BOX:
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DESCRIPTION:
McKeever, John
DATE:
03/30/92

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the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, the same being within one quarter of a mile from a certain polling place there, where the said election was then being held, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure and suffer and permit to be open, and to remain open, against the form of the statute in such case made and provided, and against the Peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

Witnesses:
Sec W Mullen
Bartholomew Lu
Chas J. Fagan
104 W 11 St.

Counsel
Filed 30 day of March 1892
Pleads Not guilty April 2nd

THE PEOPLE,
vs.
B
John McNamara

VIOLATION OF EXCISE LAW
(*Selling on Election Day.*)
(III. R. S. (7 Ed.), p. 1988, § 21 and p. 1989, § 5).

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.
FOREMAN.

May 16. 1892
Tried and convicted
Fine of Fifty Dollars
Fine paid June 16, 1892

the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, the same being within one quarter of a mile from a certain polling place there, where the said election was then being held, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure and suffer and permit to be open, and to remain open, 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.

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A TRUE BILL.

FOREMAN.

Ordered to the COURT of GENERAL SESSIONS of the PEACE in and for the City and County of NEW YORK.

May 16, 1892
Tried and convicted
Fine of Fifty Dollars
Fine paid June 16, 1892

State of New York
City and County of New York } S.S.

Boudinot Keith, being duly sworn deposes and says:-

I am a resident of the City of New York, by profession a lawyer, doing business at 111 Broadway, in said city, and am above the age of 21 years.

At about the hour of 12 noon, upon the 3rd day of November 1891, the same being a day upon which a general election was being held throughout the State of New York, and the said City and County of New York, I entered the saloon at the premises known as number 207 Sixth Avenue, ~~the~~ same being situated at the southwest corner of 14th Street and Sixth Avenue, in said City and County, in company with one George H. Miller, and found said saloon open and doing business; various men were within said saloon drinking, and money was being passed over the bar.

At said time, and in said saloon I asked for, received and paid for a drink, and paid for a drink called for by said Miller.

Subsequently, upon said day, and after leaving said saloon, I noticed a polling place at the premises known as number 114 West 14 ~~Street~~ in said City and County, the said polling place being upon the same block as the said saloon.

Boudinot Keith

Sworn to before me this
29th day of March 1892
Albert H. Atterbury
Notary Public (97)

ople vs. McKeever.

Affidavit of Boardman Reed.

ople vs. McKeever.

affidavit of Beaumont Smith.

people affidavit

State of New York, City and County of New York } s.s.

George W. Miller, being duly sworn, deposes and says:—

I am a resident of the City of New York, a civil engineer by profession, and by occupation the Assistant Secretary of the City Reform Club of the City of New York, and am above the age of twenty seven years.

Shortly before the hour of twelve, noon, upon the 3rd day of November, 1891, the same being a day upon which a general election was held throughout the State of New York and the City and County of New York, I in company with one Boudinot Keith, I entered the saloon upon the premises known as number 207 Fifth Avenue in said City and County, subsequently known to me to have been duly licensed by the Board of Commissioners of Excise of said City and County, to one John McKeever, for the sale of strong and spirituous liquors wine ales and beer.

That upon said day I found said saloon open and doing business. That at the time and place many men were drinking and that money was being passed across the bar.

That I asked for and received at the time a drink for which Boudinot Keith paid. That I noticed a man serving drinks behind the bar, now known to me by name as John Gieschen, an employe of the said licensee John McKeever.

That subsequently, upon the same day, after

State of T. Flewy

having left said saloon
place upon the premises known as number
114 West 14th Street, in said city and county,
And further, upon the 12th day of November, 1891
in company with one William Seward, Jr.
I measured the distance between said
polling place, and the door by which I entered
said saloon, and found the distance to be
one hundred and fifty seven (157) feet

Sworn to before me this
29th day of March 1892
Edward F. Kellmann
Notary Public,
N.Y. Co

Geo W Miller

1 3 1
1 5 7
1 1 6 3

Calendar of

Affidavit of Geo. Wilcox
in the case of
John McKeever, licensee
at 207 6th Avenue for
violating the Excise law on
Sunday 3 November 1891

People v McKeever.

