

0406

BOX:

123

FOLDER:

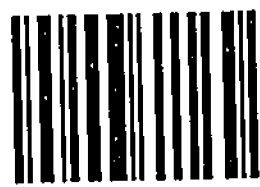
1297

DESCRIPTION:

Smyth, George

DATE:

12/20/83



1297

0407

Am. ...

Dec 29

1883

Counsel,

Filed 20 day of Dec 1883

Pleads *(Not guilty)*

THE PEOPLE

vs.

George

Smyth

1883

Grand Larceny, Receiving Stolen Goods, and

PETER B. OLNEY,

~~JOHN WILKINSON,~~

District Attorney

Did & executed by C. L. A.

A TRUE BILL.

Wm. L. ...

Foreman.

S. P. ... years.

0408

2

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

Antoinette Reed

of No. 97. 7th Avenue, 40. married
being duly sworn, deposes and says, that on the 11th day of Dec 1888
at the above premises City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent with intent to deprive the true
owner of the use and benefit thereof.
the following property, viz:

One Shawl of the value of
twenty dollars

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen, and carried away by George Smith (non res)

for the reason that deponent
is informed by Officer James
TB Price that he arrested said
Smith and found said shawl in
his possession, and which
deponent has seen and
identified as her property.

Antoinette Reed

Sworn before me this
11th day of Dec 1888
at New York
Police Justice.

0409

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 36 years, occupation James K Price
Police Officer of No. 29th Precinct Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Autonetto Reese
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12
day of Dec 1888 } James K. Price

Edouard Smith
Police Justice.

0410

Police Court 2 District.

City and County of New York, ss.:

THE PEOPLE,

vs.

George Smith

On Complaint of Autonetto Reed
For Petit Larceny

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and my right to make a statement in relation to it, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated Dec 12 1883

George Smith
Police Justice.

George Smith

0411

Sec. 198-200

CITY AND COUNTY } ss.
OF NEW YORK, }

2 District Police Court.

George Smith 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. George Smith

Question. How old are you?

Answer. 21 yrs

Question. Where were you born?

Answer. US

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

Answer. 151 W 20. 2 months

Question. What is your business or profession?

Answer. Waiter

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

Answer. I am not guilty.
George Smith

Taken before me this 27
day of Dec 1897
George Smith
Justice.

04 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 George Smith

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 12 1883

Solomon B. Smith
Police Justice.

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

0413

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

Autoinette Reed

97 vs. 7 "A"

George Sneyer

1 _____

2 _____

3 _____

4 _____

Dated Dec 12 1893

Seemth

Magistrate.

J K Price

Officer.

29

Clerk.

Witnesses,

J K Price

No. 29 Seemth Street,

Transferred to General

Sessions being

No. Grand Jurors

to answer



0414

46
The People
vs.
George Smith
Indictment for grand larceny in the second degree.

Scout of General Sessions. Part I.
Before Judge Cowing. Dec. 18. 1883.
Charles Mallory, sworn. I am a member
of the firm of C. H. Mallory & Co.; on the 5th
of this month we had in our possession
barrels of tallow on the bulkhead between
piers No. 19 and 20; it had recently been
discharged from one of our ships.
Patrick H. Plannery sworn. I am a police
officer attached to the First Precinct and
was on duty the 5th of Dec. on South St.
from Maiden Lane to Jones' Lane. The
bulkhead between piers 19 and 20 is
on one side of the street and my post
is on the other. I saw the prisoner that
night; the first thing that attracted my
attention was a barrel getting pushed
over and rolled out into the middle
of the street. I saw the defendant walk
across the street on the sidewalk and
he was joined by two more; he looked
up and down for a while and did not
see anybody. I was standing across
the street behind a telegraph pole. He
goes over again and takes this bar-
rel and rolls it down as far as
pier 19. Then another man came

04 15

over and got on the other side of him and the two of them rolled it down to 19; then there was another man walked about fifteen feet behind him keeping watch. So when they got on to the pier I ran over after them and caught the prisoner about 150 feet down the dock. I took him to the station house. I left the barrel of tallow there and came back again. I rapped for assistance and did not get any. I took the three barrels of tallow to the station house. Mr. Rockford, an employee of Mr. Mallory saw them and identified them as being in the custody of his employer. Cross Examined. It was about a quarter of twelve when I saw these men. It was very dark, there was no moon light, but the light from the gas lamp. One of the men came down as far as the corner of Maiden Lane and looked up and down South St. He could not see anybody and went back again and said something to the prisoner, it was all right, something like that, and he walked back again and commenced to roll the barrel. The barrel contained 406 pounds; he rolled them towards pier 19. He did not have his hands on the barrels

0416

when I arrested him. I was only six feet behind him. This other man said, "Cheese it," or something like that. I am certain the prisoner was rolling the barrel. One of the men jumped overboard into the water and the prisoner dropped down on his face and hands. As soon as I caught hold of him he got up. He said he did not know anything about it. I says, "You had better roll it back again where you got it from." "I guess not," he said. "Are you not going to roll it back ~~for~~ ^{for} me?" I do not think I am." I said, "You had better come with me." I asked him his name. He said, "I will tell that in the Police Court." John Rochford, sworn and examined. I am in the employ of C. H. Mallory & Co. Upon the 5th of Dec. there was tallow in their custody between piers 19 and 20. The next morning when I came I missed three barrels. I saw one rolled on pier 19 and two at the station house, and I recognized them as being ~~in~~ ^{from} the custody of the firm of C. H. Mallory & Co. Charles Mallory recalled by District Attorney. At that time tallow was worth 6 1/2 to 7 1/2 per pound; the barrels contained about 400 pounds each and were worth \$20 a barrel, \$60 for the three.

0417

George Smith, sworn and examined in his own behalf. I am a sailor. On the night when it was charged these articles were stolen I was standing alongside the bar room door; the saloon is between piers 19 and 20; when I was standing there it was about 25 minutes after eleven. These barrels were standing on pier 20; two men came from the sidewalk and walked to the bulkhead; they pulled down the three barrels from the rest. The time the men were pulling the barrels down the bar tender was standing at the saloon door. He went halfway across the street and the two men walked away from the barrels. The bar tender stood half an hour in the saloon door waiting for an officer to go by. I was standing a little way from him down on pier 19. I was in the Fourth Ward hotel about 11 o'clock putting an intoxicated sailor aboard his vessel, and I saw the officer running down; he ran one of the men overboard; he said he had been looking for me half an hour; he arrested me. I was not rolling any of the barrels of tallow. It was dark - neither stars or moon up. The jury rendered a verdict of guilty. State prison four years.

0418

Testimony in the
case of
George Smith

Filed Dec
1883.

04 19

PART 2.

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

Ella Helton out of town

of No.

97

7th St

Street,

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 Sessions Building, in the Park of the said City, on the *5th* day of *Jan* instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

George Smyth
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

Jan in the year of our Lord 188*4*

JOHN McKEON, District Attorney.

0420

Count of General Sessions

The People

George Smyth

City of New York

Patrick H. McEver

being duly sworn says he is sub-
poena server on the office of the
District Attorney of the City and
County of New York that on the last
day of January 1883 he went to
No 97 7th Ave in the City
of New York to serve a sub-
poena upon Ella Fulton to
attend therein; that he was un-
able to find the said Ella
Fulton and was informed by
Athena Reed whom he found
at that place that said Ella
Fulton was out of town and
gone to Massachusetts, that said
Ella Fulton was only on a visit
to 97 7th Avenue at the time
the alleged offence herein was
committed and that said
Ella Fulton was

0421

Back from Massachusetts; and said Antoinette Reed further told this deponent that she said Antoinette Reed knew all about the case as much as the said Ella Felton.

Given before me
this 2nd day of January 1883.
John B. Olney, Notary H. M. Gire
Notary Public 284
Cal; New York, New York

COURT OF GENERAL SESSIONS.

The People, &c.

Ella Felton

VS.

George Smith

OFFENCE

PETER B. OLNEY,
District Attorney.

0422

2 District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

Ella Feltow

of No. 97 7th Ave Street, 26 married

being duly sworn, deposes and says, that on the 11th day of Dec 1883

at the above premises 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 with intent to deprive the true owner of the use and benefit thereof the following property, viz:

One Sash of the value
of thirteen dollars

the property of Dependent

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 George Smith (now here)
for the reason that deponent
is informed by Officer James H
Price of the 29th Precinct that he
arrested said Smith having said
Sash in his possession, and which
deponent has seen and identified
as her property.

Ella Feltow

Sworn before me this 12th day of Dec 1883
H. J. Justice

0423

Police Court 2 District.

City and County of New York, ss.:

THE PEOPLE.

vs.

George Smith

On Complaint of Ella Feltow
For Petit Larceny

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and my right to make a statement in relation to it, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated Dec 12 1883

Solomon Smith George Smith
Police Justice

0424

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 36 years, occupation James K Price
Police officer of No.

The 29th Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Ella Feltoro

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

Sworn to before me, this 12
day of Dec 1887 } James K. Price

Salou B. Smith
Police Justice.

0425

Sec. 198-200

2 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *George Sunch*

Question. How old are you?

Answer. *21 yrs*

Question. Where were you born?

Answer. *US*

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

Answer. *#51 W 20 St 2 months*

Question. What is your business or profession?

Answer. *Waiter*

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

Answer. *I am not guilty*

George Sunch

Taken before me this *12*

day of *July*

George Sunch
by *George Sunch*
Deputy District Attorney.

0426

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 Dec 12 1883 Solomon Smith Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0427

BAILED,

No. 1, by _____

Residence _____ Street,

No. 2, by _____

Residence _____ Street,

No. 3, by _____

Residence _____ Street,

No. 4, by _____

Residence _____ Street.

140
Police Court

294/34
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Ella Felton

97 7th Ar.

George Smith

2 _____
3 _____
4 _____
Wages

Petty Larceny
Offence,

Dated *Dec 12* 18*83*

Smith Magistrate.

J K Price Officer.

29 Clerk.

Witnesses, *off Price*

No. *29* Street,

Transferred to Gen

No. *Sessions being* Street,

Grand Jury

No. *3* Street,

answer *S. S.*



How

0428

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Smyth

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

George Smyth

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

The said George Smyth

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the ~~eleventh~~ *on the* day of ~~December~~ *three* in the year of our Lord one thousand eight hundred and eighty-*three*, at the Ward, City and County aforesaid, with force and arms *in the night time of the said day*, one *sack* of the value of *thirteen* dollars, of the goods, chattels and personal property of one *Ella Fulton*, and one *shawl* of the value of *twenty* dollars.

of the goods, chattels and personal property of one *Antoinette Reed*, in the dwelling house of one *Sarah Sealey*, *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.

0429

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

George Smyth

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

The said George Smyth

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

*one sack of the
value of fifteen dollars of
the goods, chattels and
personal property of one
Ella Felton, and one stand
of the value of twenty
dollars*

of the goods, chattels and personal property of Antoinette
Reed

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

unlawfully and unjustly, did feloniously receive and have; he the said George
Smyth

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.

PETER B. OLNEY,
~~JOHN McKEON~~, District Attorney.

0430

BOX:

123

FOLDER:

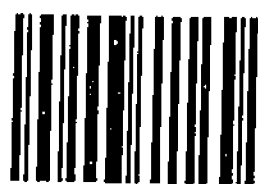
1297

DESCRIPTION:

Somerville, John

DATE:

12/20/83



1297

0431

BOX:

123

FOLDER:

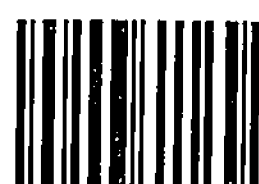
1297

DESCRIPTION:

Griffin, John

DATE:

12/20/83



1297

0432

Witnesses
Michael Fitzgerald
W. Mearns 27

W. F. Sullivan
Counsel,
Filed 20 day of Dec 1883
Pleads Not guilty 21

THE PEOPLE
vs.
John Somerville
and
John Guggin
Robbery in the 1st Degree
(Sections 224 and 228)

W. F. Sullivan
District Attorney
Dec 21/83
A True Bill.
M. L. Clarke
Foreman.

Dec 26/83.
W. F. Sullivan
Counsel,
Filed 20 day of Dec 1883
Pleads Not guilty 21

28

0433

STATE OF NEW YORK.
CITY AND COUNTY OF NEW YORK. } ss.

Police Court--First District.

Michael Fitzgerald 32 years Laborer
of Newburgh New York Street, being duly sworn, deposes
and says, that on the 18 day of November 1883
at the First Ward of the City of New York, in the

County of New York, was feloniously taken, stolen, and carried away, from the person of deponent, by force and violence, without his consent and against his will, the following property viz:

Good and lawful money of the
United States to the amount and

of the value of twenty seven cents
the property of deponent Dollars,

and that this deponent has a probable cause to suspect, and does suspect, that the said property

was feloniously taken, stolen, and carried away by force and violence as aforesaid, by
John Somerville and John Griffin (both now here)
from the fact that while deponent was sitting
on a stoop on Washington Street in said City
said defendants came up to deponent
and said Griffin seized deponent by the
arms ^{and held deponent's arms} while said Somerville thrust his hand
into the pocket of the pantaloons then
and there worn by deponent taking
therefrom the aforesaid money.

Wherefore deponent charges said
defendants with acting in concert with each
other in taking stealing the aforesaid property
by force and violence as aforesaid

Michael X Fitzgerald
mark

Sworn to, before me, this

of

19
November 1883
day
Michael J. [Signature]
Police Justice.

0434

Sec. 198-200

182 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Somerville 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 Somerville

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

New York

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

Answer.

