

0118

**BOX:**

369

**FOLDER:**

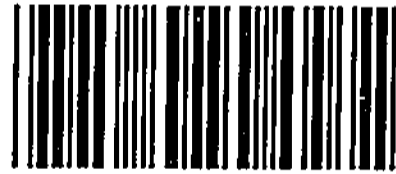
3459

**DESCRIPTION:**

Kahn, Aaron

**DATE:**

10/15/89



3459

0119

Witnesses;

Levi Pennerman  
off. Recap 11 & pref.

Counsel,

Filed

Pleads,

15-18-1919  
day of  
August-16

THE PEOPLE

vs.

Aaron Kahn

Grand Jurors, Second  
Degree Murder  
[Section 498, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Wm. L. Lyle  
Foreman.  
Oct 17/19  
Legate Henry Edge  
Amira Ref. PBM

0120

Police Court—

3 District.

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

of No. 20 Norfolk Street, aged 23 years,

occupation Dealer in dress goods being daily sworn

deposes and says, that the premises No. 20 Norfolk Street, 13 Ward,

in the City and County aforesaid the said being a three story brick

building the ground floor of which

and which was occupied by deponent as a clothing store

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

were BURGLARIOUSLY entered by means of forcibly breaking

open a door leading into

said premises

on the 5th day of October 1888 in the day time, and the

following property feloniously taken, stolen, and carried away, viz:

a quantity

of men's clothing consisting

of coats and pants.

of the value of eighty

dollars.

the property of Rephum

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Haron Kahn now known

for the reasons following, to wit: at about the hour

of seven o'clock A. M. on said

date deponent securely locked

and fastened the door and

windows of said premises,

the said property being in

said premises. Rephum having

found the said door broken

open and said property

0121

missing, he is informed by  
Harro Gravel (then present)  
that the defendant asked him  
(Gravel) to buy a gun. He  
Gravel seized hold of de-  
fendant until the arrival  
of a policeman. Riflemen identify  
the said Cras found in the  
possession of the defendant  
as being a portion of the gun  
which was burglariously taken  
stolen and carried away.

Sworn to before me  
this 8<sup>th</sup> day of October  
1889  
J. J. Coffey  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1889  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1889  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated 1889  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

vs.

Offence—BURGLARY.

1  
2  
3  
4

Date

1889

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0122

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 30 years, occupation Merchant of No.

53 Ludlow Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Levi Steinman

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

knowledge.

Sworn to before me, this

day of October 1889

Wm. C. Coffey  
Police Justice.

His Honor  
Frankel  
Merchant

0123

Sec. 198-200

CITY AND COUNTY } ss.  
OF NEW YORK,

3 District Police Court.

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

Question. What is your name?

Answer.

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.

*I am not guilty.*  
*Harmon Kahn*

Taken before me this

day of

188

Police Justice.

0124

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

*Defendant*

*ten* ~~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 surety.

Dated..... *Car. J. Murphy* 18..... Police Justice.

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

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

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

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

0125

Police Court---

1526  
District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Levi Steinman*  
20 Norfolk  
*Harmon Baber*

2  
3  
4

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *Oct 8* 188*9*

*Reaffy* Magistrate.

*Reaffy* Officer.

*11* Precinct.

Witnesses *Horris Franklin*

No. *42* Street.

No. .... Street.

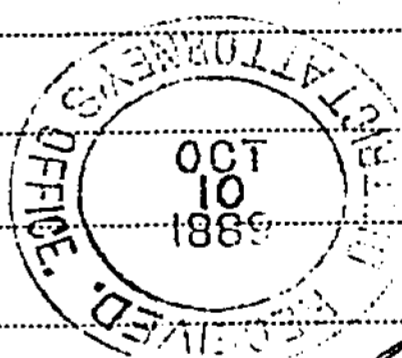
No. .... Street.

No. .... Street.

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

*Com*

*3*  
*8 2 2*  
*Receiving*



0126

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Aaron Kahru*

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

*Aaron Kahru*

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

The said

*Aaron Kahru*

late of the *Thirteenth* Ward of the City of New York, in the County of New York, aforesaid, on the *fifth* day of *October* in the year of our Lord one thousand eight hundred and *eighty-nine*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *store* of one

*Levi Feinerman*

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

*Levi Feinerman*

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

0127

SECOND COUNT—

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

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

The said

*Araron Kahn*

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

*five coats of the value of  
ten dollars each, and one  
pair of trousers of the  
value of five dollars each*

of the goods, chattels and personal property of one

*Levi Feinerman*

in the

*store*

of the said

*Levi Feinerman*

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

0128

THIRD COUNT—

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

*Aaron Kahu*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

*Aaron Kahu*

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

*five coats of the value of ten dollars each, and six pair of trousers of the value of five dollars each pair*

of the goods, chattels and personal property of one

*Levi Fineman*

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

*Levi Fineman*

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

*Aaron Kahu*

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.

JOHN R. FELLOWS,  
District Attorney.

0129

**BOX:**

369

**FOLDER:**

3459

**DESCRIPTION:**

Kehoe, James

**DATE:**

10/01/89



3459

0130

**BOX:**

369

**FOLDER:**

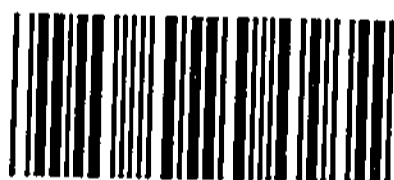
3459

**DESCRIPTION:**

Hulsmith, John

**DATE:**

10/01/89



3459

0131

BOX:

369

FOLDER:

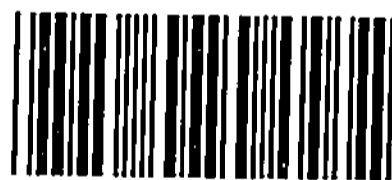
3459

DESCRIPTION:

Bulger, John

DATE:

10/01/89



3459

0132

Witnesses;

William Thompson

Counsel,

Filed

day of

1899

Pleds,

THE PEOPLE

vs.

James Kehoe  
John Hulsmith  
and John Bulger

Grand Larceny, Second Degree  
[Sections 528, 584, 585 Penna Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Charles B. DeLoach

Foreman.

1. House of Refuge  
2. Penitentiary  
3. Reformatory & Asylum

0133

Police Court— District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

William Thompson  
of No. 423 East 72<sup>d</sup> Street, aged 38 years,  
occupation Driver Stable being duly sworn  
deposes and says, that on the 21<sup>st</sup> day of September 1889 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property viz :

One live Horse of the  
value of Two hundred  
and fifty dollars \$250<sup>00</sup>

the property of in the care and custody  
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 James K. John Stulsmitt  
and John Bulger (all now here),  
from the fact that deponent is  
informed by William McGarr  
of 444<sup>th</sup> East 7<sup>th</sup> Street that  
at about 9 o'clock A.M. of the above  
date he saw all three of defendant  
acting in concert with each  
other at the Store market (East  
7<sup>th</sup> Street) with said property  
in their possession and that  
they each tried to sell said property  
to said McGarr

William Thompson

Sworn to before me this 22<sup>nd</sup> day

of September 1889

Police Justice.

0134

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William McGarr*  
aged 35 years, occupation Speculator of No. 447 East 77 Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Wm Thompson  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 22  
day of Sept 1837 Wm McGarr

John J. [Signature]  
Police Justice.

0135

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*James Kehoe* 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.

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.

*I am guilty*  
*James Kehoe*

Taken before me this

day of *October* 188*9*

*Benj. M. Munn*  
Police Justice.

0136

Sec. 198-200.

H District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

John Hulsmink 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.

I am guilty  
John Hulsmink

Taken before me this

188

Police Justice.

0137

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Bulger* 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 Bulger*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No 516 E 18th St New York*

Question. What is your business or profession?

Answer. *I work in a wood yard*

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*  
*John Bulger*

Taken before me this

day of

188

Police Justice.

0138

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

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

Dated Sept 22 1889 Samuel J. Murray 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.

0139

187  
Police Court-- 14 District. 1434

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm Thompson  
223 vs. East 22 St  
Jas Kehoe  
Mrs Stelmist  
Mrs Pulger  
Offence Larceny (Felony)

BAILED,

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

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

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

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

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

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

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

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

Dated Sept 22 1889

Murray Magistrate  
Mastin Officer.

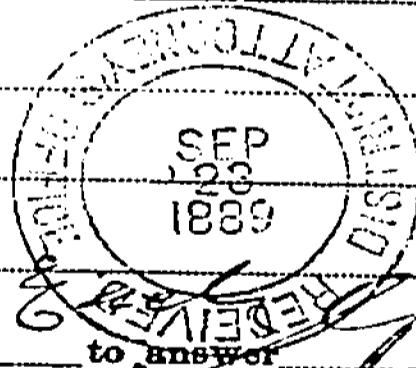
Witnesses Wm McGann 25 Precinct.

No. 1447 & 477 Street.

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

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

\$ 1000 to answer



Law

92/2

0140

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*  
*James Kehoe, John*  
*Hulsmuth and John Bulger*

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

*James Kehoe, John Hul-*  
*smuth and John Bulger*  
of the CRIME OF GRAND LARCENY IN THE *Second* DEGREE, committed  
as follows:

The said

*James Kehoe, John Hul-*  
*smuth and John Bulger, all*  
late of the City of New York, in the County of New York aforesaid, on the *twenty-first*  
day of *September* in the year of our Lord one thousand eight hundred and *eighty-*  
*nine*, at the City and County aforesaid, with force and arms,  
*one horse of the value of*  
*two hundred and fifty*  
*dollars*

of the goods, chattels and personal property of one

*William Thompson*

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.

0141

SECOND COUNT—

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

*James Kehoe, John Hulsmuth and John Bulger*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

*James Kehoe, John Hulsmuth and John Bulger, all*  
late of the City and County aforesaid, afterwards to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms,

*one horse of the value of  
two hundred and fifty  
dollars*

of the goods, chattels and personal property of one

*William Thompson*

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

*William Thompson*

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

*James Kehoe,  
John Hulsmuth and John Bulger*  
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.

JOHN R. FELLOWS,  
District Attorney.

0142

**BOX:**

369

**FOLDER:**

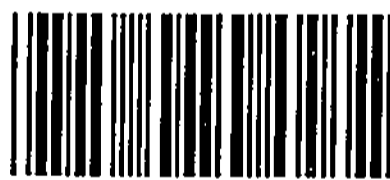
3459

**DESCRIPTION:**

Kelley, Maria

**DATE:**

10/25/89



3459

Bail fixed at \$1000,

R.B.M.

Witnesses: Mrs. Hannah  
Kato M. Kato  
322 E. 48th St.