Witnesses

Wm Jay Schieffelin
Wm S. Ohfinder } 170 Wm St.

Boudinot Keith, 111 Broadway
W. Lloyd Larrison 2 Wall St.
Geo. Wilcox, 41 Park Row
47 Cedar St.
Off Harty 9th Pct

counter. He went along with him voluntarily. We went before Justice Hogan at the Jefferson Market Police Court. I made a complaint there; and I believe there is a criminal charge now pending before him.

By Judge Moore

Q You appeared before the Grand Jury? A. Yes, sir.

Q And he has been indicted? A. I did not know that.

Q Did Mr Coaschen sell you any liquor? A. No.

Q Did you see him sell others liquor? A. I did.

Q Are you sure it was liquor? A. Yes, sir; as sure as one can be without tasting it.

Q Without being sure? A. Without knowing.

Q You are as sure as one can be without being sure? A. I wish to say what I saw him selling was white wine, which was poured out of an ordinary thin necked white wine bottle and sold over the bar.

Q White wine? A. White wine. It may have been maple syrup.

Q And then you caused his arrest? A. I caused his arrest.

Q On that information you made a complaint that he had been selling liquor? A. I did.

Q Do you know Mr McKeever? A. No.

Q (Pointing) This gentleman. Was he there at the time? A. No I didnt see him.

CORRECTION

BOARD OF EXCISE.

In the matter of the complaint against John Mc.Keever, Licensee at No. 307 Sixth Ave.

December 9th., 1901.

Judge Moore appeared as counsel for the licensee.

Baudinot Keith, a witness called on behalf of the complainant, being duly sworn, testified:

By Mr Welling

Q Will you state your experience on Election Day last past past in connection with Mr Mc.Keever's? A. I was at Mr Mc.Keever's saloon on the corner of 14th Street and Sixth Avenue at 12 ~~nk~~ o'clock, or very near 12 ~~nk~~ o'clock, and I went in the side door on 14th Street and found a number of men in there, about twenty. I went with Mr George W. Miller. We ordered drinks and took them and paid for them, and saw other men drink.

Mr Moore:- I would like to know what he said when he ordered drinks.

A. I spoke to a bartender; I spoke to one of the bartenders.

Q. To Mr McHeever?- A. No, sir; not that I know of; I dont know what his name was. A man with a white apron on; and I ordered the drinks and took them and paid for them and went out.

Q. Is that all you did there? A. That is all. My drink was whiskey and seltzer and Mr Miller's was beer.

Q. Did you observe a polling place near by?

Mr Moore:- It was been admitted, for the purpose of this case, on the day I last applied for an adjournment, that the place was within the forbidden distance.

CROSS-EXAMINED by Mr Moore

Q. About what time was this? A. By the clock, to be precise, nine minutes of twelve.

Q. Had you been out on duty that morning quite early? A. I had started at eleven o'clock, or very near eleven oclock.

Q. Stopped at a number of places? A. I stopped, I think, at two places.

Q. Where were they? A. One was Wakely's, on the northeast corner of Sixth Avenue and 42nd Street. Another was -- well I think that is the only one I stopped to up to that time.

Q. Had you drank something at Wakely's? A. I did.

Q. What was it -- whiskey? A. Yes, sir.

Q Ponies? A. Ponies.

Q Had you drank anything at any other place that morning before you went to Mr Wakely's, or afterwards? A. Afterwards; yes, sir.

Q I mean intermediate between the trip to Wakely's and Mc.Keever's? A. I think not. If I stopped at any other place I very likely did, but my mind is not quite clear with regard to the way in which I went to those places.

Q Do I understand you that the man from whom you ordered liquor and who served you at the corner of 14th Street and Sixth Avenue was or was not John Mc.Keever, the licensee? A. I dont know Mr Mc.Keever. This was a bartender.

Q So you will not swear it was Mr Mc.Keever? A. No, sir.

Q How did you come to go to Mr Mc.Keever's? A. I dont understand that.

