

0680

BOX:

278

FOLDER:

2668

DESCRIPTION:

Egan, John

DATE:

10/14/87



2668

0681

[Sections 628, 630 and 550 Penal Code.]

Grand Larceny *first degree*

THE PEOPLE

vs.

B

John Egan

Present by Court Feb. 19/17

RANDOLPH B. MARTINE,

Attorney at Law

District Attorney.

Jan. 17/17

A True Bill.

St. James

Foreman.

Dec 9/17

Edward H. ...

...

Witnesses:

John A. ...

Bail \$1000. G.P.P.

Counsel, *[Signature]*
Filed, *14* day of *Oct.* 188*7*
Pleads, *Guilty*

[Signature]
[Signature]

0582

Police Court 1st District.

Affidavit—Larceny.

City and County of New York, ss.

of No. 558 Broadway Street, aged 61 years, occupation President of the Brooklyn Knitting Company being duly sworn deposes and says, that on the 10th day of May 1887 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property viz:

A number of Suits of Silk underwear of about the amount and value of one Thousand Dollars

the property of The Brooklyn Knitting Company in the care and custody of deponent as President

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by John Cagan from the fact that on or about said date deponent missed the aforesaid property from a number of boxes in the front floor of the above described premises and deponent is informed by Charles C. Rose of no 213 East Fifth Street that on or about the 10th day of May 1887 the defendant came to no 279 Grand Street where said Rose was in business and asked said Rose if he desired to purchase a couple of suits of silk underwear at fifteen dollars a suit and the said defendant Cagan informed said Rose that he Cagan had taken a quantity of silk underwear from said premises in company with some other men wherefor deponent prays that the said defendant may be apprehended and dealt with as the law directs.

John H. Weber

Sworn to before me this 10th day of May 1887 at New York City
John H. Weber
Police Justice

0683

Sec. 198-200.

1st District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Egan 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 Egan*

Question. How old are you?

Answer. *28 Years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *228 Madison St 4 Years*

Question. What is your business or profession?

Answer. *Driver in daytime + Insurance Patrol Man at Night*

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

Answer. *I am not guilty and demand a waiver examination*

John Egan

Taken before me this

day of

188

Police Justice.

0684

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles L Rose

aged *36* years, occupation *Riggin Dealer* of No.

213 East 5th

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *John H Weber*

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

Sworn to before me, this *19th*
day of *August* 188

Chas. L. Rose

J. Humphord

Police Justice.

0685

1st

District Police Court.

Sec. 151.

CITY AND COUNTY }
OF NEW YORK, } ss

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

Whereas, Complaint on oath has been made before the undersigned, one of the Police Justices in and for the said City, by John H. Weber

of No. 558 Broadway Street, that on the 9th day of May

1887 at the City of New York, in the County of New York, the following article to wit:

1 a number of Suits of Silk underwear of about the amount and

of the value of One Thousand Dollars,

the property of The Brooklyn Knitting Company in care and custody of Comptroller taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by John Egan

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 1st DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 19th day of August 1887

J. H. [Signature]

POLICE JUSTICE.

0686

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

Defendant

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

Dated *Aug 16th* 188 _____ *J. Henry Ford* 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.

0587

Let this case be submitted to the grand jury for October, 1887.
Oct 2/87.

W. H. Hildebrand
Judge of the Court

BAILED,

No. 1, by Owen DeWitt

Residence 19 Spring Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John F. Water 74 5th Ave
by the roadway

John Egan

2
3
4

Dated 11/14/87 188

Magistrate.

James Curry Officer.

South Precinct.

Witnesses

No. 273 65th Street.

in 72nd St 112nd Ave.
Welcome to Brooklyn
No. 558 Broadway Street.

No. to answer



DISMISSED.

11/14/87
1887

0588

People
in re
John J. Egan

Blandy & Hatch,
Counsellors at Law,
55 Liberty Street.

Charles Blandy
Edward S. Hatch.