21 West St. 18 months

Question. What is your business or profession?

Answer.

Driver

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 Somerville

Taken before me this

day of

Jan 18 1895

Police Justice.

0435

Sec. 198-200

132 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John Griffin

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. New York City

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

Answer. 57 Washington St. about 8 years

Question. What is your business or profession?

Answer. Printer

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

Answer. I am not guilty,
John ^{his} Griffin
mark

Taken before me this

day of

27

1885

William J. Smith
Police Justice.

0436

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

+ John Griffin
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 19 Nov 3 188 Charles J. Smith Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

NOV 1 120 1893

0438

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 Somerville and
John Griffin

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

John Somerville and John Griffin
of the CRIME OF ROBBERY IN THE — First — DEGREE, committed as follows:

The said John Somerville and John Griffin

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Eighteenth day of November — in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms, in and upon one Michael Fitzgerald — in the peace of the said People then and there being, feloniously did make an assault [each of them the said John Somerville and John Griffin being then and there aided by an accomplice actually present] and one silver coin of the United States of America of the kind known as quarter dollars, of the value of twenty five cents, two silver coins of the United States of America of the kind known as dimes of the value of ten cents each, five nickel coins of the United States of America of the kind known as five-cent pieces of the value of five cents each, and ten coins of the United States of America of the kind known as cents of the value of one cent each of the goods, chattels and personal property of the said Michael Fitzgerald from the person of said Michael Fitzgerald — and against the will and by violence to the person of the said Michael Fitzgerald then and there violently and feloniously did rob, 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,

PETER B. OLNEY,

John McKee,
JOHN MCKEE, District Attorney.

0439

BOX:

123

FOLDER:

1297

DESCRIPTION:

Sommers, Mary

DATE:

12/18/83



1297

0440

BOX:

123

FOLDER:

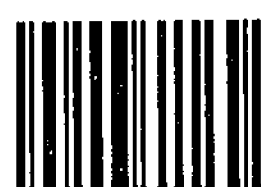
1297

DESCRIPTION:

Smith, Kate

DATE:

12/18/83



1297

Witnesses:
John Bell

130

Counsel,
Filed *18* day of *Dec* 188*3*

Pleads

THE PEOPLE

vs.

Wm. Sommers
and *P. Smith*

Grand Larceny, Second Degree, and
Holding stolen Goods

1883 and 531

PETER B. OLNEY,

~~JOHN WICKERSON~~

District Attorney

A True Bill.

W. L. Pickett

Foreman.

Dec 17/83.

Each *plead* *P. L.*

Each Pen 2 months.

0441

0442

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

John Bell

of No. 321 to 329 6 Ave Street 4-1- Clerk

being duly sworn, deposes and says, that on the 15 day of Decr 1883

at the above premises City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent ~~with intent to deprive the true owner of~~
~~the use and benefit thereof~~

the following property, viz :
about seventeen yards
of brocade velvet and in
all of the value of forty
two dollars

the property of Hugh O'Neil

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 Mary Sommers and
Kate Smith (both now here and
acting in concert) for the following
reasons to wit. Deponent saw
said Mary Sommers and Kate
Smith in said store and saw them
conversing together. Deponent
saw said Mary Sommers in
the act of concealing said property
under her clothes, and while she
was so doing said Kate Smith
stood in front of said Mary

Justice,

188

0443

Sommers, hiding her actions
from deponent. Deponent
then caught said Mary Sommers
by the arm when she dropped
said property on the floor.

Sworn to before me }
this 16th of Dec 1883 } John Bell
Solomon Smith
Police Justice

District Police Court.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

23.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0444

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, ss.

2 District Police Court.

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

Question. What is your name?

Answer.

Kate Smith

Question. How old are you?

Answer.

34 years

Question. Where were you born?

Answer.

US

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

Answer.

Dusey City - 4 years

Question. What is your business or profession?

Answer.

Dressmaker

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

Kate Smith
mur

Taken before me this
day of *Sept* 188*8*
Kate Smith
County Clerk

0445

Sec. 198-200

2

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

Mary Sommer

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

Question. What is your name?

Answer. Mary Sommer

Question. How old are you?

Answer. 44 years

Question. Where were you born?

Answer. Ireland

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

Answer. Brooklyn. three weeks

Question. What is your business or profession?

Answer. Launderer

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

Mary Sommer
mark

Taken before me this
10th day of
October 1904
at New York
City
Justice

0446

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 Mary Sommer
and Kate Seerich
guilty thereof, I order that they be held to answer the same and they be admitted to bail in the sum of 200
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until they
give such bail.
Dated Dec 16 1883 Solomon Smith Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0447

BAILED,

No. 1, by

Residence Street,

No. 2, by

Residence Street,

No. 3, by

Residence Street,

No. 4, by

Residence Street.

Police Court--

937 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John T. Bell

321 W 329 6th

Mary Sommer

Kate Smith

3

4

Dated Dec 16th 1885

Smith Magistrate.

John Wiegand

29 Clerk.

Witnesses,

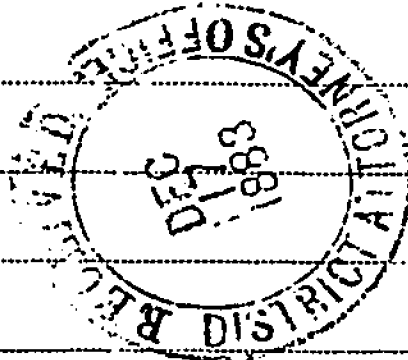
No. Street,

No. Street,

No. Street,

\$ 1000 to answer G.S.

Low



0448

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Shake Smith and
Mary Sommers

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

Shake Smith and Mary Sommers

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

The said Shake Smith and Mary
Sommers

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
15th day of December in the year of our Lord one thousand eight hundred and
eighty-three, at the Ward, City and County aforesaid, with force and arms

seventeen yards of netting
of the value of
two dollars and fifty
cents each yard

of the goods, chattels and personal property of one Hugh O'Neil
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.

Peter B. Olney
District Attorney

0449

BOX:

123

FOLDER:

1297

DESCRIPTION:

Spencer, Alexander R.

DATE:

12/26/83



1297

0450

30

50

The People

axamat

Alex P. Saver

Confidence

1788

55

19

0451

The Court of
Specimen

Monday, January 14, 1884.

Counsel. I ask your Honor to charge that Boneiser
swore that he entered the place seven
minutes to twelve and that he ordered
all hands out say ten minutes to twelve.
It was testified to by the defendant himself
by the Sandy Hook pilot and Mr. Valentine
The Court. Whatever the evidence is ^{on that subject}, the jury will
remember it.

The Judge's Charge.

Judge Cowing charged the jury as follows.

Gentlemen of the jury: It is
against the law of this State for any
person to sell to another intoxicating
liquors on Sunday as a beverage.
The defendant is charged by the indictment
with violating this law. ~~Now, gentlemen,~~
I hardly think it is necessary for me
to state the evidence to ^{in detail} you, after what
has been said by both sides; you will
remember it. But I have stated to
you that it is a law upon our
statute book, and it is there to be
observed until it is repealed.
Courts of justice are made to

0452

help
enforce laws and not to enact them
or to annul them. ~~And I apprehend~~
If I should, sitting here as a judge,
~~whose power it is and~~ whose duty
it is to instruct you what the law is
~~and~~ should ^{correctly} instruct you in this
case ~~is in a similar case~~ that
it was not against the law to
sell liquor on Sunday, if I should
be doing ~~that~~ ^{wrong}, I apprehend I would not
very long hold my seat here, and
I ought not to. I would be impeached
and disgraced. It is my duty
to ~~tell~~ ^{instruct} you what the law is, and
it is your duty to take the law
from the Court, and ^{follow it} ~~to~~ remember
that you violate your oaths, if
~~for one single moment~~ you
undertake to annul or abrogate
the law, because in your judg-
ments you think it is an
unwise, improvident or unjust
law. We do not do that ^{in a Court of justice} ~~here~~;
~~we~~ ^{but} try to enforce the laws as we find them.
In this case if this defendant
is guilty of violating this law, he
should be convicted, and if he

0453

is innocent he should be acquitted;
and that is the only question
you have ~~got~~ to try. ~~It is a~~
The issue is simply ~~issue~~. Did the Defendant
superintend the sale of liquor in
his saloon on Sunday, Dec., 2, 1883?
~~That is all there is in this case.~~
It is a question of fact. If he did,
he should be convicted. ~~He~~
~~So far as~~ ^{the sale of liquor} superintending ^{is}
concerned, according to ^{deposition} ~~his~~ own
testimony, ^{it appears that} ~~he answered a question~~
~~put by the Court that~~ "the barkeeper
acted under ^{his} ~~my~~ instructions and
direction and acquiesced in ^{his} ~~my~~
orders on the night in question."
And ^{again} ~~then~~ in another place he ~~has~~ ^{he} ~~admits~~
admits that he was the Superintendent
~~and~~ ^{or} Manager during the absence
of Mr. Ottman ~~at least~~ on the
night in question Mr. Ottman was
absent from this establishment.
And therefore, according to the
undisputed, uncontradicted and
unimpeached evidence upon
this night in question ~~he~~ ^{he} ~~was~~
Superintendent of this place -

0454

Superintendent of the bar tender, Superintendent of the waiters and general manager on this particular occasion ~~of this place~~. Therefore, if liquor was sold under those circumstances ~~he~~^{she} would be amenable to the law.

Was it sold? Three witnesses, ~~one~~^{with} Mr. Wilson and two Mr. Youngs have sworn positively that upon Sunday morning ~~at~~^{at} ten minutes past twelve and ~~twenty~~^{twenty} minutes past twelve they purchased gin and brandy in ~~that~~^{at this} place. They ^{have} stated to you how they know it was that time. They went there for the purpose of ascertaining ^{whether the law was being violated} so that their minds were drawn to the particular question ^{of time}. They went there to ascertain whether the selling was on Sunday & by their own watches, ~~not~~^{not} by the clocks in the place. They swore positively that liquor was sold on Sunday. Not by their own watches; by one watch.

Counsel

The Court: By one watch and ^{the} two clocks in the place. It was ^{by their testimony} ten minutes past twelve and twenty minutes

0455

past twelve when they purchased the second brandy and gin ~~I think~~

Is it true, gentlemen? is that testimony reliable? If it is, I then submit to you whether it is not made out, that this defendant superintended the sale of intoxicating liquors on Sunday morning, Dec. 2.

~~Now~~ If you are not satisfied with that testimony, if you believe it is unreliable, why then, of course, there is no evidence on which you could predicate a verdict of guilty. The defendant himself swears that no liquor was sold there after twelve o'clock, and he is corroborated by several witnesses.

I do not know how many, ~~I need not go over them, you have heard them.~~ ~~And~~ If you believe that ^{sept.} ~~this~~ testimony is reliable, ~~and the~~ ~~witnesses who have sworn in~~

~~conjunction with him,~~ why then the case of the people is ^{not} made out and it will be your duty to acquit ~~him~~ ^{sept.}. It comes right down to a question of fact. The

0456

leave this
all in

law is perfectly plain. ~~If, therefore,~~
~~without going over the testimony of~~
~~these various witnesses, if you come~~
~~to the conclusion upon all the~~
~~evidence in this case that the defend-~~
~~ant did on Sunday morning Super-~~
~~intend the sale of intoxicating liquors,~~
~~on that morning then you should~~
~~find him guilty of the offense charged~~
~~in this indictment. If, on the con-~~
~~trary, you believe from the evidence~~
~~in this case that he did not Super-~~
~~intend the sale of intoxicating liquors~~
~~on that morning and that no~~
~~intoxicating liquors were sold on~~
~~that Sunday morning, why then~~
it is equally plain you should
acquit him! If upon all the evi-
dence in this case, you have a reason-
able doubt as to whether or not he
sold liquor upon Sunday morning,
Dec. 2., then you should give him
the benefit of that doubt and acquit
him.

The case, gentlemen, is in your
hands.

0457

The People

vs.

Alexander R. Spencer

Augustine J. Wilson, sworn and examined.
I visited Spencer's Music Hall, 300 and 302
Bowery on Saturday Dec 1. and Sunday
Dec. 2, 1883. at 1/4 to 12 on Saturday Dec.
1st and remained there till 12 1/2 on
Sunday morning Dec. 2. I saw the defendant
there standing at the doorway just bet-
ween the two halls; he was looking on.
I saw a programme there of a variety per-
formance hanging on the wall. Spencer
manager and proprietor of Spencer's
Music Hall was on it to the best of my
knowledge. I obtained gin at that place,
the first at 10 minutes past 12 and the
second at 20 minutes past twelve at No.
300 near the centre of the hall just a
little west of the platform, but nearer
the southern wall. I ordered gin and
brandy of a waiter; 15 cents worth of
gin at 10 minutes past 12. I bought brandy
at the same time 25 cents worth. I secured
the last mentioned by pouring it from

0458

The People

vs.