Q I mean did you go by accident? A. No, sir; I went expressly.

Q Under directions? A. No agreement.

Q No agreement with whom?

GEORGE W. MILLER, called as a witness on behalf of the complainants.

Mr Moore:- I will admit that Mr Miller will testify to the same state of facts.

By Mr Welling

Q Have you any additional facts that are material, in your opinion? A. Not unless you want me to say that I recognize a gentleman in the room who was there at that time. I say that all that Mr Kieth has testified to I would be willing to testifyto; in addition to which I walked down to the end of the bar and lit a segar. At that time I happened to notice a gentleman, and he is sitting here in the seat.

Q Which gentleman? A. A man I did know to be John Casemon.

By Mr Moore

Q Do you know John Mc.Keever? A. No, sir.

Q (Indicating) Well, I will introduce you. Did you see him there that morning? A. I have no recollection of seeing him there.

Judge Moore:- I will ask the same question of Mr Kieth.

Mr Kieth:- I didnt see him.

Lloyd M. Garrison, a witness called on behalf of the complainant, being duly sworn, testified:

By Mr Welling

Q Just give your statement of what happened in Mc.Keever's saloon on that day? A. I went into Mc.Keever's saloon on the corner of Sixth Avenue and 14th Street at a quarter

past one on Election Day, by the side door on 14th Street. There was a great quantity of men in the saloon at the time. I counted thirty five. There were three bartenders. I saw drinks being served over the bar, though I didnt buy any. I bought a segar of the gentleman who is sitting on the corner of the sofa. I subsequently went out on to 14th Street and walked over to Eighth Avenue. I subsequently came back for the second time about ten minutes to two and found the place still open. I then saw an officer, No. 712, of the 9th Precinct, a man by the name of Joseph Marty. He was standing in front of the polling place on 14th Street. I asked him if he knew the place was open. He said he did not. I told him it was, and we went over together. He then went in, and although we were in there for some moments nothing was done. This was about five minutes of two. He then directed that the saloon be closed, and a few men went out and the majority stayed there, and there seemed to be very little intention of obeying the order seriously.

Mr Moore:- I ask to strike that out.

Witness:- Then I will state that the saloon was not closed. Then the officer said that he thought the proper thing under the circumstances was to make an arrest; so he arrested John Geaschen, the bartender next the segar

counter. He went along with him voluntarily. We went before Justice Logan at the Jefferson Market Police Court. I made a complaint there; and I believe there is a criminal charge now pending before him.

By Judge Moore

Q You appeared before the Grand Jury? A. Yes, sir.

Q And he has been indicted? A. I did not know that.

Q Did Mr Goaschen sell you any liquor? A. No.

Q Did you see him sell others liquor? A. I did.

Q Are you sure it was liquor? A. Yes, sir; as sure as one can be without tasting it.

Q Without being sure? A. Without knowing.

Q You are as sure as one can be without being sure? A. I wish to say what I saw him selling was white wine, which was poured out of an ordinary thin necked white wine bottle and sold over the bar.

Q White wine? A. White wine. It may have been maple syrup.

Q And then you caused his arrest? A. I caused his arrest.

Q On that information you made a complaint that he had been selling liquor? A. I did.

Q Do you know Mr Mc.Keever? A. No.

Q (Pointing) This gentleman. Was he there at the time? A. No I didnt see him.

WILLIAM J. SCHREIBER, a witness called on behalf of the complainant, being duly sworn, testified:

By Mr Welling

Q. Just state what happened in McKeever's saloon on your visit there? A. In the afternoon of Election Day at twenty five minutes after two I was walking down Sixth Avenue with Mr Pfender. On passing the corner of 14th Street we saw that the saloon with the sign out "McKeever Brothers" was evidently closed, the front door was evidently closed. The front door and the side door was locked. We tried it to. We saw men coming -- no, I think we saw a couple of men going in the door next below the side door, and a man coming out wiped his mouth, which led us to believe that there were drinks to be obtained in the neighborhood.

Objected to.