New York Sept 29 1887

My Dear Mr. Martine:

Referring to an interview which you had with my partner, Mr. Blandy, who has been called from the City on business, I would respectfully enclose you herewith a statement of the facts in relation to this matter, which in our opinion, can be proven before the Grand Jury, and on which facts, in our judgment, this is a proper case for the Grand Jury to take recognition of, and to recommit the alleged criminal to jail.

It is a case in our opinion, that others have refrained from bringing to your attention because of the bother and because of the slight importance it is as a rule, to the persons injured.

But it is not the first case that has come to our attention where members of the Fire Patrol

0689

R.P.M. 2.

have been suspected of taking property where they had been left in possession of a building or store after a fire, but where it has been almost impossible to obtain any direct proof of the theft

Egan himself did not pretend to deny his part in the theft, but only practically to assert that others were in the habit of doing the same thing as he did, and justified his wrong by the custom of the Patrol.

This is of course, our impression, gathered from the facts brought before us.

Our client spent a great deal of time and some money in trying to find out what had become of the property of the Brooklyn Knitting Co., and Mr. John H. Weber, as its president, submitted the facts to the insurance people and they in turn said they could do nothing or would do nothing until somebody had proven the theft.

After weeks and months of labor some of the property was traced indirectly to Egan, and then after several attempts to obtain a search warrant, it was eventually accomplished by a

0690

Blandy & Hatch,
Counsellors at Law,
55 Liberty Street,

Charles Blandy,
Edward S. Hatch,

R.B.M. 3

New York _____ 188

warrant issued by a warrant issued by
Justice Ford to arrest Egan and to examine
his premises.

Between the time of the loss and the time of
the arrest it would appear that Egan had dis-
posed of practically all he had taken, and
although our clients lost practically \$1000
worth of merchandise we have no doubt
that it was distributed, with a fair division
of spoils, between the various members of
the patrol department left in charge of the
premises 554 Broadway.

On the hearing before Justice Ford,
Egan waived his examination there and
Justice Ford held Egan to bail and sent
the papers to your office.

There they were presented to the Grand
Jury and for some reason or another

0691

R.B.M. 4

the person to whom Egan offered to sell the silk goods was not brought before the Grand Jury and our client Mr. Weber in his effort to explain everything to the jury, appears to have done more to save the man than to punish him, or for some other reason unknown to us the Grand Jury refused to find a bill against Egan and he was discharged.

We took no interest in the matter, in fact had nothing to do with it until after Mr. Weber learned that the criminal had been discharged. Now he is very anxious that the case should be properly presented to the Grand Jury and, as long as he has been to so much labor and expense, that the subject of the rights of Patrolmen to help themselves to the property of the insured should be investigated.

The papers presented to Mr. Justice Ford particularly the affidavit of the man to whom Egan offered to sell the silk goods are already in your possession or under your control.

If you will be kind enough to see that

0692

Blandry & Hatch,
Counsellors at Law,
55 Liberty Street.

Charles Blandry,
Edward S. Hatch.

R.B.M. 5

New York

1883

the matter is properly re-presented to the
present Grand Jury, and, if it be your
pleasure that I should call and see you
I will do so.

Trusting that in the multiplicity of your
official obligations, you will be able
to give this matter attention. Believe me,
Very respectfully yours,

Hon. Randolph B. Martine
District Attorney N.Y. County
32 Chambers St.
City

Encl
✓

0693

Enr

Blandy & Hatch,
Counsellors at Law,
55 Liberty Street,

Charles Blandy,
Edward S. Hatch,

New York Oct. 2, 1887

People re John J. Egan.

Hon. Randolph B. Martino,
District Attorney,
N. Y. Co.

Dear sir,-

In accordance with your kind suggestion to our Mr. Blandy on the 3rd, we write you a letter reminding you that the papers in this matter have been sent to your private room for your inspection and presentment to the Grand Jury, and we would ask that you give it your attention at as early a moment as the multiplicity of your duties will permit.

