

00 16

BOX:

460

FOLDER:

4221

DESCRIPTION:

Ayers, John

DATE:

12/23/97



4221

0017

Witnesses:

Wm. B. Parkley

Counsel,

Filed, *20* day of *Dec* 189*1*

Pleaded *Not guilty*

THE PEOPLE

vs.

B

John Ayers

VIOLATION OF EXCISE LAW.
(Selling to Minor.)
[Section 290, Penal Code, sub. 8.]

DE LANCEY NICOLL,

Feb. 25, 1892. W. M. District Attorney.

*Complaint sent to the Court
of Special Sessions.*

Part III, ... 1892.
A TRUE BILL.

Emmanuel W. Dorroughdale

Foreman,

Jan 18th Part I

W. B.

Part II Feb. 18th

W. B.

00 18

457

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Ayers

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

John Ayers

of a MISDEMEANOR, committed as follows:

The said

John Ayers

late of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *December* in the year of our Lord one thousand eight hundred and ninety *one*, at the City and County aforesaid, certain strong and spirituous liquors, and certain wine, ale and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, and cause and procure and permit to be sold to one *David Darcy* who was then and there a child actually and apparently under the age of sixteen years, to wit: of the age of *nine* years, 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.

00 19

BOX:

460

FOLDER:

4222

DESCRIPTION:

Barker, Harry

DATE:

12/11/91



4222

0020

Witnesses:

Off Rife

*On all the facts
before I feel
that the discharge
of this debt on his
own recognizance
will be proper and
I do recommend
the same*

*W. H. Hopkinson
Dec 21/91 D. A. Dist. Ct.*

Counsel,

Filed

day of

189

Pleas,

Myself, etc.

THE PEOPLE

vs.

Harry Barker

Grand Larceny *Sec 528, 537*
[Sections 528, 537, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

*Dec 21/91
Phil DeLoach*

A True Bill.

Emmanuel W. Spooner

Foreman.

72

1516

Court of
General Sessions

The People
vs
Harry Barker

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23D STREET,

New York, Dec 9th 1891

CASE NO. 61236 OFFICER Moore
DATE OF ARREST Dec 4th 1891
CHARGE Grand Larceny

AGE OF CHILD 14 years
RELIGION Catholic
FATHER Louis (dead)
MOTHER Mary
RESIDENCE 161st Kensington Ave

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

Society has no record of boy ever having been arrested before. His mother and step-father are travelling with a theatrical company, and in their absence boy is cared for by his sister Gertrude age 18 years who is complainant in case.

Family occupy a comfortable flat, and bear an excellent character. Nothing known of boy in neighborhood.

All which is respectfully submitted.

E. Hollows Secretary
Supt

To The District Atty.

*Court of
General Sessions*

The People

vs.

Harry Barker

Grand Larceny

PENAL CODE, "

Report of the New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. GERRY,

President, &c.,

100 East 23d Street,

NEW YORK CITY.

0023

(1895)

Police Court—

District.

Affidavit—Larceny.

City and County } ss.
of New York,

Gertrude Barker
 of No. *1639 Lexington Avenue* Street, aged *18* years,
 occupation *None* being duly sworn,
 deposes and says, that on the *21st* day of *November* 189*1*, at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the *day* time, the following property, viz:

*one Gold Watch of the Value
 of Forty dollars.*

*the property of in the care and charge 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 *Harry Barker, John
 Morris (both known)* from the
 fact that on said date deponent
 missed said property from
 said premises, that on or about
 the ~~said~~ *2nd* day of *December* 189*1*,
 the said *Harry Barker* admitted
 and confessed to deponent, that
 he did take and carry away said
 property from deponent's possession and
 inform deponent that he did give
 said property to the said *Morris*
 to pawn. Deponent further says
 that the said *Morris* admitted and
 confessed in deponent's presence that

of
 sworn to before me this
 189*1*
 Police Justice.

0024

He did receive ~~that~~ the suit property
from the said Harry Russell. and
that he did dispose of said property.

I now depose me & Edward Barker
this 1st day of December 1934

Edward Barker
Police Justice

0025

(1985)

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court

Harry Barker 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 Barker*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York.*

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

Answer. *1639 Lexington Avenue*

Question. What is your business or profession?

Answer. *None*Question. Give any explanation you may think proper of the circumstances appearing in the testimony
against you, and state any facts which you think will tend to your exculpation?Answer. *I am guilty of the charge*
I gave the Watch to John Morris
to pawn and after he had pawned
the watch Morris gave me one dollar
in the pocket. Morris knew that
*the watch was stolen property.**Harry Barker*

Taken before me this

day of *March* 1891*John J. ...*
Justice

0026

(1885)

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court

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

Question. What is your name?

Answer. *John Murks*

Question. How old are you?

Answer. *42 Years.*

Question. Where were you born?

Answer. *New York City.*

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

Answer. *153 East 106 St. 6 Months*

Question. What is your business or profession?

Answer. *Engineer*

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

Answer. *I am not guilty*
John Murks.

Taken before me this

5th

day of *August* 1891

Charles
Police Justice.

0027

CITY AND COUNTY } ss.
OF NEW YORK. }

POLICE COURT,

DISTRICT.

of No. 1639 Lexington Ave Street, aged 18 years,occupation Housekeeper being duly sworn, deposes and saysthat on the 21 day of November 1894at the City of New York, in the County of New York deponent has

cause to suspect that her brother
 Harry Barker stole and
 carried away from her premises
 a valuable gold cased watch
 for the reason that at the time
 the watch was missed and
 subsequently said Barker
 confessed to having taken it
 and pawned it. Deponent asks
 that he be detained for further
 evidence

Gertrude Barker

Sworn to before me, this

1894

day

of

1894

John J. McLaughlin
 Police Justice

0028

103
Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Harry Parker
13. Dec. 1839. Replevin

Dated

189

Dec 14
Meade Magistrate.

Kuiper Officer.

Witness,

Disposition

100 & 1 Dec 15-9. 30 am

0029

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 Clement

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

Dated Dec 9th 1889 W. C. McNamee Police Justice

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

Dated Dec 9th 1889 W. C. McNamee Police Justice.

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

Dated _____ 188 _____ Police Justice.

0030

BAILED.

No. 1, by Henry L. Meyer
Residence 1641 Lexington Ave Street.
No. 2, by Wm. A. Jones
Residence 1938 30th Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

103 Police Court District. 1516

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Gertrude Barker
Harry Barker
John Morris
8
4 Separate Indictments

Dated December 1 1938

Meade Magistrate
Thomas Reefer Officer.

Witnesses Thomas Reefer
No. 27 Freeman Street.

C. F. Moore
No. 100 E. Street.

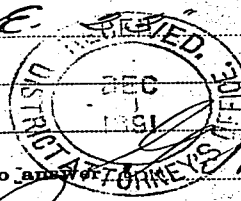
No. _____ Street.

\$ 1000 to attorney

Wm. A. Jones

Wm. A. Jones

1000 E. 20th St. Dec. 9-2 30 PM



0031

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 Barker

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

of the CRIME OF GRAND LARCENY in the *second* degree committed as follows:
The said *Harry Barker*

late of the City of New York, in the County of New York aforesaid, on the *21st*
day of *November* in the year of our Lord one thousand eight hundred and
ninety one, at the City and County aforesaid, with force and arms,

*one watch of the value of
forty dollars*

of the goods, chattels and personal property of one *Gertrude Barker*
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.

*Re Lancey Nicoll,
District Attorney.*

0032

BOX:

460

FOLDER:

4222

DESCRIPTION:

Barry, Richard

DATE:

12/08/91



4222

0033

BOX:

460

FOLDER:

4222

DESCRIPTION:

King, Edward

DATE:

12/08/91



4222

Witnesses:

John Reill

Matthews Cund

Mr. MacRecon

BY

11-1-1891

241 Street

1 Dec 1891

Counsel,

Filed

Pleads,

day of Dec 1891

THE PEOPLE

vs.
1143-1st ave
bricklay P

Richard J. Barry

316 161 and

Edward King

DE LANCEY NICOLL,

District Attorney.

Part 3. Jan 1891

Doth the collected

Robbery 12 deg

A TRUE BILL.

Emmanuel W. Downingdale

Foreman.

Part 2 - Dec. 14, 1891

Part 1 trial of the admitted

Part 1 trial of the admitted

Part 1 trial of the admitted

Part 1 trial of the admitted

Hon. Frederick Smyth,
Justice, Supreme Court of New York,
15 West 46th Street, City.

My Dear Sir:

You may possibly remember that I appealed to you a few months ago to recommend to the Governor, a pardon or a commutation of sentence of Edward King now confined in Dannemora prison.

At the time you received me very kindly, telling me how to proceed in the matter and saying when the papers reached you, you would give them all the consideration you consistently could under the circumstances.

You also very kindly referred me in company with Mr. Penney to Col. Sworas of the District Attorney's office in order that your feelings might be properly understood when the papers duly reached that office. I find they are there now and a letter is about being prepared to be sent to you in the formal way, but the official, Mr. Flynn, who is now in charge of that department may not realize that there may be a slight possibility that you may extend clemency under existing circumstances.

The facts as shown by the regular trial papers will no doubt be prejudicial to the prisoner, but upon a careful investigation of the statements contained in them I think there are some mitigating circumstances, that might be again justly considered.

The official papers no doubt make the prisoner out to be a bad character, but from a conversation that I have had with him and by the intelligent manner in which he expresses himself in his correspondence, I am led to think that he is not really the kind of a man that should be compelled to spend the best days of his life behind prison walls.

That shortcomings he had were no doubt brought about by strong drink but he seems now to be most truly penitent and promises that for the future he will conduct himself like a God-fearing man and a good citizen should he be given the opportunity to do so.

He reasons that an injustice was done him in the first place by the prosecuting witness, a saloon keeper in whose place the trouble was and for which the prisoner is now paying the terrible penalty.

That witness the prisoner claims told a conflicting story from that told by him originally in the police court and he, the prisoner being poor was in no position to bring the necessary evidence to contradict the statements made at the trial.

Being poor he furthermore had no attorney of his own selection, but had one assigned him by the court.

This attorney as I believe took charge of the case in a perfunctory desultory way and endeavored to save time and trouble for himself, to prevail on his client to plead guilty to the charge of robbery, but the prisoner refused to plead to a crime of which he knew in his heart he was not guilty of, saying there was no robbery committed nor was any thought of.

Nevertheless on that trial through the false swearing of the prosecuting witness and the apparent indifference of the prisoner's attorney the jury rendered a verdict of robbery in the 2d degree for which you rebuked the jury and discharged them from any further consideration of the case, saying as I understand it that you did not consider that the verdict was in accordance with the law in the case.

Another trial was had the following week, which resulted in a verdict of Robbery in the 1st degree of which the prisoner was convicted and resulted in his being sentenced to twelve years in prison, on a charge of Robbery.

Now my dear judge, from a careful and disinterested investigation that I have made of all the facts in the case, I cannot as God is my witness believe that the man had any thought of robbery in his heart at the time of the altercation.

There was a bar-room brawl no doubt participated in by ex-convicts and that was all there was in it morally speaking.

Yes your honor from a legal standpoint of view in consequence of a pistol having been grabbed up from behind the bar and in the melee some loose silver was scattered there may have been a technical robbery, but I think there is a vast difference between the two and the poor prisoner might be given the benefit of the doubt as doubt there certainly is.

There was no evidence that the pistol was discharged nor could the landlord who was as before stated the prosecuting witness prove that he lost even a dollar.

Strange to say another participant in the fracas was sentenced to but four years in another court which circumstance was no doubt brought about through his having been properly defended by a more conscientious and perhaps a better paid attorney.

Now my dear judge, I hope you will not misinterpret my zeal in this matter, I am not a paid attorney pleading for a client, but one man asking and pleading for justice or mercy for another. I have devoted considerable time labor and money in my endeavors to secure for this man this justice that I humbly believe he is entitled to and for which I beg of you to grant.

He says that the long confinement is not a tithe of the mental suffering he has undergone in consequence of circumstances connected with his conviction.

He states and I believe in all sincerity that were

his sentence commuted and his citizenship restored that he would go out into the world a different man entirely, he would abstain entirely from strong drink and would be willing should he ever commit another misdeed, to return to the prison and serve out the full term, regardless of what he may have earned for good conduct.

In a conversation that I had with Warden Sage of Sing Sing prison that gentleman spoke in a complimentary way of King's conduct while he was there and that he was transferred to his present place on account of his poor health.

When I personally called on the Governor in the matter he assured me that he would give the subject his personal consideration when it came properly before him from you and the District Attorney.

I hope therefore my dear sir that you will kindly and considerately review the facts as I have humbly tried to place them before you and if you cannot see the justice of my statements, then I beseech you to give this fellow-mortal the mercy that we all hope and expect to receive from a Higher Judge.

With best wishes to you for a long and a happy life and with a hope that a short time will again find you among the many friends who love and honor you for your characteristic honesty and humanity.

With great respect,

I remain

Very sincerely yours.

0038

Front CORRESPONDENCE
DEPARTMENT

Clinton Prison
Danvers
May 21/94.

CORRESPONDENCE
DEPARTMENT

CORRESPONDENCE
DEPARTMENT

Clinton Prison
 Sir Judge Smyth New York
 I am aware before making this
 appeal to you as I am about to do
 that I am appealing to a very
 severe judge and one that ~~that~~^{is}
 is hard on me but when read
 the circumstances of my case and
 also conditions that I am about to
 propose I trust you will at least
 make what ever investigation
 as is possible at this late date
 and I want to say before I go any
 further if you find me out in
 one lie or you find I did anything
 in my behalf on the other hand
 if you find everything I state
 in this letter to be the truth I
 sincerely hope you will be the
 means of having my sentence
 commuted down to John Barreys
 four years and 10 months that
 being the sentence that
 Judge Martin gave him I if
 you remember was taking before
 you for reasons to me unknown
 and you gave me 12 years
 after seeing the over side of the
 jury side

Now Sir to Begin I Edward King
 John Barry and his Brother was
 taking before you on the 16th Dec
 1891 on a Charge of Robbery you
 on that occasion remanded us
 back to the tumbles the next time
 we went to High Court we went
 before Judge Martin But that
 Judge sent me and Richard
 Barry along with the other
 prisoners up to part first where
 you was presiding you did not
 put me and Richard on trial that
 day so we are taking back to
 the tumbles for the second time
 in the mean time John Barry who was
 before Judge Martin was giving
 a plea of Robbery in the third
 degree about a week after me
 and Richard Barry was
 taking before you for the third
 time this time you put us on
 trial but I asked you if you knew
 about Judge Martin giving
 John Barry that plea I saying
 at the same time I would take the
 same plea although I was innocent
 you said why do you want to
 plead as long as you are innocent
 I then told you I was an Ex
 Convict and sooner than face

Clinton Prison

A Jury I would take the same plea
that John Barry got of Judge
Marten you said you would not
except that plea But you would
except a plea of an attempt
Robbery in the first degree that
I would not do so their prisoning
left for me to do But stand trial

You then assign a State
Lawyer to me I leave his name
as Bolinger this man knows
nothing about this case and only
having Court time could not tell
him the facts of this case

Now Sir there is facts in
this case which I would like to bring
before you But in order to do this I
will have to write down the liquor
store many side of the case
along with my own I will then in
closing my letter give you the
names of some of the business
men I worked for the ten years I
was out of prison this at least
will give you a chance to compare
my character along side of
John Barry's

Here is John Barry's
Statement

this man Rielly claimed that one
 and John Barry and his brother
 Richard Barry came into his
 liquor store and called for
 drinks then refused to pay
 for them and when he insisted
 on being paid for his drinks
 that John Barry reached over
 the bar and took his bar
 pistol and pointed at him he
 then claimed that I clinched
 with him while the younger
 Barry stood at the bar room
 door. When asked him why his
 own bar pistol was pointed
 at him he said that John Barry
 was trying to scare him. When
 said was that the only object
 of he said I was then asked
 how get at you till when asked
 if the last time money he
 tried to say yes and no in
 one word. When if you remember
 had to reprimand him telling him
 to be very careful as he was
 under oath. He then started
 in to tell you why he said yes
 and no. By telling you that some
 time before he came in his store
 he had counted up what