Joseph Klem  
780-2nd Ave

Patent Munnsey  
320 E. 32nd St

Ellen Stearns  
502 Ave 53rd St.

Bailed by  
Bernard Lurry  
214 Ave. B.

214 JP 1870

Counsel,  
Filed 25 day of Dec. 1889  
Pleads. Munnsey, Dec. 4/89

THE PEOPLE  
vs.  
B  
Maria Melley

JOHN R. FELLOWS,  
District Attorney.

Dec 11/89  
Dec 11/89  
Dec 11/89  
A TRUE BILL  
Signed \$10.00 paid  
Wm. L. Cole Foreman.

214 Ave B

0143

0144

The People  
vs.  
Maria Kelly.

{ Court of General Sessions, Part I.  
Before Judge Gildersleeve.

Wednesday, December 11, 1889.

Indictment for assault in the second degree.

Kate McKeon sworn and examined.

I live at 961 Tenth Avenue and moved there on the 5th of August and prior to that I lived at 740 Second Avenue, it is a four story house and a good many families live in the house, I lived on the third floor over two years, I have known the Defendant about a year and a half, sometime before I went to 740 Second Avenue; Patrick Hennessy moved me on that day, I am a married woman and my husband is living; the assault took place between eleven and twelve o'clock in the morning, my husband was at work at the time, he is a plasterer, I have got four little children. I was moving on the 5th of August, I owed this woman, the Defendant, fifty cents and her little girl came around after it, I told her my hands were all black, I was blackning the stove, I was very dirty and not able to go downstairs; I was moving about eleven o'clock and said, "go and tell your Mama she need not be in such a hurry, I was of the intention after dressing myself and going around to see her, not knowing that she had any ill will towards me; she lived in 38th Street at that time, she did not live in the same place then; the little girl went downstairs and gave me sass, she went away and I happened to look out of the window and she (Mrs. Kelly) shook her fist at me, she was standing at the truck talking to Mr. Hennessy in front of the house near the sidewalk;

0145

I went down stairs to get change of a two dollar bill, I made no remark at all to her but went past her to get the change and came back, she came up to the door to me and called me rough names and said, "I will fix you"; I did not say a word to her when I was going for the change and when I came back I gave her fifty cents in her hand. that is all I remembered that I owed her at the time and I says, "if my husband was home you would not make a show of me on the Avenue like this"; with that I turned away to go up to my room when she came with her full force and knocked me down, pushed me in the back and knocked me down on the stoop as I was going in the door; the effect of the fall was that my knee came against the stone step and broke my knee-cap in two halves, the left knee; I never raised my hand to Mrs. Kelly and made no threat to strike her, I am suffering from the injury yet, Mr. Hennessy helped to carry me and a young man upstairs into the house-keeper's room, the name of the young man was Bonn; an ambulance came right away and I was taken to the Bellevue Hospital, I was there six weeks and I am now home about two months.

Cross Examined. I got to the hospital about one o'clock, I am sure it was not four o'clock; Mrs. Kelly told me that I owed her more than fifty cents I made no answer to that, I used to wash for Mrs. Kelly, I did not fall about a year ago, I never fell in my life, I never had any trouble with my knee before that day. Before I moved into the premises of Mrs. McKeon I lived at 437 West 54th Street, I did not fall through a coal hole that was left open there, I am sure of that, I never

0146

fell through a coal-hole in my life. When she pushed me down I fell and she was turning around the second time to hit me which my witness seen, she said, "get up now"; I started to get up but was not able to, she did not kick me.

Patrick Hennessy sworn.

I live at 320 East 32nd Street and my business is express; on the 5th of August I moved Mrs. McKeon from 740 Second Avenue, I think it was about ten or eleven in the forenoon that I began the job, I saw the Defendant on that day about twelve o'clock when I had my load on the truck, about that time Mrs. Kelly came along on the sidewalk where I was loading my truck, she asked me if the lady that I was moving was coming down stairs to go with me where I was removing her to, she made some remark "little snip" or something like that, was she coming down stairs for to go with me where I was removing her to? I told her that the address would do me good enough, that I did not want the woman to go with me. That is all she said to me, I saw Mrs. McKeon after I had this talk with the Defendant, a little while after I was tying up my load when Mrs. McKeon came down stairs and walked towards the corner of 39th Street, I did not see the Defendant talk to her, she might have spoken to her but I was not looking; the Defendant said she would follow Mrs. McKeon over to the place where she was removing to. Mrs. McKeon came back and gave the Defendant something. saying, "here is what I owe you", they spoke to each other, I was a little piece away and could

0147

not hear what they said; then Mrs. Kelly pushed back the other lady against the doorstep, put her hand against her chin or face and then Mrs. McKeon fell against the doorstep, which was a stone step; a good many people gathered around and I could not see very well, I did not see Mrs. McKeon raise her hand to Mrs. Kelly or make any threats to strike her. I went over after a little while I did not know Mrs. McKeon was hurt and I thought it would not amount to anything; I went to raise her up and she commenced to holloa and said, "don't touch me, my knee is broke, I heard it cracking. At this time Mrs. Kelly had gone away, the house-keeper came down then and she asked me to carry her upstairs and I and the man who was with me whose name is Lawrence Clifford carried her upstairs.

I did not interfere while the assault was going on to stop it, I was not near enough, I was up on the track, about twelve or fourteen feet away. I know a man named Owen Eagan, he came down stairs, he was there at the time of the assault, he pushed Mrs. Kelly away when he came down on the street, he said to her, "go away from here you big brute, what do you want to kill the woman for."

Mrs. Kelly is a larger woman than Mrs. McKeon.

Cross Examined.

I was not a witness

before any other Judge in this case, I heard this woman was arrested and taken to the Police Court, I was brought down to the District Attorney's office and made a statement there. Mrs. McKeon gave the other woman some money, I heard no discussion between them, Mr. Eagan is the uncle of Mrs. McKeon. I saw Eagan come out of the door at the time the assault was committed, he could not be up one

0148

pair of stairs, the whole business did not last long, I do not think he was there at the beginning of the assault.

Did you see Mrs. McKeon kick while she was down? I seen Mrs. Kelly trying, I do not know if it was to kick or pull her when she was down and the old gentleman (Eagan) pushed her back. I do not think I told Mr. Hartman of the District Attorney's office that I saw her kick the Defendant while she was down, I saw that she made a motion with her feet as if to kick her. I never saw Mrs. Kelly before the day of the assault, she did not strike her, only pushed her, I am not sure if Owen Eagan saw the assault but I am sure it was him pushed Mrs. Kelly back, he came out of the door.

Joseph Klein sworn .

I live 740 Second Avenue and lived there two years and a half, Mrs. McKeon lived there on the 5th of August and she moved that day. I was sick that time and was sitting on a chair by the door that goes in the house, the front door, I live on the first floor, I was sitting there and Hennessy and another man were moving the furniture down and at the same time Mrs. Kelly came up Second Avenue and halloed up at the house, I did not take notice of what she said; then she asked me if I was the house-keeper, I said no, that the house-keeper lived upstairs on the first flight; she went in the house and came out again and after a while Mrs. McKeon came out of the house and went down Second Avenue towards 39th Street, she came back in a few minutes and when she came back she said to Mrs. Kelly, "here is what I owe you"; she had two quarters

0149

in her hand and gave them to Mrs. Kelly; she said, "you owe me ten cents more" and the other woman said she did not, the Defendant said, "yes, you do and I will fix you for that" and then she pushed Mrs. McKeon on the breast and she fell down on the stone step and she broke the knee cap, Mrs. McKeon fell down, I saw right away that the bones were split. Mrs. Kaupsel, the housekeeper, came down after the assault and two men carried Mrs. McKeon up to the housekeeper's room and laid her on a lounge.

I did not see Mrs. McKeon raise her hand to the Defendant and I was looking all the time at the women, she did not threaten to strike Mrs. Kelly at all.

Cross Examined.

I did not understand the word "threaten" when the District Attorney used it.

I did not see Mrs. McKeon strike Mrs. Kelly at all. I have been sick with the asthma over two years, I am not particularly friendly with Mrs. McKeon and her family.

Mrs. McKeon said to Mrs. Kelly, "I do not owe you ten cents more" but at that time Mrs. McKeon did not attempt to strike her; she pushed her back three or four times and then Mrs. McKeon went back to the first stone step where we go in the door, she pushed her with her fist. After she was hurt two men out of the house were looking at her knee and I saw that the bone was split. I have not seen any knee-caps split before, the moment I saw it I knew it was broke, her dress was pulled up above her knee and two men in the house and myself looked at it. Did you hear Mrs. McKeon say that she would strike Mrs. Kelly at all? No, I did not hear that.

0150

Annie Kaupsel sworn and examined.

I live 323 East 48th Street and on the 5th of August I lived at 740 Second Avenue on the first floor front, I was housekeeper there, Mrs. McKeon lived on the first floor front and on the 5th of August she moved, I saw her after her knee was hurt, she was down at the door, she showed me her knee right away, she was sitting on the first step of the door and she could not stand, I saw the knee-cap was broke, she said "O Mrs. Kaupsel, my knee is broke"; I saw that it was broke.

Cross Examined. I have never seen knee-caps before that were broken, I know this was broken; I have known Mrs. McKeon nearly a year, I don't know whether she had anything the matter with her knee before; she was taken into my room after she was hurt, I asked two young fellows in my house and they brought her in my room, I guess she stayed there about two hours, I got a policeman and he sent for an ambulance and took her away, I guess it was about eleven o'clock when I saw her knee-cap broken.

Owen Fagan sworn.

I am sixty-seven years old and live in 320 east 32nd Street, Mrs. McKeon is my adopted daughter; on the 5th of August I saw Maria Kelly at the house 740 Second Avenue on the sidewalk. When Mrs. McKeon assaulted her first she was not satisfied and she said she would never go back until she knocked hell out of the bitch, I was within three feet of her at the time; she thought to come back and come at her and made the second attack upon the little woman and at the same time she was after following her

0151

but I did not see her fall, I did not see her hurt, I did not interfere at all then, she said she would never go away until she would knock hell out of the little bitch, I caught her by the neck and said, "go on, you brute." The little woman fell on her knees, when she made an attempt to get up she could not, the knee was broke, I came to her, I did not know anything occurred and said, "why don't you go upstairs?" She said, "I cannot, because my knee is broke", I heard it cracking, the Kelly woman ran up the street, I don't know whether she heard the talk between me and Mrs. McKeon.

Cross Examined.                      If I knew the woman was hurt at the time she (Mrs. Kelly) would not go away so easy from me as she did. Mrs. McKeon has stayed in my house from the time she was a child until she was married. She never hurt her knee since she was born or any of her limbs before this.