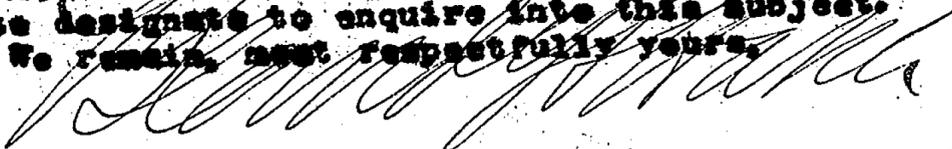
Since our Mr. Blandy saw you on the 3rd we have received information that at the same fire at 558 Broadway several dozen of the silk underwear that was missed was taken by James More of 424 4th Avenue, and we are led to believe that it was More and Egan with possibly a third or fourth party that did the stealing.

We think it also very possible, though this is surmise, that Egan and one or two other patrolmen arranged with More, who, it seems, is employed as a stock clerk on one of the lifts over the store at 558 occupied by the Brooklyn Knitting Co. and his employer's name is Sahlein, and that the goods that were stolen by the patrolmen were stored or kept until their removal by More.

There seems to be every reason to believe that this was not an ordinary theft, but that these patrolmen have some concerted plan of action in the matter of how they shall steal and what they shall do with what they obtain while in possession of burnt premises.

We have not given this last communication to officer Curry, assuming that you prefer we should first present it to you, and that you would either direct officer Curry or any other officer it might please you to designate to enquire into this subject.

We remain, most respectfully yours,



0694

Encl.
18
1887

Blandy & Hatch,
Counsellors at Law,
55 Liberty Street,

Charles Blandy,
Edward S. Hatch,

New York, Oct. 3, 1887

Hon. Randolph B. Martine,
District Attorney,
N. Y. Co.

Dear sir,-

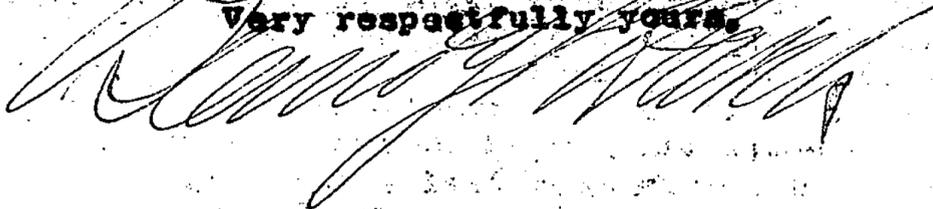
In reply to the communication from your office signed by Mr. Lindsay asking that we advise you how it can be proven that John J. Egan was one of the Fire Patrol in the premises on May 7th 1887 at the fire at 558 Broadway,

We would say that we are advised through officer Curry, already referred to in our former communications to you, that there is a book in the possession of the Fire Department containing the names of the Fire Patrol who were at this fire, and containing the name of John J. Egan as having been one of the Fire Patrol attendant at this fire; and if you will subpoena the secretary of the Fire Department I presume he will produce the book.

Furthermore, I understood that Egan admitted both to Mr. Weber and to officer Curry that he was at the fire as one of the Fire Patrol, if that admission would be of any service to you in the first instance.

We were under the impression that Egan was left by the Fire Patrol in charge of the premises after the fire. We are now advised otherwise, - that he was simply one of the Fire Patrol who broke in at the time of the fire and who assisted in protecting the goods against water, smoke, etc., and was not the fireman left in charge of the building when the Patrol left.

Very respectfully yours,



0695

District Attorney's Office.

PEOPLE

vs.

John Egan
G.L.
L.D.

apply in order
re-submitting to
G.J. and then
have case re-
submitted PBM
Oct 11/97

Tom Parker

0696

District Attorney's Office.

ADD

PEOPLE

vs.

John J. Egan

*Examine &
report - RBH
Oct 5/87
To Mr Lindsay -*

*Wrote to Mr Lindsay
over 1/87
Recd 2/18/87
Oct 1/87.*

0697

EW

*Blandy & Hatch,
Counsellors at Law,
55 Liberty Street,*

*Charles Blandy,
Edward S. Hatch.*

New York, Nov. 12, 1887

People vs. James Egan.