Money was in his till and
 when the clock up his store
 that night he was over a dollar
 short when asked if he seen
 any one of us at his till he
 said No But he said it could
 be a very easy matter for John
 Barker to take that money at
 the time he reached over and
 took his Bar Pistol

you in your charge to the
 jury told them there was a doubt
 about the money But you told
 them as long as his Bar Pistol
 was taking that constituted a Robbery
 there is one thing above
 all that I would like to Remind
 you of you Remember I believe
 that Kelly said nothing in all
 his testimony about a Club I asked
 you before he left the witness
 chair to ask him one question
 which favor you granted me
 I then asked him if he had a
 Club over my head before I
 clinched him this was more
 than he expected for there was
 no one knew better than himself
 that it was the Club that
 caused the Blow he of course would
 not insure that Austin until

you insisted on it he answered
 yes But that was yes Must of
 slipped out of his mouth for
 it was the only time he told the
 truth while in the Witness Chair
 the man was not satisfied with
 holding the truth back But
 he would not By committing Bank
 perjury for when asked for his
 witness he said he was all alone
 in his store at the time that
 was too much for me so I got up
 in Court and told you he was
 committing perjury But you told
 me to sit down and not to
 interrupt the Court when asked
 if he knew his Brother that Night
 he said he only knew him By
 sight Now comes the last
 question that this State Lawyer
 asked him if he had anything
 about his Person at the time
 this thing happened he said he
 had a little money in his
 pocket But Golden tell how
 much he also claimed to have
 a watch But nothing was missing

This Enclosed John Kelgo
 Statement
 my Side of this Case
 will Be seen on Next Page

Money was in his till and
 when the clock up his store
 that night he was over a dollar
 on the morning of the night
 that this thing happened I went to
 work as was usual with me I
 took my junk wagon from 59
 street back first Avenue I drove up
 over Harlem Bridge but I had
 harder get there when I started
 the rain and real hard for before
 I got back to 59 street I was wet
 to the skin I put up my horse
 and went down to my boarding
 house just two doors from
 where this Riellys Liquor store
 was I lived at 359 East 61 Street
 Riellys number was 355 East 61 Street
 I changed my wet clothes and then
 started down stairs and as there is
 a liquor store connected with the
 house I lived in I did not go
 out of doors I stepped into this
 saloon from the Hall way I
 took the drinking I may say I
 drank a little too much for I
 was not in their long when I got
 mixed up with a street band
 of music I got them to come up
 stairs where I was boarding
 and told them to play
 But they so soon started than
 the house keep came up stairs
 and asked me to stop them as

They made too much noise & got
 them to leave the Rooms But I did
 not leave the Rooms just then my
 self. I then started to send Conn
 stairs for Beer and was having
 as I need you call it a good time
 when the House keeper's husband
 who had Beer in the Rooms for
 some time got up out of his chair
 saying it was after ten o'clock and
 he was going to put out the Hall
 lights then in the Bed I said
 I don't put out them Hall lights
 as I am going to the laundry
 with a bunch of nigger clothes
 I saying I will put them out on
 my way back we had hardly got
 down talking when there was
 a noise in the Street below
 like if some one was getting clubbed
 I made haste and got my nigger
 clothes and put them under my
 arm and run down stairs that
 was the first time in my life
 that I ever spoke to them
 Barry Brothers John was holding
 his head out in the middle
 of the Street and the younger
 one had carried up what

Money was in his till and
 when he closed up his store
 that night he was over a dollar

Barney was holding a stone in
 his hand I said what's the
 matter boys John said not make
 Enney aware but his brother
 said we are after hanging up
 Kielly for the drink. In other
 words him and his brother got
 the drink and refused to
 pay for them Kielly of course
 hit the nearest one he could
 get at with his bar club young
 Barney who still held the stone
 said I am going to put that
 window in I said Lord I'll that
 come in Kielly's and have a drink
 with me I know as well as Enney
 Baddy I had no right to go in
 there after what happened but
 I was hit in my lower senses
 and it worked me all up when I
 thought of this man giving a club
 on a man for the sake of me
 I drink I said just wait one
 minute I put the under cloth
 I still held under my arm in
 a Barber shop across the way
 from where this Kielly keeps
 his liquor store then we three

Went in Riely's place he said met
 say Emory thing to me untill
 he seen who had with me he
 then grabbed his club But I said
 don't be too quick with that club
 them men is going to have a drink
 of me he told me what was after
 accoring and said he would not
 put Emory Beer on that bar
 untill he seen the collar of my
 money I put a tray of beer on
 his bar he had harpoley started
 to fill out the beer when a lady
 came in for some beer in a can
 I said Riely you a nice fellow
 try and brake a strain
 head for the sake of the drinks
 he turned on me like a fine and
 said yes and the brake your head
 or Emory Boldly tells that I
 drink over that bar with don't
 pay for them I put my hand
 over my money and told him
 to give the lady what she
 requested he said Never mind
 the lady you pay for them
 drinks I said I am going to
 take you get you more big and
 paying for them drinks he
 grabbed his club in the
 hand

meantime this Ludey Paul Run
 out But the two young men that
 was in the Back of the Store
 came out and looked on they
 did not enter fear one may be
 the other I was the secret to
 Killy he made a Plunge at me
 with his Club I of course had to
 Clench him to save my self I did
 not even strike him as he admitted
 to that himself on the Stand and
 the first I knew of John Barry
 having his Bar Pistol was
 when he came before me and
 Killy telling Killy if he didn't
 stop his Club he would
 shoot him that ended the Row
 for when Killy seen John Barry
 with his Pistol he dropped
 his Club and we left the
 Store

The Prosecuting Attorney
 Summons up the Case and I must
 say he was very Bitter against
 me he started off by telling
 the Jury that I was the Leader
 of the Battle Row Gang he was
 not satisfied with painting me
 as Black as he possibly could

his Signer there then are three

He under the circumstances
 But he made things still worse
 By his very strong plea for the
 jury he said among other
 things

Gentlemen there is one
 thing you are to take into
 consideration who are you going
 to leave are you going to
 leave them Ex Corruptly if
 you turn them loose and let
 them commit some more and
 make more depredation

On the other hand you
 leave Mr. Kelly who is a
 respectable business man
 there is nothing left for you
 to do but bring in your
 verdict of robbery in the
 first degree

Now Sir there is two things in that
 plea that could be set out in justice
 to me first of all I was not leader
 of Emory's Gang in the second
 place I admitted I was an Ex
 convict both to the jury and
 you but still he kept throwing
 that one thing at me and the
 jury naturally got prejudiced
 against me and my case

we had covered up that

at Canyon State the Jury
 came in with a verdict of guilty
 in the second degree this verdict
 if you remember you would not
 except it but put me on trial the
 weeks after this was on the 6th Jan
 1892 this trial was just the same
 as the first trial only in one
 instant you had to assign a new
 state. I appear as the one you
 told to look after my case never
 came next one near me the first
 thing this new state having a home
 was ask you for a few days so
 as he could get the facts of the
 case but the Prosecuting Attorney
 insisted on the case going right
 on I told this poor fellow that
 the barbers that was in that
 saloon would not come to court
 unless compelled by a subpoena
 but it was no use he could not
 get the case put back so I
 had to do the best I could in
 open court in giving him some
 facts about this case the
 first thing this lawyer did
 after being got through with
 his statement was the Road

a statement that he had made
 in 57 Street Court he said in 47
 Street Court that he refused to
 give us links because he knew
 we were Ex Commets and as for me
 he married me more than once to
 keep out of his place he said he
 didn't make that statement
 but could not remember the
 day or then asked him if he could
 make his own signature he said yes
 and with your permission the
 lawyer noted in side of the
 bail and showed him the statement
 he made in 57 Street Court of
 course he recognised his own
 signature but his memory
 was bad as far as his statement
 was concerned it all was bad
 when he got referred in a
 lie now Sir it is as plain as
 day why this man would not
 admit the other he was to say
 in 57 Street Court he knew if
 he admitted that I was accost him
 to come in to his place that
 his case would be a mess. Heak
 one or the other hang. By his
 telling the jury that he

only known as by sight from
passing his store he would
make his case strong against
his at Quincy Hall & was found
guilty this time of robbery in
the first degree and got 12 years

Now Sir I will tell
you my reasons for making this
appeal to you In the two years
and a half that I am confined in
this prison I received three
letters one of them was from one
of the witnesses that was in the store
the night of this Robbery he told
me in his letter that he told
Bielly after we left the liquor
store Not to mix his name or
his friend up in the case and
Bielly promised Not to do so
Also said that if he had any
idea that Bielly was going to
make such a charge against
me he would have come to Court
and tell what he knew Now Sir
I have tried every means to find
out this man's directions as he will
not put his name on his letter

But told me to let the Academy
 know where I was boarding
 if I get his letter, I never got
 an answer of this Academy for
 it. Had you would have heard of
 this case before this for it was
 my intention for to tell the same
 people in Haver town and State
 this case to you. When I seen
 their was a answer coming to
 my letter I signed it me the
 warden asking him to let
 me send it with a statement
 of my own to this Governor
 which request he granted
 I received an answer to my
 letter of the Governor. I never
 received telling me my case
 was under file. Now for I have
 not a friend that I know of who
 will avenge the Governor in my
 behalf and as there is probably
 hundreds of cases before him
 on my case my never be heard
 unless you will assist me
 I can't expect you to do this for
 me unless I can give you some
 good grounds I think I have

already gave you some and
 groups But when I tell you some
 of the Business men I picked
 for and where they can be found
 you can judge for your self if I
 am half as bad as what the
 Prosecution Attorney made the
 jury believe I was
 I & Edward King Left
 Sing Sing on Feb 22 1883 I was
 not like one half of the men that
 go out of prison afraid they cant
 get work I was more afraid of
 drink and the only way I could
 avoid drink was to get work
 and then I determined to go to
 New York I was a half a day in
 unfinished buildings on my way up
 from 42 Street the last
 building I inquired at was a Big
 Storage house on Cor of 49 Street
 3 above the Hermann that quarter
 told me that the lumberyard
 where he was getting his timber
 from was on Street 53 Street
 4th River I could not get there
 quick enough But when I did
 get there it took me some

type the masters up Courage
 that is to ask the Supplender
 get that I was afraid of him But
 I was afraid the mark was too
 heavy for me so on I poor Struck
 me off to tell him the truth so
 I called him one side from the
 other men and told him where
 I was after coming from Haul
 I am a little over it But
 he cut me up and told me to
 go and have a good dinner and
 the next find something light
 for me to do in the afternoon
 I worked for that firm which
 was known as Benedict's Meats
 and flour for near three
 years But the man that had
 call to do with keeping me
 by me was the Supplender
 his name was James P. S. and
 he is the present Supplender
 of J. B. Benedict's Lumber
 Yard 66 East River
 I left this firm for to go to
 work for H. Curtis and
 Blusdall Coal and Wood Yard
 56 Street East River I also
 left this firm after One

year or a little over I left
 them to go to work as a
 Conductor on the second engine
 Trail Road but was not there
 over one month for I was
 called in the office by a man
 of the name of Underhill
 he & I leave over the secretary
 of that Road at that time he
 told me that there was a report
 came to the office that I was an
 Ex Conductor of Conroe I could not
 believe that report so he told
 me that he would rather take
 me off as a Conductor but
 I could go driving I told him the
 man that put me there I did
 not put me there as a driver
 and that I could get that kind
 of a job at any time I received
 my \$25 dollars as I left as
 a deposit and along with
 some more money I had spent
 up most on my first spree
 and I did not mind spending
 I got three months on the
 Island I sent for the man
 who put me on the Trail Road

the for Gard But help But
 know that is by Reputation
 as he is one of the biggest
 Nettle callers in New York
 his name is German King. They
 man great too Judge al Smith and
 got him free. Let me go then went
 back to my old boss James George
 he was then Superintendent of
 J B Benedict lumber yard
 at East River and from the last
 I heard was they still at Cannox
 Rate I was not the same man as
 was before and person found out that
 I was thinking from the fact
 that I would stay away every
 other day he discharged me But
 told me just as soon as I would
 give up thinking he would give
 me nearly their star to give him
 better than my self that was
 being wrong But when I would
 stop to think of best time I was
 getting along until some unknown
 friend told me of by visiting
 a letter to the Second Avenue
 Rail Road about my being an
 ex convict that used to be two

Much for me and I sold short of
 drinking and there was only one thing
 for me He No and that was he sold
 out of New York at least for a
 short while. Then went down the
 #5 Street in a place where all my
 life thus many had all to do with
 sending cattle across the Ocean from
 the East Side. I told thus many I wanted
 to get away from drink and would
 be glad to make a trip he of course
 was glad to help me along for it
 was the first favor I had ever
 asked him although we knew each
 other all our lives I made
 that one trip and got 30 dollars
 of him for it. I had got to have
 money then in the line of liquor
 in the six weeks I was away and
 I was feeling like my old self
 again I went up to see my
 old boss James Gorge But not
 to work But for a recommendation
 this he gladly gave me and
 through his letter I got a job
 up in the Consolidated Gas Company
 at East River the Superintendent
 I worked under his name was
 John J. Hunter

I worked them for nearly two years and - saved enough money for that time for to start in the Junk Business and that's what I was working at when I got in this trouble

Now Sir just look at this John Barreys Character and I will leave it to your own judgement if I ant to get some good grounds for appeal. Now you know this John Barrey admitted himself before Judge Warlien that he was only out of prison five months was in prison three times and on Blackwell Island 4 times only said that Judge Warlien spent the biggest part of your life in prison when that Judge asked him what he wanted at when out of prison he said he never had a chance to work for just as soon as the police found out he was out of prison they hounded him until they got him back whether it was this statement that he made to Judge Warlien or

The Bandages that was tied
around his Head from the
Effects of the Clubbing he got that
Morn Judge Martin Symonds Seams
to be a Mistress the Barre himself
all he knows is that he got 4 years
and 10 months

Now Sir in my appeal to
the Governor I not only promised
him the sum all Bad Company
But I promised him the Never
Drink Strong Drink again and
then show him how sincere I was
I told him I would be willing to come
back and do Every Day of my
12 years if Ever I Break out
the drinking again
the trouble with me was when I
could get a little money ahead
I used to go on a spree that
is go from one Liquor Store to
another and Conquer
right and get mixed up with
people that I could not walk
with in my sober senses
it was just one of these sprees
that sent me here

Now Sir I know very well
 before the Governor will act on my
 case he will consult with you
 and this is my main reason for
 appealing to you I want to be if
 I can I will press on your mind
 as well as this that I am sincere
 in ever thing I say and the best
 way the short way I am sincere is
 I will give away papers that the
 effects that should I ever brake
 out I am going again to come
 right back and finish out my
 12 years I know only too well
 if I could keep away from drink
 I could not get in trouble of any
 kind in a life time

Now Sir if I had no other
 reasons only my own for preferring
 they are the best in the world
 for when I look back and see
 all the money I spent in liquor
 stores and then look at the
 present I can't but help
 thinking that all saloon keepers

are the same got all the goods
there is in you and then if there
is any point to be gained
by sitting in with the police only
they will snare your life and for
that just what this man Kelly
did in this case

well I cant express my self
in the right way In regard to the
the good friends I made going
in and out of the saloons but
I will leave them to your own judgement
if they would be good ones for
me I depend on in my trouble

two of these Bar Rooms &
friends I sent for while I lay
in the tomb I told them all I
had in the world was three dollars
out side of my old horse and
wagon I told them as I was
struggling with my horse but
as I owed the stable man
two months rent they would
rather take him along with

them and sell the horse
 I told them to go to the man
 I bought the horse of and tell
 him I was in trouble and the
 lease he would give them
 would be 50 dollars for 4 days
 85 dollars for him myself to the
 same man I then said give
 the stable man 5 dollars for
 his rent keep 20 between you
 for your trouble and all I
 want is 25 for a lawyer well
 you can very easily guess the
 rest you yourself had to
 consider a State Lawyer to
 me I never heard from either
 one of them men since and
 never want to But the lady
 I was boarding with came
 down the stairs and told me
 that these two men up around
 the armie house for over
 a week she didn't want to
 tell me any more for I

only the will that it was of my
 money. Now Sir I have a few
 words more to say and that's
 In regards to the Barrey Brothers
 I never spoke to either one of them
 more in my life before that night
 although I knew them for years
 By Reputation and the only
 way I can show my contempt
 for both of them is just as soon
 as I got the thing done I asked
 morden Brown the Seprate me
 from them for I said if I had
 the my time coming in contact
 with these men I will only get
 in trouble and that I want to
 avoid he granted my Request
 By sending me up hear the
 Captain Person But keep
 them down there I think I forgot
 to tell you what this German fellow
 lived I had know his number But
 he did live with poor me &c

assemblyman Myer J. Stern 50 Street
of First Avenue

Now Sir as I said in the
beginning of this letter I am
not looking for a pardon
but a Parol and only on
the conditions I named
in this letter

I know close ^{letter} my trusting
you will let the fact that
I am on the General Stand
in the way of interceding for
me and all I can say is you
will never regret anything
you do in my behalf for you
will find that you have met
one to a General. If you have
never before met one who's
word you could trust

I am very respectfully
yours Edward King

CORRESPONDENCE
DEPARTMENT

⑤ Court of General Session,
City & Co. of New York.