Maria Kelly sworn and examined in her own behalf:                      I am a married woman and live in 124 East 42nd Street at present but before that I lived in 311 38th Street for twelve months; I have never been arrested before this charged with anything. On the morning in question my little girl twelve years old went to Mrs. McKeon and asked her for the balance of the money she owed me, she owed me money often times before, I had some trouble about washing for her. When my little girl came back she told me that Mrs. McKeon said she would not pay me, I went around to the house and she called me up from the window. I said, "no, thank you, I can't go up,

0152

you come down, I want to speak to you." When she came down she did not speak to me but went lower down to 39th Street into a store and got some change and when she came back she came towards me in a very bad humor and handed me two quarters, she said that was all she owed me and all she intended to pay me. She said if her husband was there she would have him kick me and with that she struck me, I lifted my hand with the two quarters in it and I pushed her away from me and she fell on the step of her own door; she struck me in the chest once and I pushed her away on the shoulder with my hand; the old gentleman stood at the door; it is false what Klein says that I hit her three or four times and followed her up, I did not strike her at all, I have known Mrs. McKeon two years and she worked for me at the house, I think she came to my house about eleven times altogether, I have loaned her money before and have never had any trouble with her before this; before this altercation took place she had shown me her limb, I sent my oldest girl to her to come to wash and she said her knee was so bad she could not come, she had it bandaged up. I have six children living and have had sixteen altogether; I have been married nineteen years; she had me arrested on this charge and I was taken to the Police Court and gave bail to appear, I went there twice and the Magistrate discharged me and I was afterward arrested on a bench warrant and brought here.

I am always bad with my leg and for two years have suffered from white swelling and a tumor, I have been under medical treatment, I have been to the Roosevelt Hospital and my own doctor is Dr. Robert Stewart in 42nd Street.

0153

Cross Examined.

I admit that I pushed her away from me, I have heard Mrs. McKeon's story on the stand, she says I called her names, I never spoke to her until she spoke to me, I did not say to her that I would fix her, I said nothing of the kind, I heard her say that on the stand and Mr. Klein also, I don't know Mr. Klein and I do not think he knows me, I think he is telling a wilful falsehood when he says he heard me say that I would fix her for that, I could not say what reason he has for telling a wilful falsehood, I am positive I cannot be mistaken about this, I was not excited in the slightest in spite of the fact that she called me these names, I was not excited any more than I am this minute, I could not say exactly how much I weigh but I am pretty heavy, I do not know how tall I am but I am considerably taller than Mrs. McKeon and a good deal broader, stronger and heavier. I went there that morning to get money from her and that was my only object in going there, I never was in her house but twice before; she owed me this money, seven weeks, I sent for it two or three times and she gave me fifty cents out of it before and the balance was one dollar and ten cents, she sent her girl with fifty cents three or four weeks before and I sent for the balance sixty cents and when I heard she was moving I sent for the rest and she refused to pay the money to my girl in a very unladylike way; I was not a bit irritated, I am not a very passionate woman, I would have been satisfied if she had given me a civil answer. She gave me fifty cents but I said she owed me ten cents more, she threatened to send her husband on me. I still think that

0154

Klein made a mistake when he said that I threatened to fix her, the man may have made a mistake, he is a delicate man, I was perfectly peaceable and did not threaten Mrs. McKeon, she was very angry and struck me without any cause. I have heard the testimony of Hennessy the expressman, I do not remember him saying that Mrs. McKeon never struck me nor threatened to strike me; if he said so he made a mistake. I asked him when I came up there to the Court where the lady lived that owned the furniture that he was moving; he said he could not say, he thought she was in the house, I stood beside him a few minutes, he said I called her some names, a little snip, that is a mistake, I called her nothing of the kind.

Before this occurred Mrs. McKeon showed me her knee that was bandaged, I could not say which knee it was, I heard afterward that she fell down a grating in 54th Street, the girl that saw her fall told me, she is a witness here.

Ann Lynch sworn and examined.

I live in 311 East 97th Street with my mother, I am fifteen years old and go to school, I know Mrs. McKeon nearly three years, she lived in 437 West 54th Street and I live next door, I remember June two years ago, in 1887; she was coming from the store and she fell in the scuttle hole and when she was lifted up she walked lame into the house.

Cross Examined. I did not see her knee afterward and I don't know how she was hurt, I don't know which leg it was and I don't know whether it was her foot or her ankle or her shin.

0155

Annie Rothman sworn and examined.

I am a married woman and live now at 309 52nd St. and in June 1887 I lived at 435 West 54th Street, I know Mrs. McKeon, I lived right next door to her when I was janitress, I know she fell through a coal hole in June 1887 and she was lame as she was going up the stoop.

Cross Examined. I don't know what part of her was hurt but she fell down through the coal hole as she was coming from the store. I was looking out of the window at the time and I saw her limping in the door; she was a very quarre some woman and at one time she brought her husband out to strike me, he put his fist up to my face and one of the neighbors said, "why don't you go for him?" I never spoke to her from that time, I did not want to have anything more to do with her.

Teresa Martin sworn.

I live at 10 Strikett Lane and am a married woman, Mrs. Kelly lived in the house with me about a year and a half and I often spoke to her during that time, I know other tenants in the house who know her and her character for peace and quietness is good, she is a sober woman and attends to her family and I never knew her to quarrel or fight with anybody.

Nora McGuire sworn.

I live 433 West 52nd Street and am married and have a family, I know Mrs. Kelly about a year and seven months and lived in the same house with her, I know her to be a

0156

respectable woman, she is a hard working woman and has always been peaceable and quiet, I do not know anything about what happened in front of Mrs. McKeon's house on the 5th of August.

Andrew Hennelly sworn and examined.

I am an officer of the 21st precinct and my post is from 38th to 42nd Street on Second Avenue, I am the Officer who arrested Mrs. Kelly, I arrested her about half past three in the afternoon on the 5th of August, I was going up First Avenue and I saw a crowd collected about ten minutes of three, I went upstairs and inquired what the trouble was at 740 Second Avenue, I saw Mrs. McKeon there and her knee-cap was fractured, I went to the Engine House in 40th Street and sent for an ambulance and they could not get it, I went to the Station House and sent for one there and inquired of the Sergeant in command if I would arrest Mrs. Kelly; he said yes, I went up and arrested her and brought her before Mrs. McKeon and asked her if she was the party that assaulted her and she said yes. I asked her if she received any other injuries from Mrs. Kelly and she said none whatever only that she pushed her and she fell down. There were no other hurts or bruises. I went to the Hospital afterwards to get her name and age. I was notified by the Magistrate to produce Mrs. Kelly and to go to the Hospital to find out the condition of Mrs. McKeon, I went to the hospital three times and the Doctor said I could not take her unless I took her in a coach; I told him I would not

0157

pay for a coach, otherwise she could not go; I got an order from the Judge and gave it to Officer Malone and he got her; I was not in Court the day that Mrs. Kelly was discharged.

Thomas Malone sworn.

I am an officer of the 21st precinct, I got this paper from Officer Hennelly and took it down to Bellevue Hospital and inquired for Dr. Litchfield to know how Mrs. McKeon was, I was told that Dr. Litchfield had gone to Massachusetts and that she had been out of the hospital for three weeks.

The Jury rendered a verdict of guilty of assault in the third degree.

0158

People  
vs:  
Charles Kelly } Assault.

This defendant was arrested, arraigned and held to bail in the 54<sup>th</sup> Street Police Court on August 5<sup>th</sup> 1889. Complainant was in hospital on account of injuries received at hands of defendant, and is just able to be about. Whilst she was at hospital the police officer making the arrest approached her to buy her off, she refused, and the officer called on Complainant's husband, for the same purpose, and he refused to accept any settlement. The Complainant called at this office, and I advised her ascertained when case would come up in Police Court, her husband called there, and at the Police Station, and found case had been dismissed on the 14<sup>th</sup> inst. with no notice to any one. The Complainant desires to go to the Grand Jury

H. H.  
Oct. 18 89

Raphe  
agst M

Maria Kelly

Complainant  
desires to go to the  
Grand Jury for  
the occasion here.  
in.

Oct 21st

This case is to  
be submitted to the  
Grand Jury. There  
is a complaint here  
that it is a case  
that it should be  
dismissed. Below.

0159

0160

District Attorney's Office.

PEOPLE

vs.

Maria Kelly

Dismissed 5/8/81

Police Court  
September or  
~~Sept~~ October

Papers not in  
clerk's office  
JH

0161

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,  
Marshal or Policeman in this State, GREETING:

An indictment having been found on the 25<sup>th</sup> day of October

1889, in the Court of General Sessions of the Peace, of the County of  
New York, charging Maria Kelley

with the crime of Assault Second Degree

You are therefore Commanded forthwith to arrest the above named Maria Kelley  
and bring ~~him~~<sup>her</sup> before that Court to answer the indictment; or  
if the Court have adjourned for the term, that you deliver ~~him~~<sup>her</sup> into the custody of the Keeper of the  
City Prison of the City of New York.

New York City, the 25<sup>th</sup> day of Oct 1889

By order of the Court,

John Sparks  
Clerk of Court.

0162

N. Y. General Sessions of the Peace

THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Maria Kelley*

Bench Warrant for Felony.

Issued *October 25* 188*9*

~~By~~ The officer executing this process will make his  
return to the Court forthwith.

*1780*

0163

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Maria Kelley

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

Indictment accuse Maria Kelley

of the crime of Assault in the second degree,

committed as follows:

The said Maria Kelley,

late of the City of New York, in the County of New York, aforesaid, on the

— fifth — day of August, in the year of our Lord one thousand  
eight hundred and eighty- — nine —, at the City and County aforesaid,

with force and arms, in and upon one  
Kate Mc Keon, then and there being,  
feloniously did wilfully and wrongfully  
make an assault, and her the said Kate  
Mc Keon then and there feloniously did  
wilfully and wrongfully strike, beat and  
wound, and then and there feloniously did  
wilfully and wrongfully push, cast and  
throw her the said Kate Mc Keon, with  
great force and violence down into and  
upon the ground there; and then and there,  
and by the means aforesaid, feloniously

0164

did wilfully and wrongfully inflict grievous  
bodily harm upon the said Kate McKeon;  
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.

John R. Fellows,

District Attorney

0165

**BOX:**

369

**FOLDER:**

3459

**DESCRIPTION:**

Kelly, Henry F.

**DATE:**

10/01/89



3459

0166

Witnesses:

Martin Flynn

W. J. McFarlan

Counsel,

Filed

Pleads,

day of

Oct. 1889

Voluntarily

THE PEOPLE

vs. Henry J. Kelly

156 Green Lane CS.

Henry J. Kelly

Pat. Sec. 5283/332, Q. and C. 1889

JOHN R. FELLOWS,

Dist. Atty.