Dear sir,-

I am advised that officer Curry a day or two since had an interview with Mr. Brady, the counsel for Egan, and that Mr. Brady contended that the People would be unable to obtain a conviction under the indictment for grand larceny as it now stands, in that the indictment charges Egan with taking silk goods, and the proofs to be adduced upon the trial would show that the goods were not silk goods, but were cotton or woollen goods.

I think by reference to the testimony submitted to your office you will find that the goods found at the defendant's house were not silk goods.

I write you this information so that you may be advised of the attempted defense which Egan intends to present, and also that you may not be placed in a position of surprise or defeat.

Very respectfully yours,

Charles Blandy

To

Vernon H. Davis Esq.,
Assist. Dist. Atty.
32 Chambers St.,
New York City.

0699

349 & 7th

SESSIONS BUILDING,
32 Chambers Street.

PART III.

~~This Court Room is open to the Public.~~

If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room
Door that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To *Charles L. Rose*

of No. *72 bet 1st + 2nd Avenue*

GREETING :

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the County Court House, in the Park of the said City, on the *10* day of *November* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against

John Egan

in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *November 1887*, in the year of our Lord 1887.

RANDOLPH B. MARTINE, *District Attorney.*

0700

STATEMENT.

New York, 188

M.....

In account with **Brooklyn Knitting Co.,**

TERMS: .
NET CASH 30 DAYS.
1% DISCOUNT 10 DAYS.

558 BROADWAY.

459.	$\frac{2}{12}$	Navia Silk Shirts 36. 111.	18.50
"	$\frac{2}{12}$	Straw " Draw ^s 32. 114	19
"	$\frac{1}{12}$	Pink " " 30. 111	9.25
"	$\frac{2}{12}$	White " Shirts 36. 111	18.50
429.	$\frac{4}{12}$	Steel & White Spun " Drawers 72	24
"	$\frac{5}{12}$	Pink Silk Shirts 126	52.50
"	$\frac{1}{12}$	" " Drawers 126	10.50
"	$\frac{4}{12}$	Straw " Shirts 0.3. 129	43
"	$\frac{1}{12}$	" " " 0.3. 126	21
"	$\frac{10}{12}$	" " Draw ^s 126	31.50
"	$\frac{6}{12}$	Peach " Shirts 0.3. 126	63
"	$\frac{4}{12}$	White " " 126	42
"	$\frac{1}{12}$	Steel " " 126	10.50
"	$\frac{3}{12}$	Steel'd " " 120	30
"	$\frac{4}{12}$	White Str blue " 79/2 132	44
"	$\frac{2}{12}$	" " " Draw ^s " 132	22
309.	$\frac{4}{12}$	Straw Silk Shirts Cf 132	44
"	$\frac{1}{12}$	" " Draw ^s 132	11
"	$\frac{2}{12}$	Pink " Shirts of 156	26
Amt Forward			540.25

0701

STATEMENT.

New York, 188

M.....

In account with **Brooklyn Knitting Co.,**

TERMS:
NET CASH 30 DAYS.
1% DISCOUNT 10 DAYS.

558 BROADWAY.

Amt Forward			
309	$\frac{2}{12}$ Pink Silk Drawers	156	540 25
249	$\frac{1}{12}$ Straw " Shirt	180	26
"	$\frac{1}{12}$ Flesh " Drawers	180	15
228	$\frac{1}{12}$ Striped " Shirt	180	15
"	$\frac{1}{12}$ " " Drawers	258	21 50
428	$\frac{1}{12}$ Pink " " Muffin	258	21 50
309	$\frac{2}{12}$ English " " "	108	9
"	$\frac{6}{12}$ Ladies " Vests	108	18
428	$\frac{7}{12}$ Striped Silk Mufflers	156	78
"	$\frac{2}{12}$ Black " Hose	45	26 25
"	$\frac{1}{12}$ Yellow " " Lot top	57	9 50
459	$\frac{5}{12}$ Black " Operastore	45	37 5
	6 yds Ribbon	72	30
	2 pair Silk Tights-Lot top	75	7 50
309	$\frac{3}{12}$ Wooled Rowing Shirts	8	16
"	$\frac{4}{12}$ " Tennis "	24	6
228	$\frac{6}{12}$ " Jersey "	49 50	16 50
X "	$\frac{11}{12}$ " " "	39	19 50
		40 50	37 13
			916 38

0702

BROOKLYN KNITTING CO. vs. JOHN J. EGAN.