The People
vs
Richard J. Barry & Edward King

Before
Hon. The Hon. Smyth,
and a Jury.

Indicted for Robbery, 1st Degree;
Indictment filed, Dec. 8th, 1891.

Appearances: Assis. Dist. Atty. John F. McIntyre,
for the People; Jacob Berlinger, Esq., for the Defense.
Tried, Dec. 14th, 1891.

~~~~~  
(The Conclusion of The Recorder's Charge:

This Case should be promptly disposed  
of, one way or the other. It is not for me  
① to say which way; it is for you to say;



because, if the Complainant's testimony is true, then a very serious offense has been committed against the peace and good order of Society, and against the law of this State.

In this case, gentlemen, your verdict may be, as I have already stated, as against both defendants, guilty of robbery in the first degree; or, as against one of these defendants, guilty of robbery in the second degree; and, as to the other, not guilty; or, a general verdict of not guilty.

(The Jury having found both defendants guilty of robbery in the second de-

gree:

The Court:

Now, that verdict being in direct violation of law, it is set aside, and the prisoners are remanded.

You were distinctly told that you could not convict both of these defendants of robbery in the second degree, and yet, right in the teeth of the direction of the Court, you found such a verdict. You were told that you could find one of these defendants guilty of robbery in the second degree, and acquit the other. I set the verdict aside. This is one of the difficulties that arise when a jury undertakes to understand the law better than the Court does.

— " —

COURT OF GENERAL SESSIONS, PART III.

The People of the State of New York, :

against

Richard Barry and Edward King.

Before  
Hon. Fred'k Smyth,  
and a Jury.

Indictment filed November 18, 1891.

Indicted for robbery in the first degree.

New York, January 5, 1892.

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

For the People,

Asst. District-Atty. E. S. Weeks;

For the Defendant,

Mr. E. E. Price.

JOHN RILEY, a witness for the People, sworn, testified:

I live at 334 E. 61st. St. I keep a liquor store at that number. I was in my store on the 11th. of November last year. The two defendants came in to my store on that evening in company with John Barry. I was reading the Evening News at 11 o'clock or a quarter past 11, at the end of the bar next to the door, when the door opened and Richard Barry entered first. John Barry was after him and then came Edward King. I turned towards King and asked him what he wished. The three men hesitated. They didn't say anything. When I turned to John Barry he said: "I will have whiskey". I remarked that he was an ex-convict as I had heard and I refused to

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serve the men with drink. Then King came around the end of the bar and grappled with me and me with him, and John Barry. He threw his left hand across my neck and gave me a thump in the breast, which felled me. John Barry jumped across the bar in the centre and put one foot on the side of the bar and grabbed a revolver that lay in a case with a silver dollar. And he took that and fifty cents of ten cent pieces, the receipts of the day which had not been made up at that time. I am not sure how much more than a dollar was there. I am positive there was a silver dollar and some small coin. The revolver which he picked up was a brand new five barrel revolver. It was loaded. One of the men held the door. When I refused to serve the men with drinks Richard Barry called me a vile name and said: "I am an officer of Gerry's Society and I will have you arrested". The revolver was placed by John Barry within six inches of my face and he said: "I will shoot you" or "I will blow your brains out". The revolver did not go off. X Then the three men turned and walked out of the door. I reported the case at the Station House immediately after that when I closed up the store. I am positive that the men now at the bar are the two of the men.

## CROSS EXAMINATION:

- Q You refused to give these men anything to drink? A Yes, sir.
- Q Then you were seized by one of them? A Immediately after, just about half a minute.

3.

- Q Did you take out your club? A I took it in my left hand when King came in behind the bar. It was hanging on the end of the bar. I told King to keep away from me. I didn't draw the club at all but I had it in my hand.
- Q The only pistol that was there was the one which John Barry took from the back of the bar? A Yes, sir.
- Q The only reason you had for not giving these men something to drink was because you believed one of them to be an ex-convict and thought he would not pay for the drink? A Yes, sir.
- Q Did you make a statement in the Police Court? A Yes, sir; I swore to the same state of facts in the Police Court.
- Q Were you under the influence of liquor that night? A No, sir.

JOHN A. SCHEUNING, a witness for the People, sworn, testified:

I am a police officer connected with the 25th. Precinct. I arrested the two defendants King and Barry on the morning of the 12th /of November. I arrested ~~Richard Barry~~ <sup>King</sup> at his house 1143 First Avenue. I told him I wanted him. He says: "What for?" I told him he knew what for. Then he said: "I will tell you. I didn't have anything at all to do with that". I told him if he would tell me where the other party was we would let up on him. He then told me he was up at 137th. Street and the Boulevard. We went up there but we could not find him. He afterwards told me he would tell me straight where John Barry was, but he didn't tell me the

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exact place. We afterwards found John Barry in the house and while we were endeavoring to catch him Richard Barry, who was with us, made his escape. I found him the following morning and re-arrested him.

## CROSS-EXAMINATION:

Q Didn't John Barry tell you that the reason he ran away was because you clubbed his brother so badly he was afraid you would give him the same? A I don't remember him making that remark.

Q Something like that? A I could not say.

Q Did you club him? A No, sir; I didn't club him.

## DEFENSE:

EDWARD KING, one of the defendants, sworn, testified:

I live at 311 E. 61st. St. I remember the night in question. I went into Mr. Riley's saloon in company with those two men. It was between 11 and half past 11 at night. I had been working all day from 8 o'clock in the morning till about two in the afternoon. It was raining pretty heavy. I stayed in the house the best part of the evening but I had some clothes in the laundry and I went out to get them. When I got to the corner of 61st. St. I had my laundry under my arm and just as I got to the door this man Barry came out and said: "You are just the man we want". He then told me that his brother was in a fight in this saloon. I had not seen this man for a week. He told me: "My brother is after getting licked up the street and you are just the man we want. I am going up to get satisfaction". I

5.

says: "What did he hit him for?" and he says: "That is what I want to find out and I want you to come up with me". I went up with him to Riley's saloon. As soon as we got in the oldest Barry called for three drinks. The drinks were refused. I thought the reason the bar-tender didn't want to give them the drinks was because he thought he wouldn't have the money, and I said: "Let me have three drinks". The man said: "Let me see the color of your money and I will give you the drinks". I put my hand in my pocket and pulled out half a dollar and I began to tap it on the bar. He told me to put it down. I told him: "You are so stiff about seeing the color of my money, let me see the color of your beer". With that he got a club and he made a blow for me. After that I didn't know what took place until I saw the revolver in John Barry's hands. When I saw that I told John Barry I didn't come in for any trouble like that and started to go out of the place. I am innocent of this crime as a child unborn. I didn't go in there to rob the man. I had no such intention. I didn't take any money or anything else out of that store. I have been arrested and have served a term of three years in prison. I have been a working man ever since. I was sentenced to State Prison for three years and eight months for assault.

## CROSS EXAMINATION:

I was also arrested and sent to the Penitentiary for three months for assault. On each occasion I

6.

pleaded guilty. The only thing that brought me to Riley's saloon was to help John Barry get satisfaction.

RICHARD J. BARRY, one of the defendants, sworn, testified:

I live at No. 1143 First Avenue in this city. I am a brick-layer by occupation. On the night of November 11th. I was in my house in bed at half past 9 o'clock. At 7 o'clock that night I was in Riley's saloon and Mr. Riley and a couple of more men in there said something to me. They put me out and kicked me. When I got home I told my brother about this and he went out to see what it was about. I didn't go with him at that time. At about quarter of 11 I went down to the door and I saw a young man standing on the corner of 62nd. St. and I asked him what way did he see my brother go, and he said down towards 61st. St. I went down towards 61st. St. and I met King with a bundle under his arm. I told him where my brother had gone and I asked him to come with me. We went into the store together. When we got in there there was a quarrel about paying for the drinks. My brother John Barry called for a drink and Mr. Riley refused to give it to him. I called for a drink and he refused me also. With that Mr. King put 50 cents on the bar and said he would pay for the drink. There was some further conversation and Riley went and got a club. My brother jumped up on the bar and grabbed a pistol that was laying on the back-bar. He pointed the pistol at Riley. I opened the door and the three of us ran out. I didn't go



7.

in there for the purpose of robbing the saloon and had no part in any robbery.

Cross-examination by MR. WEEKS:

I believe I am 22 years of age. I was quite young when I was convicted of burglary some years ago. In 1889 I was convicted of assault in the second degree. I was sentenced to two years and three months in the Penitentiary.

The Jury returned a verdict convicting both defendants of robbery in the first degree.

Indictment filed Nov. 18-1892

Court of GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

RICHARD BARRY and EDWARD

KING.

Abstract of testimony on

trial New York Jan. 5th

1892.

0077

John Barry Fel Assault  
 convicted May 10-1889  
 court of G. Sessions  
 sentenced 3 yrs. State Prison  
 by Recorder Smyth  
 Off. Sharkey

There is another Indictment  
 Pending against him in connection  
 with this case

John Barry attempt at  
 Robbery convicted court of  
 G. Sessions May 12-1884  
 sentenced to 2 years State Prison  
 Recorder Smyth, Off. Sullivan

Richard. J. Barry Burglary  
 convicted Jan 5-1885 court of G.  
 Sessions sent to House of Refuge  
 by Judge Gildersleeve  
 Off. Martin

0079

Richard J. Barry Fel. assault  
convicted Dec. 13-1889 sentenced  
in court of General Sessions  
to 2 years and six months in the  
Penitentiary by Recorder Smyth  
Chf. Warden

0080

**District Attorney's Office,**  
City and County of New York.

City and County } ss.  
of New York,

of No. 334 East 6th Street, aged 43 years,  
occupation Liquor dealer being duly sworn, deposes and says,  
that on the 11th day of November 1891, at the City of New  
York, in the County of New York, one Edward King, acting

in concert and collusion with John Barry and  
Richard J. Barry, who are now under indictment  
therefor, did make an assault upon deponent and  
did steal one pistol of the value of six dollars  
and about the sum of one dollar and fifty cents  
in money, the property of deponent, in the presence  
of deponent, against his will, by force and violence  
done to before me this  
7th day of November 1891.

John Reilly  
Commissioner of Deeds  
City & Co. N.Y.

John Reilly

0081

Police Court-- District.

CITY AND COUNTY } ss  
OF NEW YORK,

John Reilly  
of No. 334 East 61<sup>st</sup> Street, Aged 43 Years

Occupation Liquor dealer being duly sworn, deposes and says, that on the  
11<sup>th</sup> day of November 1891, at the 19 Ward of the City of New York,  
in the County of New York, was feloniously taken, stolen, and carried away, from the presence of de-  
ponent by force and violence, without his consent and against his will, the following property, viz:

One (revolver) pistol valued six dollars  
and good and lawful money of the  
United States about One dollar and  
fifty cents

all of the value of Seven <sup>50</sup>/<sub>100</sub> Dollars

~~of the value of about One dollar and fifty cents~~  
the property of deponent

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

John Barry and Richard J. Barry (now here)  
and an unknown man not yet arrested  
for the reasons that ~~at~~ about the  
hour of eleven o'clock in the night  
time the defendants who were in  
company with each other came into  
the liquor store at the above premises  
and they ordered drinks; deponent  
being behind the bar enquired of the  
defendants who would pay for the  
drinks and the defendants replied in  
profane language and said unknown  
man then went behind the bar and

day of

Sworn to before me, this

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Police Justice

0082

seized violent hold of deponent that while deponent was wrestling with the unknown man the said John Barry leaped upon the bar and reached over to the back bar where said revolver was lying and where said money was and took the money. Deponent seeing this, released himself from the unknown man and pushed the defendant John Barry from the bar. That said revolver was loaded with ball cartridges and said John Barry pointed said revolver at deponent's body and snapped the trigger twice to discharge the pistol and shoot deponent but the pistol did not fire. That during the whole of said occurrence said Richard J. Barry was standing at the door of the saloon with his hand upon the knob.

Wherefore deponent charges the defendant with acting in concert in the commission of, and Robbery, Sworn to before me this 12<sup>th</sup> November, 1891 by John Keilly

W.D. Robinson  
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.

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

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

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—ROBBERY.

vs.

1  
2  
3  
4

Dated

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Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

to answer General Sessions.

0083

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*John Barry* 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. *John Barry*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *England*

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

Answer. *342 East 63<sup>rd</sup> St. 6 months*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty*  
*John Barry*

Taken before me this *12*day of *November* 19*11**A. J. M. M. M. M. M.*

Police Justice



0084

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*Richard J. Barry* 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.

*Richard J. Barry*

Question. How old are you?

Answer.

*22 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*1143 First Avenue; 2 months*

Question. What is your business or profession?

Answer.

*Bricklayer*

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*  
*Richard J. Barry*

Taken before me this 12

day of November 1891

*W. D. Mulholland*

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

Dated Nov 12 1891 W. W. W. W. W. Police Justice.

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

Date.....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.*

0086

1428

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John Reilly*  
*334 E. 61 St.*  
*John Barry*  
*Richard J. Barry*  
*Edward King*

Offence

*Robbery*

BAILED.

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *Nov 12* 18*91*

*McMahon* Magistrate.

*Schening* Officer.

*25* Precinct.

Witnesses *Officer*

No. *off Keane* Street.

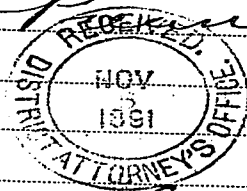
*25 Precinct*

No. .... Street.

No. .... Street.

\$ *2500* to answer *G. S.*

*Com*



# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Barry, Richard J. Barry, Edward King*

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

*John Barry, Richard J. Barry, Edward King*

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

The said *John Barry, Richard J. Barry, Edward King* and *Edward King*, all —

late of the City of New York, in the County of New York aforesaid, on the *eleventh* day of *November*, in the year of our Lord one thousand eight hundred and ninety-*one*, in the *morning* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *John Reilly*, —

in the peace of the said People then and there being, feloniously did make an assault; and

*one pistol of the value of six dollars and the sum of one dollar and fifty cents in money, lawful money of the United States or America, and of the value of one dollar and fifty cents,*

of the goods, chattels and personal property of the said *John Reilly*, —  
from the person of the said *John Reilly*, against the will and by violence to the person of the said *John Reilly*, then and there violently and feloniously did rob, steal, take and carry away, the said *John Barry, Richard J. Barry and Edward King*, and each of them, being then and there armed by an accomplice, *John Barry*, present, to wit: each by the other, and also being then and there armed with a dangerous weapon, to wit: with a certain loaded pistol.