Alexander R. Spencer

Augustine J. Wilson, sworn and examined.
I visited Spencer's Music Hall, 300 and 302
Bowery on Saturday Dec 1. and Sunday
Dec. 2, 1883. at 1/4 to 12 on Saturday Dec.
1st and remained there till 12 1/2 on
Sunday morning Dec. 2. I saw the defendant
there standing at the doorway just bet-
ween the two halls; he was looking on.
I saw a programme there of a variety per-
formance hanging on the wall. Spencer
manager and proprietor of Spencer's
Music Hall was on it to the best of my
knowledge. I obtained gin at that place,
the first at 10 minutes past 12 and the
second at 20 minutes past twelve at No.
300 near the centre of the hall just a
little west of the platform, but nearer
the southern wall. I ordered gin and
brandy for waiter; 15 cents worth of
gin at 10 minutes past 12. I bought brandy
at the same time. 25 cents worth. I secured
the last mentioned by pouring it from

0459

a very small glass in which it was served into this larger one which I had in my left coat pocket; on going out of the saloon I emptied it in that bottle. I kept it under seal ever since. I was present since then at the proceedings of the Board of Excise and heard the defendant sworn, perhaps the 9th or 10th of Dec. [Mr. Fellows read the testimony of Mr. Spencer].

I noticed the clocks in the saloon; they indicated about the same time as Mr. George H. Young's watch

Friday, Jan. 11.

Augustine J. Wilson recalled
The defendant was near my table on the occasion of my getting the second drink; he stood within the door way connecting the two rooms 300 and 302, in the hall of 300, about fifteen feet from where I was sitting.

0460

George Young sworn.

On the night of the 1st of Dec. and the morning of the 2nd I was at 300 and 302 Bovey; on Saturday evening Dec. 1st I went there at 1/4 to 12 o'clock. I went in a minute or two after Officer Wilson and Wm L. Young. As they were sitting in the place I found them there and sat with them. About ten minutes of twelve Dec. 1st I was in company with them. I saw them both drinking and I took a glass of beer. I remained in that saloon till 12 1/2 o'clock Sunday morning, Dec. 2. by my watch. At 10 minutes after 12 in company with Wilson in the rooms 300 Bovey I took a glass of brandy. I got the liquor from one of the waiters in the place. Mr. Wilson ordered it in my presence. I paid 25 cents for my brandy and he paid 15 cents for his gin. At 20 minutes past twelve by my watch I took brandy again in that place. I paid for it. This place 300 and 302 Bovey is known as Spencers Palace Music Hall and Novelty Theatre. I saw a programme against the wall and upon it was, "Spencers Palace Music

0461

Hall and Novelty theatre, 300 and 302
Bowery. Upon that was printed the program
one of Varieties, singing and so on, and
upon that was a likeness or bust of Mr.
Spencer, the defendant. I saw the defend-
ant there that night at the bar 302
Bowery at 12 1/2 o'clock, I took a glass of
beer. At that time there was in the
neighborhood of fifty people in the saloon.
The side door of 300 was open, but the
front doors were closed. Liquor and
beer was being sold at 12 1/2 o'clock.
I saw clocks in the saloon. At 12 1/2
I took out my watch. I found my time
corresponded with the time behind the
bar within one minute. I set my
watch on Saturday afternoon Dec. 1st
by Benedict's regulator, corner of
Portland street and Broadway.

0462

William L. Young, sworn.
I know the saloon 301 and 302 Bowery, it
is Spencer's Palace Music Hall. I was there
Saturday night the 1st of Dec. and Sunday
morning the 2nd of last Dec. I went there
a quarter of twelve and remained there
till 25 minutes past twelve. I looked at
Spencer's clock behind the bar. After
twelve o'clock I seen brandy, gin and
beer sold at the tables and at the bar.
There must have been over fifty people
there. The sale and use of liquor was
going on there constantly. I had a glass
of gin 10 minutes after 12. I was sitting with
officer Wilson and Young at a table; the
liquor was brought to me by a waiter. I
did not notice who paid for it. I had a
glass of beer after that at 20 minutes
past 12 at the bar from the bar keeper.
I paid for it. I saw the defendant Spencer
there that night; he was in 302 walking
around there; he was giving orders
to the waiters to attend to the tables.

0463

Testimony in
the case of
Alexander J. Spencer

Filed Dec

1883

0464

DYING IN A BOWERY HOTEL.

The Remains of Charles Hoffman Kirkland Awaiting Burial.

The remains of Charles Hoffman Kirkland, aged fifty-four years, who was found dead in his bed at a hotel on the Bowery last evening, are lying at an undertaking establishment in Pearl street awaiting burial. The deceased was a son-in-law of Mr. Shaw, the president of the Continental Telegraph Company. He leaves a widow and three children, who are residing with Mr. Shaw in Philadelphia.

Mr. John Boughton, of the Astor House, when told of Mr. Kirkland's death, said:—"I am very sorry to hear of it. He was in here only the other day and looked well. Some years ago he was one of our guests. He was at one time foreman in the Gorham Silver Manufacturing Company."

Mr. John Spencer, of No. 212 Broadway, said:—"The man was at one time well off. I do not know what caused the decline in his financial circumstances. He was well educated and spoke several languages. My first acquaintance with him began some five or six months ago. He came into my place and asked for something to do. I sent him to my brother Alexander, who, seeing he was a worthy man, gave him the position of watchman and assistant cashier at his place, 300 Bowery. If no one else were to employ him, I will try to lend a hand in so doing."

0465



*The New York Society for the
Prevention of Cruelty to Children.*

NO 100 EAST 23RD STREET, (CORNER 4TH AVE.)

New York

188

THE PEOPLE

v.

EVIDENCE BEFORE EXCISE BOARD.

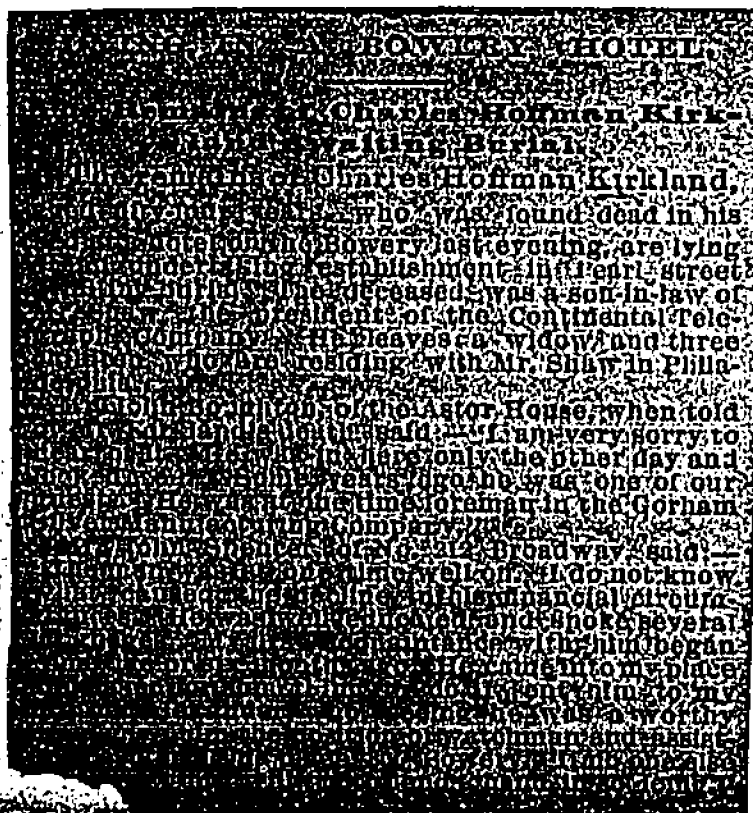
ALEX. R. SPENCER.

WITNESSES FOR THE PEOPLE.

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Augustine J. Wilson	4
George H. Young	11, 60

WITNESSES FOR THE DEFENCE.

Alexander R. Spencer	17
John Graves (door tender)	26
John Burney (bar tender)	29, 65
Chas. Lumley (bar tender)	35, 67
Jacob L. Banland (leader of orchestra)	37
A. Judson Tingley (cashier)	40
Theodore Bomeislser (liquor seller)	44
Abraham Whitney (waiter)	47
Henry Peters (waiter)	49
John Peterson (lunch counter)	51
William Barnes (visitor)	52
Chas. H. Kirkland (asst. cashier)	55
Wm. P. Valentine	56
Alexis Helmer (bar tender)	58



Telegram
Dec 26/83

0466

Excise Department, 54 Bond Street, Dec. 7th 1883.

-----	:	
<u>In The Matter of</u>	:	<u>Before</u>
<u>The Investigation</u>	:	<u>Hon Nicholas Haughton, Pres.</u>
<u>Concerning</u>	:	<u>" " John J. Morris,</u>
<u>WILLIAM OTTMAN,</u>	:	<u>" " William P. Mitchell,</u>
<u>Licensee.</u>	:	<u>Commissioners.</u>
-----	:	

APPEARANCES:

Mr Elbridge T. Gerry on behalf of the
the complainants, the Society for
The Prevention of Cruelty to
Children.

Mr Thomas E. C. Ecclesine for the
Licensee.

The complaint made in this case by the Society for
the Prevention of Cruelty to Children was that
the licensee violated the Excise law by selling
liquor after twelve o'clock on Sunday morning
Dec. 2nd 1883.

Mr Ecclesine moved to dismiss the complaint on the

0467

2.
ground that the Society for the Prevention of Cruelty to Children was not authorised under the provisions of its Charter to make such a complaint against the licensee. If the complaint was made by a citizen and proven to be false he would leave himself open to punishment for perjury, or be liable to be indicted for barrettry, or stirring up useless litigation.

Mr Ecclesine moved to dismiss the complaint on the further ground that it was stated in the complaint that a written statement setting forth the nature of the complaint had been filed in the office of the Board of Excise, whereas no such complaint was filed there but merely a verbal statement having been made. On this ground he claimed the Commissioners had not jurisdiction to try the case.

Mr Gerry, in answer to the first ground of motion, said that the Charter under which the Society for the Prevention of Cruelty to Children was organized gave it the right to appear before any Court or magistrate having jurisdiction in reference to all laws relating to or in any way affecting children; and in the present case the sole object which the

0468

3.

Society had in view in instituting the proceedings was to close up a place where a large number of children had been injured both morally and physical. It mattered not whether the specific offence charged was in regard to a specific child if the offence charged affected children.

Mr Gerry, in answer to the second ground of motion, said that the Board of Excise was not a court. It was a Board composed of three commissioners in whom was vested as a matter of discretion the right to issue licenses. The law gave them permission not to hold a court but to summon witnesses; and they had power of their own volition, without any complaint, to cite the licensee and confront him with evidence or not as they saw fit. He proposed in the present case to produce two witnesses who would substantiate the charges made in the complaint.

Mr Ecclesine replied that the Excise Board was clothed with certain powers under the statute, and that they could exercise only such authority as it conferred upon them. They were empowered to grant licenses to persons of proper character, and also

0469

4.

had authority to revoke licenses on proof of the law having been violated; but they were not compelled to revoke licenses. Counsel said the licensee was summoned to answer a complaint filed in the Board of Excise, and he claimed that the complaint referred to should be produced .

The motion of Counsel was denied. (exception)

Augustine J. Wilson sworn:

Examined by Mr Gerry:

Q. What is your business?

A. Officer for the Society for the Prevention of Cruelty to Children.

Q. Did you visit the premises known as Nos 300 and 302 Bowery in this city on Saturday December 1st, and Sunday December 2nd 1883?

A. Yes sir.

Q. What time did you enter the premises on Saturday December 1st?

A. A quarter to twelve o'clock.

Q. How long did you remain on the premises?

A. Till half past twelve--midnight--Sunday morning--three quarters of an hour.

0470

Ex 5.

Q. You correct it by saying Sunday morning?

A. Yes sir.

Q. State what if anything occurred in your presence during the period you have mentioned?

Mr Ecclesine objected on the ground that anything that occurred prior to twelve o'clock was immaterial; but anything that occurred after twelve o'clock was material to the issues.

By President Haughton:

Q. State what occurred after twelve o'clock?

A. Ten minutes after twelve o'clock I ordered gin and brandy and received the same from the waiter; I drank the gin and saw officer Young drink the brandy. At twenty minutes past twelve I ordered more gin and brandy; I saw officer Young drink the brandy, and I secured the gin myself; here it is fifteen cents worth. (producing a small bottle)

Q. From whom did you receive the liquors?

A. From a waiter, sir, and whilst securing this very gin, apparently sipping it, and while officer Young was drinking the brandy, Alexander R. Spencer was standing there looking at us; at the same time there was a great many people drinking what appeared to be wine and spirits.

0471

G.

Q. Did you pay for the brandy and the gin?

A. Yes sir.

Q. Who did you pay?

A. The waiter.

Q. How much did you pay?

A. Fifteen cents for the gin, and twenty five for the brandy.

Q. Is the article you now produce in court the portion of the gin secured by you?

A. It is the whole quantity with the exception that I tasted it.

Q. What did you do with it after you received it?

A. Poured it into a bottle, took it home, and put it in a safe place, kept it in a safe place, and sealed it. The bottle exhibited containing the gin was offered in evidence.

Q. You spoke of officer Young: what is his name?

A. George H. Young.

By Mr Ecclesine:

Q. What time did you enter these premises?

A. At a quarter to twelve on Saturday night.

Q. By whose watch did you take the time?

A. By Benedict's, and by officer Young's watch which

0472

7.

corresponded within two minutes.

Q. You simply asked officer Young what time it was?

A. I looked at his watch.

Q. By his watch it was what time?

A. A quarter to twelve o'clock.

Q. What time did you purchase h. gin?

A. Immediately after entering.

Q. Did you drink it?

A. Yes sir.

Q. How long a time elapsed between the purchase of the first gin and the purchase of the second?

A. Ten minutes past twelve o'clock.

Q. I asked you how long a time elapsed between the purchase of the first gin and the purchase of the second?

A. About twenty four--perhaps twenty three minutes.

Q. Did you take the time at the purchase of the second gin?

A. Yes sir.

Q. From whose time did you take it?

A. Officer Young's watch.

Q. Did you swear on your direct examination that you purchased the gin ten minutes after twelve?

A. Because you insisted on what took place after twelve

7

0473

8.

not ~~after~~ before it.