STATEMENT OF FACTS

in reference to loss occasioned on the 7th day of May at a fire in the building occupied by the Brooklyn Knitting Co., No. 558 Broadway, New York City.

Mr. Weber says: The fire occurred on the evening of May 7th at about 7 or 8 o'clock, in the 2nd, 3rd and 4th stories of the building. The portion of the building occupied by the Brooklyn Knitting Co. was closed and locked up and had been since about 5 or 6 o'clock. The first I knew it was from the paper Sunday morning about half past eight or nine o'clock.

After I had read the notice in the daily paper I immediately came down to the office of the company and I found that the insurance patrol were in possession, and the whole store badly wetted down with water. I met some gentlemen who were interested with me in business at the place. I looked around and found that we were considerably wetted down and I remained there for 3 or 4 hours and then I left and our premises were in charge of the insurance patrol.

On Monday, May 9th, I looked over our premises and found that in the cart rooms the boxes were badly scattered around and were broken open, and I very soon missed some fine silk goods, as well as worsted goods; the majority of it was silk underwear, and the value of the goods that were

0703

gone all told was between \$900 and \$1,000. There was no fire on our floor at all, and the damage was simply damage by water, and many boxes which were scattered around were broken open and a great many of the boxes were wet; some of the boxes which I found broken open were not wet. The boxes which I discovered were in places which were not their proper places, and the boxes had been secreted and placed in out of the way places, some in the floor where holes had been cut through to permit water to escape to the floor below so as to relieve the floor occupied by our company, and some of the boxes were thrown out of the back window into the area of the store. I then made a search in our premises for the goods which should have been in the boxes which I have above described as being empty, but was unable to find the same in the offices of the company. I found some of the boxes which belonged to our company secreted in the elevator shaft; these boxes were likewise empty and had been torn asunder and broken.

The company on or about the 1st of April had taken an account of the stock and property of the company, and had removed to No. 558 Broadway on or about the 3rd or 4th day of May, and the fire occurring on the 7th day of May, it was an easy matter for me to ascertain by reference to the inventory and by reference to the books of the company just what had been disposed of since the inventory was taken, and the character and amount of goods and property of the concern immediately after the fire, so as to fully disclose the quantity and quality of the goods which had been missed by

0704

me on Monday the 9th day of May.

After I discovered the loss of the goods I caused a notice of the facts to be communicated to the Fire Department and to the Police Department and also to the Insurance Patrol. Officer James Curry, attached to the 10th Precinct Municipal Police Department, called upon me several times and finally reported that he had obtained a clew concerning the goods which had been taken away from our office and store. I directed Mr. W. W. Beebe, one of the employees of the company, to accompany Officer Curry, who had informed me that he had obtained an order of arrest against John J. Egan and to examine the goods should any be found by the officer. Mr. Beebe returned and reported to me that Officer Curry had arrested said J. J. Egan, and had found in Egan's house *a* ~~portion~~ *Some* portion of the goods which were the property of the company.

After Mr. Beebe had made his report to me I called at the Station House of the 10th Precinct and I examined the goods which had been taken from Egan's house by Officer Curry, and I identified said goods to be a portion of the goods which we had been unable to find in our store or to account for their disappearance.

I can testify that the Brooklyn Knitting Co. have never sold any goods to Egan, and can testify that there is no reasonable probability that the man could ever have purchased similar goods so as to have offered them for sale, as the amount produced is very limited, comparatively speaking, and I know where they all have gone, and can with reasonable certainty state that it would not be expected,

0705

and, in fact, is as certain as an uncertainty can be, that the man did not and could not have purchased the goods outside.