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.

*W. Daney Moll*  
*District Attorney*

0088

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Bennett, Thomas

**DATE:**

12/11/91



4222

0089

34.

CAC

Witnesses:

(501)

Simon Kay, Town

Emil Hundsieker

Oliver W. Balch

Subpoena

John

161

161

Counsel,

Filed

day of

1891

Pleads,

THE PEOPLE

vs.

58  
236 2-75-  
driver - P

Thomas Bennett

Paying  
\$5.96 Penial Costs

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Amended Bloomington

Part 3, Jan 6/92 Foreman.  
Tried & Convicted -  
7 yrs S.P. 7/2

CITY AND COUNTY OF NEW YORK, SS:-

DeLANCEY NICOLL, being duly sworn deposes, alleges and says, as follows:

That heretofore, towit, on the 1st day of December 1891, at the City and County of New York aforesaid, there was pending in the Court of General Sessions of the Peace in and for the City and County of New York, a certain indictment for felony, towit, murder in the first degree against one Michael J. Gallivan, and on the day and in the year aforesaid said indictment duly came on to be tried in said Court and was then and there duly tried in said Court before Hon. Frederick Smyth, Recorder of the City of New York and Justice of the said Court of General Sessions of the Peace and a Jury of said County of New York, duly summoned, empaneled and sworn for that purpose.

And that at and upon the trial of said indictment towit on the day and year aforesaid at the City and County of New York aforesaid one ~~James~~ <sup>Thomas</sup> Bennett, late of the City of New York aforesaid, duly came and appeared and was called as a witness for and on behalf of said Michael J. Gallivan and was then and there in due form of law sworn and did take a corporal oath by and before the said Hon. Frederick Smyth, Recorder and Justice as aforesaid that the evidence which he should give to the said Court and Jury upon the said trial should be the truth, the whole truth, and nothing but the truth. He the said Hon. Frederick Smyth, Recorder and Justice aforesaid then and there being having full

competent and sufficient power and authority to administer the said oath to the said Thomas Bennett in due form of law. And that said Thomas Bennett having been so sworn as aforesaid did then and there become material that said Court and Jury should know whether on the 25th day of December 1890 said Thomas Bennett was, between the hours of ~~two~~<sup>two</sup> and ~~three~~<sup>four</sup> o'clock in the afternoon, present at or in the neighborhood of a certain stable situated at 121 West 45th street in the said City and was during said hours ~~was~~ or at any time during said day present and a witness of an altercation between the said Michael J. Gallivan and James Cummings and Edward Hurley.

And that thereupon the said Thomas Bennett being so sworn as aforesaid upon his oath aforesaid, upon the trial of said indictment aforesaid, feloniously, wilfully knowingly and corruptly did falsely swear, depose and say, among other things in substance the following, that is to say: That on said 25th day of December 1890 between the hours of two and three o'clock in the afternoon of said day he was in the said stable and there saw an altercation between the said Michael Gallivan and said James Cummings and Edward Hurley, whereas in truth and in fact the said Thomas Bennett was not in said stable on said day during the hours aforesaid or any time during said day and was not present during any altercation between said Michael J. Gallivan and said James Cummings and Edward Hurley as he, the said Thomas



Bennett then and there well knew.

And the informant further says that the allegations herein contained are made upon information of Francis L. Wellman, who was present during the whole of said trial which said trial is still pending.

Wherefore the informant prays that said Thomas Bennett be dealt with according to law

Taken, subscribed and sworn to:

before me this 3rd day of

December 1891.

*De la Cruz M. Coe*

*Respectfully,  
J. H. [Signature]*

0093

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK.

*Thomas Bennett* 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 Bennett*

Question. How old are you?

Answer. *Fifty-two years*

Question. Where were you born?

Answer. *St. George, Ireland*

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

Answer. *236 E. 75th St. (about 4 or 5 years)*

Question. What is your business or profession?

Answer. *Coachman*

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*  
*Thomas Bennett*

Taken before me this

day of *September* 189*1*

Police Justice

0094

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.....

Frederick B. Smith  
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 as he legally discharged.

Dated.....December 4<sup>th</sup> 1891

Police Justice

Reardon J.

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.

0095

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

*Samuel M. ...*  
vs.

1. *Thomas Bennett*

2. ....

3. ....

4. ....

Offence

Dated *December 3,* 189*1*

*Reuben Smith* Magistrate.

*W. H. ...* Officer.

*C. D.* Precinct.

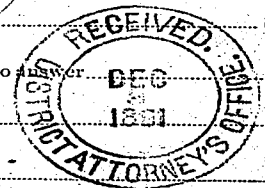
Witnesses .....

No. .... Street.

*Com'd by Court*  
No. *Dec 4/91* Street.

No. .... Street.

\$ ..... to answer



COURT OF GENERAL SESSIONS, PART III.

----- x  
The People of the State of New York, :

against

Thomas Bennett.

: Before  
: Hon. Fred'k Smyth,  
: and a Jury.  
: x

----- x  
Indictment filed Dec. 11, 1892.

Indicted for perjury.

New York, Jan. 5, 1892.

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

For the People,

Asst. District-Atty. E. S. Weeks;

For the Defendant,

Mr. Hugh Connelley.

EDWARD J. HALL, a witness for the People, sworn, testified:

I am Deputy-Clerk of the Court of General Sessions. As such clerk I was in Part I. of the Court of General Sessions during the November Term in the year 1891. Recorder Smyth was the Judge presiding during that term of the court. Michael J. Gallivan was tried for homicide, the case being commenced on the 29th. of November and finished on December 3d. The indictment was for murder in the first degree. The defendant was acquitted. Thomas Bennett, who is now present, was sworn as a witness on that trial and gave testimony.

2.

CHARLES W. BALCH, a witness for the People, sworn, testified:

I am a stenographer by profession. I took minutes of a portion of the trial of Michael Gallivan in Part I. of the Court of General Sessions at the November Term 1891. I took the testimony of the defendant Thomas Bennett. The typewriting now shown me is a transcript of my stenographic minutes of the evidence given by the witness Thomas Bennett. The notes which I took were correct and were correctly transcribed.

Cross-examination:

I could not tell the name of the typewriter to whom I dictated my minutes. I read it over afterwards carefully and found it to be correct. I do not usually compare the transcript with my original minutes. I am certain that the transcript is correct.

The District-Attorney then read to the Jury the testimony of Thomas Bennett given on the trial of Michael Gallivan in which Bennett said that he was passing the stable of Gallivan on Christmas Day at the time of the homicide and said: "Why don't you shoot them? Are you going to let the murdering scoundrels kill you" which was about 3 o'clock in the afternoon.

PETER P. McLOUGHLIN, a witness for the People, sworn, testified:

I am one of the Official Stenographers of the Court of General Sessions. As such I took a portion of the minutes in the case of the People against Michael

3.

Gallivan charged with homicide at the November Term of the court. The murder occurred, as it appeared by the evidence, on Christmas Day 1890 at No. 121 W. 45th. St. at about 3 o'clock in the afternoon.

FRANCIS L. WELLMAN, a witness for the People, sworn, testified:

I am one of the Assistant District-Attorneys. As such I represented the People in the case of Michael Gallivan tried in the November Term of the Court of General Sessions. The defense in that case was self-defence.

JOHN STEWART, a witness for the People, sworn, testified:

I am a coach-driver for Mr. Cadigan whose stable is at 161 E. 70th. St. I was in his employ on Christmas Day December 25, 1890. I came to his stable that morning about 8 o'clock and remained there till 11:45. Then I went to 126th. Street and Seventh Avenue and returned at one o'clock. I know the defendant Thomas Bennett. I saw him there at 8 o'clock on the morning of Christmas Day 1890. I saw him there at about a quarter of twelve. He was there from 12 o'clock until about 20 minutes of 4 when I went out. A man named James Day came into the stable in the neighborhood of 3 o'clock. When Day came in I was sitting on a bench and Bennett was sitting right alongside of me. Day said: "Did you hear the news?" I said: "What news?" and he says: "Gallivan shot two men. He keeps a livery stable in

0099

4.

spoke  
45th. Street. Bennett ~~sak~~ up and says: "He owes me  
\$24. Now is my time to go and see him and get it". I  
am positive that Bennett was in that stable from 12 until  
a quarter of 4 o'clock and that he was there when James  
Day came in.

Cross-examination:

I didn't know either Hurley or Cumings. I  
didn't have anything to do with collecting money for the  
benefit of Mr. Cuming's widow. I gave testimony on the  
trial of Gallivan similar to that which I have given  
here. I am positive that Bennett said that Gallivan  
owed him \$24 and now would be his time to get it. I am  
married and live at 2134 Seventh Avenue in this city. I  
have been employed by different stablemen in this city. On  
Christmas Day 1890 I was at work as usual. I went away  
for my dinner and was gone about three quarters of an  
hour. I had a conversation with the Assistant District-  
Attorney on the trial of the Gallivan case. I am posi-  
tive that I left the stable on Christmas Day 1890 at about  
quarter of four o'clock. I am not a member of the  
Hackmen's Society. I have no illwill whatever against  
this defendant. I have been on friendly terms with  
him.

SIMON GAYTON, a witness for the People, sworn, testified:

I keep a livery stable at 161 E. 70th. Street.  
I have been in business for about 4 years. I know the  
defendant Thomas Bennett. I saw him in my stable on



0100

5.

Christmas Day 1890. He was there pretty nearly all day but about three quarters of an hour in the morning. I went to dinner at 12 o'clock and remained away for about twenty minutes. He was there up to 6 o'clock. I got to the stable in the neighborhood of 8 o'clock in the morning. I remember James Day came in during the afternoon between half past four and three o'clock. Some of the men were sitting out near the harness closet just behind the office. Thomas Bennett was among them. James Day came in to see me and he said: "There is another liveryman got himself into trouble". I said who is it and he said a man by the name of Gallivan. Then he went out where the other men were sitting. A few minutes afterwards Bennett put his head into the office-door and said: "Yes, Gallivan; I know him well. He is a skin. He owes me some money." Then he started to tell me some stories about Gallivan; that he was the only man in Gallivan's stable at the time he set fire to his place and Gallivan gave him \$900 to go out of town, and instead of going out of town he took a position somewhere else. He also told me other stories about Gallivan. I am positive that I had this conversation with Bennett on Christmas Day 1890 between 3 and 4 o'clock.

Cross-examination:

I am positive that this was Christmas Day 1890. I remember hearing of the Coroner's Inquest. I cannot remember exactly what date it took place. I generally go to my stable at about 8 o'clock in the morning.

0 10 1

6.

I cannot tell what time I came from the stable on the Wednesday before Christmas 1890. I cannot tell anything in particular which I did on the Sunday before Christmas 1890. I cannot tell any coaches that I sent out on the Sunday before Christmas 1890. I am positive that the facts which I have narrated did not occur on Christmas Day 1891. I cannot remember any incidents that did occur on Christmas Day 1891 exactly.

EMIL HUNSICKER, a witness on behalf of the People, being duly sworn, testified:

I am a cab-driver by occupation. On Christmas Day 1890 I was working for Mr. Gayton. I know the defendant Thomas Bennett and I saw him in Mr. Gayton's stable on Christmas Day 1890. He was there the best part of the day. I went out at 12 o'clock and remained out until half past one or a quarter of two. I then remained in the stable until about six o'clock. At half past three while we were sitting on a bench inside the office James Day came in and said: "Did you hear the story about this stable-keeper shooting down a man in 40th.St." and then he told us about it. Bennett sat near me and he said: "You mean Gallivan? That man owes me money and now is my time to go and get it. He owes me \$25. I will go down to see his wife now and try and get it, and if I don't get it I will go and swear against him".

7.

## Cross-examination:

I live at 343 West 74th. Street. I do not recollect what day of the week Christmas of 1890 was on. I could not tell what time in the morning I got to the stable. I could not tell any incident that happened on the day before Christmas 1890. I do not recollect having any conversation with John Stewart on Christmas Day 1890. I am certain that Bennett said Gallivan owed him \$25 and he would go and see his wife and try and get it. I testified on the trial of Gallivan for murder and I gave substantially the same testimony that I have given here. I did not compare notes with Mr. Stewart about what testimony I should give in this case.

## DEFENSE:

THOMAS BENNETT, the defendant, sworn in his own behalf, testified:

I am going on 59 years of age. I was living at the time of my arrest at 236 East 75th. Street with my sister. On Christmas Day the 25th. of December 1890, at about three o'clock in the afternoon I was at <sup>allways</sup> ~~Gayton's~~ stable in 45th. Street between 6" and 7" Avenue. Gallivan was tried in this court for murder. I testified as a witness in that case in his behalf. I testified that I was present at the time of the occurrence and at the time of the fight which took place between Gallivan and the two men whom he shot. It is true that I was present on that day and saw what I testified to. I was not at Gayton's stable on Christmas Day 1890 nor for a week before Christmas had I been there..

8.

## Cross-examination:

On Christmas Day 1890 I was at home in the morning. I went to church. I belong to the Methodist Episcopal Church on 76th. St. between 2d. and 3d. Avenues. I went to church at half past ten in the morning and came out at 12 o'clock. I went home to No. 231 East 73d. St. where I lived then. I got home at about 15 minutes past 12. I stayed there and had my dinner. I left the house at about quarter past one o'clock and took the cars to 43d. Street and Third Avenue. I went to a stable in 43d. Street between Third and Lexington Avenues. I saw the foreman there and asked for a job. I could not get anything to do there and I went from there to the New England stable on Seventh Avenue between 45th. and 46th. Street. I got there about half past 2 o'clock. I saw the foreman. I asked the foreman if he was putting on any extra men and he told me to come around in a day or so. I stayed there about five or ten minutes. I went from there to Schultz's Stable in 49th. Street near Sixth Avenue. I stayed there long enough to ask him when he wanted a driver and he said no. Then I walked out and I met a man named John Kane and spoke to him. At 3 o'clock I walked right around the corner and up to Gayton's stable. I am positive of the time because I saw a clock in the office. As I was passing the stable I heard what I testified to on the trial of Gallivan for murder. The testimony I gave at that time was absolutely the truth. I never had any trouble with John Stewart.

At one time I heard him say that he was a Union man belonging to the Hack-drivers' Association, and that I was no good because I would not belong to it. He said I should not be allowed in any stable. I never had any trouble with Emil Hunsicker. I don't know him from Adam. I never remember seeing him in Gayton's stable. I have not been at Gayton's stable for at least a week before Christmas 1890. I never said that Gallivan owed me \$25.

## REBUTTAL:

JAMES F. DAY, a witness for the People, sworn, testified:

I am a driver by occupation. On Christmas Day 1890 I was employed by Mr. Simon Gayton at 161 East 70th . St. I know the defendant Thomas Bennett. I went to dinner and returned to the stable between half past three and four o'clock. When I came in I saw the prisoner Bennett in company with others sitting on a bench in the stable. I said: "Another livery-stable-keeper has got himself into a hole" and Stewart jumped up and said: "Who is that?" I told him it was a party by the name of Gallivan who kept a stable in West 45th. St. between 6th. and 7th. Avenues on the north side of the street. Then Thomas Bennett jumped up and said: "That is <sup>Simon</sup> Gayton. He owes me \$24. I will go down and see his wife and if she won't give me the money I will go dead against him, but if I do get the money I will go and see the widows of the murdered men."

10.

Q Where were you when you first heard of the alleged killing of these two men by Gallivan? A I heard it in a liquor store at the corner of 33d. Street and Third Avenue after having my dinner.

Q You came from that liquor store in Third Avenue to the stable? A Yes, sir.

Q And you made that statement in the hearing of the defendant? A Yes, sir.