Q. Did you purchase more gin besides what you told us of?

A. I told you I did.

Q. How many drinks did you have that night?

A. Three; I purchased three; two I personally took and the other I secured.

Q. Had you been drinking before that night?

A. No sir.

Q. Who was the person you purchased from?

A. The waiter.

Q. Did you pay the waiter?

A. Yes sir.

Q. You did not pay the bar-keeper?

A. No sir.

Q. You did not pay the licensee?

A. He may be a waiter; I don't know.

Q. You paid the same person you made the purchase from?

A. Yes sir.

Q. Where were you seated the time you purchased this liquor?

A. At the table in the hall No 300, just a little west of the platform, where the musicians' stand is.

Q. Are you in the pay of this Society?

0474

(9.

A. Yes sir.

Q. Paid for doing this kind of work?

A. Paid for doing my duty.

Q. Your duty consists in doing this kind of work?

A. Mr Gerry can inform you as to that.

Q. You can answer the question?

A. It is included in my duty, and very excellent work it is.

Q. In your opinion it is no doubt. How long have you been in the employment of the Society?

A. Three years and a half.

Q. Are you an expert in liquors?

A. I know the difference between gin and whiskey, and rum; and rum and ginger ale.

By Commissioner Morris:

Q. You can tell the difference between spirituous liquors and sarsparella?

A. Yes sir.

By President Haughton:

Q. How did you get this gin into this bottle? Did you put it into it there as it is now with the exception of the sealing?

A. I took a tumbler in my left pocket there, and the

9

XXXXXXXXXXXXXXXXXXXX

0475

10.

liquor was served in very small ~~shape~~ tumbler-shaped glasses, and I simply placed it in my pocket, emptied the contents into the tumbler; I took the glass in my left hand and instead of drinking it I placed it in the tumbler in my pocket.

Q. You had this bottle with you?

A. No sir.

Q. You took the glass of gin and did what?

A. I took my own tumbler with me; I had my own tumbler in my left pocket there.

Q. And you poured the gin from the glass the waiter gave you into your pocket?

A. Yes sir.

Q. And afterwards put it into this bottle?

A. Yes sir.

By Mr Gerry:

Q. Did you see any other liquor sold to persons there?

A. Yes sir.

Q. How many were there after midnight as near as you can judge?

A. About fifty.

Q. About how many waiters were there?

A. About a dozen.

0476

II.

GEORGE H. YOUNG sworn:

By Mr Gerry:

Q. What is your business?

A. An officer for the Society for the Prevention of Cruelty to Children.

Q. Did you visit the premises Nos 300 and 302 Bowery on Saturday December the first and Sunday December 2nd, 1883?

A. I did.

Q. Were you in company with any one and if so whom?

A. I was in the company of officer Wilson and a brother of mine, William L. Young.

Q. Is that officer Wilson the last ~~affix~~ witness who testified in your presence?

A. Yes sir.

Q. State what if anything occurred in your presence at that place after twelve o'clock on Saturday night December 1st 1883?

A. On Sunday morning December 2nd at about twenty minutes to twelve o'clock I ordered the brandy and I drank it and paid for it; at twenty minutes after twelve o'clock I ordered another brandy and paid for it; at half past twelve o'clock I went to the bar; it was exposed; it is in No 302 Bowery; I took

0477

12.

a glass of beer; the bar was exposed and a number of people were at the bar; I purchased the glass of beer; Mr Spencer was within one foot of me; I paid for it.

Q. Did you see any persons drinking anything at the bar?

A. I did; there was about five or six persons at the bar at the time.

Q. What did they drink?

A. Some called for beer at the bar; but I saw a number of persons call for brandy and whiskey.

Q. You ordered the brandy?

A. Yes sir.

Q. Who brought you the brandy--from whom did you order?

A. From one of the waiters; I was in the hall No 300 sitting there in the back part in company with Mr Wilson and a brother of mine, Mr William R. Young. I was present with Mr Wilson when he put the brandy into the glass in his pocket.

By Commissioner Morris:

Q. You know spirituous liquors from malt liquors?

A. I do.

0478

I3.

By Mr Ecclesine:

- Q. By whose direction did you go to this place?
- A. By the direction of Mr Gerry.
- Q. Who furnished you the money to pay for this liquor?
- A. My own.
- Q. Your own or the funds of the Society?
- A. I paid for it and then whatever expenses are incurred I charge to the Society.
- Q. How long are you an officer of the Society?
- A. Two and a half years.
- Q. What were you doing before that?
- A. With my father.
- Q. What business?
- A. In the piano business.
- Q. Had you any other employer before that?
- A. Yes sir; I was in the ^{law} ~~leather~~ business before that.
- Q. Clerk or what?
- A. Clerk.
- Q. In Mr Gerry's office?
- A. No sir.
- Q. Had you been in any other place that night before you went to No 300 Bowery?
- A. No sir.
- Q. Where did you start from to go there?

0479

I4.

A. I left my home a little after ten o'clock; I left Rivington Street, and I took a walk through the Bowery; I met Mr Wilson at half past eleven by appointment, and about a quarter to twelve o'clock we entered the place.

Q. How do you know it was a quarter to twelve o'clock?

A. By my watch.

Q. Was it from your watch you took the time in all those instances?

A. Yes sir; in all those instances.

Q. Did you hear any announcement made at mid-night that the place was closed?

A. No sir.

Q. Did you ^{see} people get up and go out that time?

A. I saw a number of people go out.

Q. Did you see the lights turned down?

A. They were darkened a little; they were not so bright as at twelve o'clock.

Q. You did see the lights darkened at about twelve o'clock?

A. Yes sir.

Q. You did not hear any announcement that the place was closed?

A. No sir.

0480

I4.

A. I left my home a little after ten o'clock; I left Rivington Street, and I took a walk through the Bowery; I met Mr Wilson at half past eleven by appointment, and about a quarter to twelve o'clock we entered the place.

Q. How do you know it was a quarter to twelve o'clock?

A. By my watch.

Q. Was it from your watch you took the time in all those instances?

A. Yes sir; in all those instances.

Q. Did you hear any announcement made at mid-night that the place was closed?

A. No sir.

Q. Did you ^{see} people get up and go out that time?

A. I saw a number of people go out.

Q. Did you see the lights turned down?

A. They were darkened a little; they were not so bright as at twelve o'clock.

Q. You did see the lights darkened at about twelve o'clock?

A. Yes sir.

Q. You did not hear any announcement that the place was closed?

A. No sir.

0481

I5.

Q. You lingered for a little after?

A. Yes sir.

Q. By President Haughton:--What time did you first enter?

A. At a quarter to twelve o'clock.

Q. Did you have any drink before twelve o'clock?

A. Yes sir.

Q. And afterwards two drinks?

A. Yes sir; ten minutes after twelve and twenty minutes after it; and when leaving at half past twelve I took a glass of beer at the bar.

Q. Was the front of the house closed?

A. The front was closed, but the side door was open at No 300.

Q. Did they commence to close the front of the house while you were in there?

A. When we left there that was closed.

Q. Did you take notice how soon after you went in they began to close?

A. No sir.

Q. But the front was closed?

A. Yes sir, but the side door was open.

Q. The main door was closed?

0482

I6.

A. Yes sir.

Q. By Mr Ecclesine:--You went there for the purpose of
procuring evidence?

A. Yes sir.

Q. Was it necessary to take three drinks to do that?

A. No sir; it was not.

Q. Were you ever there before?

A. Yes sir.

Q. For the same purpose?

A. No sir.

Q. What did you go there for?

A. I went there because it was reported that a number
of young girls were frequenting the place?

Q. You went there for that purpose?

A. Yes sir, I did; I have been there as late as three
o'clock in the morning.

By President Haughton:

Q. How long ago since you were there at three o'clock?

A. I was there within two weeks; last Sunday a week
ago I was there in the afternoon.

Case closed for the complainant.

0483

19.

ALEXANDER R. SPENCER sworn:

Examined by Mr Ecclesine:

Q. Are you acquainted with William Ottman, No 300 and 302 Bowery?

A. Yes sir.

Q. Were you in the place on December 2nd 1883, and if so at what hours?

A. On Saturday night of December 1st I was present.

Q. At what hour?

A. Until the place closed.

Q. At what hour was the place closed?

A. The place was closed and everybody out of it at ten minutes to twelve o'clock; there was nothing sold over the bar after ten minutes to twelve; our beer run out, and I told the patties--everybody that was in there--they should be out and no more drink.

Q. Did you make that announcement sufficiently loud to have every one hear it?

A. Yes sir, sufficiently loud that the people left the premises and all that remained was the employes and waiters who were to be paid.

Q. Was the front floor closed?

A. Yes sir; and then the electric lights were put out.

At ten minutes past twelve I said that every one

~~shank~~xxxxxxx

0484

18. 18

should be out, and that the place should be closed, and no more beer given; I ordered every one of the waiters not to sell any thing more after two minutes past twelve; I set my watch every week and never found it to vary more than a few minutes--two or three minutes; I compared my watch with the time of half a dozen people that evening.

Q. Did any one ask for the sale of liquor after twelve o'clock?

A. Yes sir.

Q. Did any one ask to have any liquor sold after twelve o'clock?

A. There was a gentleman at the lunch counter asked for beer and I told him he could not have it, that it was twelve o'clock that time.

Q. At ten minutes to twelve o'clock you gave this order?

A. Yes sir; I said "Everybody out" that there was no more beer to be furnished.

Q. Where did you make this announcement?

A. In the large hall, and I sent a man down to TELL THE

other men to close up.
~~other men to close up.~~

Q. Who did you send?

0485

~~is.~~ 19

A. Mr Thorpe, in my employ.

Q. By Commissioner Morris:--You said in your employ?

A. He was working under me; I am superintendent of the place.

Q. You are superintendent under Mr William Ottman?

A. Yes sir.

Q. Did you in accordance with directions from him give this order to have the place closed?

Mr Ecclesine objected and the question was withdrawn.

Q. Was it in accordance with any orders and if so whose that you gave directions to have place closed up?

Ax Objected to. Overruled. Exception.

A. Mr Ottman's orders to me were to comply strictly with the Excise laws, and to close the place at twelve o'clock on Saturday night, and one o'clock every night in the week, which I have been doing, following his instructions thoroughly; and as far as any liquor being sold after twelve o'clock it was not twelve o'clock at the time; it was not ten minutes to twelve o'clock when every one was out. There was a lunch counter inside and that was closed up, and no liquor sold after ten minutes to twelve o'clock.

0486

~~18.~~ 20

Q. Where were you standing this time?

A. In No 302 watching the people and trying to get every one out of the house; urging them to go.

I saw the gentleman there on several occasions (referring to one of the previous witnesses); on Wednesday evening the gentleman was in there at one o'clock and he heard me say "Every one out".

By President Haughton:

Q. On the Wednesday evening previous?

A. Yes sir.

Q. That is since this took place?

A. Yes sir; he has been quite a frequenter there.

Q. Were you present when he says he was there at three o'clock?

A. I don't recollect that time.

EX

By Mr Gerry:

Q. What is your connection with this establishment No 300 and 302 Bowery?

A. I am superintendent for Mr William Ottman.

Q. On salary?

A. Yes sir; I am on salary.

Q. What salary?

Mr Ecclesine objected. Sustained. Exception.

0487

20. 71

Q. Did not you make an application to His Honor the Mayor for a theatrical license during the last month in which you applied as proprietor of the place with Mr Ottman?

A. No sir; as manager.

Q. Then besides being superintendt you are also manager?

A. I am manager or superintendent whichever you call it; I represent MR Ottman in his business.

Q. How much of his time is Mr Ottman there?

Mr Ecclesine objected to the question as irrelevant to the issues before the Board.

Objection overruled. Exception.

A. That would be a very hard thing to tell; he is there some three or four nights in the week sometimes, and sometimes he does not get there more than once in the week; he was there last night some three hours.

Q. Where does he live?

A. I think somewhere up on the west side of the town; in 35th street.

Q. Do you know what business he is ebged in?

A. I think he has some connection with St. James' Hotel.

Q. You think it?

A. I think so, as well as this place here.

0488

22. 22

Q. Will you look at this programme and see if it is one of the programmes issued under your management? ~~xxxxxxx~~ and which was circulated at your place on the evening of Sunday December 2nd?

XX Objected to as irrelevanat. sustained.

Q. Is there a clock over your door or not?

A. We have two clocks; one is behind the bar.

Q. Are both alike ?

A. Both are alike.

Q. Representing the same time.

A. I have seen them vary.

Q. How many minutes variance is between them?

A. Sometimes one does not get wound up properly and there might be an hour between them. /

Q. How do they agree with your watch?

A. I have seen a discrepancy.

Q. How much of a discrepancy?

A. There might be three or four minutes difference.

Q. On the Sunday night in question was there any difference between them?

A. Do you mean the clocks behind the bar?

Q. I mean the clocks behind the bar and your watch?

A. I don't remember looking at the clocks that night.
But I remember looking at my own watch.

0489

~~22.~~ 23

Q. You don't remember whether they corresponded with your own watch or not?

A. No sir; I don't remember.

Q. Did you see any of the people looking up at the clocks?

A. When ten minutes to twelve I told them I wanted them to close up--ten to twelve by my watch.

Q. Do you mean to be understood as swearing positively that there was no liquor served or delivered on these premises after twelve o'clock?