I can testify that when I was at the Police Court and the man was before the Judge I heard him state, when he was accused of the crime, that he had a wife and family and that he was not alone in this matter; that there were others involved in it beside himself, and that he was wet and cold and he took one garment to put on to be comfortable. I admit that they found no silk goods on the man or in his actual possession, but the silk goods were missing at the same time that these woolen goods were missing, and the woolen goods were found on him and he was known to have offered silk goods for sale.

The memoranda attached, showing an account of goods missing, was made out by Welcome W. Beebe, who can swear that these goods were in the inventory taken on April 1st and were missing immediately after the fire, and that as far as the books of the company show they had not been sold.

The value of the goods that were found was \$5.50. They were seen by me and that's my value of them.

0706

Officer James Curry of the 10th Precinct can testify to the following facts:

The theft or alleged theft of the goods from the Brooklyn Knitting Co. had been reported to the Station House by Mr. Welcome W. Beebe, who was an employee of the company, and that he, Officer Curry, was sent around to investigate the case. He called at the place of business of the company, 558 Broadway, and saw Mr. Beebe.

I worked on the case until about the 15th of August from about the 16th of May, when the case was reported to us, and then I arrested Egan on a warrant issued by Mr. Justice Ford. I found two pieces of property of the Brooklyn Knitting Co., as Mr. Weber testified, in the rooms in Madison Street of Egan; one was a part of a bathing-suit, and the other was a kind of a jersey; the jersey had been worn but the bathing-suit had not. I can testify that when I took him from his house to the Station House the man asked me whether any others were arrested beside himself, and I said no; he then said that there were others interested in the matter beside himself.

A man by the name of Rose, who is an ex-convict and did have a place on Grand Street, I think it was No. 229, reported to Capt. Makan that this insurance patrolman Egan had come to his place and had offered some silk underwear for sale. Rose moved to 4th Street and has moved out of there since; where he is now, I don't know. Rose was a saloon-keeper. Rose was the man who made the affidavit on which the warrant was obtained and is returned from the

0707

Police Court to the District Attorney's office. It appears that when Egan offered these goods to Rose that he had a bundle with him which he told Rose, so Rose stated to me, was silk underwear. I do not know whether Rose could be found or not. Rose was always willing to come to Court up to the time that the matter came before the Grand Jury.

Officer Curry knows the place in 4th Street where this man Rose did keep and he may be there yet, but Officer Curry heard that he had moved. It is a little off the Bowery on the left-hand side, one of two freestone houses.

The Property Clerk has the two garments that were found in Egan's house, and they can be identified by Mr. Beebe or Mr. Weber or Mr. Curry.

0708

Sir :

You will please take notice that the
within is a true copy of a
duly entered herein, and
filed in the Office of the Clerk of the
at the Court House, in the City of
day of _____ on the _____
Dated New York, _____ 188
Yours, &c.,

Attorneys for
55 Liberty Street,
NEW YORK CITY.

To _____ Esq.,
Attorney for _____

Court.

Brooklyn Building
Company
against

John J. Egan

Statement of
John H. Hebel and
James James Curry

BLANDY & HATCH,

Attorneys for

55 LIBERTY STREET,
Bryant Building,
NEW YORK CITY.

Due and timely Service of

_____ is hereby admitted.

Dated, _____ 188

To _____

0709

Blandy & Hatch,
Counsellors at Law,
55 Liberty Street,

Charles Blandy,
Edward S. Hatch,

New York Nov. 26, 1887

People re Egan.