Witness:- Standing outside of this door, which was the next door below what we took to be a side door, because the side door had a storm door to it, there was a man in plain decent clothes who held in his hand a small key, and as persons went up to him he would raise this key and unlock the door. I walked up to him, myself and Mr pfender who came close behind me. The man put up his hand, but he hesitated. I said "We want a drink." He opened the

door and we went in and turned to the left and walked down to the end of Mc.Keever's saloon. The bar contained a number of men whom I counted. There were nineteen besides ourselves. We ordered drinks. I ordered whiskey, received whiskey and drank it. Mr Pfander ordered sherry, received it and drank it; and I paid for both.

By Com. Peakin

Q (Pointing to Mr Beaudin) Did you ever see that gentleman there? A. I dont remember having seen him. It was at two twenty five. There was a clock in the saloon which called with my watch.

CROSS-EXAMINED by Judge Moore

Q How did you come to go there-- by accident or design? Was it done by accident in your case or under directions or by agreement? A. Neither. I went there because I had reason to think that the saloon would be open.

Q When did you first come to the conclusion that the saloon would be open -- when you were in the vicinity of the saloon or the day or night before? A. The day before.

Q Didnt you have Mc.Keever's name on a list of men upon whom you were to call?

(Not answered.)

Judge Moore:- Will you admit that the night before that it was agreed between every witness who was here that

they would call upon Mc.Keever on that day?

Mr Welling:- I dont know as to that.

Witness:- I can give you the whole information. I admit that I had a list

Q Did you have an agreement the night before, yourself and others, that you would call upon Mc.Keever the next day or at his place? A. I would like in answering that, in saying yes or no, to enlarge upon it and tell you that agreement included --

by Mr Welling

Q Answer the question yes or no and when you get through enlarge all you want to on the whole thing. A. It was not an agreement. That was among other saloons which we thought would be open; but the evidence which I got against Mc.Keever and against Murphy was the same evidence that I got against Higgins and against Burns, and I never heard of Higgins or Burns before Election Day. I saw their saloons were open and went in and took evidence.

By Judge Moore

Q Then there were some persons upon whom you called specially after having arranged to call on them, and there were others that you called on in transit? A. We treated them all impartially; the arrangement had nothing to do with it.

Q Did you see Mr John Mc.Keever there that day, this gentleman (pointing)? A. I dont remember seeing him.

William S. Pfender, a witness called on behalf of the complainant, being duly sworn, testified:

Q By Mr Welling

Q Is there any variation between the testimony of Mr Schefflein and yours? A. No, sir.

By Mr Moore

Q What he testified to is substantially true, as you are willing to testify? A. Yes, sir.

By Com. Koch

Q Anything in addition? A. No, sir; I cant think of anything.

By Mr Moore

Q You were present in the premises at the time Mr Schefflein has testified to? A. Yes, sir.

Q Did you see John Mc.Keever there, this gentleman (pointing)? A. Not that I recollect. There were fifteen or eighteen people there, and I cant remember each one.

By Mr Welling

Q Was it sherry you had? A. Yes, sir; I asked for sherry.

Q How was the sherry -- good? A. Not particularly, no.

Mr Welling then called upon John Gieschen to take the stand.

Judge Moore:- This witness has been indicted and has been called upon to plead. He is charged with violating the law upon Election Day at the saloon of John Mc. Keever. The Commissioners have heard the testimony as to how he came to be arrested. He could not be called to testify in the proceeding which will be concluded upon that indictment. He is the defendant in a criminal action and could not be compelled to testify against himself. Under those circumstances I advise him here that he is not obliged to testify to anything which would tend to criminate or degrade him. I will admit that he is an employee of John Mc.Keever.

Mr Welling:- And Mr Mc.Keever makes the same admission. Did he receive any special instructions on Election Day?

Judge Moore:- That is not proper. I will make the admission on his behalf that he was instructed by John Mc.Keever at all times to obey the excise law, and he will testify to that if he testifies to anything. Because he is charged with the commission of a crime I want to protect him in his constitutional right; but he will testify that

John Mc.Keever at all times instructed him to obey the excise law.