A. By my watch I gave the orders.

Q. Answer my question?

I did not see any liquor sold after twelve o'clock; I gave orders at ten to twelve on December 2nd 1883, for no liquor to be sold and did not see any sold.

Q. Will you swear that there was no liquor delivered in your presence to any person after twelve o'clock on December 2nd 1883 on the premises Nos 300 and 302 Bowery?

Objected to as immaterial.

A. I did not see any liquor served after twelve o'clock.

Q. Was there any person behind the bar?

A. Yes sir.

Q. How long did that person remain behind the bar after

0490

23^{1/2}

twelve o'clock? on Sunday December 2nd?

A. Until the house closed; he was paying off; he is the cashier and was paying off the help; his office is behind the bar.

Q. Who employs the waiters in the establishment Mr Spencer?

A. Very often times I hire them myself.

Q. Almost all of them are hired by you?

A. Not all of them.

Q. Who else hires them if you don't?

A. In my absence Mr Thorpe.

Q. Is Mr Thorpe the bar-keeper?

A. Yes sir.

Q. How many bar-keepers have you there?

A. Three at night.

Q. What are their names?

A. Harry W. Thorpe, Mr Charles Lumley, and John Burney.

Q. Is that all the bar-keepers you have?

A. There is another in the day time--William Bennett.

Q. Are these three bar-keepers on duty all at once?

A. No sir.

Q. There is one on each night: Who was the man was standing behind the bar on Sunday night or Saturday night?

0491

24.

A. Charles Lumley and John Burney.

Q. Then there were two men serving behind the bar on that night?

A. Yes sir; three altogether.

By Mr Ecclesine:

Q. You were aware that there has been a good deal of excitement about the liquor question lately?

A. Yes sir.

Q. And you took extra precautions to comply with the letter of the Excise law as soon as this custom took place?

XX. Objected to by Mr Gerry. Question withdrawn.

By Commissioner Morris:

Q. You stated that you did not see any liquor sold after hours on that morning?

A. Yes sir.

Q. Could they have delivered any liquor in the room without your not seeing it?

A. I don't think they could; all were attending to the duty of trying to get the people out.

Q. Could they deliver liquor in the room without you seeing it?

Objected to. Overruled. Exception.

0492

25.

A. It would be almost impossible to do it.

JOHN GRAVES sworn:

Examined by Mr Ecclesine:

Q. You are employed at Nos 300 and 302 Bowery?

A. Yes sir.

Q. In what capacity?

A. As ~~bar~~^{door}-tender.

Q. The person that takes tickets and admits people in?

A. Yes sir.

Q. Did you admit any one into the premises Nos 300 and 302 Bowery on December 2nd 1883?

A. Yes sir, in the early part of the evening.

Q. On Sunday?

A. No sir.

Q. At what hour was the last person admitted into the premises?

A. I did not admit any one after ten minutes to ten o'clock.

Q. Was that in accordance with orders?

A. Yes sir.

Q. What hour was the place closed that night?

A. Ten minutes to twelve o'clock.

Q. At what hour did the people commence to go out?

0493

26.

A. At ten minutes to twelve o'clock.

Q. You stood at the door and saw them go out?

A. Yes sir.

Q. How many were there?

A. Most every one in the place started to go out when the order was given.

Q. They all commenced to press out about ten minutes to twelve o'clock.

Q. By twelve had they all passed out?

A. All with the exception of the employes of the house.

By Mr Gerry:

Q. Do you mean to swear that there was no one in the house after twelve o'clock but the employes?

A. Not that I know of.

Q. Will you swear there was not?

A. Yes sir; the side door is where I was standing.

Q. How do you know it was ten minutes to twelve o'clock?

A. I looked at my watch and it was ten minutes to twelve.

Q. How did your watch compare with the clock in the place.?

~~xxQ. He said he did not~~ Objected to.

A. I generally set my watch with the clock on the

0494

27.

~~xxxxxxx~~ Cooper Institute.

Q. You did not compare your watch with the clocks in the place that night?

A. I did not.

Q. By Mr Ecclesine:--Did you compare it with any time?

A. Yes sir.

Q. With what?

A. With the clock on the Cooper Institute.

Q. What is your watch?

A. A silver watch.

Q. How long have you had it?

A. About eight months.

Q. Is it a good time-keeper.

A. What I consider pretty fair.

Q. Do you know whether it was right that evening or not?

A. I set it by the clock at the Cooper Institute.

Q. Are you careful to get the time and if so for what purpose?

A. I try to keep the time.

Q. Why?

A. For the simple reason that I like to have as near the correct time as I can get.

0495

28.

Q. Is it necessary for you in your duty as door keeper
to keep the correct time?

A. I like to have the correct time.

Q. The order "All hands out" was the usual order?

A. Yes sir.

Q. You heard it given before?

A. Yes sir, every evening.

Q. And complied with?

A. Yes sir.

Q.

JOHN BURNEY sworn:

Examined by Mr Ecclesine:

Q. What is your business?

A. I am bartender at the premises Nos 300 and 302
Bowery.

Q. Were you employed there for some time?

A. Two weeks tomorrow.

Q. Were you present on Saturday evening and Sunday
morning December 2nd?

A. Yes sir.

Q. Attending to your duties?

A. Yes sir.

Q. What time was that place closed?

A. At ten minutes to twelve o'clock.

0496

29.

Q. By whose orders?

A. Mr Spencer's.

Q. Where were you standing?

A. Standing behind the bar taking my apron off.

Q. State what was done that the place was closed?

A. The orders were Mr Spencer said "All out" and I sent word down stairs for every one to go out.

Q. Had he a watch in his hand at the time?

A. I did not notice but I heard him holler.

Q. What was done after that order was given?

A. All the people were ready and went out.

Q. Was any liquor sold in the place after twelve o'clock?

A. No sir; the beer all run out at a quarter to twelve o'clock.

Q. That you are sure of?

A. Yes sir.

Q. How do you know it was a quarter to twelve?

A. From the head bartender's watch.

Q. He called your attention to the fact that it was run out?

A. Yes sir.

There was no beer sold after a quarter to twelve o'clock?

A. No sir.

30

QxxxxTxxxxxxwxxxxxxkxqxrxsokxaxftaxxwaxvaxaxekaxkx

0497

30.

Q. Could there have been any sold without your knowing it?

A. No sir.

Q. Where is all the liquor sold from?

A. Inside the bar.

Q. Any order to have it delivered to customers must be given at the bar by the waiters?

A. Yes sir.

Q. And it is delivered to them across the bar?

A. Yes sir.

Q. Was any such delivery made that evening?

A. No sir.

By Mr Gerry:

Q. What time did the band stop playing?

A. About ten minutes to twelve o'clock.

Q. How do you fix the time?

A. By Mr Thorp's watch.

Q. By Commissioner Morris:--You say the beer run out at a quarter to twelve o'clock?

A. Yes sir, when the beer run out at a quarter to twelve we took down the keg, and the bartender told me to go home.

Q. You say the bartender told you to go home?

21 A. yes sir; he always told me; I met people down town

0498

31.

~~afterwards~~
~~during the day~~

and they said "what is the matter?"
and I said that we closed up at twelve o'clock.

Q. Then if there was anything sold after twelve o'clock
you would not know anything about it?

A. No sir; I was not there to see it.

By Mr Ecclesine:

Q. What time did you leave that night?

A. It was a quarter to twelve when I took my apron
off and went out?.

By Commissioner Morris:

Q. And you then went out?

A. Yes sir.

Q. Did not you testify that at ten minutes to twelve
o'clock you heard Mr Spencer say "all hands out?"

A. No : I testified it was a quarter to twelve by Mr
Thorp's watch. when the beer run out and I was tak-
ing my apron off.

Q. Did you leave the premises before any one else did?

A. A good many left before I did; they were all going out.

Q. Were the lights turned down before you left?

A. Yes sir.

Q. And the orders to close were given before you left?

32
Axxxxjuxtxaxxixwaxxkaxxng

0499

32.

A. Just as I was leaving the orders were given.

Q. Had people risen up from the tables to go out?

A. Yes sir.

By Mr Gerry:

Q. How many bars are there?

A. One long one and the lunch bar.

Q. Where is the lunch bar?

A. In No 302.

Q. Is there a bar up stairs?

A. I don't know anything about up stairs; there is a bar down stairs.

Q. There are two floors to those premises?

A. Yes sir.

Q. Yours is the ground floor?

A. It is the saloon and ball room.

Q. There is a bar room there?

A. Yes sir.

Q. There is a bar down stairs in the cellar?

A. Yes sir.

Q. Was that the bar room you were in?

A. No sir; down stairs.; there is only one bar down stairs connected with the bar room.

Q. Is there a lunch room down stairs?

0500

33.

A. No; up stairs.

Q. Is there a bar in connection with the counter?

A. There is no liquor sold at the lunch counter.

Q. Is there any liquor delivered up stairs?

A. Yes sir, from the counter where I am.

Q. Down below?

A. Not down below.

Q. By President Haughton:--What floor is the bar on that you attend?

A. Up stairs in No 302 right level with the side walk.

Q. On the ground floor the theatrical performance goes on?

A. Yes sir.

Q. Is that the floor you are on?

A. Yes sir.

Q. That is the ground floor?

A. Yes sir.

Q. Is there a floor over that?

A. Yes sir.

By Mr Gerry:

Q. What is there in the basement?

A. A dance hall and saloon.

Q. There is a bar there and another in the hall off the street?

34

0501

34.

A. Yes sir.

Q. You are in charge of the one off the street?

A. Yes sir; the long bar.

By Mr Ecclesine:

Q. The liquors sold down stairs are sold to people occupying the basement floor?

A. Yes sir.

Q. It is not brought up and sold to people occupying the upper floor?

A. No sir.

CHARLES LUMLEY sworn:

Examined By Mr Ecclesine:

Q. What is your business?

A. Bar tender.

Q. You are employed at Nos 300 and 302 Bowery?

A. Yes sir.

Q. Were you so employed on the evening of December Ist, Saturday?

A. Yes sir.

Q. What part of the premises were you in?

A. No 302 Bowery.

Q. As bar-keeper?

A. Yes sir.

0502

35.

Q. What time that night was the place closed?

A. At ten minutes to twelve o'clock.

Q. What was done? How was it closed? State exactly what was done?

A. Mr Spencer came up stairs and told me the beer was all gone off before that and he said "All hands out."

Q. Did he say this in a loud tone of voice?

A. Yes sir, so that ~~ex~~ every one could hear it.

Q. What did the people do then?

A. Immediately got up and went out.

Q. Were the lights turned down?

A. Yes sir, some of them.

Q. There was no liquor sold in the place after twelve o'clock?

A. No sir.

Q. That you are positive of?

A. Yes sir.

Q. Where is the liquor sold in the premises kept?

A. Behind the bar?

Q. Where were you?

A. Behind the bar.

Q. If there was any liquor delivered for sale it should pass across the bar?

0503

36.

A. Yes sir.

Q. Were any orders given by waiters or others after twelve o'clock?

A. There were orders given but they were not served; I told them that the bar was closed and that they could not have anything.

By Mr Gerry:

Q. How do you fix the time twelve o'clock on Sunday morning December 2nd?

A. By the clock in the bar.

Q. Which one.

A. The one that is up to the ceiling.

Q. That you say pointed to ten minutes to twelve o'clock?

A. Yes sir; and Mr Spencer said "All hands out."

JACOB L. BANLAND sworn:

Examined by Mr Ecclesine:

Q. You are employed at Nos 300 and 302 Bowery?

A. Yes sir.

Q. As what?

A. As leader of the orchestra.

Q. Were you so employed on Saturday night last?

A. Yes sir.

0504

37.

Q. What time were you ordered to stop?

A. Ten minutes to twelve o'clock.

Q. Who gave the orders?

A. Mr Spencer.

Q. When did he give them?

A. At ten minutes to twelve I heard them. He called
"All out" and that is my orders to stop.

Q. Did you stop playing?

A. yes sir.

Q. What sort of watch have you got?

A. A Springfield ,Illinois watch.

Q. Do you know whether it was right the day in question?

A. Yes sir,I know it was right because I was down town
and set it with the city hall time.

Q. It was right in the day and right in the night?

A. Yes sir.

Q. You are quite sure that at ten minutes to twelve
Mr Spencer gave that order to stop playing?

A. yes sir.

Q. What was done?

A. we picked up our instruments and took them out to
lay them behind the bar intending to get a glass
of beer.

38 Q. Did you ask for any?

XX

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38.

A. Yes sir.

Q. Were you refused?

A. Yes sir.

Q. By whom?

A. The bar keeper.

Q. What didh he say?

A. He said he had no more beer that it was out.

Q. Did you see the people leaving the place?

A. yes sir.

Q. What time?

A. At ten to twelve o'clock when I heard the order I
seen them get up and walk out.

Q. Were the lights turned down?

A. Yes sir; some of them.

Q. Was there anybody in the place after twelve o'clock?

A. Nobody but the employes, that I know of.

By Mr Gerry:

Q. How many orchestras are there in that place, or were
there on the evening in question.?

A. One up stairs.

By Commissioner Morris:

Q. You say you set your watch by the City Hall clock?

39 A. Yes sir.

0506

39.

Q. How did you know the City Hall clock was correct?

A. I don't know; I took that from the City time and I supposed it was the right time.

Q. Did you never see it stop?

A. No sir.

By Mr Ecclesine:

Q. That was the time you regulated all your engagements with that day?

A. ~~YES~~ yes sir; I have always to be punctual in

Q. commencing to play; I have got to commence at eight o'clock on the minute; I was there before eight and commenced to play at eight.