A TRUE BILL.

Chas. B. Roden

P. 2 Oct 10/89

Reads guilty

Foreman.

Cell: 6. 10/89 months.

0167

Police Court

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,of No. 309-3<sup>rd</sup> Ave Samuel Dowdell  
304 East 24<sup>th</sup> Street, aged 28 years,occupation Bartender being duly sworndeposes and says, that on the 6<sup>th</sup> day of April 1889 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Three pawn tickets representing one diamond snake ring; one garnet snake <sup>ring</sup> and one watch all of the value of Seventy five dollars. which property was pledged at various pawn brokers in the City of New York to secure various loans amounting in the aggregate to the sum Eight dollars

the property of deponent and his wife

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Henry F. Kelly (now here) for the

reasons that previous to said day the defendant promised to deponent to secure employment for deponent with a firm of the name of Rogers and Company at 120 Broad Street and that deponent would require tools to perform the work in said position and that said tools would cost <sup>about</sup> eight dollars. Deponent believing said statements and representations to be true and relying thereon, gave to the defendant said pawn tickets to raise said sum of eight dollars <sup>and</sup> to purchase said tools. Defendant never returned to deponent <sup>and</sup> has not secured said employment ~~and defendant has not seen~~

0168

for deponents or returned said tickets  
~~and stated that~~ Deponent has made inquiries  
at 120 Broad Street but has failed to  
find any such firm.

Sworn to before me  
this 12<sup>th</sup> September, 1889

*[Signature]*

Police Justice *[Signature]*

0169

Sec. 198—200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

1<sup>st</sup> District Police Court.

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

Question. What is your name?

Answer. Henry Kelly

Question. How old are you?

Answer. 29 years of age

Question. Where were you born?

Answer. Ireland

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

Answer. 156 Greenwich St. 7 months

Question. What is your business or profession?

Answer. Idler

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

Answer. I am not guilty

Henry F Kelly

Taken before me this

12<sup>th</sup>

day of September 188

Police Justice.

John J. Kane

0170

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.....

Henry J. Kelly  
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 September 13 1888

[Signature]  
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.

0171

4

Police Court---1403 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Samuel D. Smith*  
309-3<sup>rd</sup> Ave  
c/o Mrs Bates  
*Henry J. Kelly*

*Lancery*  
Office  
*J. Lang*

BAILED,

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

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

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

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

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

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

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

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

Dated *September 12* 188*9*

*Hogan* Magistrate.

*John L. Lamm* Officer.

*14* Precinct.

Witnesses *Alice D. Smith*

No. *Care of Mrs Bates* Street.

*Sigmund L. Lamm*

No. *796* Street.

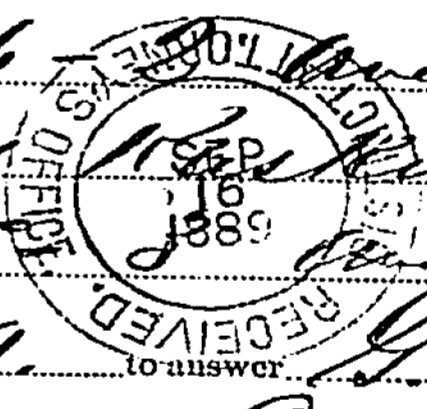
*Paul H. Smith*

No. *735* Street.

\$ *5.00* to answer.

*Conrad*

*Ex. Sept. 13 - at 2 P. M.*



0172

Grand Jury Room.

PEOPLE

vs.

Henry F. Kelly

The Complainant  
in this case can  
not be found.

The defendant was  
convicted of P. L.,

~~he~~ was convicted  
of P. L. & sentenced  
on Oct 10 1889  
by Judge Gildesleeve  
to officer. Munns.

Oct. 16 1889

Baugh

0173

Grand Jury Room.

PEOPLE

vs.

James F. Kelly

The complainant cannot  
be found.

Defendant was convicted  
on 10/89 & sentenced to  
Penitentiary by Judge  
Gildersleeve.

File this papers away  
with the others

John P. Sullivan

msmlabe

Indicted in  
Oct 1889-

0174

When the registered letter or parcel accompanying this card is delivered, the Postmaster will require the sender to the receipt on the other side, also on his record of registered deliveries, and retain this card without cover to address below.  
A penalty of \$300 is fixed by law for using this card for other than official business.

**Post Office Department.**  
OFFICIAL BUSINESS. Post Office at

**RETURN TO:**

Name of Sender A. J. J. J.

Street and Number, or Post Office Box. 32 Chamber St

Post Office at **NEW YORK,**  
County of New York, State of New York.

Stamp here Name of Post Office  
and date of delivery.

0175

REGISTRY RETURN RECEIPT sent .....		18 .
Reg. No. <u>35342</u>	From Post Office at NEW YORK, N. Y.	
* Reg. Letter Reg. Parcel	Addressed to <u>Harry Wilson</u>	
Post Office at <u>Farlewood N. J.</u>		
After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.		
RECEIVED THE ABOVE DESCRIBED REGISTERED		{ *LETTER. PARCEL.
(SENDER'S NAME ON OTHER SIDE.)		
Sign on dotted lines to the right.		}
When delivery is made to other than addressee, the name of both addressee and recipient must appear.		
* Erase letter or parcel according to which is sent.		

0176

Police Court— / — District.

Affidavit—Larceny.

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

*Martin Flynn*  
 of No. *55 Sackett St. Brooklyn* Street, aged *33* years,  
 occupation *Laborer* being duly sworn  
 deposes and says, that on the *24* day of *May* 188*9* at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the *day* time, the following property, viz:

*Good and lawful money of the  
 United States of the value of  
 Six dollars and seventy five cents*

*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 *Henry Kelly (now here)* for the  
 reasons that the defendant represented  
 to deponent that he would secure  
 employment for deponent but that  
 deponent would require tools and  
 that said tools would cost the sum  
 of Seven dollars. Deponent believing said  
 statement to be true and believing that  
 the defendant would secure deponent  
 employment, gave to the defendant  
 the aforesaid money to purchase  
 said tools. The defendant took deponent  
 to a house on *Quee Street* and told  
 deponent to wait on the street until  
 he, defendant returned. That the

Sworn to before me this

day

188-

Police Justice.

0177

defendant did not return although deponent  
waited longer than a reasonable time  
for the defendant's return.

Sworn to before me  
this 11<sup>th</sup> September, 1889

Martin Hyman

*[Signature]*  
Police Justice

*[Signature]*

Martin Hyman

0178

Sec. 198-200.

1 District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

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

Question. What is your name?

Answer. *Henry F. Kelly*

Question. How old are you?

Answer. *29 years.*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *156 Greenwich Street 7 months.*

Question. What is your business or profession?

Answer. *Boatman Clerk.*

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

Answer.

*I am not guilty and demand a trial by jury.*

*Henry Frederick Kelly*

Taken before me this *11*  
day of *September* 188*9*

Police Justice.

*Ed. J. Ryan*

0179

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

*Defendant*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Three* 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 *September 11* 188 *9* *P. J. Hogan* 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.

0180

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

*Martin Lynne*  
*36 Back St*  
*Brookline*  
1 *Henry F. Kelly*  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

*Offence Petit Larceny*

Dated *September 11* 188 *9*

*Horn* Magistrate.

*Quinn* Officer.

\_\_\_\_\_ Precinct.

Witnesses *William Roach*

No. *136 West 62* Street.

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

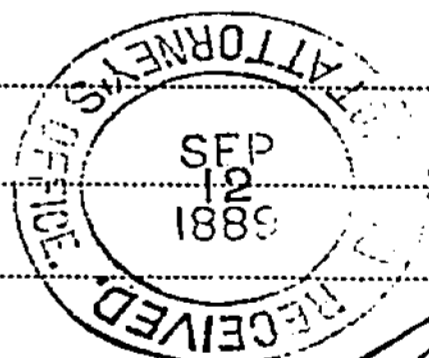
No. \_\_\_\_\_ Street.

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

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

\$ *300* to answer *G.S.*

*Cond*



0181

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

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*Henry F. Kelly*

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

*Henry F. Kelly*

of the CRIME OF *Petit* LARCENY  
committed as follows:

The said

*Henry F. Kelly*

late of the City of New York, in the County of New York aforesaid, on the *24th*  
day of *May* in the year of our Lord one thousand eight hundred and  
eighty-*nine*, at the City and County aforesaid, with force and arms, with intent to  
deprive and defraud *one Martin F. Ryan*

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of  
the use and benefit thereof, and to appropriate the same to *his* own use, did then and  
there feloniously, fraudulently and falsely pretend and represent to *the said*

*Martin F. Ryan,*

That *he the said Henry F. Kelly could*  
*secure employment for the said Martin*  
*F. Ryan, and that he had a situation for*  
*him, and that it was necessary for him*  
*the said Martin F. Ryan to be provided*  
*with certain tools to be used by him in*  
*performing the duties of such employment,*  
*and that he the said Henry F. Kelly*  
*should purchase such tools for him*

0182

And the said Martin E. Egan,

then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Henry B. Kelly

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said Henry B. Kelly the sum of six dollars and seventy five cents in money, lawful of the United States of America, and of the value of six dollars and seventy five cents,

of the proper moneys, goods, chattels and personal property of the said Martin E. Egan.

And the said Henry B. Kelly did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said Martin E. Egan by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Martin E. Egan

of the same, and of the use and benefit thereof, and to appropriate the same to his own use

Whereas, in truth and in fact, the said Henry B. Kelly could not secure employment for the said Martin E. Egan, and did not then have a situation for him, and is now

0183

not necessary for him the said Martin  
Benson to be provided with any tools to  
be used by him in performing the duties  
of such employment, and on that the  
said Henry E. Kelly should purchase  
such tools for him.

And Whereas, in truth and in fact, the pretenses and representations so made  
as aforesaid by the said Henry E. Kelly  
to the said Martin Benson was and were

then and there in all respects utterly false and untrue, as the the said  
Henry E. Kelly  
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said  
Henry E. Kelly  
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,  
chattels and personal property of the said Martin Benson

then and there feloniously did STEAL, against the form of the Statute in such case made and  
provided, and against the peace and dignity of the said people.