JOHN Mc.KEEVER, a witness called on behalf of the complainant, being duly sworn, testified:

By Mr Welling

Q Where were you on Election Day last past? A. Well, I was part of the day in Jersey, on Election Day.

Q What time did you go there? A. Around noontime, I think.

Q Until noon where were you? A. I didnt get up until late election morning, near ten o'clock; and I strolled down around the Ninth Ward and down arpund Bleecker Street and Broadway; just went around the polling places. I wanted to see how the election was going on. I was not taking any prominent part.

Q Where do you live? A. In 17 Bank Street.

Q When you got up what time did you leave your house? Fix the hour as near as you can? A. I should think it was about nine or ten o'clock in the morning.

Q How many saloons do you own in the City of New York?

Objected to as immaterial.

Q Did you receive notice from the City Reform Club with regard to being closee on Election Day?

Objected to as immaterial; objection overruled.

A. I dont remember receiving any for that particular place

Q But you had seen them? A. I had seen them.

Q Will you swear that you were not at your saloon atbthe southwest corner of 14th Street and Sixth Avenue before you went to Jersey on Election Day? A. I dont remember being in 14th Street and Sixth Avenue before I went to Jersey on Election Day.

Q You dont really answer my question. Will you swear you were not there? A. Yes, sir; I will swear that I was not there; to the best of my opinion I was not there.

Q Do you swear absolutely that you were not there on Election Day? A. Before I went to Jersey? I was there Election Day.

Q When? A. In the afternoon; in the evening.

Q What time in the afternoon? A. About seven or eight o'clock.

Q Will you swear you were not there before four o'clock? A. Yes, sir.

Q Do you swear? A. Yes, sir; I swear absolutely I went over to Guttenberg and did not get back until seven o'clock.

Q You swear absolutely you were not at your saloon at the southwest corner --

Objected to as having been already answered.

A. Yes, sir; I swear it positively. I swear positively I

was not there in my place, 14th Street and Si xth Avenue, before -- well, it might have been -- I dont think before seven o'clock. It may have been between six and seven.

By Judge Moore

Q You were not there before six? A. I was not there before six.

By Mr Welling

Q What arrangements have you with your clerk or barkeeper as to receipts taken in your saloons?

Objected to.

Q What measures do you take to keep your saloon closed?

Objected to.

Judge Moore:- I move to dismiss the complaint and that this license be not revoked upon the ground that it has not been proved that John Mc.Keever, the licensee of the premises in question, violated the law upon that day, or that he was present; but, on the contrary, it appears that he was not at the saloon during the hours prohibited. I ask for a non-revocation.

Com. Meakim:- I vote against a non-revocation.

Com. Koch:- I shall vote to hear the defence, if they have any, and to examine the papers and rule upon them afterwards.. If you have any evidence to offer I would rather hear it. I state now distinctly I shall not

vote for a revocation upon the evidence as it is, but if you have any evidence to offer I will hear it. My impression is that I will vote in this case as I did in the Wakely case.

Judge Moore:- I shall rest just where I am, and renew my motion.

Com. Koch:- We will refer the matter to the Full Board.

1660.

WILLIAM F MOORE, JUSTICE.
WILLIAM H CORSA, CLERK.

Justices Chambers
May 28th 1892

Hon. Barlow S. Weeks
Dist. Atty's. Office:

My Dear Sir:

I have been trying to see you during the past week without success, in relation to the McKeever case. McKeever himself has been out of town.

Our position is such, that, before acting definitely and finally, I wish to submit the minutes to the Liquor Dealer's Association, so, that, whatever action McKeever takes, for instance, in paying the fine will meet their approbation, or rather will not place him in a position antagonistic to

them. I scarcely believe that an appeal will bring up the point they wish, but as I stated before, we wish to submit it to them first.

I assured Mr. McKeever, that, if required, you would accept, a notice of appeal at any time. I assumed this to be so.

Yours truly
William F. Moore

District Attorney's Office
City & County of
New York.

John. McKeever

Subpoena Jas F Bishop. Secretary to bring (1) Application Book (2) Precinct Book & (3) Cash Book showing money paid for McKeever Licenses

District Attorney's Office
City & County of
New York.