Q. Did you guide yourself during the day in keeping your appointments by this watch?

A. Yes sir.

Q. Were they correctly kept?

A. Yes sir.

A. JUDSON TINGLEY sworn:

Examined by Mr Ecclesine:

Q. Are you in the employ, or were you employed on the evening of December 1st 1883 at the premises Nos 300 and 302 Bowery?

A. Yes sir.

Qx

0507

40.

Q. In what capacity?

A. As cashier.

Q. Where is the cashier's desk?

A. In the center of the bar on the ground floor.

Q. Were you there on the evening of December 1st Saturday evening.

A. Yes sir.

Q. What time did these premises close that night?

A. About ten minutes to twelve.

Q. Who gave the orders to close?

A. Mr Spencer.

Q. How was it done?

A. "All hands out" that is what he said.

Q. Where was he standing when he gave that order?

A. In front of the bar, and then he went to the other room and repeated it.

Q. What did you do if anything?

A. Got ready to go home; by his orders paid off the people.

Q. Were the lights lowered?

A. The lights were turned out in front--the electric lights.

Q. Did the people in the place leave as soon as they heard that order?

41

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0508

41

A. All got up to leave.

Q. Did they go out?

A. They were going out.

Q. you were behind the bar?

A. yes sir.

Q. There was no liquor sold that night after twelve o'clock?

A. No sir.

Q. There was no liquor sold across the bar after twelve o'clock?

A. No sir; the beer run out and we did not have anything to tap from on the premises.

Q. There was no liquor sold after twelve o'clock?

A. No sir.

Q. There had not been any sold for half an hour?

A. No sir.

Q. You are quite sure that the beer run out ten minutes before twelve o'clock?

A. Yes sir; about fifteen minutes to twelve.

Q. Do you carry a watch?

A. Yes sir.

Q. Did you consult your watch that time?

A. My watch and the clock behind the bar were about the same; my watch was City Hall time; I am down town every day to set it.

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42.

Q. Was your watch right that night?

A. Yes sir; it was not more than a minute or half a minute out of the way.

Q. You are quite sure it was ten minutes to twelve when the order was given to close?

A. Yes sir.

Q. By Mr Gerry:--Did you look at your watch when the order was given?

A. Yes sir.

Q. What time did you leave the premises yourself?

A. Sometime after that.

Q. How long after?

A. Going on towards one o'clock when I left; the place was all closed; I had to get the cash fixed up and the book.

By Mr Ecclesine:

Q. What kept you there till one o'clock?

A. Paying off the men.

Q. And making up your accounts?

A. Yes sir.

Q. There was no liquor sold after that time?

A. No sir.

Q. The place was not open after that time?

43 A. No sir.

D.

05 10

43.

Q. No one was there but the employes after that time?

A. That is all.

Theodore Bomeisler affirmed:

Examined by Mr Ecclesine:

Q. State whatever facts are within your knowledge in relation to this matter?

A. At half after eleven o'clock I left Mott and the street parallel with the Bowery--Chatham.

By President Haughton:

Q. Were you in the saloon that evening?

A. Yes sir.

Q. State to the Board what occurred; what time did you get in there?

A. I suppose about from twelve to seven minutes to twelve o'clock.

Q. State what occurred when you got in?

A. I passed through the bar and met a friend and wrote him out an application for a position which I think consumed about five minutes; I went into No 302 and asked for lager and was told that the bar was closed! Whilst there some other parties asked for liquor and they were told that the bar was closed! I had to make for the elevated railroad, and took

05 11

44.

my carriage and went to meet the quarter past twelve train.

Q. You are not in any way connected with this place?

A. No sir.

Q. What are you?

A. I am connected with John Hannest's Distilling Company.

Q. You went in to get a drink?

A. I went in to see Mr Spencer more particularly.

Q. Did you ask for a drink?

A. Yes sir.

Q. Who did you ask?

A. The bar tender.

Q. What were you told?

A. That the bar was closed.

Q. You did not obtain the liquor?

A. No sir.

By Mr Gerry:

Q. Have you had business relations with Mr Spencer?

A. Yes sir.

Q. How long?

A. Two years.

Q. Do you furnish the liquor sold at the establishment?

05 12

45.

A. Not to that place.

Q. Do you furnish the liquor used elsewhere?

A. Yes sir.

Q. What do you mean by saying that you wrote an application?

A. I met a bar-keeper and gave him a recommendation.

By Mr Ecclesine:

Q. You asked for some lager beer and it was refused you?

A. Yes sir.

By President Haughton:

Q. Where is this distilling company you speak of?

A. At Baltimore, Maryland and West Virginia--Martinsburg.

Q. You are agent for the company in this city?

A. Yes sir.

Q. Where is your place?

A. No 50 Beaver street; next door to Delmonico's.

Q. How long are you connected with the establishment?

A. Two years.

Q. All that time in this city?

A. Yes sir.

46 Q. How long have you known Mr Spencer?

05 13

46.

A. Twelve to fourteen years.

ABRAHAM WHITNEY sworn:

Examined by Mr Ecclesine:

Q. Are you employed at Nos 300 and 302 Bowery?

A. Yes sir.

Q. In what capacity?

A. Waiter.

Q. Were you there on the evening of Saturday December
the first this year?

A. Yes sir.

Q. waiting?

A. yes sir.

Q. At what time were the premises closed that evening?

A. It was a quarter or ten minutes to twelve o'clock
when the ~~commencement~~ announcement was made; by the
clock over the bar it was about a quarter.

Q. It was before twelve o'clock?

A. Yes sir.

Q. How was the announcement made?

A. Mr Spencer said "All out; the place will be closed."

He went from one room to the other and sent Mr

Thorpe down stairs, with the same order.

Q. What was done then?

05 14

47.

A. The people commenced to leave.

Q. About how many were present that night?

A. I cannot tell.

Q. Was there any liquor sold there after twelve o'clock that night?

A. No to my knowledge.

Q. Did you see any liquor sold?

A. No sir.

Q. You were there?

A. I quit myself at twenty to twelve o'clock, and stood in front of the bar till a quarter past twelve and then went home; I saw none sold but saw a great deal enquired for.

Q. You saw frequent requests?

A. More than a dozen times.

Q. And the barkeepers refused to sell?

A. Yes sir.

Q. Where were you standing then?

A. Right in front of the bar.

Q. Waiting to be paid off?

A. I had settled; I was waiting to get my coat and hat.

Q. Do you know what time the beer run out that night?

A. A quarter to twelve o'clock.

Q. How do you know?

05 15

48.

A. I saw them take the keg down, and it was, I think about a quarter to twelve o'clock.

Q. Did any one ask for beer after that time?

A. Yes sir; more than a dozen I should judge.

Q. What was the answer given to them?

A. That the beer was all out and nothing more to be sold that night.

Q. Did you see any brandy sold over the bar?

A. No sir.

Q. Was there any sold after that time?

A. Not to my knowledge.

Q. If there was any sold you could see it?

A. I could; I was standing in front of the bar.

HENRY PETERS sworn:

Examined by Mr Ecclesine:

Q. You are employed at Nos 300 and 302 Bowery?

A. Yes sir.

Q. In what capacity?

A. As waiter.

Q. Were you employed there on the evening of December 1st 1883?

A. Yes sir.

Q. What time that night did the premises close?

49 A. It was closed at twelve o'clock; the side door was

05 16

49.

closed and no one was allowed in any more. At ten minutes to twelve Mr Spencer called "All out."

Q. Did any one order liquor after twelve?

A. Yes sir.

Q. Did they get it?

A. No sir.

Q. Did they make application for it?

A. Yes sir.

Where?

A. At the bar.

Q. Did more than one customer apply to you for liquor?

A. A few of them.

Q. You tried to get it and failed?

A. Yes sir.

Q. What time was this?

A. About ten minutes to twelve o'clock.

Q. Did you see any liquor sold in these premises after twelve o'clock?

A. No sir.

Q. When the order was given "All out" what did the customers do?

A. They got up and walked out.

Q. Were the lights turned down?

A. Yes sir.

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50.

Q. And the orchestra stopped?

A. Yes sir.

Q. And business suspended?

A. Yes sir.

Q. BY Mr Gerry:--When did your employment as a waiter commence there?

A. Last June.

JOHN PETERSON sworn:

Examined by Mr Ecclesine:

Q. Are you in any way connected with Nos 300 and 302 Bowery?

A. Yes sir.

Q. Were you so connected with it on the evening of December 1st 1883?

A. Yes sir.

Q. In what capacity?

A. At the lunch counter.

Q. You had charge of the lunch counter?

A. Yes sir.

Q. What time was that place closed on Saturday night?

A. The band stopped about a quarter to twelve and Mr Spencer came and said "All hands out"; then they all went out; the lunch counter is near the bar.

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51.

Q. Did any one getting lunch call for lager beer?

A. Yes sir.

Q. Did they get it?

A. No sir; I went into the bar and asked for it, and I said it is only six minutes to twelve, and they said the bar was closed.

Q. They refused to give you the lager?

A. Yes sir.

Q. You did not sell it to your customers?

A. No sir.

WILLIAM BARNES sworn:

Examined by Mr Ecclesine:

Q. Were you in the premises Nos 300 and 302 Bowery on the night of Saturday December 1st 1883?

A. I cannot answer you in regard to the numbers; I do not know the numbers; I was at the lunch counter; I don't know which that is.

Q. You were in either one of those places?

A. Yes sir.

Q. They are both connected?

A. Yes sir.

By Mr Gerry:

32 Q. What is your connection with the establishment?

05 19

52.

A. None whatever; I simply happened to be in there on Saturday night.

By Mr Ecclesine:

Q. Did you go up to ask for lager?

A. I was eating my lunch and asked this man for beer-- (referring to last witness) and he says "you can't get it; and the gentleman with me went into the next room and said it was all closed that I could not get any beer.

Q. What time was it then?

A. About four minutes to twelve o'clock by Mr Spencer's clock over the bar. I went out a few minutes after; the man was there opened the door and let me out.

Q. Did you hear any announcement made such as "All out?"

A. I heard Mr Spencer and the gentleman behind the bar said "All hands out". The light was turned down while I was eating my lunch.

Q. Had the music ceased playing?

A. Yes sir.

Q. The lights were turned down?

A. Yes sir.

Q. What time did you leave?

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A. About four or five minutes to twelve o'clock.

Q. You asked to have some beer furnished with your lunch?

A. Yes sir.

Q. And you were refused?

A. Yes sir; I insisted upon having it from the man

Q. You are not an agent for the Society for the Prevention of Crime?

A. No sir.

By Mr Gerry:

Q. What business are you engaged in?

A. Inventor of toys, No 211 west 20th street.

Q. How long are you an inventor of toys?

A. 17 years.

Q. What were you doing in the place that night?

A. I was passing by.

Q. Is that the first time ever you were there?

A. No sir; I think the seventh or eighth TIME..

Q. Within what period?

A. Since July.

Q. Where do you reside?

A. No 211 west 20th street. I am not acquainted with Mr Spencer or any one in the house.

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CHARLES H. KIRKLAND sworn:

Examined by Mr Ecclesine:

Q. Are you employed at Nos 300 and 302 Bowery?

A. Yes sir.

Q. In what capacity?

A. Assistant cashier.

Q. Were you in the premises on the evening of December
1st 1883?

A. From eight o'clock to a quarter to twelve I was not
there.

Q. Were you there at a quarter to twelve?

A. I was there a few minutes before twelve; I cannot
say whether eight or a quarter.

Q. It was after a quarter to twelve?

A. Yes sir.

Q. Did you hear any orders given about closing the
place?

A. The place was cleared out.

Q. And the business stopped?

A. Yes sir.

Q. And no one there but the employees?

A. None that I saw sir.

Q. Was there any business being transacted?

A. No sir, except the settlement with the hands.

0522

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Q. What hour was that?

A. A few minutes before twelve o'clock.

Q. It is your duty to be there before twelve?

A. Yes sir, and I am always there ahead of time.

Q. Were those premises open or closed the time you got there?

A. They were closed; the gentleman that testified there a short time ago let me in.

Q. By Mr Gerry:--Did you look at your watch?

A. I had no watch; I looked at the clock, sir.

William P. Valentine sworn:

Examined by Mr Ecclesine:

Q. Were you in the premises Nos 300 and 302 Bowery on the night of Saturday December 1st last?

A. Yes sir.

Q. At what hour were these premises closed?

A. At ten minutes to twelve by my watch.

Q. Who gave the orders to close them?

A. I gave the orders in the first place to parties in the house to stop the musicians.

Q. Go on?

A. And Mr Spencer ordered all the people out of the house.

0523

56.

Q. What hour was this?

A. Ten minutes to twelve o'clock, the orders were given

Q. to stop the band.

Q. Did they stop?

A. They did, sir.

Q. Was there any liquor sold in the premises after that time?

A. Not to my knowledge.

Q. Did you see any?

A. No sir.

Q. Do you know whether the band applied for any beer?

A. No sir.

Q. What was done after Mr Spencer gave the orders "All hands out?"

A. Everybody went out.

Q. The lights were turned off?

A. No; the lights had not been turned off; the lights are electric lights; down stairs ^{the} gas lights were turned out fifteen minutes to twelve.

Q. Were the two front electric lights turned out?

A. Yes sir; the electric light company turned them off.

Q. Did you look at your watch?

A. Yes sir.

57

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57.