Q When did you first learn that Bennett had claimed to be in 45th. Street on that Christmas afternoon? A I didn't hear anything that he claimed to be there, until I heard it from the District-Attorney Mr. Lynn.

Cross-examination:

Q Are you employed by Mr. Gayton? A Not now.

Q When did you leave his employ? A In the month of April last.

Q How long had you been in his employ before that time? A About six weeks.

Q Were you in his employ on Christmas Day 1890? A Yes, sir.

Q How many men did Mr. Gayton have in his employ at that time? A Six, I believe.

Q Where was Bennett sitting at the time you say you came in the stable? A Sitting on a bench right back of the office. He was in company with John Stewart, Emil Hunsicker and one or two other men..

Q How long had you been at dinner? A About three quarters of an hour at my house No. 1074 Third Avenue.



0107

Indictment filed Dec. 11-1892

COURT OF GENERAL SESSIONS

Part III.

The PEOPLE &c.

against

THOMAS BENNETT

Abstract of testimony on

Trial, New York January

5th 1892.

To print to follow a case trial



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

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

Against  
Thomas Bennett

-----X  
THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment accuse Thomas Bennett of the crime  
of Perjury, committed as follows:

Heretofore, to wit: at a Court of General Sessions  
of the Peace begun and holden in and for the City and  
County of New York, at the City Hall in the said City, on  
the first Monday of November in the year of our Lord  
one thousand eight hundred and ninety-one, before the  
Honorable Frederick Smyth, Recorder of the City of New  
York and Justice of the said Court, a certain issue in  
due manner joined in the said Court between the People  
of the State of New York and one Michael J. Gallivan,  
upon a certain indictment then depending in said Court  
against the said Michael J. Gallivan for murder in the  
first degree, came on to be tried and was then and there  
in due form of law tried in the said Court before the  
said the Honorable Frederick Smyth, Recorder and Justice  
as aforesaid, and by a certain jury of the said county of  
New York, in due manner returned, impanelled and sworn  
for that purpose.

(2)

And at and upon the trial of the said issue, to wit: on the first day of December in the year aforesaid, at the City and County aforesaid, the said Thomas Bennett late of the City and County of New York aforesaid, did then and there appear and was produced as a witness for and on behalf of the said Michael J. Gallivan said defendant as aforesaid, and against the said People upon the trial of the said issue; and the said Thomas Bennett was then and there duly sworn as such witness as aforesaid, before the said the Honorable Frederick Smyth, Recorder and Justice as aforesaid, and did take his corporal oath that the evidence which he should give to the said Court and jury between the said People and the said Michael J. Gallivan the defendant on the issue then pending should be the truth, the whole truth and nothing but the truth, he the said the Honorable Frederick Smyth, Recorder and Justice as aforesaid, then and there having sufficient and competent power and authority to administer the said oath to the said Thomas Bennett in that behalf.

And the said Thomas Bennett being so sworn as aforesaid, it then and there upon the trial of the said issue became and was a material inquiry whether he the said Thomas Bennett on the twenty-fifth day of December in the year of our Lord one thousand eight hundred and ninety, at about the hour of three o'clock in the afternoon of the said day was in the vicinity of a certain stable situated at No. 121 West Forty-fifth Street in

(3)

the said City, and then kept by the said Michael J. Gallivan; and whether he the said Thomas Bennett had on the said day seen an altercation in the said stable between the said Michael J. Gallivan and James Cummings and Edward Hurley.

And the said Thomas Bennett being so sworn as aforesaid, and being then and there lawfully required to depose the truth in a proceeding in a course of justice then and there, to wit: on the said first day of December in the year of our Lord one thousand eight hundred and ninety-one on the trial aforesaid, of the said issue, upon his oath aforesaid, before the said the Honorable Frederick Smyth, Recorder and Justice as aforesaid, feloniously, wilfully, knowingly and corruptly did falsely swear, depose, say and give evidence to the said Court and jury amongst other things in substance and to the effect following, that is to say :

That on the said twenty-fifth day of December in the year of our Lord one thousand eight hundred and ninety, he the said Thomas Bennett was in the vicinity of the said stable at three o'clock in the afternoon, and that coming up to the said stable he saw that the doors were closed and he heard loud talking; that he opened the door and entered the said stable, and that the said James Cummings said : "You Irish son of a bitch, I will kill you;" that at the said time the said Edward Hurley had a square wrench in his hand and hit the said Michael J. Gallivan with the said wrench upon his head and face;

0111

(4)

that he the said Thomas Bennett then said: "You murdering sons of bitches do you want to kill the man;" and that the said James Cummings then made a blow with a bale-stick at his the said Thomas Bennett's head; that he avoided the blow and got out of the stable and shut the door, and that after having left the stable and shut the door he heard the report of a pistol; that after having heard the pistol shot he again opened the door and saw the said Michael J. Gallivan lying on the floor of the said stable, and said to him: "Are you going to lay down and let the murdering scoundrels kill you, why don't you shoot them;" that he then again shut the door to go and look for a policeman; and that at no time on the said twenty-fifth day of December in the year last aforesaid, was he the said Thomas Bennett at a certain stable known as Kayton's stable situated at No. 161 East Seventieth Street in the said City.

Whereas, in truth and in fact he the said Thomas Bennett was not on the said twenty-fifth day of December in the year of our Lord one thousand eight hundred and ninety at three o'clock in the afternoon in the vicinity of the said stable so kept by the said Michael J. Gallivan at No. 121 West Forty-fifth Street in the said City; and coming up to the said stable he did not see that the doors were closed, and he did not hear loud talking, and did not open the door and enter the said stable, and the said James Cummings did not say "you Irish son of a bitch, I will kill you;" and at the said

(5)

time the said Edward Hurley did not have a square wrench in his hand, and did not hit the said Michael J. Gallivan upon his head and face with the said wrench; and the said Thomas Bennett did not then say "you murdering sons of bitches, do you want to kill the man;" and the said James Cummings did not then make a blow with a balestick at his the said Thomas Bennett's head, and he did not avoid the blow and go out of the stable and shut the door, and after having left the stable and shut the door he did not hear the report of a pistol; and after having heard the pistol shot he did not again open the door, and did not see the said Michael J. Gallivan lying on the floor of the said stable, and did not say to him "are you going to lay down and let the murdering scoundrels kill you, why don't you shoot them;" and he did not then again shut the door to go out and look for a policeman; and, whereas, in truth and in fact the said Thomas Bennett was during a great part of the said last mentioned day and during the entire afternoon thereof, to wit: from the hour of two o'clock to the hour of six o'clock in the afternoon of the said day in the said stable known as Kayton's stable: all of which the said Thomas Bennett then and there well knew.

And so the Grand Jury aforesaid do say that the said Thomas Bennett in the manner and form aforesaid, wilfully, feloniously, knowingly, corruptly and falsely

(6)

did commit wilful and corrupt perjury; against the form of the Statute in such case made and provide, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

DISTRICT ATTORNEY.

0114

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Benney, Anna

**DATE:**

12/01/91



4222

0115

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Benney, Lillian Anna

**DATE:**

12/01/91



4222



Witnesses:

313  
Counsel,

Filed

day of

1891

Pleads,

THE PEOPLE

Anna Berner

and  
Lillian Anna Berner

con. Dec 4/91

Grand Larceny, Second Degree  
(Sections 225, 226, 550 Penal Code)

DE LANCEY NICOLL,

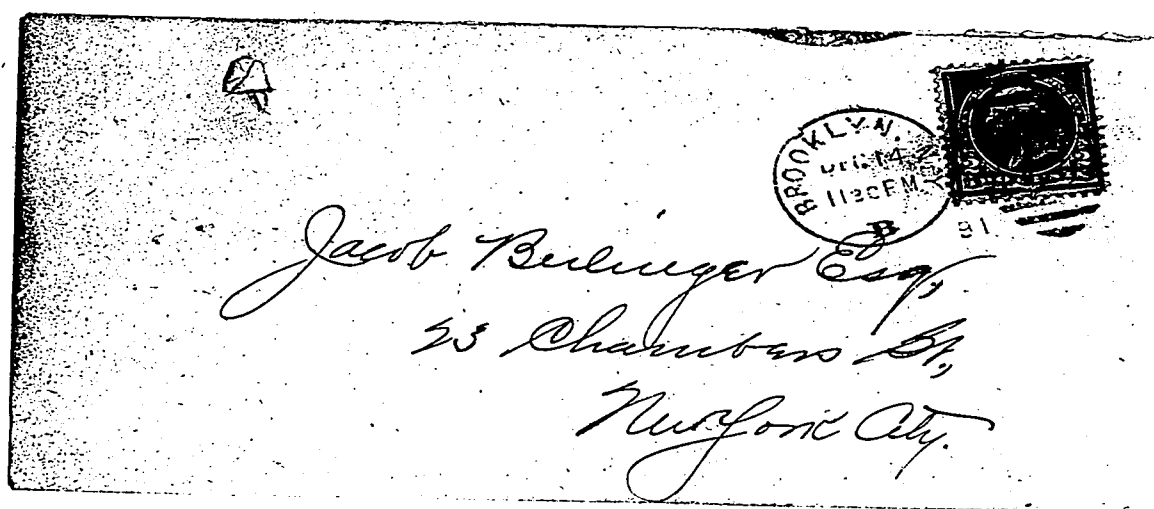
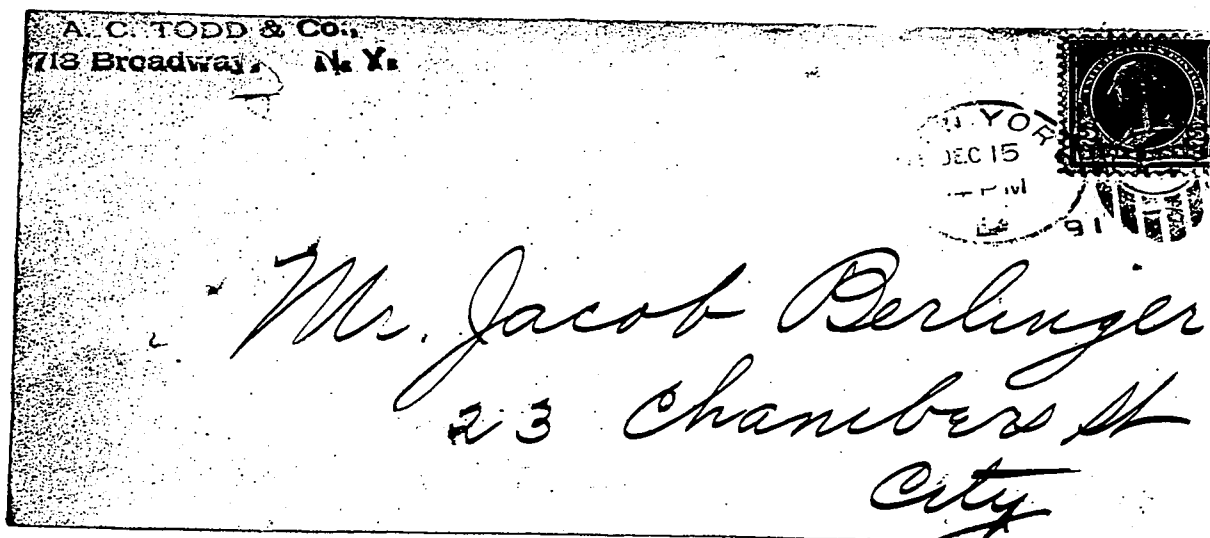
District Attorney.

A TRUE BILL.

Deputy Foreman.

Part 3. December 11/91 -  
Both plead - Peter Larceny  
No 1. Sentence suspended  
" 2 Pen 6 mos. P.B.M.

0117



Brooklyn, Dec. 15, 1891

Jacob Portinga, Esq

My dear Sir:

I have been acquainted with Mr. Bunnay and her daughter Annie for as many as nine years. Whatever happiness they may have had which have come to my knowledge, I believe that their efforts and intentions have always been honest and honorable. Mrs. Bunnay has had a hard struggle with life, — having for many years been obliged to maintain herself by her own unaided efforts, and she deserves and ~~she deserves~~ the kind help of all those who are disposed to sympathy in such cases.

Yours truly

Harry A. Pellum  
H. A. Pellum

A. C. TODD & CO.,

713 BROADWAY,

New York, Dec 15 1891

Mr Jacob Berlinger -  
Dear Sir -

I have known  
Mrs L. A. Penney & her daughter  
for one year last past, have  
often met them during this  
period & have every reason  
to believe that they are  
respectable, honorable &  
straightforward women -

Yours truly

A. C. Todd

Brooklyn Dec 14<sup>th</sup> 91

Mr Jacob Berlinger

Dear sir, I have  
known Mrs Lillian Bunnay  
and her daughter Lida,  
since July 4<sup>th</sup>, and am  
able to state positively that  
as far as I know they  
have always been honest  
and respectable.

Yours truly  
Harry L Stone

0 12 1

Mr Jacob Berlinger.  
23 Chambers St.  
City.

New York,  
December 14/91

Mrs. J. Berlinger.

Dear Sir -

Since my acquaintance  
with Miss Lydia A. Bunney,  
commencing in February 1891,  
I have never had any reason  
to think that she is anything  
but an honest and straight  
forward woman.

Yours respectfully  
Louis W. Goltzman  
606 Columbus Ave.

W. General Sessions  
The People v. C  
agst

Anna Penny  
William A Penny

City County of New York ss:

L. Anna Penny

being duly sworn says, she is one of the defendants herein, that the co-defendant ~~Lillian~~<sup>Anna</sup> A. Penny is her daughter that she has in all five children that her marriage has not been a very happy one, she being separated from her husband and has had the care and trouble of bringing up her children all alone, that at the time she went to live with Mrs Porter the complainant in this case, great inducements were held out to her by Mrs Porter, as to what a good easy time she would have and beside that she could make a good living furnishing table board to the lodgers in her house that these inducements and promises all turned out very different, that table board was furnished and a great deal of the money for the same is still due and owing to the defendant that Mrs Porter



turned out to be a very hard and exacting woman and one not easy to please. Deponent further says that she never intended to deprive the complainant herein, of the property charged to have been taken, but being in the trouble that she was at the time, used the same more as a loan than otherwise and deponent on her oath says that it always and still is her intention to return to said Mrs Porter, all and every article which she took without cost and any trouble on the part of said Mrs Porter — That deponent has never before nor has her said daughter, been charged with the commission of any crime either in this or any other state.

Subscribed before me  
this 16 day Decr: 1891.

Phil Waldheimer

William Bernsey

NOTARY PUBLIC,  
Kings Co. Cert. Filed in N. Y. Co

M. G. C. Serroni.

The People  
to

- apt -  
Anna Berry  
William A Berry

City-County of New York ss:

Anna Berry  
being duly sworn says that she  
is the daughter of Lillian A Berry  
and one of the defendants above  
named, that she has read the  
affidavit hereto annexed of her  
said mother and that each and  
every statement therein contained  
is true to defendant's own knowledge.

That this deponent has also never been previous to the present time charged with any wrong doing.

Spencer  
Dec 16<sup>th</sup> 1891

Phil Waldheimer

Anna Kurney.

NOTARY PUBLIC,  
Kings Co. Cert. filed in N. Y. Co.

My General Session

The People v<sup>e</sup>

Agst

Anna Benny

Lillian A Benny

City & County of New York S.S.

Albert A Benny

being duly sworn says that he is a compositor at present employed on the New York Times that he is the Husband and Father respectively of the defendants above named and was married to the defendant Anna Benny eighteen years ago. Deponent further says that this is the first time the defendants have ever been in any trouble of any kind. that their character heretofore has been good.

Sworn before me this

15th day of December 1891

M. W. Cohen

Corn of Seeds

N. Y. City & County

Albert A. Benny

Court of General Sessions.

The People  
vs

- Gt -  
Anna Penny  
& Lillian A. Penny.

City & County of New York ss:

William J. Pye

being duly sworn says that he is  
associated as Assistant Cashier  
of the N.Y. Journal, a daily newspaper  
published in said City.

That he has known the defendants  
above named for about two  
years last past. I boarded  
with defendant Anna Penny  
for one month each during the  
years 1889 and 1890 - and I was  
at all times favorable impressed  
with their character and standing  
and the present charge is the  
first one that I have ever  
heard of them being charged  
with the commission of any  
crime.

Sworn to before me this 14th Decr. 1891.  
Phil MacDonell

Wm J Pye

NOTARY PUBLIC,  
Kings Co. Cert. filed in N. Y. Co.

My General Service

The People

for

app

Anna Berry,

and

Lillian A. Berry

Affidavit.

Just Berling

Consul for D.C.

23 Chambers St. N.Y.

Darling  
 I want to tell you  
 if I can what I intend  
 doing I have here I think  
 a very good thing for a  
 winter but with lots  
 of work which I am willing  
 to do if I can keep my  
 health but that the  
 disease bothers me if I could  
 only get well sometimes  
 I think I will never get well  
 it is 5 months now but I  
 remember don't blame you  
 I am only to blame for  
 it you tried your best  
 to keep me from getting it  
 but my mad love for you  
 got the best of me  
 I love you better now  
 not with an insane passion  
 but the love of a true  
 friend that would do any  
 thing I could for you  
 I know you will think I  
 have come back to my  
 senses Darling at last I am  
 going to work now with a  
 will & to get I squared  
 up I will get your things  
 sent and pay you them  
 I am going to save for a  
 place at Rockland Lake  
 next spring I start tomorrow  
 with 6 table borders that  
 will pay me \$40 a piece



that will pay a girl and  
 keep the table I expect to  
 clear all my expenses and  
 our living and have in  
 own money clear each in  
 and I hope by Spring to have  
 enough to start a good  
 place I am going to be  
 foolish no longer you will  
 find I have both strength  
 and business in me before  
 long I want you to come  
 to see me whenever you  
 can I will always be glad  
 to see you and will always  
 love you but little one  
 I will not let you rule  
 me any longer because I  
 don't think it good for me  
 I must make ~~some~~ <sup>some</sup>  
 Dear So as we can come  
 to Rockland in the next  
 year don't worry about  
 your things for I will not  
 let you lose them they  
 cannot get them if they  
 wanted to for they are  
 stopped and they could not  
 redeem them until the year  
 is up after I send for you  
 to come and get them I want  
 you to call on me twice a  
 week and we will be good  
 friends I shall not go out  
 much this winter only  
 to skate are the Arden

Ball if you wish to go  
with me I will be glad to  
have you than anyone else  
if you would like a  
winter with me I will  
stay home I will have to have  
something for pleasure at times

Darling love

write as often  
as you can

from your

loving and true

Friend

Lil



0132

(1885)

Police Court— District.

Affidavit—Larceny.

City and County } ss.  
of New York,Lizzie E. Porter  
of No. 354 West 22 Street, aged 45 years,

occupation Housekeeper being duly sworn,

deposes and says, that on the 20<sup>th</sup> day of October 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 day time, the following property, viz:

A gold watch  
and chain of the value of \$45.00  
Mollars, two gold rings of the value of ten dollars, all of the  
value of seventy five dollars.

the property of

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 Lillian Anna Benney <sup>(not arrested)</sup> and

Anna Benney (now here)  
The said property was in deponent's house  
at 354 West 22<sup>nd</sup> Street, and deponent  
lived in the said house and they  
had access to deponent's premises  
by working there together. The defendant  
Anna Benney admitted to deponent  
that she participated in said larceny  
and she gave information on which  
it was identified in the pawn shop 194  
of W Avenue. And the said Lillian  
Anna Benney gave of the pawn  
tickets.

Lizzie E. Porter

Sworn to before me, this

1891

Justice

0133