Jas F. Bishop. Excise
Bonig ail. -
Garrison -
Keith -
Miller
Scheffleni
Spenden
Off. Hearty
7 -

District Attorney's Office
City & County of
New York.

Peo. — 3
vs.
McKeever

Jurors

1-Alex M. Cocrk -x
2-Isaac Joseffy - x
Albert Phillips Exp. Rey agst Liquorice
Saml B. Downs " " " " "
~~3-~~ Thos Courtney, Jr.
~~4-~~ Peter Hebel -
5-Seligman L. Rosenheim
~~6~~- Abraham Unger -
~~7~~- Gideon Pott Jr.
8-Fredk. A. Reeve
9-Byron F. Paige (130 Greene)
10-John H. Willis -
11-Frank A. Berlin -
12-Edwin W. Insley -

Matter of
McKeever.

ASSOCIATION OF THE BAR.
7 WEST 29TH STREET.

My dear Mr Weeks:

The defendant will raise no question as to his being lessee and licensee of the premises on which the alleged sale was made, nor as to the barkeeper who made the sale being in his (the defendant's) employment.

I haven't yet had

a chance to see her
meeting. I shall expect
that you will abandon
your second count as
raising a question which
has ceased to be im-
portant since the repeal
of the law.

I owe you an apology
for not acknowledging
sooner your kind letter
and overfulfilling the
promise I made you
the other day regarding
admission. Very truly yours
Dan'l G. Rollins

Barnes v State 63 Md. 551
McCutcheon v People 69 Ills. 601
Farmer v People 77 Ills. 322
Nicholson v People 29 App. Ct Rep Ills. 57

Adulterated Milk
Peo v Schaeffer 41 Hun 23
Adult. Butter
Peo v Mahaney 41 Hun 26
Peo v Eddy 35 State Rep 146 Jan 91

Peo v Weir 106 N.Y. 293
" Kibler 323

District Attorney's Office
City & County of
New York.

Nov. 3 – 91. Genl Election
Within 1/4 mile from Polls.
Sale or Keeping open

HAWKINS AND DELAFIELD.
COUNSELLORS AT LAW.
111 BROADWAY,
NEW YORK.
EUGENE D. HAWKINS.
LEWIS L. DELAFIELD.

May 10th, 1892.

Bartow S. Weeks, Esq.,

District Attorneys Office.

New York City.

Dear Sir:-

The case to which I referred is People vs Meyers, (95 N. Y. 223). The question there involved was whether the conviction of a bar keeper operated, ipso facto, to revoke the license of his employer. Judge Andrews said; "The act casts upon the licensee the necessity, in order to protect himself in the enjoyment of the license, of seeing to it that no violation shall be committed on the licensed premises. It is not left open to the licensee to claim, in case of the conviction of another for such violation, that it was committed without his knowledge or consent."

This case is not as broad as I thought, but I send it to you for what it is worth,

Yours truly,

Lewis L. Delafield

No. 2. 409

TO THE CHIEF CLERK.

~~Please send me the Papers in the Case of~~

PEOPLE

vs.

John Mc Keever

Violation of Excise Law.

I send you herewith indictment in above case, also the form of subpoena to be served upon the witness Jas F. Bishop, together with a list of the witnesses to be subpoenaed in the case for Monday the 16th inst at Oyer & Terminer.

Put case on the O & T Calendar

District Attorney.

C E Simms Jr

May 13/92

District Attorney's Office
City & County of
New York.

People vs Mc Keever

Witnesses

Boardman Keith 111 Broadway
Geo. W. Miller - 47 Cedar St
Wm J. Schefflein - 170 Wm St.
Wm S. Pfender 170 Wm St.
Lloyd W. Garrison - 2 Wall St.
Officer Harty - 9th Precinct.
Jas. F. Bishop. Secy Excise Board

R. W. G. WELLING,
COUNSELLOR AT LAW,
2 WALL STREET.

NEW YORK, May 10 1892

People
v
McKeever

Dear Mr Weeks

I find the case I wanted was People v. Meyers 95 N.Y. 223 – Capital case

Inclosed find Excise act which is getting scarce. I cannot call this afternoon at least so it looks now.