Q. Did you know whether your watch was right or not?

A. I know it was right by all the clocks in the house;
we always keep them together.

Q. Do you know whether it was right by any standard
city time?

A. It was set by the city time the time they changed
the time?

Q. What sort of watch is it?

A. It is three minutes fast, with that time now.
(indicating time of Board clock)

Q. How long have you had it?

A. About a year and a half.

Q. It generally keeps correct time?

A. Yes sir.

Mr Gerry:--No question.

Alexis Helmer sworn:

Examined By Mr Ecclesine:

Q. were you in the premises Nos 300 and 302 Bowery on
the evening of December 1st 1883?

A. Yes sir.

Q. Were you employed there and if so in what capacity?

A. As bartender.

Q. At the upper or lower bar?

A. The lower bar.

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58.

Q. Do you know what time the place was closed that night?

A. I received orders to close up.

Q. Answer the question?

A. I didn't have any time.

Q. Did you hear any orders given?

A. Yes sir.

Q. Do you know Mr Thorpe?

A. Yes sir.

Q. Is he connected with the establishment?

A. Yes sir.

Q. Did he give you any orders that evening?

A. Yes sir.

Q. When?

A. I didn't have any time; it must have been before twelve o'clock.

Q. About what time?

A. About a quarter to twelve he came down and asked if I had any beer, and I said no; and he says "close her up."

Q. Was any liquor sold over your bar after the orders were given?

A. No sir, and the place was cleared out in ten or fifteen minutes.

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Mr Valentine recalled by Mr Ecclesine:

Q. Was the watch you looked at and took the time from on the evening of December 1st, 1883, the same watch you now have?

A. Yes sir.

Q. Has it been continuously running since?

A. Yes sir.

Q. Has it been wound by you since?

A. Yes sir.

Q. Has the time been changed?

A. No sir.

Q. I ask you now to look at your watch and tell me what time it is?

A. It is now nineteen minutes past twelve.

Mr Ecclesine then requested the Stenographer to note that the time indicated by the clock in the Board room was fifteen minutes past twelve.

Commissioner Morris then stated in reply to Mr Ecclesine that his watch was correct according to Benedict's time, and that it was then sixteen minutes past twelve the same as the Board room clock.

Mr Young recalled by Mr ~~Ecclesine~~ Gerry:

Q. Previous to entering the premises Nos 300 and 302

0527

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Bowery on Saturday, December 1st, did you compare the time indicated by your watch which you then wore with any standard time, and if so with what?

Mr Ecclesine objected on the ground that the evidence sought to be introduced was not in rebuttal, and that counsel for the complainants had closed his case.

President Haughton said that the Board had given counsel for the licensee unlimited scope to establish his defence and that the objection would be overruled (Exception.)

A. I did with Benedict's on the corner of Courtland street and Broadway.

Q. What time did you make that comparison?

A. At four o'clock on Saturday afternoon.

Q. Has the watch been running ever since?

A. Yes sir.

Q. How did your watch compare with Benedict's time?

A. I was a minute ahead of time.

Q. Has your watch run down since?

A. No sir.

Q. Have you altered it?

61 A. No sir.

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Q. State the time?

A. It is very near nineteen minutes after.

Q. What is your time Commissioner? (to Commissioner Morris)

Commissioner Morris:--The same.

Q. Do you remember having seen the witness Tingley so-called on Sunday December 2nd?

A. I did.

Q. Do you remember seeing him the time you left?

A. Yes sir.

Q. Where was he then?

A. At the cashier's desk at half past twelve o'clock;
I then compared my time with the clock up there.

Q. How did it compare?

A. Two minutes difference.

Q. Who was the fastest?

A. Mr Spencer's.

Q. By President Haughton:--Did you look at your watch when you say you had a drink at ten minutes past twelve?

A. I got a drink at half past twelve.

Q. How many drinks did you get?

A. Four.

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62.

Q. How many did you get after twelve o'clock?

A. Three; one at ten minutes past; one at twenty; and one at half past twelve o'clock.

Q. Did not you enter this place with the other witnesses?

A. Yes sir.

Q. Both of you had the same number of drinks?

A. Yes sir; but I had an extra drink when I left at half past twelve.

Q. Did you look at your watch every time you drank?

A. Every time I drank I looked at my watch; I was told to be very accurate.

By Mr Ecclesine:

Q. Did you have your watch out?

A. Yes sir.

Q. Did you have it in your hand when you were served with the liquor?

A. Yes sir.

Q. Who served you with the liquor?

A. One of the waiters.

Q. Did you know him?

A. I did not sir.

Q. Describe his appearance?

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A. A man with a sandy moustache; a delicate sort of man about 35 years old; about five feet six or seven inches high.

Q. He was standing behind the bar?

A. No sir; the liquor I bought in No 300.

Q. Didn't you swaare you got the liquor at half past twelve?

A. I got a glass of beer at half past twelve.

Q. Who served you with that?

A. One of the bar-tenders.

Q. It was half past twelve o'clock by your watch when the first glass of lager beer was sold?

A. Yes sir.

Q. Did you see him draw the beer?

A. He handed it to me ; I did not see it drawn.

Q. When you asked for beer what did you do?

A. I asked for a glass of beer.

Q. Did he turn round?

A. I did not take notice.

Q. Was it fresh? Did it appear to be drawn fresh?

A. It appeared to be.

Q.

0531

64?.

John Burney recalled by Mr Ecclesine:

Q. Were you behind the bar at Spencer's on the Saturday night in question?

A. Yes sir.

Q. Do you know of your own knowledge what time the beer run out in the place?

A. Mr Thorpe said it was a quarter to twelve o'clock.

Q. Do you know what time it was by the clock behind the bar?

A. I did not look.

Q. What was done with the keg when it was found to be run out?

A. We generally took the keg off the bar?

Q. What did you do that time?

A. I turned around and took my apron off.

Q. Did you take the keg down?

A. Yes sir, before I took my apron off.

Q. Was there any fresh keg tapped before that run out?

A. No sir.

By Commissioner Morris:

Q. Did you know that of your own knowledge?

A. Well, after I left the house I couldn't say; it was a quarter to twelve by Mr Thorpe's watch.

Q. Did not you testify when you were on the stand before

0532

65.

that you left the house before twelve o'clock?

A. Yes sir.

Q. By Mr Ecclesine:--How long before twelve?

A. About eight or ten minutes.

Q. Who were the bar keepers?

A. Me, Charley, and Harry Thorpe.

Q. Were any of the bar keepers employed in that place that night behind that bar who either answer the description given by this witness and the person that sold him the beer?

A. I cannot recollect seeing the man at all.

Q. Did the witness Mr Gerry put on the stand describe the appearance of the man that sold the beer?

A. No sir; there is no such description as that at all.

Q. He said the man who sold him the beer was a man about five feet nine, 25 years of age, delicate in appearance, with a sandy moustache: Was there any such person behind the bar on that night?

A. No sir.

Q. Is there any such person as he described employed as a bar-keeper?

A. No sir.

By Commissioner Morris:

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Q. If there was any one behind the bar acting as bar-keeper, would

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AX keeper you would not know it ?

A. I did not have time to go away from the bar.

Q. After you left you could not say who was behind the bar?

A. No sir.

Charles Lumley recalled:

By Mr Ecclesine:

Q. How long did you stay in the premises?

A. Until next morning.

Q. You were there all night?

A. Yes sir.

Q. Did you act as watchman?

A. Yes sir.

Q. After you were through your duties as bar-keeper?

A. yes sir.

Q. You were there at half past twelve?

A. yes sir.

Q. Where were you at half past twelve?

A. Behind the bar.

Q. Was there any person else behind the bar with you?

A. Yes sir, the chashier.

Q. Who was that?

A. Tingley, and Charley, and Kirkland.

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Q. You were behind the bar at half past twelve?

A. Yes sir.

Q. Did any customer go up to the bar about that hour
and ask for beer, and if so was he served?

A. No sir.

Q. Are you positive of that?

A. Yes sir.

Q. Do you know when the keg of beer was empty, and when
it was taken down?

A. Yes sir.

Q. When?

A. About a quarter to twelve.

Q. Do you know that positively of your own knowledge?

A. Yes sir.

Q. Was there any other keg of beer on tap after that
was taken down?

A. No sir.

Q. No other beer was sold after that was empty?

A. No sir.

Q. If a witness testified here that at half past twelve
o'clock he got a glass of beer and paid for it
and drank it, what would you say to that testimony?

A. I would say he was a liar.

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68.

By Mr Gerry:

Q. What were you doing behind the bar at half past twelve o'clock on Sunday morning?

A. Cleaning up and taking the glasses down from behind the bar.

Q. What time did you get through cleaning up?

A. About twenty minutes past twelve.

Q. How do you fix the time the beer run out?

A. Because I took the tap out of the keg and put it outside of the house.

Q. How do you know the time?

A. I looked at the clock.

Q. What time did you leave the bar with the keg?

A. About a quarter to twelve.

A. Where did you take it?

A. Outside the house.

Q. Where was the keg when you first took it?

A. Standing in front of the bar.

Q. Then you left the bar with the keg and took it out and returned to the bar?

A. Yes sir.

Q. Do you mean to swear that there was no person at the bar in your absence? *If you were outside the*

68A

A. *house how could you see?*

0536

69.

A. I was not outside the house but just stood at the door and rolled it outside.

Q. How many entrances to that bar?

A. One.

Q. Where is that?

A. At the end of the bar.

Q. Is there an entrance at each end or only one?

A. One entrance.

Q. How far is that from the place where you rolled the keg?

A. Thirty feet.

Q. How many people in your presence when you rolled out the keg?

A. There might have been fifty.

Q. Were there any waiters there at the time?

A. Yes sir.

Q. How many?

A. There might be five or six.

Q. What were the people doing?

A. They were beginning to go out.

Q. How long did they take to go out after beginning to go out?

A. About a quarter of an hour.

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70.

By Mr Ecclesine:

Q. The time you rolled this keg out what was the time?

A. A quarter to twelve.

Q. How long did it take you to roll it from the bar?

A. Half a minute.

Q. Then you came back to the bar again?

A. Yes sir.

Q. Was there any other keg tapped that night?

A. No sir.

Q. That you are sure of?

A. Yes sir.

Q. You did not leave from behind the bar until nearly
one o'clock?

A. No sir.

Q. Was there any liquor called for after twelve o'clock?

A. yes sir; it was called for, but I refused it; told
them the bar was closed and they could not get
anything to drink that night.

Q. Was there any one else engaged in selling liquor
besides you--oh, yes, two others--were they asked
for any liquor?

A. I don't know sir.

By Commissioner Morris:--You say you acted as watchman?

70.

A. After the house is closed at night I stop until the

0538

TORN PAGE

71.

day bartender comes in the morning.

Q. do you act as watchman?

A. Yes sir.

Q. Do you sleep behind the bar?

A. No sir.

Q. What do you do?

A. Walk about the place and see that no one comes in.

Q. You also testified that this beer run out at a
quarter to twelve o'clock?

A. Yes sir.

Q. Did you take it off the bar then?

A. Yes sir; right away.

Q. Did you take it off?

A. I didn't take it off.

Q. How do you know it was empty?

A. Because the taps were out--the spiles.

Q. How do you know that this was the same keg?

A. I saw the man take it off.

Q. Who did you see take it off?

A. John Bunnel.

Q. Is he a waiter?

A. No sir, a bartender. He told me the keg was off and
asked if there was another to be put on and I told
him "No".

The license of Mr Spencer was then Revoked.

Jerome Brady, Official Stenographer.

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BOX:

123

FOLDER:

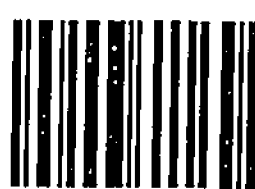
1297

DESCRIPTION:

Stephenson, John

DATE:

12/11/83



1297

0540

No 52

Counsel,

Filed 11 day of Dec 1883

Pleads for guilty -

THE PEOPLE

vs.

F

John
Simpson

W. J. J. J.

W. J. J. J.

W. J. J. J.

~~518~~
Peter B. O'Connell
District Attorney

22 Dec 14/83

Pleaded guilty.

A True Bill.

W. J. J. J.

Foreman.

Per One year.

Section 2987 -
Bigamy

0541

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK

POLICE COURT,

DISTRICT.

State Stevenson
 of No. *131 Suffolk* Street, being duly sworn, deposes and
 says that on the *23rd* day of *June* 188*9*
 at the City of New York, in the County of New York, *Deponent was*

Married to John Stevenson in
St Marks Mission Chapel on
18th Street & Avenue A in said
City by Rev H B Erskworth
That the Certificate of such Marriage
Authenticated & Signed by said
Clergyman is hereto annexed

That since such Marriage
as aforesaid there never has been
any divorce obtained or sought
for either by deponent or her said
husband nor has the Marriage
been annulled or dissolved

Deponent now alleges and
charges that her said husband
did on the 18th day of April 1889
Marry and take to wife one
Elizabeth Barker the Marriage
Ceremony having been performed and
solemnized in St Marks Mission
Chapel in said City by the Reverend
Brookhulst Morgan as deponent
is informed and verily believes
Wherefore deponent charges said
John Stevenson with unlawfully
and feloniously having committed
Bigamy and asks that he may be
apprehended & dealt with as the
Law directs *State Stevenson*

Sworn to before me this
23rd day of April 1889
My Comm. Expires Justice in

0542

City and County of New York I do
Rockwell Morgan of
St Marks Mission Chapel in
said City being sworn says
that he is a Clergyman and
Pastor of said Chapel —

That on the 18th day of April
1887 deponent married according
to the Ceremony of the Protestant
Episcopal Church the aforesaid
John Stevens to one Elizabeth
Barker and he said deponent
then stated & declared in the
presence of deponent that he
was not previously married
Rockwell Morgan

Sworn to before me this
23rd day of April 1888
Hugh J. Fox
Police Justice

Police Court District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness.