~~JOHN R. FELLOWS,~~

~~District Attorney~~

0184

Second COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment further  
accuse the said Henry F. Kelly  
of the same CRIME of Peck LARCENY, \_\_\_\_\_  
\_\_\_\_\_ committed as follows:

The said Henry F. Kelly, \_\_\_\_\_

late of the City of New York, in the County of New York aforesaid, on the  
\_\_\_\_ 24 th \_\_\_\_ day of \_\_\_\_ May \_\_\_\_ in the year of our Lord  
one thousand eight hundred and eightynine, at the City and County aforesaid, being  
then and there the agent and servant of one  
Martin Egan, \_\_\_\_\_

and as such agent and servant then and there having in his possession,  
custody and control certain moneys, goods, chattels and personal property of the said

\_\_\_\_\_ Martin Egan \_\_\_\_\_  
the true owner thereof, to wit: the sum of six dollars  
and seventy five cents in money,  
lawful money of the United States  
of America, and of the value of  
six dollars and seventy five cents,

\_\_\_\_\_ did afterwards, to wit:  
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
feloniously appropriate the said sum of money \_\_\_\_\_

to his own use, with intent to deprive and defraud the said Martin  
Egan \_\_\_\_\_  
of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and  
personal property of the said Martin Egan, \_\_\_\_\_

did then and there and thereby feloniously steal, 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.

JOHN R. FELLOWS, District Attorney.

0185

**BOX:**

369

**FOLDER:**

3459

**DESCRIPTION:**

Kelly, Patrick

**DATE:**

10/17/89



3459

0186

Witnesses:

Mr. McQuade

Off. John A. Smith

9<sup>th</sup> Prec.

Geo. Dilus

As complainant was  
but slightly injured  
and Defendant's char-  
acter is vouchered for  
by the officers of the  
Court & recommended  
the acceptance of a  
plea of guilty (John  
Kegans) of the  
second degree  
Andrew D. Dawson  
Dist. A

Counsel,

Filed 17 day of Oct 18 89

Pleads, *McQuade*

THE PEOPLE

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

26 equal  
426 equal  
night watchman

*Patrick Kelly*

JOHN R. FELLOWS,

Part III District Attorney.

Pleads. Assault 2<sup>d</sup> deg-  
19<sup>th</sup> Prec. 34<sup>th</sup> & 9<sup>th</sup> months.  
A True Bill.

*Mr. L. Cole*, Foreman.

Oct. 24<sup>th</sup> 1889  
over 29 or 30 years old  
ordered to be tried separately

0 187

Police Court

Second District

The People vs  
William Mc Quay  
O'atrick Kelly  
Thomas Murphy

Examination Before Justice Lord  
(Oct 2 1878)

For the Defendant Murphy - Mr Golding

William Mc Quay being duly sworn  
and examined as a witness for the  
People deposes and says: - I live  
at 16 1/2 Downing St

Q On Sept 29 last was your  
assaulted by any one?

A Yes Sir

Q By whom?

A By the defendant Patrick  
Kelly. (pointing out the defendant Kelly)

Q Where was it

A In Bleeker Street

Q At what time?

A In the morning: about 6 o'clock.

2 It occurred in the street

A Yes Sir

2 Tell what occurred?

A A fellow was musting with me - quarrelling with me - a colored fellow. This man Kelly came up and picked up a brick and hit me on the head, and knocked me down, and when I got up he pulled out a gun and fired at me. I ran across to the other side of the street toward Downing. At this time I saw the "Cop" running after him.

2 Was Murphy with him.

A Who is Murphy?

2 This Defendant?

A I do not know. I did not see him at the time. I had never seen Defendant Kelly before.

Sworn to before me this }  
2nd day of October 1889 }  
J. H. Smith }  
Police Justice }

0189

Ellen Blackmon being duly  
sworn and examined as a witness  
for the people deposes and says:  
I live at 40 Cornelia St. I  
remember the 29th of September  
I was going to my work. I  
work for the baker in Blucker  
st. I remember this homicide.  
I saw it. It was about half  
past six or seven o'clock  
Monday morning.

Q Tell what you saw?

A I saw Kelly knock this  
complainant down, twice. Then  
complainant started to run.  
I saw defendant Kelly shoot  
at him with a pistol.

Q Did you see Murphy the  
defendant there?

A Yes. He knocked complainant  
with a cane.

Q Before or after the shooting?

A It was before.

Q Did Murphy strike him  
more than once?

0190

A. He struck at him three times then these other fellows began calling me foul names.

Q You say that Murphy struck at him before the other man hit him at all?

A Yes Sir

Q Did you hear any words between the colored men?

A No Sir. They were talking to themselves. These other fellows took it up.

Q Did Murphy blow knock the complainant down?

A No Sir.

Cross examined by Mr. Golder

Q You say these colored men were talking quietly along the street

A Yes Sir

Q Did you hear complainant testify that they were having a mass?

A No Sir. I only testify what I saw

0191

Q That mass was before you  
got there?

A I saw this Kelly knock  
complement down and I  
saw Murphy hit him with a  
can.

Q Did Murphy strike him  
before or after the shot

A Before and after too, three  
times he struck at him.

Q Did he hit him?

A He struck him twice

Q Where?

A In Glenbea street

Q In what part of his body?

A I cannot tell

Q Did you see Murphy before that?

A No Sir. I saw him at the  
station house

Q Did he go there himself?

A Yes Sir. After he got to the  
station house he was locked  
up.

Q How many people followed  
the party to the station?

0192

A I could not say.

2 a large crowd?

A No sir.

Answer to before me

This 2nd day of October

1889 J. M. Murphy

88 Rue de la Paix

George Ailas being duly sworn  
deposes and says: I live at  
32 Cornelia St. I was present  
last Sunday when this trouble  
took place.

2 State what you know about it?

A I was going to work about  
6 o'clock. I saw this  
complainant and another young  
man fighting out in the middle  
of the street. I stopped to  
look. A few moments after  
I saw eight or nine white  
men come around the corner.  
This defendant Kelly struck  
the complainant with a brick.  
Did you see Murphy strike

0193

complainant?

A Yes with a cane.

Q How many times?

A I think he struck him twice. I would not be sure but he struck him three times.

Q On what part of his body?

A I could not say.

Q What occurred after that?

A This complainant started up suggested up and said "all you gentlemen have got the best of me; you overpower me." Then this Kelly pulled out a revolver and shot at him.

Q How far away was he?

A About six feet.

Q After he shot complainant with a pistol what did he do?

A I could not tell because as I was standing there I was knocked unconscious.

0194

Crow returned

2 Mr Blackburn has testified  
that these colored men were  
talking quietly. Is that  
true?

A I should say they were  
fighting.

2 He testified that he did not  
fall down from the blow  
with the cane?

A I only swear what I saw.

2 Did you ever see Murphy before?

A Not within then

2 How many people were in  
the street?

A I am unable to say  
Sworn to before me this

2nd day of October

1899

Police Judge

Thomas Murphy being duly sworn  
and examined as a witness for  
states in his own behalf  
I live at 27 Perry St. I am

8

0195

supporting my father and mother  
there. I have seen a recommendation  
from my employer for whom I  
have worked fifteen years.

2 Do you know dependant  
Kelly?

A No Sir: I never saw him  
before this trouble.

2 Were you in Blackman Street  
on the evening of this trouble?

A I was walking out with a  
friend Mr. Lecky, and  
Mr. Charles J. Brusteed was  
there. I was standing on the  
corner and I said "There  
is trouble." I saw them  
and I was only looking on  
after that I went to the  
Station House and was arrested.

2 Did you strike this con-  
fessant with a cane?

A No Sir

2 The witness, Piles, testifies that  
you struck confessant  
two blows with a cane?

74

0196

A - I never carry ~~ex~~ a cane.  
The cane which I had that  
morning I picked up on the  
sidewalk at the corner of  
Macdougall and Bleeker St.

Q Then you went to the station  
house?

A Yes.

Q And in the station house it  
was said that a man with  
a cane struck him, and you  
were picked out because you  
had a cane?

A Yes Sir.

Charles F. Binstead being duly  
sworn as a witness for defendant.  
Depos and says I reside  
at 51 East 11th St. I make  
artificial flowers. I <sup>did not</sup> know the  
defendant Murphy. I never  
saw him before that night.  
I did see him on the morning  
at the corner of Bleeker and

0197

the dogal stair - it was  
close to 6 o'clock

Q What was Murphy doing?

A Talking with Luckey. Working

Q What the disturbance occurred

A The disturbance was at Glucke  
st. I heard Murphy say,  
there was something the matter

Q How far were Murphy and  
Luckey off at the time  
the disturbance occurred?

A I should judge about 60 feet

Q Did you see Murphy and  
Luckey follow the crowd?

A No sir

Q Did you see Murphy strike  
a blow?

A No Sir.

Q From the time you first  
saw Murphy until the officer  
came did you see Murphy  
strike any blow?

A No Sir. I did not see  
anybody struck.

By the Court

0198

Q Was you there when the shot  
was fired?

A- I did not hear any shot  
fired

Sworn to before me this {  
2nd day of October  
1889 }  
John Justice

Hugh Luckey being duly sworn  
and examined as a witness  
for the People Defendant  
deposes and says. I live at  
107 Waverly Place. I am  
a Speculator. I know the  
Defendant Murphy.

Q Did you see Murphy on the  
29th of September Sunday?

A Yes Sir about 6 o'clock  
between two past five and  
six

Q Were you in the neighborhood  
of Bleeker & Macdougall streets

A Yes Sir

Q What took place?

2

0199

A I met Murphy at the corner of 3d street and Mac Douglas. I walked down as far as Blumber St. I saw a fight. We went down to see what it was about. When we got down there this man running. The next thing we saw the police had the prisoner. I followed the prisoner to the station house. I followed to the station house.

2 He followed the crowd to the station and was there locked up?

A Yes. I wanted to go in but the policeman pushed me out.

2 From the time you first saw Murphy to the last did you see him strike anybody?

A No Sir, I am sure he did not strike anybody.

13

0200

Q Were you in a position to observe?

A Yes

Arrived to before me this?

2nd day of October 1889

John K. Smith

Police Justice

John K. Smith being duly sworn and examined as a witness for defendant DePore and says: - I am a policeman of the 9th Precinct I made this arrest

Q Describe what occurred.

A I was on duty in Bleeker st from Charles Street to Cottage Place. I started to cross Carmine St. I heard a pistol shot and looked and I saw the crowd about a dozen running down Bleeker Street and turning into Downing. I started to run. They turned into an alley or yard at 16 1/2 Downing St

0201

Kelly was just returning from the alley. I grabbed him. He had blood on his hands. I took him and gave him in charge of an officer of the 15th precinct and told him to investigate the trouble as I was going off duty. Then this complaint came out. He said he was struck and shot at by Kelly. Then this woman said that Kelly fired at him.

2 Did you see Murphy then?

A Yes sir

2 What did you see him doing?

A I did not see him doing anything.

2 Did you see him have any words with the complainant?

A No sir. I was present when he came to the Station House. He identified Murphy

0202

there and said Le was the man that struck <sup>him</sup> ~~me~~ with a cane. He wanted to have him arrested. I told Officer Munson who received me to bring him to the station house. The witness corroborated the statement.

