor of
and which was occupied by deponent as a dwelling
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly opening the
door leading to said room with the
aid of false or imitation keys

on the 12th day of March 1892 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A clock, a flut, a pair of sleeve
buttons and several pawn tickets
all of the value of Three 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
Thomas Burke (now here)

for the reasons following, to wit: that deponent securely
locked and fastened the door
leading into said room, and said
property was therein. Deponent found
that said room had been entered and
said property was carried away.
The defendant is a co-tenant. His
said premises and deponent suspected
the defendant and caused his arrest

POOR QUALITY
ORIGINAL

0933

and saw him searched by Officer
Haggerty who found a silver button
upon his person which deponent
identified as his property which was
stolen in the manner aforesaid
Sworn to before me
this 17th March, 1893 Thomas Haggerty
Police Justice

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

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

vs.

1.
2.
3.
4.

Office—BURGLARY.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses.

No. Street.

No. Street.

No. Street.

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0934

Sec. 198-200

CITY AND COUNTY } ss.
OF NEW YORK }

3 District Police Court.

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

Question. What is your name.

Answer.

Thomas Burke

Question. How old are you?

Answer.

16 years

Question. Where were you born?

Answer.

New York

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

Answer.

37 E. Hamilton St. 3 years

Question. What is your business or profession?

Answer.

Errand boy

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

Thomas Burke

Taken before me this
day of *March* 189*2*

Police Justice.

J. H. [Signature]

0935

District

2nd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

THE PEOPLE, &c.,
ON THE COMPLAINT OF
MOMMA - I can do it
normal - I can do it
normal - I can do it

Offence 73

Dated

March 17th 1892

.....

Magistrate.

Officer.

.....Precinct.

MA
SIC
CE

1897

NO, ...

Street.

१७०

to answer

My

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

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

Dated June 11 1882 John W. Smith Police Justice.

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

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

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

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

POOR QUALITY
ORIGINAL

0936

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

Thomas Burke

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

Thomas Burke

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

The said

Thomas Burke

late of the *Seventh* Ward of the City of New York, in the County of New York aforesaid, on the
twelfth day of *March* in the year of our Lord one
thousand eight hundred and ninety-*two*, with force and arms, in the *day* time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Thomas Heraghty

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 *Thomas*
Heraghty 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.

POOR QUALITY
ORIGINAL

0937

SECOND COUNT—

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

Thomas Burke

of the CRIME OF *Petty* LARCENY

committed as follows:

The said

Thomas Burke

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,

*one clock of the value of one
dollar, one flute of the value
of one dollar, two sleeve buttons
of the value of twenty-five
cents each, and five pawn tickets
of the value of fifty cents each*

of the goods, chattels and personal property of one

Thomas Heraghty

in the dwelling house of the said

Thomas Heraghty

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*

0939

**END OF
BOX**