Disposition.

0543

Sec. 151.

Police Court 2 District.

CITY AND COUNTY } ss *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York. GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Kate Stevenson

of No. 131 Suffolk Street, that on the 18 day of April
1888 at the City of New York, in the County of New York,

her husband John Stevenson did
unlawfully and feloniously marry one
Elizabeth Barker & did thereby commit Bigamy
that defendant last lawfully married to said
John Stevenson on the 2 day of June 1879 and
that no divorce was obtained either by Complainant
or her husband nor was the marriage annulled or dissolved

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the 2 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 23 day of April 1888

Alfred Gurner POLICE JUSTICE.

0544

POLICE COURT. <u>2</u> DISTRICT.		REMARKS.
THE PEOPLE, &c., ON THE COMPLAINT OF <u>Kate Stevenson</u> vs. <u>John Stevenson</u>		Time of Arrest, _____ _____ _____ Native of _____ _____ _____ Age, _____ _____ _____ Sex _____ _____ _____ Complexion, _____ _____ _____ Color _____ _____ _____ Profession, _____ _____ _____ Married _____ _____ _____ Single, _____ _____ _____ Read, _____ _____ _____ Write, _____ _____ _____
Warrant-General. Dated <u>April 23</u> 188 <u>8</u> <u>Gardner</u> Magistrate <u>Haley</u> Officer. <u>Central Office</u> The Defendant _____ taken, and brought before the Magistrate, to answer the within charge, pursuant to the command con- tained in this Warrant. _____ Officer. Dated _____ 188 This Warrant may be executed on Sunday or at night. _____ Police Justice.		

0545

State of New York

County of Richmond

Town of Middletown

ss

Oswen Haley a Policeman of New York
being duly sworn says that he is acquainted with the
hand-writing of Hugh Gardner
the Justice who issued the annexed warrant and that the
signature to this warrant is in the hand-writing of said

sworn to before me this

24th day of December 1883.

D. B. Mulhough

Justice of the Peace

Oswen Haley

0546

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, } ss.

2

District Police Court.

John Stevenson 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 Stevenson

Question. How old are you?

Answer.

25 years of age

Question. Where were you born?

Answer.

New York

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

Answer.

Clifton, Staten Island, 12 days

Question. What is your business or profession?

Answer.

Book-Binder

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 did marry with Elizabeth
Barker while my first
and lawful wife Kate
was living.
John Stevenson*

Taken before me this

2d

day of *November* 188*8*

John Stevenson

Police Justice.

TORN PAGE

0547

In the name of the Father, and of the Son, and of the Holy Ghost. Amen.



This is to Certify, That on

the Second day of June in the year of
Our Lord, One Thousand Eight Hundred and
Seventy-Nine at St. Mark's Chapel
155 Ave. A. in the City of New York

I joined together in **Holy Matrimony**

John Lewis Stephenson

AND

Catherine Maule

ACCORDING TO THE RITES OF THE

Protestant Episcopal Church

in the United States of America, and in Conformity with the
Laws of the State of New York.

In Witness whereof, I have hereunto affixed my name, this 2d
day of June One Thousand Eight Hundred and Seventy-Nine

Henry B. Entwistle

Rector of St. Mark's Chapel

155 Ave. A.

0548

HEALTH DEPARTMENT OF THE CITY OF NEW YORK.
OFFICE, No. 301 MOTT STREET.
Bureau of Vital Statistics.

New York, July 29 1881.

A Transcript from the Record of Marriages
IN THE CITY OF NEW YORK.

DATE OF MARRIAGE.	FULL NAME OF GROOM.	RESIDENCE.	AGE.	COLOR.
April 18 1881	John Stephenson	No. 331 West 15 St.	23	White
GROOM'S BIRTHPLACE.	NAME OF FATHER.	NAME OF MOTHER.		
New York City	John Stephenson	Elizabeth		
OCCUPATION.	FULL NAME OF BRIDE.	RESIDENCE.	AGE.	COLOR.
Private Detective	Elizabeth Barker	No. 172 Essex St.	22	White
BRIDE'S BIRTHPLACE.	NAME OF FATHER.	NAME OF MOTHER.		
New York	James Barker	Sarah Moore		
No. of BRIDE'S MARRIAGE.	BY WHOM MARRIED, AND OFFICIAL STATION OF PERSON SOLEMNIZING THE MARRIAGE.	WHEN RECORDED.		
1 st	Rev. Buckholst Morgan	22 April 1881.		

The persons authorized to solemnize Marriages by the Laws of New York are the following:

1. Ministers of the Gospel and Priests of every denomination,
2. Mayors, Recorders, and Aldermen of Cities.
3. Judges of County Courts and Justices of the Peace.
4. Jews, and "Quakers (or Friends)," in a manner agreeable to the regulations of their respective societies.

Hence, certificates of the solemnization of Marriages by Notaries, or by or before any other persons or officers than those above named, ARE NO EVIDENCE OF SUCH MARRIAGES.

John T. Magland
Deputy Register of Records.
A True Copy,
Cammocland
Secretary.

0549

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two
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 November 3rd 188 E. M. Patterson Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0550

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

Prueby Hollow
Nate Stevens
John Stevens

1 _____
2 _____
3 _____
4 _____

Offence, *Boys*

Dated *April Dec. 3* 188 *3*

Gardner Magistrate.
Wm Haler Clerk.
Central office

Witnesses *Brookholt Morgan*
W. Manser Street,
Chapel 155 W. A.

No. *Henry B. Insworth*
above address
No. _____ Street,
\$ *1100* to answer

Comet

0551

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 Stephenson

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

of the CRIME OF

Bigamy

committed as follows:

The said John Stephenson

late of the City and County of New York, on the Second day of June in the year of our Lord one thousand eight hundred and seventy nine at the City and County aforesaid, by the name and description of John Lewis Stephenson, did marry one Catherine Maule, and her the said Catherine Maule did then and there have for his wife: and the said John Stephenson afterwards, to wit: on the Eighteenth day of April, in the year of our Lord one thousand eight hundred and eighty one, at the City and County aforesaid, with force and arms, feloniously did marry and take as his wife one Elizabeth Barker, and to the said Elizabeth Barker was then and there married; the the said Catherine Maule being then and there living and in full life: 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. Frederick Packham~~
Peter B. Olney
District Attorney.

0552

BOX:

123

FOLDER:

1297

DESCRIPTION:

Sullivan, John

DATE:

12/20/83



1297

0553

Witnesses

August 17th 1883
Wm. Foley

15th Jan 1883
R.C. Hall

Day of Trial

Counsel

Filed 20 day of Dec 1883

Pleads Not Guilty (21)

THE PEOPLE

vs.

F

Assault in the First Degree.

John S. Session

PETER B. OLNEY,
JOHN MCKEON
District Attorney.

A TRUE BILL.

W.D. Hubert

Foreman.

Henry W.

James Secord 22 day

Henry W. 1883

S.P. 2 y early 1883

0554

Police Court—18 District.

CITY AND COUNTY
OF NEW YORK, } ss.

August J Momper 40 years RR Conductor
of No. 111 West 46 Street,

Tuesday morning being duly sworn, deposes and says, that
on Monday the 17th day of December

in the year 1883 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

John Sullivan (now here) who did
wilfully and feloniously cut and stab
deponent on the head, with the blade
of a pocket knife then and there held
in his hand causing a painful
wound

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

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

Sworn to before me, this

of

1883

December
John B. Smith
POLICE JUSTICE

0555

Sec. 198-200

CITY AND COUNTY,
OF NEW YORK, ss.

1921
District Police Court.

John Sullivan 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 Sullivan

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer.

New Jersey

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

Answer.

344 W 42 St

Question. What is your business or profession?

Answer.

Bar tender

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 cut complainant because he kicked me in the eye.

John Sullivan

Taken before me this

John J. Sullivan
1887

John J. Sullivan
District Police Court

0556

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

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 18 December 1883 Solomon B. Smith Police Justice.

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

Dated _____ 188 . _____ Police Justice.

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

Dated _____ 188 . _____ Police Justice.

0557

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

Police Court *First* District. *945*

THE PEOPLE, &c.,
ON THE COMPLAINT OF

August 3 Member
111 W 46 St.
John Sullivan

1 _____
2 _____
3 _____
4 _____

Offence Felonious Assault & Battery

Dated *19 December* 188*3*
D. B. Smith Magistrate.
Luigi Foley Officer.
5 Precinct.

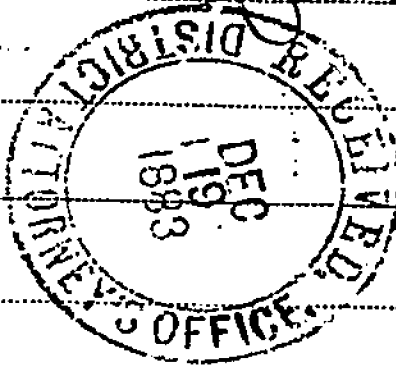
Witnesses *Albert S. White*
No. *115 St. Louis Place* Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer *G.S.*

Don



0558

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 Sullivan

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

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

The said John Sullivan

late of the City of New York, in the County of New York, aforesaid, on the Seventeenth day of December in the year of our Lord one thousand eight hundred and eighty three with force of arms, at the City and County aforesaid, in and upon the body of August F. Monner in the peace of the said people then and there being, feloniously did make an assault and with the said August F. Monner with a certain knife which the said John Sullivan

in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent to the said August F. Monner then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

John Sullivan

of the CRIME OF Assault in the Second Degree, committed as follows:

The said John Sullivan, late of the City and County aforesaid afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said August F. Monner then and there being, feloniously did, wilfully and wrongfully, make an assault and with the said August F. Monner with a certain knife which the said John Sullivan

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

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

PETER B. OLNEY,

JOHN McKEON, District Attorney.

0559

BOX:

123

FOLDER:

1297

DESCRIPTION:

Sullivan, John

DATE:

12/04/83



1297

0560

7014

Counsel,

Filed 4 day of

Dec 3 188

Pleads

Not Guilty t.

THE PEOPLE

vs.

R

John Sullivan

Receiving Stolen Goods, and
Larceny, and
[57 528-582-48650]

Wheeler D. Bachman

District Attorney

Filed & admitted.

A True Bill.

W. L. R. R.

Foreman.

0561

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK.

of No. 284 Fulton Street,

being duly sworn, deposes and says, that on the 27 day of November 1883

at the _____ City of New York,

in the County of New York, was feloniously taken, stolen, and carried away from the possession

of deponent

With the intent to deprive the true owner of the use and benefit thereof

the following property, viz:

*One Bale of Sponges
of the value of Ten Dollars*

the property of

Deponent

and that this deponent

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

*John Sullivan, nowhere
from the fact that Deponent
is informed by Nicholas
Morrison that he Morrison
saw said Sullivan in possession
of said Property immediately
after deponent missed the
said Property*

*B. A. Brown WMD
284 Fulton St*

Sworn before me this

day of

188

Police Justice,

0562

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 28 years, occupation Fruit Business of No.

269 Water 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 deponents' own knowledge.

Sworn to before me, this

day of November 1889

Andrew J. White
Police Justice.

0563

City and County of New York, ss.

THE PEOPLE

John Sullivan

On Complaint of

For

Samuel A. Brown
Peter Lacey

Police Court

District.

After being informed of my rights under the law, I hereby *Demand* a trial by Jury, on this complaint, and demand a trial at the ~~COURT OF SPECIAL SESSIONS OF~~ **THE PEACE**, to be holden in and for the City and County of New York.

Dated

Nov 28

188

John Sullivan
POLICE JUSTICE.

0564

Sec. 198-200

CITY AND COUNTY OF NEW YORK ss.

District Police Court.

John Sullivan 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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.

Not Guilty
John Sullivan

Taken before me this

day of

December 1908

Police Justice.

0565

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 within mentioned, I order h to be discharged.

Dated.....

188

.....
Police Justice.

0566

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 A. Brown
28730 23rd St.
John Sullivan

Office *Peter S. Brown*

Dated *November 28* 188*3*

White Magistrate.
John Hickey Officer.
HP Precinct.

Witnesses *Michael Morrissey*

No. *269* *Water* Street.

No. _____ Street,

No. _____ Street.

\$ *5.00* to answer *General* Sessions.



Bud

0567

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 Sullivan

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

John Sullivan

of the CRIME OF ~~Perjury~~ LARCENY committed as follows:

The said John Sullivan

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 27th day of November in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms

one box containing sponges,
of the value of ten dollars,
and one hundred sponges
of the value of ten cents
each

of the goods, chattels and personal property of one Samuel A. Brown 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.

0568

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

_____ John Sullivan _____

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

The said John Sullivan _____

late of the First Ward of the City of New York, in the County of New York
aforesaid, on the 27th day of November in the year of our Lord
one thousand eight hundred and eighty-three, at the Ward, City and County
aforesaid, with force and arms one box contain-
ing sponges, of the value
of ten dollars, and one
hundred sponges of the
value of ten cents each

of the goods, chattels and personal property of Samuel A
Brown _____

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

A Brown _____
unlawfully and unjustly, did feloniously receive and have; he the said John
Sullivan _____

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.

Wheeler H. Peckham
~~JOHN M. KELLY~~ District Attorney.