Cross examined

Q There was a quantity of people went to the station house?

A About fifteen altogether.

Q Murphy came to the station house alone?

A Part of the way. He was in custody part of the way by Officer Munson.

Sworn to before me this

2<sup>nd</sup> day of October }  
1889 J. H. Murphy }  
Police Justice }

William Mc Quay the complaining  
witness recalled before and says:-

0203

was hammered by the Goldies

Q Was Kelly the first man who struck you?

A Yes Sir.

Q You say that after you had the row with the colored man Kelly struck you?

A He ran across the street and struck me with a brick and knocked me down.

Q Was that the first blow that anybody struck you?

A It was.

Q Did anybody hit you with a cane before that?

A No Sir.

By the Court

Q Are you positive?

A I am. There was no mark on me before I was struck with a brick and he knocked me down.

Re-cross  
Q Did Murphy strike you at

17

0204

any time?

A Not as I know. I fell  
in the gutter.

2 You did not receive any  
blows while you were in  
the gutter?

A - No Sir

The Court. You say that Murphy  
did not strike you?

A I do not know whether he  
did or not. I did not  
see him hit me.

{ Answer to before me this  
2nd day of October  
1889, J. J. Kennedy, P. M.  
Police Justice }

Patrick Kelly one of the  
Defendants states in his own  
behalf: - I was going along  
Bleecker street and saw  
the crowd and I ran down to  
see what was the matter. I  
went back in the yard

0205

and when I was coming out  
this officer arrested me. I  
asked what I was arrested  
for. He said "I suppose  
you are the right man."

William Mc Quay re-called. and  
examined by the court further  
before and says:-

Q Did you have any words  
with this man?

A No sir. I never spoke with  
him before.

Q He came across the street?

A Yes sir

sworn to before me this

2nd day of October 1889

*J. H. Murphy*

Police Justice

The Court - Have you any more witnesses Kelly?

The Defendant - No sir

The Court - The defendant Murphy  
is discharged. The defendant  
Kelly is held to answer \$1000  
bail.

*24*

0206

CABLE ADDRESS,  
PANCIFUL.

DUMBARTON IRON WORKS.

TELEPHONE CALL,  
SPRING 445.

—OFFICE OF—

ALEXANDER REID,  
167 CHARLES STREET,

WORKS: 408, 409 & 410 West St.

*New York, Oct 3<sup>d</sup> 1889*

*The Bearer Thomas Murphy  
has been in employ for  
15 Years Continuously is a  
Capable Workman and bears  
a good Character*

ALEXANDER REID,  
Engineer & Boiler Maker.

0207

Sec. 192.

2

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK, }

An information having been laid before  
of the City of New York, charging  
the offence of

*Henry John Esq*  
*Thomas Murphy*  
*Philomus Adair*

a Police Justice  
Defendant with

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, *Thomas Murphy* Defendant of No. *27 Barrow*  
*Adair Scherick* of No. *493 Canal*  
Street, by occupation a *Clothier* Surety, hereby jointly and severally undertake that  
the above named *Thomas Murphy* Defendant  
shall personally appear before the said Justice, at the *27 Barrow* District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of *Twenty*  
Hundred Dollars.

Taken and acknowledged before me, this *15*  
day of *Oct* 188*9*  
*G. H. Murphy* POLICE JUSTICE.

*Thomas Murphy*  
*Adair Scherick*

0208

CITY AND COUNTY } ss.  
OF NEW YORK, }

Sworn to before me this  
1888  
at New York City Police Justice.

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

lot of land situated on no 493  
Canal Street in said City valued  
at Eleven thousand Dollars clear

Isidor Scherick

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Underlying to appear  
during the Examination.

vs.

Taken the day of 188

Justice.

0209

CITY AND COUNTY } ss.  
OF NEW YORK, }

deputy  
of  
Police Justice.

Sworn to before me, this

1881

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

lot of land situated at no 493  
Canal Street in said City valued  
at Eleven thousand Dollars less

Isidor Scherick

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the day of

188

Justice.

0210

Police Court— District.

City and County { ss.:  
of New York.

of No. 16 1/2 Downing Street, aged 27 years,

occupation ~~Knitter~~ being duly sworn

deposes and says, that on the 29 day of September 1888 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Patrick Kelly and Thomas Murphy

(both now recd the deponent Kelly struck deponent a violent blow on the head with a brick cutting deponent's head and the deponent Murphy struck deponent a violent blow on the head with a cane re Murphy held in his hand and deponent Kelly pointed a revolver and discharged a pistol loaded with ball cartridge at the body of deponent—

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 29 day  
of Sept 1888

William McQuay  
Police Justice.

0211

Sec. 193-200.

20 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

Patrick Kelly 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. Patrick Kelly

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. New York City

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

Answer. 429 E. 14th St. 3 years

Question. What is your business or profession?

Answer. Watchman

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  
Patrick Kelly

Taken before me this 14  
day of Sept 1887

Police Justice.

02 12

Sec. 193-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

20 District Police Court.

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

Question. What is your name?

Answer. *Thomas Murphy*

Question. How old are you?

Answer. *36 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *24 Barrow St 19 years*

Question. What is your business or profession?

Answer. *Sailor maker*

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

Answer. *I am not guilty*  
*Thomas Murphy*  
*Frank*

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

Police Justice.

0213

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

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

Dated Sept 29 1889 J. H. Murphy 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 Thomas Murphy guilty of the offence within mentioned, I order h<sub>2</sub> to be discharged.

Dated Oct 2<sup>o</sup> 1889 J. H. Murphy Police Justice.

0214

\$2000. bail for Exp  
Oct 2<sup>nd</sup>. 2. P.M

Police Court---

1501  
2 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Mc Quay  
16 1/2 vs. Downing  
Patrick Kelly  
Thomas Murphy

Offender  
Ed. Wilson

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated

Sept 29 1889

Magistrate.  
James H. Smith  
Officer.

Witnesses

Ellen Blackson

No. 40 Cornelia Street.

George Silas

No. 37 Cornelia Street.

No. 200 Street.

\$ to answer



201 Corn

1501

0215

2

DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

*Patrick Kelly*  
*Thomas Murphy*

Examination had *Oct 2* 188*9*  
Before *J Henry Ford* Police Justice.

I, *W. L. Ormsby* Stenographer of the *2* District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of *Wm Mc Quay*  
*Ellen Blackmon, George Atlas, Chas J. Broderick et al*  
as taken by me on the above examination before said Justice.

Dated *Oct 3* 188*9* *W. L. Ormsby*  
Stenographer.

*J Henry Ford*  
Police Justice.

0216

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick Kelly

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

Patrick Kelly  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Patrick Kelly  
late of the City of New York, in the County of New York aforesaid, on the  
twenty-ninth day of September in the year of our Lord  
one thousand eight hundred and eighty-nine, with force and arms, at the City and  
County aforesaid, in and upon the body of one William McQuay  
in the Peace of the said People then and there being, feloniously did make an assault  
and

with a certain brick and also with a certain stick  
which the said Patrick Kelly  
in his right hand then and there had and held, the same being a deadly and  
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and  
wound and to at, and against him, the said William McQuay a certain  
pistol, this said pistol loaded and charged with gunpowder and one leaden bullet which  
the said Patrick Kelly in his right hand then and there had and held, the same being a deadly  
and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,  
with intent  
thereby then and there feloniously and wilfully to kill, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

SECOND COUNT—

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

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

The said

Patrick Kelly  
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 William McQuay in the peace of  
the said People then and there being, feloniously did wilfully and wrongfully make

another assault, and to at and against him, the said  
William McQuay a certain pistol then and there charged  
and loaded with gunpowder and one leaden bullet which the  
said Patrick Kelly in his right hand then and there  
had and held, the same being a weapon and instrument  
likely to produce grievous bodily harm, then and there  
feloniously did wilfully and wrongfully shoot off and discharge,  
and also with a certain stick which the said Patrick Kelly  
in his right hand then and there had and held, the same being a weapon, and  
as instruments likely to produce grievous bodily harm, then and there feloniously did  
wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York,  
and their dignity.

John R. Fellows,  
District Attorney.

0217

**BOX:**

369

**FOLDER:**

3459

**DESCRIPTION:**

Kelly, William R.

**DATE:**

10/23/89



3459

0218

BOX:

369

FOLDER:

3459

DESCRIPTION:

Houston, Frank A.

DATE:

10/23/89



3459

0219

Witnesses;

N. J. Shea

off. Hanschild

6<sup>th</sup> Prec.

Dec 16/89.

W. J. W.

Speedy Admittance

Counsel,

Filed

23

day of

188

Pleas,

Admittedly

THE PEOPLE

vs.

William R. Kelly

Frank A. Houston

Burglary in the first degree,  
and Grand Larceny, first degree.  
[Section 406, 506, 528 and 530.]

Everyday JOHN R. FELLOWS,

District Attorney.

Permitted to the Court of  
General Sessions of the  
City and County of New York  
for trial. D. C. 5, 1889

A True Bill.

Ordered to N. Y. Court of  
oyer and Terminer for trial  
as to a. d. l.

Charged by

Wm. L. Cole, Foreman.

Admittedly

Dec 16/89

(Martin) Dec. 5, 1889. P. B. M.

0220

At a Court of Special Sessions of the Peace,  
Held in and for the City and County of New York,  
at the Hall of Justice of the said City, on Two day  
the 5<sup>th</sup> day of October in the year of  
our Lord one thousand eight hundred and eighty - Six

Present,

The Honorables  
and

Colon B Smith  
Henry Murray  
Charles Welde

Police Justices of the City of New York,

Justices  
of the  
said Court.

THE PEOPLE OF THE STATE OF  
NEW YORK

vs.

William Price  
Daniel Houston

<sup>Confession</sup>  
On conviction by the oath of a credible wit-  
ness of the MISDEMEANOR of Petit  
Larceny stealing Handkerchiefs  
value of \$7 <sup>50</sup> property in charge  
of James Watt

Committed in said City 30 September 1886

after having duly elected to be tried by said Court, and after having been duly arraigned and  
duly charged upon the said Misdemeanor, and having duly answered the same.

Whereupon it is ORDERED and ADJUDGED by the Court, that the said  
William Price  
Daniel Houston

for the MISDEMEANOR aforesaid, whereof They are convicted, be Each  
imprisoned in the PENITENTIARY of the City of New York, for the term of Five  
Months.

A TRUE EXTRACT FROM THE MINUTES.

Copy

James Fitzpatrick, Deputy Clerk.