Dear sir,-

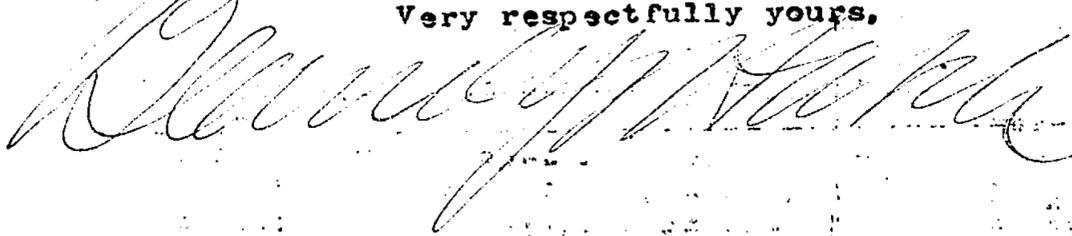
We notice from the papers this morning that Egan, who is indicted in the matter of stealing from the Brooklyn Knitting Company, was held by Mr. Justice Kilbreth in relation to stealing from H. B. Clafin & Co., and that it is probable that the papers have been forwarded to your office in that matter.

We also notice in the same paper that the matter has been settled and that Mr. Egan is desirous of being relieved from imprisonment.

Our object in calling your attention to the fact particularly is so far as his arrest for stealing in the second case may influence your mind in relation to the first case, in which we are interested, viz., in the matter of the Brooklyn Knitting Company, of which John H. Weber is president and made a complaint.

Mr. Davis is perhaps more familiar with the facts in relation to the larceny from the Brooklyn Knitting Company than anyone else in your office.

Very respectfully yours,



To

Hon. Randolph B. Martine,
District Attorney,
32 Chambers St.,
N.Y. City.

People)
 v) Application to resubmit to Grand
 Egan) Jury

Report.

This is a charge of larceny brought by John H. Weber, President of the Brooklyn Knitting Company of 558 Broadway in this city, against the above-named defendant for stealing a large quantity of silk underwear belonging to the company, during a fire which occurred in their building on the 7th day of May, 1887.

The defendant was one of the Fire Patrol, which attended at the fire. This can be proven by a book kept by the Fire Department which will be produced upon subpoena, and the admissions of the defendant to Mr. Weber, and to the officer James Curry of the Tenth Precinct. (See Mr. Hatch's letter of Oct. 8th.)

On the morning following the fire, (Sunday) Mr. Weber visited the portion of the building occupied by the Company. He looked around, found that

the stock had been considerably wetted, and remained there three or four hours and then left; the premises being then in charge of the insurance patrol.

On Monday, May 9th, Mr. Weber examined the premises and found that in the cart rooms, the boxes were scattered about and broken open, and missed a quantity of goods, consisting of silk and worsteds, mostly silk underwear, valued at between nine hundred and one thousand dollars. There had been no fire on the company's floor, and the damage was only by water. Some of the boxes which were broken open, were not even wet. Boxes had been secreted and put in out of the way places, and some had been thrown out of the window into the area, and others were found in the elevator shaft.

By reason of a very recent inventory, it was easy, by a reference to the company's books, and the inventory, to ascertain just what had been disposed of since that time and the character and amount of goods of the concern, immediately after the fire.

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Mr. Weber, upon discovering the loss caused a notice of the facts to be communicated to the Fire and Police Departments, and to the Insurance Patrol.

Officer Curry was detailed on the case, and subsequently reported to Mr. Weber that he had obtained a clue to the property and that a warrant had been issued for the defendant's arrest.

W. W. Beebe, an employe of the company was directed to accompany the officer and to examine any goods which might be found in the defendant's possession.

Officer Curry will testify that he worked on the case from about May 16th to August 15th, and then arrested Gan upon a warrant issued by Justice Ford.

That he found two pieces of property, (part of a bathing suit and a jersey which have been identified as the property of the Brooklyn Knitting Company) in Gan's rooms in Madison Street.

That when the officer took him from his home to the Station House, he asked whether any others had been arrested. Upon being answered in the negative, he told the officer that there were others interested in the matter besides himself.

One, Rose, an ex-convict, who formerly had a place on Grand Street, and afterwards moved to Fourth Street, but whose present whereabouts appear to be unknown, reported to the Police Captain that Egan had come to his place and had offered some silk underwear for sale, and it was upon Rose's affidavit that the warrant was obtained for Egan's arrest. (See Magistrate's papers.)