Sec. 193-200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Anne Benney* 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.

*Anne Benney*

Question. How old are you?

Answer.

*17 years*

Question. Where were you born?

Answer.

*N. Y.*

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

Answer.

*354 West 22nd St - 9 months*

Question. What is your business or profession?

Answer.

*Nothing*

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 Anne Benney*

Taken before me this

*14*

*John C. Kelly*

Police Justice.

0134

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.....

Lillian Anne Berry, Anne Berry  
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 2nd 18 81 John S. Kelly Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

JP

0135

90 28

Police Court---

2

District.

1424

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Lizzie E. Porter  
354 N 22  
Lillian Anna Benney  
Anna Benney

Offence *Carney*  
*felony*

3.  
4.

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *Nov* 188*9*

*Kelly*

Magistrate.

*Carney*

Officer.

*16*

Precinct.

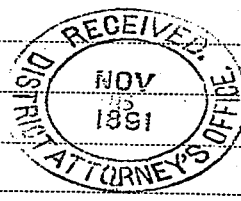
Witnesses.....

No. .... Street.

No. .... Street.

No. .... Street.

\$ *1.000* to answer



*Carney* *qtr*

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Anna Benney*  
and  
*Lillian Anna Benney*

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

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

The said

*Anna Benney* and  
*Lillian Anna Benney*, both  
late of the City of New York, in the County of New York aforesaid, on the *20th*  
day of *October* in the year of our Lord one thousand eight hundred and  
ninety-*one*, at the City and County aforesaid, with force and arms,

*45* one watch of the value of forty-  
*20* five dollars, one chain of the value  
*10* of twenty dollars, and two finger-  
*75* rings of the value of five dollars  
each

of the goods, chattels and personal property of one

*Lizzie E. Porter*

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 Ranney Meo*

0137

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Benson, Henry

**DATE:**

12/18/91



4222

0138

Witnesses:

Sally Benson

Counsel,

Filed

day of Dec

1891

Pleads,

THE PEOPLE

vs.

Henry Benson

Grand Larceny, Second Degree.  
[Sections 523, 524, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Engelb. Downingdale  
Dec 18/91 Foreman.

Plender J. P.

W. H. W. Co.

Court of  
General Sessions  
The People  
vs.  
Henry Benson

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23D STREET,

New York, Dec. 16<sup>th</sup> 1891

CASE NO. 61376. OFFICER Decker.  
DATE OF ARREST December 10<sup>th</sup> 1891  
CHARGE

Grand Larceny

AGE OF CHILD 12 years  
RELIGION Catholic  
FATHER dead - stepfather - Paul Bengtsson  
MOTHER Amelia Bengtsson -  
RESIDENCE 193 - 1<sup>st</sup> Avenue

AN INVESTIGATION BY THE SOCIETY SHOWS THAT boy has  
never been arrested before for crime -  
He is a bad boy associating  
with bad company and at times of  
arrest was away from home 14 days.

Parents are respectable and  
home is comfortable -

All which is respectfully submitted

E. Hellows Secretary

To Dist. Atty.



Court of  
General Sessions

The People

vs.

Henry Benson

Grand Jurors  
PENAL CODE, 18

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,

President, &c.,

100 East 23d Street,

NEW YORK CITY.

0140

0141

Police Court— District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

*Solly Rogan*  
of No. *189 Henry* Street, aged *23* years,  
occupation *Agent* being duly sworn  
deposes and says, that on the *8* day of *December* 189*1* at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the *day* time, the following property, viz:

*One double Case gold Watch*  
*of the value of forty dollars*  
*(\$40.00)*

the property of *in deponent's Case, and Custody*

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by *Henry Benson (now here)*  
from the fact that at about *11*  
*Am* O'clock on said date while  
deponent was in the public water  
closet at *Comptons Square Park*  
and Exhibiting Jewelry he had for  
sale, he noticed deponent (now here)  
standing near by him, shortly  
thereafter deponent closed his box  
containing different kinds of  
jewelry and went away and did  
not again open said box until  
he arrived at *145<sup>th</sup> street* when he  
missed said property and subsequently  
he caused deponent's arrest

Sworn to before me this  
18 day

Police Justice.

Dependent is informed by  
 John J. Mitchell of the Park Police  
 that he arrested defendant who  
 admitted and confessed to him  
 that he had stolen said watch  
 and had given it to another  
 boy to pawn. Said officer went  
 to the Pawnshop of Alex and  
 Ground of No 189 Avenue A and  
 obtained said watch which  
 has since been identified by  
 dependent. Wherefore dependent  
 prays that defendant be held  
 to answer and be dealt with  
 as the law directs.

Done to before me  
 this 11<sup>th</sup> day of Dec 1891 } S. Rogow  
 J. J. Deauffy  
 Police Justice

0143

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged

years, occupation

of No.

Street, being duly sworn, deposes and

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

Sworn to before me, this

day of

1896,

Police Justice.

0144

\*Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Henry Benson* 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. *Henry Benson*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Denmark*

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

Answer. *No 193 Gustav H. Avenue*

Question. What is your business or profession?

Answer. *School 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*  
*Henry Benson*

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

Police Justice.

0145

Department of Justice,

U. S. ATTORNEY'S OFFICE,  
BROOKLYN, N. Y.

Any person using this envelope to avoid payment of  
postage on private matter of any kind, will be subject to  
a fine of Three Hundred Dollars.

Jacob Berlioz, Esq.

Presented

0146

CITY AND COUNTY {ss.  
OF NEW YORK.

POLICE COURT, 3 DISTRICT.

of No. Park Police John J. Mitchell  
 occupation Police Officer Street, aged \_\_\_\_\_ years,  
 being duly sworn, deposes and says  
 that on the 8 day of December 1891  
 at the City of New York, in the County of New York. he arrested

Henry Benson (member upon  
 complaint of Solly Rogov yet to  
 1891 Henry Street charging said  
Benson with grand larceny  
Department says that  
 said defendant Benson by  
committing to enable him to  
obtain further evidence

John J. Mitchell

Subscribed to before me this

of

10

day

1891

Police Justice.

210 3  
Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Henry Brown  
12 yrs, 93  
Dated, Dec 10, 1891

Duffy Magistrate.

Mitchell Officer.

Witness,

Disposition

APPENDAVIT.

Henry

by



0148

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 Dec 11 18 1898 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.

Police Court--- District.

THE PEOPLE. &c.,  
ON THE COMPLAINT OF

*Sollie Rogers*  
*189 Henry St*  
*Stuyvesant*

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

*Officer*  
*Edward Becker*  
*922*

Dated *Dec 11* 1891

*Duffy* Magistrate.  
*Mitchell* Officer.  
*C.P.* Precinct.

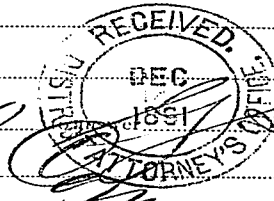
Witness *Said Officer*

No. .... Street.

*Officer Edward Becker*  
No. *100 East 93<sup>d</sup>* Street.

No. .... Street.

*500*



BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Henry Benson*

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

*Henry Benson*

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

The said

*Henry Benson*

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

*one watch of the value of forty dollars*

of the goods, chattels and personal property of one

*Solly Rogow*

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 Laurence Nicoll*  
*District Attorney*

0151

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Bergen, Martin

**DATE:**

12/24/91



4222

0152

Witnesses:

*William Hoff*  
*off. Mitchell*

Counsel

Filed

day of

189

Pleads,

THE PEOPLE

vs.

*3*  
*Martin Bergen*

Degree  
(From the Person)  
[Sections 528, 530  
Penal Code.]

Grand Larceny,  
[Sections 528, 530  
Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Quarantined Document*

Foreman.

*Spec 28/91*

*Heard G. H. H. H.*

*S.P. 3 m 4 a*

Police Court—2<sup>nd</sup> District.

Affidavit—Larceny.

City and County }  
of New York, } ss.of No. 646-9<sup>th</sup> Avenue William Hoff Street, aged 21 years,occupation Restaurant being duly sworn,deposes and says, that on the 22<sup>nd</sup> day of December 1891 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession  
and person  
of deponent, in the night time, the following property, viz:

A. Gold Watch. with plated Chain  
Attached. in all of the amount  
and value of Thirteen dollars

\$13<sup>00</sup>/<sub>100</sub>the property of Deponent

of  
Sworn to before me, this  
189

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
and carried away by Martin Bergin (now here) from the following  
facts to wit: That between the hours of 4<sup>th</sup>  
5 o'clock A.M. of the aforesaid date, deponent  
was in his place of business at the aforesaid  
address, and at that time the aforesaid Watch  
was in a pocket of the vest then and there worn  
on deponent's person, attached to the said Chain  
which chain was attached to a button hole  
in said vest, and that deponent sat down on  
a Chair in said Restaurant, and at that  
time no other person was in said place except  
deponent, and that deponent shortly fell asleep  
and was awakened by Robert Hoff (deponent's brother)  
about the hour of 5.15 o'clock A.M. and immediately  
missed the aforesaid property, and that deponent is

further informed by Officer Henry P. Mitchell of the 20<sup>th</sup> Precinct Police that about the hour of 7.30 o'clock A.M. of the aforesaid date. while he had a prisoner under Arrest on 8<sup>th</sup> Avenue between 38<sup>th</sup> and 39<sup>th</sup> Streets, the defendant came up to him and attempted to take said prisoner from his custody, and failing in his attempt to take said prisoner from deponent did then and there take a Watch and Chain from his pants pocket. and offered the same to deponent, on condition he would release the said prisoner. and that deponent then placed the defendant under Arrest; and deponent further says that he has seen the Watch and Chain which said defendant offered to deponent. and recognizes the same as his property - and as the property which was stolen from his person on the aforesaid date. Deponent therefore charges the defendant with having committed a Larceny and asks that he may be held and dealt with as the Law may direct.

Sworn to before me this }  
22 day of December 1891 } Jm Hoff

*[Signature]* Police Justice

0 155

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Henry P. Mitchell*

aged \_\_\_\_\_ years, occupation *Police officer* of No. \_\_\_\_\_

*20<sup>th</sup> Precinct Police*

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *William Waff*

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

Sworn to before me, this *22<sup>nd</sup>*  
day of *December* 189*9*,

*Henry P. Mitchell*

*[Signature]*

Police Justice.



0156

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

2

District Police Court.

*Martin Bergin* 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. *Martin Bergin*

Question. How old are you?

Answer. *26 years -*

Question. Where were you born?

Answer. *New York*

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

Answer. *231 East 45 St. - 7 years -*

Question. What is your business or profession?

Answer. *Anything I can get -*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*

*Martin Bergin*

Taken before me this  
day of *December*188*9*

Police Justice

*[Signature]*

0157

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 good bail.  
Dated December 22 1891 [Signature] Police Justice.

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

Dated ..... 18 ..... Police Justice.

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

Dated ..... 18 ..... Police Justice.

0158

Police Court--- 2 1568 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William Hoff*  
*646 9th St*  
*Martin Bergin*

2

3

4

*Green*  
*from the person*

Dated *December 22* 189*9*

*Hogan* Magistrate.

*Mitchell* Officer.

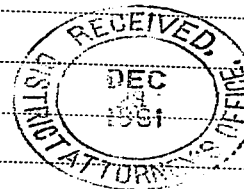
*20* Precinct.

Witnesses

No. Street.

No. Street.

No. Street.



to answer

*2 P 1*  
*new*

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Martin Bergen*

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

*Martin Bergen*  
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said

*Martin Bergen*

late of the City of New York, in the County of New York aforesaid, on the *22nd* day of *December* in the year of our Lord one thousand eight hundred and ninety-*one*, in the *night*-time of the said day, at the City and County aforesaid, with force and arms,

*one watch of the value of twelve dollars, and one chain of the value of one dollar*

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

## SECOND COUNT—

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

*Martin Bergen*  
of the CRIME ~~OF~~ RECEIVING STOLEN GOODS, committed as follows:

The said

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

*one watch of the value of  
twelve dollars, and one chain  
of the value of one dollar*

*William Haff*  
of the goods, chattels and personal property of one

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

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

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

DE LANCEY NICOLL,  
District Attorney.

0 16 1

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Bergman, Harry

**DATE:**

12/09/91



4222

Frank Mumma

day of 189

THE PEOPLE

25.

Sections 528, 532, — Penal Code.

2

Harry Bergman

A.D.

DE LANCEY NICOLL,

*District Attorney.*

**A TRUE BILL.**

*Quanderblossingale*

*Foreman:*

Comptroller to the Court  
of S. and C. Counties

Part III, Dec 1 ✓ 1896

0162

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Samuel Bergman*

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

*Samuel Bergman*

of the CRIME OF PETIT LARCENY, committed as follows:

The said *Samuel Bergman*,

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

*one accordion of the value of ten*

*dollars,*

of the goods, chattels and personal property of one *Frank Murray*.

then and there being found, then and there unlawfully 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.

*Admiral Hill,*  
*Attorney*



0164

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Bernstein, Herman

**DATE:**

12/08/91



4222

7

Witnesses :

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

B

Herman Bernstein

H.D.

Dictation of Question  
Ordinance.  
Sec. 139. Raines ord.  
N 1880

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Emanuel W. Bloomer

Foreman.

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

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Herman Bernstein*

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

indictment, accuse *Herman Bernstein* —

of the crime of *Violating an ordinance of the*  
*Common Council of the City of New York,*  
committed as follows:

The said *Herman Bernstein*,

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

*did unlawfully use, exercise and carry on the*  
*trade and business of a dealer in second-hand*  
*articles without being first specially licensed for*  
*such purpose as provided by the ordinances of*

the Common Council of the said City of New York  
 theretofore duly passed and adopted and then  
 and there in force and operation, to wit: the  
 Mayor of the said City, not having granted  
 any license to him the said Herman Bernstein  
 under and pursuant to the provisions of the  
 said ordinances, to exercise or carry on the  
 said business; and thereby did then and there  
 offend against and violate a certain ordinance  
 of the said Common Council, <sup>theretofore duly passed and adopted,</sup> and then and  
 there in full force and operation, which  
 said ordinance is as follows, that is to say:

"No person shall use, exercise, or carry  
 on the trade or business of a dealer in second-hand  
 articles without being specially licensed for  
~~the~~ such purpose as aforesaid, or shall carry  
 on any such business at any other house or place  
 than the one designated in such license, or shall  
 continue to carry on such business after such  
 license may have been revoked, under the  
 penalty of fifty dollars."

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 Inisoll.

District Attorney.

0169

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Bornschein, Gustave

**DATE:**

12/24/91



4222

Witnesses:

*Andrew N. ...*

Counsel,

Filed *Dec* day of *Dec* 189*1*

Pleads,

THE PEOPLE

vs.

*Justave Bonachon*

*Grand Larceny, ...*  
[Sections 528, 587  
Degree.  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*James W. ...*  
Foreman.

*Dec 28/91*

*Frank ...*

Pen one *...*

Police Court—2 District.

Affidavit—Larceny.

City and County } ss.  
of New York,

of No. 403 west 40<sup>th</sup> Street, aged 64 years,  
 occupation Furniture Truckman being duly sworn,  
 deposes and says, that on the First day of November 1897 at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the day time, the following property, viz:

Good and lawful money of the  
United States. of the amount of  
Thirty dollars (\$ 30 <sup>00</sup>/<sub>100</sub>)

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 Gustave Bornschein (now here) from  
 the following facts to wit: That on the aforesaid  