Copy

New York Special Sessions of the Peace,

THE PEOPLE OF THE STATE OF  
NEW YORK

<sup>vs</sup>  
William Price  
Daniel Houston

5 October 1886

PENITENTIARY,  
5 MONTHS.  
Each

Copy of Sentence.

0221

02222

Police Court—1<sup>st</sup> District.City and County } ss.:  
of New York, }

*Nicholas J. Shear*  
of No. *114 to 120 Park Row* Street, aged *28* years,  
occupation *Hotel Clerk* being duly sworn

deposes and says, that the premises No. *114 Park Row* Street, *6<sup>th</sup>* Ward

in the City and County aforesaid the said being a *Building used as*

*a hotel, a room in*

~~and~~ which was occupied by ~~one~~ *one Kasimire Krenkel*

and in which there was at the time a human being, ~~by name~~, *to wit: said*

*Kasimire,*

were **BURGLARIOUSLY** <sup>*Broke and*</sup> entered by means of forcibly opening the

windows of the room occupied by

*said Kasimire* and entering said

room through said windows at about

*the hour of 4<sup>th</sup> o'clock A. M.*

on the *8<sup>th</sup>* day of *September* 188*9* in the *night* time, and the

following property feloniously taken, stolen, and carried away, viz:

*One Coat and one pair of pants,*  
*and a memorandum book, Knife*  
*and bunch of Keys and good and*  
*large money to the amount and*  
*value of fifteen dollars and*  
*fifty cents, said property being in*  
*all of the value of thirty-one*  
*dollars*

the property of *the said Kasimire Krenkel*

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

**BURGLARY** was committed and the aforesaid property taken, stolen and carried away by

*William R. Kelly and Frank A.*  
*Houston, both now here,*

for the reasons following, to wit: *That at the time aforesaid*

*said deponent saw the said defendants*

*on the roof of the New House*

*at Nos. 15 and 17 City Hall Place.*

*That deponent saw them break*

*a board from the scuttle and*

*place the board from the roof*

*of said New Building to the*

*windows sill of the second window*

0223

of the room occupied by said  
Kasimere Kunkel in premises  
114 Park Row. That deponent then  
saw the defendant Kelly walk  
across the board and enter the  
room through said window, and  
after a time deponent saw him  
come out of the room through  
the window and join the other  
defendant on the roof and they  
went down through the scuttle  
into the rear yard.  
That deponent is a clerk in said  
Hotel and knows that said room  
was occupied by said Kasimere.  
That the coat and pants now here  
shown were found on the hall  
way of the rear room where said  
defendants passed down and are  
the property of said Kasimere Kunkel  
as he informs deponent.

Sworn to before me this 15th day of September 1881  
Nicholas J. Shea

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

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

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

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

Police Justice  
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to bail to answer by the undertaking hereto annexed.

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to bail to answer by the undertaking hereto annexed.

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

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

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

0224

CITY AND COUNTY {  
OF NEW YORK, } ss.

*Kasimire Krentzel*  
aged *24* years, occupation *Book-keeper* of No.  
*301 East 10<sup>th</sup>* Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *Nicholas J. Shew*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

*8<sup>th</sup>* *Kasimire Krentzel*  
*September* 188*8*

*J. M. Patterson*

Police Justice.

0225

Sec. 198-200.

1st District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

William R. Kelly 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.

William R. Kelly

Question. How old are you?

Answer.

28 years 7 yrs

Question. Where were you born?

Answer.

New York City

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

Answer.

29 Mont St. Brooklyn 7 years.

Question. What is your business or profession?

Answer.

Shoemaker

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.  
Wm R Kelly

Taken before me this

11th

day of September 188

Police Justice.

0226

Sec. 199-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Frank A. Houston* 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.

*Frank A. Houston*

Question. How old are you?

Answer.

*22 years of age*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*605 Water St. 7 months*

Question. What is your business or profession?

Answer.

*Electrotypist*

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.*  
*Frank A. Houston,*

Taken before me this *11* day of *September* 188*9*

Police Justice.

*[Signature]*

0227

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.....

*William R. Kelly and Frank A. Houston*  
guilty thereof, I order that they be held to answer the same and they be admitted to bail in the sum of *Twenty* Hundred Dollars, *each* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until they give such bail.

Dated *September 11<sup>th</sup>* 188*9*

*[Signature]*  
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.

0228

Justice Hogan will  
determine this case  
in my absence

Wm Patterson Police Justice

BAILED,

No. 1, by

Reside

Re

No. 2, by

Residence

No. 4, by

Residence

177 Police Court--- 1364 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Nicholas J. Shear  
114 W 120 St. Park Row  
Wm R. Kelly  
Frank A. Houston

3

4

Dated

September 8 1889  
Patterson Magistrate.

Hauschild Officer.

(Don't subpoena Officer)  
Fred of the 4th Precinct.

Witnesses Henry J. Hauschild  
114 Park Row

No. 6 Precinct. Police Street.

Masimire Krombel

No. 311 4th Precinct Street.

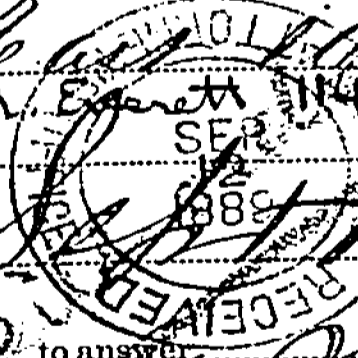
Sargel H. Everett 114 Park Row

No. 6 Precinct. Police Street.

\$ 9.22 to answer

\$ 2000.00 back to

G. S. Cornell



Offered Dan Glary  
and L. M. M. M.

Will Order

0229

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William R. Kelly and  
Frank A. Houston*

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

*William R. Kelly and Frank A. Houston*

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

The said *William R. Kelly and Frank A.  
Houston, both*

late of the *Sixth* Ward of the City of New York, in the County of New York  
aforesaid, on the *eight* day of *September*, in the year  
of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, about the  
hour of *four* o'clock in the *night* time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one *Samuel H. Everett*

there situate, feloniously and burglariously did break into and enter, there being then and there  
some human being, to wit: *one Kasimire Shrenkel,*

within the said dwelling house, with intent to commit some crime therein, to wit: the goods  
chattels and personal property of the said *Samuel H. Everett and  
Kasimire Shrenkel,*

in the said dwelling house then and there being, then and there feloniously and burglariously to  
steal, take and carry away; *the said William R. Kelly and  
Frank A. Houston, and each of them, being  
then and there assisted by a confederate,  
actually present, to wit: each by the other;*

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,

0230

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said  
William R. Kelly and Frank A. Houston  
of the CRIME OF Grand LARCENY in the first degree, committed as follows:

The said William R. Kelly and Frank A.  
Houston, both \_\_\_\_\_

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

one coat of the value of ~~eight~~<sup>twelve</sup> dollars, one  
pair of trousers of the value of seven  
dollars, one blank book of the value of  
twenty cents, one knife of the value of  
fifty cents, six keys of the value of five  
cents each, and the sum of fifteen  
dollars and fifty cents in money, lawful  
money of the United States of America  
and of the value of fifteen dollars  
and fifty cents, \_\_\_\_\_

of the goods, chattels and personal property of one Maximie Frankel,  
in the dwelling house of the said Samuel H. Everett, \_\_\_\_\_

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

John R. Fellows,  
District Attorney

0231

**BOX:**

369

**FOLDER:**

3459

**DESCRIPTION:**

Kemp, Abraham

**DATE:**

10/31/89



3459

0232

308

Witnesses:

Off. Chas R. Young  
11<sup>th</sup> Precinct

Counsel,  
Filed 31 day of Oct 1889  
Pleads,

THE PEOPLE

vs.

SABBATH BREAKING.  
(Section 207, Penal Code).

Abraham Kemp  
Charles

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Wm. L. Cole, Foreman.

0233

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Abraham Kemp*

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

*Abraham Kemp*

of the CRIME OF SABBATH BREAKING, committed as follows:

The said *Abraham Kemp*.

late of the City of New York, in the County of New York aforesaid, on the  
21<sup>st</sup> day of *July*, in the year of our Lord one thousand  
eight hundred and eighty-*nine*, the same being the first day of the week,  
commonly called and known as Sunday, at the City and County aforesaid, unlawfully  
did publicly sell and expose for sale to

divers *persons* to the Grand Jury aforesaid unknown, certain property,

*to wit: a great quantity of dry goods,*

to the serious interruption of the repose and religious liberty of the community, against  
the form of the Statute in such case made and provided, and against the peace and dignity  
of the said People.

JOHN R. FELLOWS,

District Attorney.

0234

**BOX:**

369

**FOLDER:**

3459

**DESCRIPTION:**

Kennedy, Moses

**DATE:**

10/23/89



3459

0235

Witnesses;

Howard Lee

Off. Wm. D. Thomas

28<sup>th</sup> Precinct

Counsel,

Filed

1899

day of

23 Oct

Pleas

Chattel - 1st

THE PEOPLE

vs.

Moses Kennedy

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Wm. L. Cole  
Dec 29 1899  
Chas. J. Kennedy  
D.C. H. W. S. - R.M.

0236

Police Court—1 District.

CITY AND COUNTY  
OF NEW YORK, } ss.

Howard Lee  
of No. 198 West 10<sup>th</sup> Street,

Walter being duly sworn, deposes and says, that  
on Thursday the 17<sup>th</sup> day of October

in the year 1889 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Moses Kennedy  
(now here) who cut and stabbed  
deponent upon his neck with  
some sharp instrument which he  
defendant held in his hand.

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 17<sup>th</sup> day  
of October 1889 . }

Howard Lee

W. J. C. B. R. L. L. POLICE JUSTICE.

0237

Sec. 108—200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Moses Kennedy* 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.

*Moses Kennedy*

Question. How old are you?

Answer.

*17 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*106 Dixie Ave. 3 years*

Question. What is your business or profession?

Answer.

*Laborer*

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

Answer.

*I am not guilty*

*Moses Kennedy*

Taken before me this

day of *October* 188*9*

*Police Justice*

0238

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

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

Dated Dec 18 1889 D. J. [Signature] Police Justice.

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

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

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

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

0239

BAILED,

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

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

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

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

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

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

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

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

Police Court---

1588  
District.

THE PEOPLE, &c.,

VS. THE COMPLAINT OF

*Howard Lee*  
*House of Deputation*

*Moses Kennedy*

2

3

4

Dated *Oct 18* 188*9*

*O'Reilly* Magistrate.

*Thomas* Officer.

*28* Precinct.

Complainant sent to

*House of Deputation* Street.

in default of \$100. Bail

No. *James Oisby* Street.

*Steamer St. Margaret* Street.

*Stoughton Line* Street.

\$1000

*Nov 36 W.R.*

*Serve on Saturday*

COMMITTED.