When the defendant offered these goods to Rose, he had a bundle which he told Rose, (as Rose stated to the officer) contained silk underwear.

Rose was always willing to appear as a witness against Egan up to the time the case came before the Grand Jury.

The garments found in the defendant's house, are now in the custody of the Property Clerk, and they can be identified by Mr. Weber or Beebe, or by the officer.

Mr. Weber can testify that the Brooklyn Knitting Company never sold any goods to Egan, and that there is no reasonable probability that the defendant could ever have purchased similar goods so as to have offered them for sale, as the amount produced is very limited. Mr. Weber further

testifies that when the defendant was brought before the Judge in the Police Court, he stated, in Mr. Weber's hearing, upon being charged with the larceny, that he had a wife and family, and that he was not alone in this matter; that there were others involved in it besides himself; that he was wet and cold, and took one garment to put on to be comfortable.

A memorandum is attached to the papers submitted upon this application, showing an account of the stolen goods, and Mr. Beebe can swear that these goods were in the inventory taken on April 1st and were missing immediately after the fire, and that as far as the books show, they had not been sold.

The defendant was committed for trial by Justice Ford on the 16th of August, in default of \$2000. bail and the case was submitted to the Grand Jury September 8th. For some reason, the Grand Jury refused to find a bill, and Igan was discharged.

It seems that Rose was not examined and as Mr. Hatch states, "Mr. Weber, in his efforts to explain everything appears to have done more to save than to punish the

offender?

Mr. Hatch states in his letter of Sept. 22nd that this is not the first case that has come to knowledge where members of the Fire Patrol have been suspected of taking property they were left in charge of in buildings and stores after a fire, but that in these cases, it has been almost impossible to obtain any direct proof of the theft, and that others have refrained from bringing these cases to the attention of the prosecutive power because of the bother and because of the slight importance it is, as a rule to the injured persons. That the Brooklyn Knitting Company has spent a great deal of time and some money in endeavoring to trace their property, and that Mr. Weber as its president, submitted the facts to the insurance people, who in turn said they could or would do nothing until somebody had proven the theft.

Egan himself indeed, has not denied his part in the crime, but only asserts that other men are in the habit of doing the same thing, and justifies his wrong by the custom of the Patrol.

There is, in my opinion, upon this state of facts, a strong case made out against

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the defendant, and I am unable to account for the action of the September Grand Jury in dismissing it, unless it be that the full evidence was not brought out before them, as seems highly probable. Indeed, the record shows that Rose was not called at all.

Therefore, I think this is a proper case for resubmission, and so report.

Respectfully submitted

Wm. B. Anderson
Deputy Assistant.

October 11th, 1887

To

Hon. Randolph B. Martin,
District Attorney.

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THE PEOPLE OF THE STATE OF
NEW YORK

against

John J. Fogarty

*Prayer on application
to re-administer the
Estate of*

RANDOLPH B. MARTINE,
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY.

*Approved by the
Court
October 11, 1887
Justices*

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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 Ragan

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

John Ragan

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

The said *John Ragan,*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
seventh day of *May* in the year of our Lord
one thousand eight hundred and eighty-*seven*, at the City and County aforesaid,
with force and arms, *took and carried away* of the
value of *ten* dollars each, *seven* worked
bits of the value of *four* dollars each,
seventeen worked pieces of the value
of *four* dollars each, *twenty one*
pairs of *side* drawers of the value of
two dollars each pair, *six* *sets* of
the value of *three* dollars each, *seven*
sets of *side* drawers of the value of *four*
dollars each, *eight* pairs of *side* drawers
of the value of *two* dollars each pair, *six*
pieces of *ribbon* of the value of *one* dollar
and *twenty five* *cents* each piece, and
two pairs of *side* drawers of the value
of *eight* dollars each pair,

of the goods, chattels and personal property of one *John H. Weber,*

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.