 date about the hour of 12 o'clock Mid-day, Deponent  
 who was then living at No 417 west 40<sup>th</sup> Street,  
 laid down on a bed in his room at the  
 said address, and at that time said defendant  
 was lying on a lounge in deponent's apartments,  
 and deponent further says that at that time  
 the aforesaid property was in the pocket of a  
 pair of pants which was hanging on a nail  
 in said apartments—and that deponent is  
 further informed by Minnie Beik (deponent's wife)  
 that shortly after Deponent fell asleep. The  
 defendant asked her to go out and bring him  
 in some beer, and on her going out and bringing

Subscribed and sworn to before me this  
 1897

Police Justice



back said beer. she found the defendant gone,  
 and that she immediately awakened Dependent,  
 who went to the aforesaid plants and found  
 the aforesaid property missing, Dependent therefore  
 charges the defendant with having committed  
 a Larceny and asks that he may be held  
 and dealt with as the Law may direct.

Sworn to before me this } Quincy Smith  
 22 day of December 1891 }

John M. Police Justice

0173

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

aged 63 years, occupation Minnie Beith of No. 403 West 40<sup>th</sup> Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Rudolph Beith and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 22 day of December 1890, } Miner Kniff

Shoemaker  
Police Justice.

0174

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK.

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

Question. What is your name?

Answer.

*Gustav Bornschein*

Question. How old are you?

Answer.

*48 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*181 East 23 St New York 4 weeks*

Question. What is your business or profession?

Answer.

*Labourer*

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 now guilty of taking thirty dollars I took only twenty five dollars*

*Gustav Bornschein*

Taken before me this

day of

*Dec**1891*

Police Justice.

0175

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 December 22 1891 [Signature] Police Justice.

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

Dated.....18..... Police Justice.

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

Dated.....18..... Police Justice.

Residence ..... Street .....

0177

528

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Gustave Dornschien*

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

*Gustave Dornschien*

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

The said

*Gustave Dornschien*

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

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 *thirty*

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

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

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

of the goods, chattels and personal property of one

*Rudolph Weith*  
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 LANCEY NICOLL,

*District Attorney.*

0178

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Bowie, Henry

**DATE:**

12/09/91



4222

Witnesses:

*affidavit*

Counsel,  
Filed *9<sup>th</sup>* day of *Dec* 189*1*  
Pleads,

THE PEOPLE

vs.

*Jenny Bove*

*Grand Larceny*  
[Sections 528, 537, 538 Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

A True Bill.

*Engelwood Thompson*  
Foreman.  
*Heads of Jury*  
*Conner*



Police Court—

District.

Affidavit—Larceny.

City and County } ss.  
of New York,

of No. 247 East 135 Street, aged 50 years,  
occupation Druggist

deposes and says, that on the 10 day of November 1897 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

clothing and aroguet mallets  
together of the value of one  
fifty dollars

Sworn to before me, this  
of November 1897  
day

the property of

My Aroguet Mallet in deponent  
charge

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

Henry Bowie now known  
from the fact that said  
property was stolen from  
1300 Madison Avenue on  
said date and that deponent  
was and is informed by  
officer John J. Allen of the  
29th Precinct that on said  
date he observed said Bowie  
carrying said property  
with a portion of said property  
and further that said Bowie  
has confessed to the theft

C. A. Marsh

0181

(1895)

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court

*Henry Bowie*

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

Question. What is your name?

Answer. *Henry Bowie*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *Canada*

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

Answer. *247 W 30th St.*

Question. What is your business or profession?

Answer. *Baker*

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*  
*Henry Bowie*

Taken before me this

day of

*Dec 1895*

*Charles E. Bowie*  
Police Justice.

0182

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 Alfred

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 Dec 10 1887 James Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0183

10-  
Police Court

1502  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Charles A. Marsh*  
vs. *East 12 St*  
*Henry Bowie*

2  
3  
4

BAILED.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

Dated

1891

Magistrate

Officer.

Precinct.

Witnesses

No.

Street.

No.

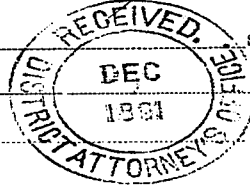
Street.

No.

Street.

\$

to answer



GA 2

0 184

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John J. Allen*  
aged \_\_\_\_\_ years, occupation *Police Officer* of No. \_\_\_\_\_

*29th Street* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Charles A. Marsh*

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

Sworn to before me, this \_\_\_\_\_ day of *December* 188*9* *John J. Allen*

*W. W. Mearns*  
Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Henry Bowie*

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

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

The said

*Henry Bowie*

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

*nine croquet mallets of the value  
of ten dollars each, five pair of  
Trousers of the value of five  
dollars each pair, one coat of  
the value of ten dollars, some  
sweater of the value of five dollars,  
one pair of shoes of the value of one dollar,  
and one pair of glasses of the value of five dollars,*

of the goods, chattels and personal property of one

*Charles A. Marsh*

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

## SECOND COUNT—

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

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

The said

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

*the same goods, chattels and  
personal property described in the  
first count of this indictment*

of the goods, chattels and personal property of one

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

*Charles A. Marsh*  
unlawfully and unjustly, did feloniously receive and have; the said

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

DE LANCEY NICOLL,

*District Attorney.*

0187

**BOX:**

460

**FOLDER:**

4222

**DESCRIPTION:**

Boyle, William

**DATE:**

12/24/91



4222



Witnessed by  
*Bernard J. ...*

Counsel,  
Filed *24* day of *Dec* 189*1*  
Plends,

*Burglary in the ...*  
[Section 49] degree.

THE PEOPLE

vs.

*I*

*William Boyle*

*19*  
*27 x 1/2*  
*cut*

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Charles W. Donougho*

*George ...*  
Forfeiture.

*Heads of ...*

*James R.*

Police Court— 4 District.

City and County { ss.:  
of New York,

of No. 20 East 76<sup>th</sup> Street, aged 16 years,  
occupation interested in Butcher business being duly sworn  
deposes and says, that the premises No. 20 East 76<sup>th</sup> Street, Ward  
in the City and County aforesaid the said being a dwelling house  
and which was occupied by deponent as a dwelling  
and in which there was at the time ~~human beings~~ same

attempted to be  
~~were~~ BURGLARIOUSLY, entered by means of forcibly opening the  
front door leading into said premises  
by means of false or imitation keys

on the 21<sup>st</sup> day of December 1887 in the night time, ~~and the~~  
~~following property feloniously taken, stolen and carried away, viz:-~~  
with intent to commit some  
crime therein

~~the property of~~

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY attempted to be committed with the intent aforesaid  
~~was committed and the aforesaid property taken, stolen and carried away by~~

William Boyle (now here) and an  
unknown man not arrested

for the reasons following, to wit: that at about the hour  
of nine o'clock in the night time  
the front door aforesaid was  
securely locked and deponent and  
several other members of the family  
were in the premises and a large  
quantity of personal property was  
therein. Deponent's attention was attracted  
by a noise at the said door and

Becoming suspicious deponent went there and opened the door and saw the defendant and the unknown man standing at the door; upon seeing deponent they both ran away and were pursued by deponent who caused the arrest of the defendant but the unknown man escaped. Deponent returned and found the key here shown inserted in the lock of the door which key deponent charges the defendant or the unknown with using with intent to commit said burglary.

Sworn to before me this 22<sup>nd</sup> December 1891

*John H. Brady* } *Bernard Laban*  
*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 offence mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

Police Court, \_\_\_\_\_ District, \_\_\_\_\_

THE PEOPLE, &c.,  
on the complaint of \_\_\_\_\_

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

Offence—BURGLARY.

Dated \_\_\_\_\_ 188 \_\_\_\_\_

Magistrate. \_\_\_\_\_

Officer. \_\_\_\_\_

Clerk. \_\_\_\_\_

Witness, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_

\$ \_\_\_\_\_ to answer General Sessions.

0191

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer. *William Boyle*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Pennsylvania*

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

Answer. *8<sup>th</sup> Avenue 427 St. 1 week*

Question. What is your business or profession?

Answer. *Cutter and grinder*

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**William Boyle*Taken before me this *22*day of *December* 188*7**Wm. H. Brady*

Police Justice.

0 192

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 *Dec 22* 18 *91* *John H. Brady* 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 *h* to be discharged.

Dated..... 18..... Police Justice.

0193

1566

Police Court--- 4 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Bernard Jahn  
28 East 76th St  
William Boyle

Offense Attempt  
Burglary

2  
3  
4

Dated Dec 25 1891

Grady Magistrate.

Murphy Officer.

25 Precinct.

Witnesses Call officer

No. Street.

No. Street.

No. Street.

\$ 1000 to answer J. S.

Chm

BAILED,

No. 1, by

Residence Street.

No. 2, by

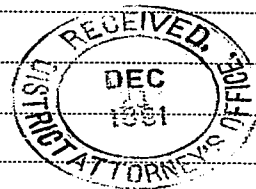
Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



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

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Boyle*

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

*- William Boyle -*

*attempting to commit*  
of the CRIME OF BURGLARY in the *first* degree, committed as follows:

The said *William Boyle*,

late of the *19th* Ward of the City of New York, in the County of New York aforesaid, on the *Twenty-first* day of *December*, in the year of our Lord one thousand eight hundred and ninety-*one* in the *morning* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Henry Adams*.

*attempt to*  
there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said *Henry Adams*.

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away,

*the said William Boyle being then and there assisted by a confederate, actually present, whose name is to the Grand Jury aforesaid as yet unknown.*

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*Edmund Mehl*  
*District Attorney*

0195

**BOX:**  
460

**FOLDER:**  
4222

**DESCRIPTION:**

Brooks, Frank

**DATE:**  
12/16/91



4222



0196

Free King no more  
against the nation  
but with the nation  
in common of the  
nations along to  
affection those of  
our great many  
and that must thing  
sufficient for  
conquer from  
and the present in the  
in many many  
at 20/92 Geo. William  
at 20/92 Geo. William

Witnesses:  
Off me Clerk

109  
Counsel,  
Filed  
Plends

16  
day of  
1891

THE PEOPLE

vs.

Frank Brooks

Advertising Countryman  
(Section 27, Ordinance)

THE LANCET NICOLL

District Attorney

A TRUE BILL

James L. Deeringdale

Attest

Foreman

Frank Brooks

0197

Sec. 192.

First District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.An information having been laid before Daniel O'Reilly a Police Justice  
of the City of New York, charging Frank Brooks Defendant with  
the offence ofAdvertising counterfeit moneyand 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, Frank Brooks Defendant of No. 52  
South Washington Square street; by occupation a Rural trader  
and Joseph Schoenen of No. 264 Penn  
Sturtevant Street, by occupation a Real Estate agent Surety, hereby jointly and severally undertake  
that the above named Brooks Defendantshall personally appear before the said Justice, at the First 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 Fifteen  
Hundred Dollars.Taken and acknowledged before me, this 26  
day of Oct 1891.Do J. A. Ruck POLICE JUSTICE.Frank Brooks  
Joseph Schoenen

0 198

CITY AND COUNTY  
OF NEW YORK, } ss.

*Joseph Schoenen*  
day of *Feb* 191*8*  
Sworn to before me this

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 *thirty* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *one half interest in houses and*

*lots of land no 6. 8-10. 12-14 1/2 16 Deyu*  
*Street said interest being of the value of*  
*\$12,500 or more and above all incumbrance*

*Joseph Schoenen*

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Underlying to appear  
during the Examination.

Taken the day of 18

Justice.

*Surety endorsed by*  
*Mr. Callahan*

TORN PAGE

0199

My Dear Sir:

I heard of you through an acquaintance, who spoke very highly of you, as a shrewd thoughtful man, and one who could be relied upon to keep a secret. As I am looking for such a person to handle my goods, I take the liberty to address you. Should the proposition I herein make you, be objectionable to you, I pray you to simply destroy this letter, and not mention its contents to any one. If, on the contrary, you feel disposed to make money in a quiet easy way, without incurring any great risks, send me the enclosed telegram, and I will send you full instructions, where to meet me, to make a deal. My goods, are fully equal to the originals; to convince you of this fact I enclose a clipping from a leading New York Daily Paper.

Now if you conclude to embrace this opportunity, it will be absolutely necessary for you to come on here and see me in person, I only deal "face to face" with my customers. Experience has taught me that this is the safest and most satisfactory way for both; when you meet me, you see what you are buying, and I see who I am dealing with, consequently we both feel better satisfied. I do not ask nor expect to be paid one cent until you have examined my entire stock, selected what you want, and the goods are in your possession. You must carry the goods away with you, and if you desire it I will see you in safety out of this city. I can't consent to sending goods either by express or mail. I know it is quite a journey for you to make, but look at the immense profits to be made with no risk whatever, and as far as expenses are concerned, I always make a liberal allowance to cover them. Make up your mind to come on at once. I know you will always look back at your trip to see me with pleasure and profit. My goods are first-class in every particular, and as fine as the newspaper article speaks of. Your own good sense should tell you I can have no object in misrepresenting the quality of my stock and bring you on here on a fool's errand, for I ask no money in advance and trade only on the terms above mentioned, namely don't ask nor expect to be paid one cent until you have examined my entire stock, selected what you want, and the goods are in your possession. My prices are as follows: \$300.00 buys \$3,000.00 - - \$650.00 buys \$10,000.00 and \$1,000.00 buys \$30,000.00.

These goods are as fine as human skill can make them. Not one of my agents have ever had the least difficulty in handling them and many have acquired independent fortunes.

I offer you the same opportunity I gave to them. If you have not the ready money to purchase my goods, I would consent to your taking some confidential friend in with you, provided of course, he is trustworthy and would not turn traitor. You could both come on together, examine my stock amounting to many thousands of dollars) and make your own selections. But you would be very foolish to take any one in with you, if you can in any possible way raise the required amount yourself.

In conclusion, I earnestly request that you treat this matter confidentially. Mention it to nobody. If the business suits you, simply send me telegram as per copy enclosed, and I will immediately respond appointing a place of meeting: Should the business be objectionable to you, kindly destroy this.

I would befriend you, do not prove treacherous and betray me.

Trusting I shall receive a favorable and immediate telegraphic reply.

I remain sincerely,

Do not write me, as your letters will not be received, but will go back to the Post Office and be returned to you probably opened. So be cautious.