0240

Yo. His Excellency David, B. Hill  
Governor of the State of N. Y.

The petition of Mary. C. Kennedy  
shows

That she is the mother of Moses  
Kennedy who pleaded Guilty to the  
crime of assault in the second  
degree before the Hon. Randolph  
Martine one of the Judges of the Court  
of General Sessions of the Peace held  
in the City and County of New-York  
on the 29<sup>th</sup> day of October 1889 and was  
sentenced by said Judge to four  
years imprisonment in State Prison  
at which place said Moses Kennedy  
is now confined

That said Moses Kennedy was charged  
with having stabbed one Howard Lee  
with a small pen knife but he had  
been beaten by said Lee who provoked  
the quarrel and your petitioners  
son was on the ground with said  
Lee on top of him when he used the  
knife

That the said Moses Kennedy is  
only 19 years of age is in very delicate  
health and was never before arrested  
or charged with any crime whatever

0241

That your petitioner has been a member of years a resident of the City of New York for a number of years and for a long time past has been employed as Stewardess on the Stonington and also on the Coney Island line of Steamers

The Undersigned reputable and respectable business men carrying on business in the neighborhood and locality where the said Moses Kennedy resided before his conviction.

Humily join in this petition and beseech your excellency to grant to the said Moses Kennedy a pardon restoring him to his liberty believing thereby that in future he will become a useful citizen to the Community.

0242

The People

vs

Moises Kennedy

Art 2d

0243

To Mr. Howard

Wilmington

Dear Sir

Sir

If you remember I  
am the person who  
spoke to you but the other  
about a week ago in  
reference to the case of  
my son. He said that  
the facts are these Howard  
Lee had a spite against  
my son and took it out  
of him as he was leaving  
the boat with a piece  
of iron he struck him  
down and my boy had  
a pen knife in his hand  
which he had been  
picking his teeth with.

0244

and sent him out - not  
severely he was not sick  
and he is a gambler  
and has been keeping  
a gambling den on  
Blue River until he  
could keep it no longer  
he ~~boarded~~ he would  
send my boy as far as he  
could and it seems he  
had his boy about it he  
is 24 years old while my  
boy is 19. If the witness  
had of been allowed to  
speak I don't think  
you would of given him  
the sentence he got -  
he is not well and I  
have been sending Med-  
icine to him for the last  
3 weeks he never was in

any trouble before and I  
miss his help for his  
and helped me all he  
could. Will you please Judge  
speak me kind words  
in his favor and God  
will bless you. I will  
enclose a copy of the  
petition and the origi-  
nal one has gone to Wap  
and also a letter from  
a gentleman who has  
for since 1883 trusting  
my appeal to you will  
meet with your kind  
attention

I am

Your humble servant  
Elmer C. Kenney

0245

VI.

STATE OF NEW YORK,  
*Executive Chamber,*  
ALBANY.

March 4, 1890.

Sir:

Application for Executive clemency having been made on behalf  
of Moses Kennedy who was convicted of Assault 2nd de-  
gree in the county of New York and sentenced Oct. 29, 1889,  
to imprisonment in the Sing Sing Prison for the term of  
four years.

I am directed by the Governor  
respectfully to request that, in pursuance of Section 695 of the Code  
of Criminal Procedure, as amended in 1884, you will forward to him a  
concise statement of the facts and circumstances developed upon the  
trial, or upon the preliminary examination, or before the coroner's  
jury if no trial was had, together with your opinion of the merits of the  
application. Will you also inform the Governor of any other matters  
having a bearing upon this case which have come to your knowledge  
since conviction?

It is particularly requested that each letter of inquiry from  
the Executive Chamber should be separately answered.

I am,

very respectfully yours,

Hon. R. B. Martine,

New York City,

N. Y.

*J. S. Williams.*

Private Secretary.

0246

I have been waiting  
 in vain about one letter to  
 you to get another letter  
 from the same person  
 the Bostonian and my  
 dear friends to me.  
 We must at least be  
 with the people in and be  
 resolved to carefully give  
 me another letter to me  
 at once. He has gone to  
 Boston and I am sure  
 he will be back soon.  
 Not that the church is poor.  
 I was afraid I might leave  
 it to long for a new  
 a new one. I am sure  
 I have been very humble  
 servant -  
 and I am sure I am

0247

New York May 19/6  
The Beaver Bros  
Kennedy has been  
in my employ  
both at my office  
and residence.  
I have always  
found him to be  
willing, honest and  
trustworthy.

Respectfully  
Geo H Thompson  
20-4<sup>th</sup> ave.

0248

VI.

STATE OF NEW YORK.  
Executive Chamber,  
ALBANY.

March 4, 1890.

Sir:

Application for Executive clemency having been made on behalf of Mases Kennedy who was convicted of Assault 2nd degree in the county of New York and sentenced Oct. 29, 1889, to imprisonment in the Sing Sing Prison for the term of four years.

I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

very respectfully yours,

Hon. John R. Fellows,

District Attorney,  
New York City

*J. S. Williams.*

Private Secretary.

0249

Dr.

Mrs. Kennedy

Answered 28/90

Answered Mch. 28/90

Answered 28/90

0250

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, / DISTRICT.

*William H. Thomas*

of No. *28 Precinct* Street, aged \_\_\_\_\_ years,  
occupation *Police officer* being duly sworn deposes and says  
that ~~on the~~ \_\_\_\_\_ day of \_\_\_\_\_ 188

~~at the City of New York, in the County of New York,~~ *Howard Lee*

(now here) is a necessary and material  
witness for the People against *Moses  
Kennedy charged with Delinquent Assault*  
and said Lee has no permanent  
residence and deponent prays that  
said Lee be sent to the House of  
Detention in default of bail for his  
appearance when wanted

*William H. Thomas*

Sworn before me, this \_\_\_\_\_ day

of *October* 188

*De J. C. Kelly* Police Justice.

0251

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Moses Kennedy*

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

*Moses Kennedy*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

*Moses Kennedy*

late of the City of New York, in the County of New York aforesaid, on the  
*seventeenth* day of *October* in the year of our Lord  
one thousand eight hundred and *eighty-nine*, with force and arms, at the City and  
County aforesaid, in and upon the body of one *Howard Lee*  
in the Peace of the said People then and there being, feloniously did make an assault  
and *him* the said *Howard Lee*  
with a certain *sharp instrument to the Grand*  
*Jury* aforesaid *unknown*  
which the said *Moses Kennedy*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and  
wound, *3*

with intent

*him* the said *Howard Lee*  
thereby then and there feloniously and wilfully to kill, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

SECOND COUNT—

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

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

The said

*Moses Kennedy*

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 *Howard Lee* in the peace of  
the said People then and there being, feloniously did wilfully and wrongfully make  
another assault, and *him* the said

with a certain

*sharp instrument to the*  
*Grand Jury* aforesaid *unknown*,  
which the said *Moses Kennedy*

in *his* right hand then and there had and held, the same being a weapon and  
an instrument likely to produce grievous bodily harm, then and there feloniously did  
wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York,  
and their dignity.

*John R. Fellows*  
*District Attorney*

0252

**BOX:**

369

**FOLDER:**

3459

**DESCRIPTION:**

Kilduff, Annie

**DATE:**

10/15/89



3459

Witnesses;

Officer Hawkes  
11 22nd precinct

Counsel,

Filed

Pleads,

Day of

1899

THE PEOPLE

vs.

P

Grand Larceny, second degree.  
[Sections 528, 531, Penal Code].

Annie Kilduff

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. L. Cole, Foreman.

Oct 16 1899  
J. L. Cole, Foreman.

Pen 1 year  
R. B. M.

0253

0254

If not called for within 5 days, return to the  
OFFICE OF W. R. BROWN,  
AGENT AND WARDEN OF SING SING PRISON.  
SING SING, N. Y.



Hon. John J. Gorman, Sheriff,  
New York,  
N. Y.

0255

Police Court—14 District.

Affidavit—Larceny.

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

Hallie Hoffman  
of Grand Hotel Bway & 31 Street, aged 40 years,  
occupation Housewife being duly sworn  
deposes and says, that on the 1 day of March 1889 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the time, the following property viz:

One Ladies Breakfast set with  
Silver and Pearl of the  
value of Fifty dollars  
(\$50.00)

the property of Clinton Hoffman and in  
deponent's care and custody

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

from the fact that on or about the  
above date deponent residing with  
deponent as a servant at 650  
Madison Avenue that on or about  
said date deponent missed said  
property, that on October 6<sup>th</sup> 1889  
deponent caused deponent's master  
that deponent is informing Mrs. Mattie  
Smith the Master of the 92<sup>d</sup> Precinct  
Station House that she found concealed  
in deponent's show the aforesaid  
property which deponent fully  
and positively identifies

Hallie Hoffman

Sworn to before me, this  
day of March 1889

John J. Macdonald  
Police Justice.

0256

Sec. 198-200.

*H* District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name.

Answer. *Armi Kilduff*

Question. How old are you?

Answer. *45 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *No 154 West 88th St. Ithaca*

Question. What is your business or profession?

Answer. *Book*

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

Answer.

*I am guilty of taking the pin, but I didn't take it until Saturday Sept 28 last*  
*Armi Kilduff*

Taken before me this

day of *Sept*

188*7*

*Wm. J. Justice*

Police Justice.

0257

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

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

Dated July 1 188 N. T. McManis 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.

0258

Police Court

1526  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Sallie Hoffman  
Bury 31st St  
Hotel  
1. Anna Kilduff

2.  
3.  
4.

Office  
Grand Jury

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Oct 7 188

M. Mahon Magistrate

S. L. Officer.

Witnesses Mattie Hunt Precinct.

No. 315 West 47th Street.

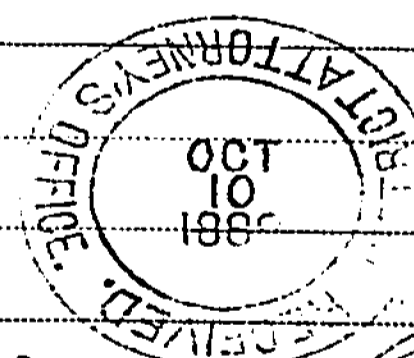
No. Street.

No. Street.

No. Street.

No. Street.

\$ 500 to answer



C. W.

9th

0259

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Annie Kilduff

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

Annie Kilduff

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

The said

Annie Kilduff

late of the City of New York, in the County of New York aforesaid, on the first day of March in the year of our Lord one thousand eight hundred and nine, at the City and County aforesaid, with force and arms,

one breast pin of the value of fifty dollars

of the goods, chattels and personal property of one

Clinton Hoffman

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.

John R. Bellacos,  
District Attorney