Take the enclosed Telegram to your nearest Telegraph Office and hand it, to the Operator.

Ex a

A. J. H. H. H.

0200

Form No. 1.

*Reply of Susan G. Murphy*

## THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission. The message is filed with the Company for transmission.

THOMAS T. ECKERT, General Manager.

|                     |                      |                      |                     |
|---------------------|----------------------|----------------------|---------------------|
| NUMBER<br><i>14</i> | SENT BY<br><i>WY</i> | RECD BY<br><i>OC</i> | CHECK<br><i>3Pd</i> |
|---------------------|----------------------|----------------------|---------------------|

*75* NORVIN GREEN, President.

**RECEIVED** at 233 Grand St., near Bowery, NEW YORK.

*Open 21 189*

Dated *Philadelphia Pa*

To *Gas Horton*

*143 Elizabeth Dr N.Y.*

*I have arrived*

*Rm Dougherty*

This telegram has just been received at the office No. 233 GRAND ST., near Bowery, where any reply should be sent.  
CABLE OFFICE. DIRECT WIRES. ALWAYS OPEN.

0201

Form No. 1

# THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission. This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NUMBER 89 SENT BY W M REC'D BY W M CHECK W M 2097 THIRD AVE Ala  
Bet. 114th & 115th Sts. Oct 23 1891

RECEIVED at

Dated

To

Ramer Ala 23E. I. BarnesCome from Harding  
210 East 11th WSend instructions provided  
with 404Ex BJ M Tolbot  
Troy Ala

0202

*no 2 bldg*  
**WESTERN UNION TELEGRAPH COMPANY.**

TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days is filed with the Company for transmission.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

NORVIN GREEN, President.

THOS. T. ECKERT, General Manager.

| NUMBER                                                                 | SENT BY | REC'D BY | CHECK     |
|------------------------------------------------------------------------|---------|----------|-----------|
| 37                                                                     | gl      | ga 110   | paid 1720 |
| <b>RECEIVED</b> at 233 Grand St., near Bowery, NEW YORK. April 19 1891 |         |          |           |
| Dated: <i>Montgomery Ala 19</i>                                        |         |          |           |
| To: <i>James H. Horton</i>                                             |         |          |           |
| <i>113 Elizabeth St</i>                                                |         |          |           |
| <i>all is well I will</i>                                              |         |          |           |
| <i>pay four hundred dollars</i>                                        |         |          |           |
| <i>worth</i>                                                           |         |          |           |
| <i>R. M. Dougherty</i>                                                 |         |          |           |

This telegram has just been received at the office No. 233 GRAND ST., near Bowery, where any reply should be sent. -  
 CABLE OFFICE. DIRECT WIRES. ALWAYS OPEN.

*Replying to Tally*

My Dear Sir:

Yours just received, and as "delays are dangerous" I hasten to reply. I give you my word as God is my judge, that if you follow my instructions, and do exactly as I say, you will never have cause to regret your visit to me--as long as you live.

The reason I say "delays are dangerous" is because at the present time I have a very large stock on hand, and sometimes my stock runs low, and I have to disappoint my customers by keeping them waiting. Then, again, I merely mention these facts because I haven't an agent in your State and, as the territory is large and new, I am very anxious to have some good man like yourself, begin work immediately and make "hay while the sun shines." Now you see my friend, you have a grand opportunity before you--one that will probably never come again--to make thousands of dollars, in a very quiet and easy little way. My stock is as fine as human skill can make them. No man has ever had any trouble with my goods, and men all over the country who stand well in the community are getting rich (yes, and no one knows how, too!) in the business in perfect safety. "Him that cometh to Me I will in no wise cast out." It was certainly never intend for one man to have millions of dollars and live in gorgeous luxury, while another, (poor devil,) toils from morning until night for a mere paltry existence. If you are shrewd, and wise, you will accumulate your "bale of goods for a rainy day" when the opportunity presents itself --so when old age reaches you, it will find you with plenty of means provided, of course, you are careful enough to save a portion of what you make. My Stock is printed from original plates that were "secured" from the Treasury department, by a former workman in the engraving bureau at Washington. They cannot be told from genuine until they work their way back to the Treasury for redemption, where their true character is then discovered by means of the forged signatures and serial numbers thereon.

This never happens, however, until they have been in circulation for a long time, and passed through hundreds of hands. "Uncle Sam" is the only loser, and he being enormously rich--can easily stand the loss.

I would advise you to invest all you can on the first deal, (you will never regret it as long as you live) of course, the more money you invest the better it will pay you--Indeed, it is to your great advantage--because on the second deal, and thereafter, I charge twenty-five per cent. I only make you the present rate as a "starter" in order to show you how much money there is in the business.



0204

My prices are remarkably low and are as follows: \$300 gets Three Thousand; \$400 gets Five Thousand; \$650 gets Ten Thousand; 1,000 gets Thirty Thousand. An investment of \$650 or more, secures the exclusive State right. Enclosed you will find a sample of the goods to give you some idea what they look like. Each and every one, from "low" to "high" is exactly the same in regards to quality and finish. When we meet face-to-face I will show you my entire stock, and allow you to examine the goods thoroughly before you buy. Then, if you are not perfectly satisfied in every respect I will cheerfully pay all your traveling expenditures, and also make you a present of One Thousand Dollars in gold, for loss of time, etc. Could anything be fairer and more reasonable? Now, my good man, I trust to your honor not to abuse my confidence. My motto is "Never harm a man who is willing to be a friend. It is my desire to help you, step by step, and do anything and everything to gradually place you at the "top of the ladder," and of course, benefit myself at the same time. Candidly speaking, I am physically unable to follow the "retail" business any longer, and for that reason only do I wish to sell at wholesale rates and appoint confidential and trustworthy agents. If you will only follow my instructions and do exactly as I say, you will never want for a dollar, and can easily live the balance of your days in "Clover." All the necessary "pointers" appertaining to the business will be frankly given you, together with a very simple little rule for the most convenient and altogether successful mode of distribution. Also an easy little device for making the goods look old and worn so that you can use your own judgment in handling them to the best advantage.

Please be careful and follow the "special instruction," (here-with enclosed,) as accurately as the circumstances will admit, and remember, if its the last act of your life--Be sure and burn this, and all other letters you have ever received from me--before you start on your journey. I tell you all of this for your own protection. When we meet personally I will explain why this is positively necessary.

Kindly remember this distinctly. If you will make up your mind to come on and deal before the expiration of 10 days from your receipt of this, I will throw in an extra Five hundred for "car fare." Trusting that I may have the pleasure of a personal interview ere long, I wish to remain.

Faithfully and sincerely yours,  
"YOU KNOW."

LEGAL ELGIN, 10442,  
BY LEGAL TENDER, JR., 2:27 $\frac{1}{2}$ .

GRAND ELGIN  
BY GRAND WILKES, SON OF LYLE  
WILKES (4658), BY GEORGE  
WILKES (519).

## Elgin Home Stock Farm.

— HOME OF —  
THE FAMOUS BLUE BULL MATRON,

**NELLIE**

Dam of "THE ELGINS." The Native Home of  
ELGIN BOY 2:25 $\frac{1}{4}$  and ELGIN GIRL 2:20 $\frac{1}{4}$ .

THOMAS REED & SON, PROP'S.  
JOHN F. REED, SUP'T.

MASTER ELGIN, 14420,  
BY S. W. BENNETT (7705), SON OF  
PILOT MEDIUM (1597).

AN-TROS ELGIN, 14421,  
BY ANTEROS (6020), SON OF ELEC-  
TIONER (125).

Nulls Mills, Ind.,

189

"stuff", I presume it would not-  
wise to attempt to pass them on  
Banks. U. S. Treasurer J. N. Huston  
lives here at Connersville (he recently  
resigned as you are aware) but he would  
be apt to be very shrewd and well posted  
would he not? and would probably detect them.

Now you must give me all nec-  
essary instructions. And I'll try and do you  
some good.

Could you meet me in Chicago about  
Aug 15 to 20<sup>th</sup>? providing we can make a \$300  
or more deal. I have business there soon.  
Now I want a regular address where I  
can write you at any time and get  
needed instructions.

The above letter was sent by registered mail.

Your obedient servant (over)

Alpine Ind.  
Fayette Co.

TORN PAGE

send the following denominations  
or sizes

|    |   |        |   |       |
|----|---|--------|---|-------|
| 3  | — | \$ 50. | = | 150   |
| 5  |   | \$ 20. | = | 100   |
| 10 |   | \$ 10. | = | 100   |
| 20 |   | \$ 5.  | = | 100   |
| 20 |   | \$ 2.  | = | 40    |
| 60 |   | \$ 1.  | = | 20    |
|    |   |        |   | <hr/> |
|    |   |        |   | 550   |

And I am sure that by so doing or  
making as many deem safest. L. H. Reed.

0207

LEGAL ELGIN, 10442,  
BY LEGAL TENDER, JR., 2:27½.

GRAND ELGIN  
BY GRAND WILKES, SON OF LYLE  
WILKES (4658), BY GEORGE  
WILKES (519).

## Elgin Home Stock Farm.

HOME OF  
THE FAMOUS BLUE BULL MATRON,

**NELLIE**

Dam of "THE ELGINS." The Native Home of  
ELGIN BOY 2:25½ and ELGIN GIRL 2:20½.

THOMAS REED & SON, PROP'S.

JOHN F. REED, SUP'T.

MASTER ELGIN, 14420,  
BY S. W. BENNETT (7705), SON OF  
PILOT MEDIUM (1597).

AN-TROS ELGIN, 14421,  
BY ANTEROS (6020), SON OF ELEC-  
TIONER (125).

Alpine, ~~Ind.~~ Ind., Aug 5<sup>th</sup> 1891

Mr. C. E. Houston

Dear Sir:

O.K. When I mailed you the first  
I forgot to note your address.  
I had to telegraph for it.

I here enclose Fifty Dollars (\$50.)  
for which send (by first address to me  
at Connersville, Ind. and write me at  
same time) the \$550. as you stated  
in your letter.

I would like to make a "face to face"  
deal with you but it is impossible at  
this present time, being too busy to make  
the trip. However I will make the above  
deal to see how they "take" and if successful  
I would be pleased to meet you and make  
a deal of larger denominations.

Now if there is any particular favor  
to put me on to meet it some time, please

0208

Police Court, ..... District

THE PEOPLE, &c.  
ON THE COMPLAINT OF

28

I

2

உ

7

*Offense.*

Dated ..... 188...

Magistrate.

.. Officer

... Clerk.

**Witnesses,**

No

.. Street.

NO

**Street.**

No.

Street.

一

## Sessions.

Do not forget  
the 1000

There are no letters in  
this to day of October  
1891

deposited in various places, and in some  
deposited further south, in the low lying  
river and deposited in the low lying  
deposited than in the low lying  
and found on the table and in the  
further a large quantity of gravel  
and the gravel near the low lying  
which the gravel is of the same  
and in the gravel is of the same  
deposited further south, in the low lying  
river and deposited in the low lying  
deposited than in the low lying  
and found on the table and in the  
further a large quantity of gravel  
and the gravel near the low lying

## Police Court

## District.

City and County } ss.  
of New York.

of No. 300 Mulberry Street, aged 42 years,  
 occupation Electric Telegrapher being duly sworn, deposes and says,  
 that on the 24 day of October 1891, at the City of New  
 York, in the County of New York, Defendant arrested

Frank Brooks (maunder) who  
 had in his possession, circulars  
 writings, and papers, offering  
 or purporting to offer for sale  
 and distribute; or giving, or purporting  
 to give information, directly or  
 indirectly; where, how, of whom  
 or by what means, any counterfeit  
 coin, paper, money, may be  
 had concerning a scheme or device  
 to defraud the public, whether such  
 article matter or thing is called  
 green goods, green coins, paper  
 goods, "green articles, bills, business  
 that is not legitimate", spurious  
 treasury notes, United States goods  
 green paper goods, green articles;  
 for the reasons following to wit:  
 That on said day defendant saw  
 said defendant whom he personally  
 knows to be engaged in the green  
 goods business and saw said defen-  
 dant go into the 1st floor of the  
 premises 202 East 118th Street and  
 followed him into said premises  
 and on defendant entering said  
 premises where said defendant was  
 he found said defendant sitting at  
 a table in a room in said premises  
 and arranging a quantity of  
 papers on the said table, and  
 when defendant asked said  
 defendant if the said defendant  
 occupied the said premises said

defendant replied he did, and when  
 deponent further asked him how business  
 was said defendant replied pretty fair  
 deponent then arrested said defendant  
 and found on the table and in said  
 premises a large quantity of circulars  
 and telegrams now shown here, and  
 which are unmade post of this complaint  
 and marked Exhibits A & B, which  
 deponent knows of his own knowledge  
 to be green goods circulars, and answers  
 to said circulars, and he therefore charges  
 said defendant with violation of  
 section 577 of the Penal Code

Shown to before me }  
 this 26th day of October 1891 } Charles A. Hanly

*Do J. A. Hanly*  
 Police Justice

Police Court, District.

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

vs.

1.  
2.  
3.  
4.

Offense.

Dated 1891

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street.

No. Street.

No. Street.

to answer Sessions.

0211

Sec. 193-200.

CLERK AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer. *Francis Brooks*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *53 South Washington Square 2 years*

Question. What is your business or profession?

Answer. *Horse Trader*

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 refuse to answer*

*Francis Brooks*

Taken before me this

*26*

day of *October* 189*7*.

*W. J. Connelley* Police Justice.



02 12

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

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

Dated *Nov 28* 1891 *Do J. C. R. [Signature]* Police Justice.

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

Dated *Nov 28* 1891 *Do J. C. R. [Signature]* 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.

0213

Nov 20 3 PM

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Police Court---

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James A. Haney*  
1. *James A. Haney*  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
Office of District Attorney  
Connelley Street

BAILED,

No. *1* *Joseph Schoener*

Residence *264 Penn* Street

No. 2, by *203 Canal St*

Residence \_\_\_\_\_ Street

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

Residence \_\_\_\_\_ Street

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

Residence \_\_\_\_\_ Street

Dated *Oct 26* 1891

*O'Reilly*

Magistrate

*711 Clooney Haney* County  
*60* Precinct

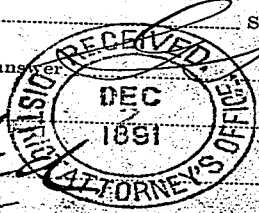
Witnesses

*\$1500 & Oct 28 10 a m*  
*Nov 10 2 P M*  
No. *" 14 10 a m* Street  
*" 28 " "*

No. \_\_\_\_\_ Street

\$ *1500* to answer

*Baile*



02 14

(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

*Frank Brooks*

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

indictment, accuse

*Frank Brooks*

of the crime of *aiding, assisting and abetting in a scheme and device purporting to offer for sale and distribution, counterfeit paper money*  
committed as follows:

The said

*Frank Brooks*

late of the City of New York, in the County of New York aforesaid, on the  
*24th* day of *October* in the year of our Lord one thousand  
eight hundred and ninety- *one*, at the City and County aforesaid,

*did feloniously aid, assist and abet in a certain scheme and device purporting to offer for sale and distribution, counterfeit paper money (a more particular description*

of which said scheme and device is to the Grand Jury aforesaid unknown), by them and there sending and causing to be sent, and aiding and abetting in the sending to divers persons whose names are to the Grand Jury aforesaid unknown, divers letters, writings, circulars, papers, pamphlets, handbills and other written and printed matter purporting to advertise and offer for sale and to furnish procure and distribute counterfeit paper money, and purporting to give information, directly and indirectly, where, how, of whom and by what means, counterfeit paper money could be procured and had, also by them and there pretending to the said persons that he had a great quantity of counterfeit ~~money~~ paper money in his possession which he desired and was able to sell to them, and in and by divers other ways and means, and in divers other manners to

the Grand Jury aforesaid unknown;  
against the form of the Statute in  
such case made and provided and  
against the peace of the People of  
the State of New York and their di-  
gnity.

De Lancey Nicoll,  
District Attorney.