R.W.G.W.

R. W. G. WELLING,
COUNSELLOR AT LAW,
2 WALL STREET.

NEW YORK, May 10 1892

Pl. file
✓
Mr Keener

Dear Mr Weeks

The case I wanted was People v. Meyers 95 N.Y. 223 – Capital case. I find
Inclosed find Penal Act which is getting scarce. I cannot call this afternoon at least so it looks now

R.W.G.W.

Court of General Sessions of the Peace

of the City and County of New York.

THE PEOPLE OF THE STATE OF NEW YORK

against

John McKeever

The Grand Jury of the City and County of New York, by this indictment accuse John McKeever *of the crime of Selling Intoxicating Liquors and Wines as a Beverage on Election Day, committed as follows:*

The said John McKeever *late of the City of New York, in the County of New York aforesaid, on the* [illegible] *day of* [illegible]*, in the year of our Lord one thousand eight hundred and ninety* [illegible]*, the same being a day on which a General Election was held throughout the State of New York and in the City and County aforesaid, at the City and County aforesaid, and within one-quarter of a mile from a certain polling place there, where the said election was then being held, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to* [illegible]*, and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.*

SECOND COUNT.

And the Grand Jury aforesaid by this indictment further accuse the said John McKeever *of the crime of Keeping Open on Election Day, a place licensed for the Sale of Strong and Spirituous Liquors, Wines, Ale and Beer, committed as follows:*

The said John McKeever *late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being a day on which a General Election was held throughout the State of New York, and in the said City and County, being then and there in charge of, and having*

the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, the same being within one quarter of a mile from a certain polling place there, where the said election was then being held, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure and suffer and permit to be open, and to remain open, against the form of the statute in such case made and provided, and against the Peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

Witnesses:
Sec W Mallie
Charles Jagan
104 W 11 St.

Counsel
Filed 30 day of March 1892
Pleads Not guilty April 20th

THE PEOPLE,
vs.
John McNamara

VIOLATION OF EXCISE LAW
(*Selling on Election Day.*)
(III. R. S. (7 Ed.) p. 1088, § 21 and p. 1089, § 5).

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.
FOREMAN.

May 16. 1892
Tried and convicted
Fine of Fifty Dollars
fine paid June 16. 1892

BOX:
472
FOLDER:
4327
DESCRIPTION:
McManus, Michael J.

DATE:
03/11/92

4327

Witnesses:

H E Sterling
Mary Jennings
Edward Jennings

Taking into consideration the fact that the wife is unable to furnish the bail fixed by the magistrate, & that the deft is a police officer & not likely to abscond the grand jury think the bail on the indictment should be fixed at $500.

FW

unsel,

Filed, 11 day of March 1892

Pleads, Not guilty.

THE PEOPLE

vs.

P

Michael J. McManus

Misdemeanor

ABDUCTION.
[Section 282, Sub. 1, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

No testimony Back dismissed without prejudice to a review of res. in newspapers

FW

A TRUE BILL.

Mch 14/92

Alex M Patz

Foreman.

Part 3. April 22/92

Pl. 3 April 28/92 Tried & jury disagreed & pros.

On motion indict dis. at Atty Genl's request BBM & assenting.

Witnesses:

H E Stebins
Mary Jennings
Edward Jennings

Taking into Consideration the fact that the Wife is unable to furnish the Bail fixed by the Magistrate & that the Deft is a Police Officer that likely to default the Court & Submit the Bail on this Indictment. Bail be fixed at $500.

Fry

unsel,

Filed, 11 day of March 1892

Pleads, Not guilty

THE PEOPLE

vs.

Michael J. Mc Manus

A REDUCTION.
[Section 292, Sub. 1, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

No testimony Back during without prejudice to a review of Ev. in newspapers

A TRUE BILL.

Mch 14/92

Foreman.

Part 3 April 22/92

Pl. 3 April 28/92 Jury disagree & discharged

On motion, indict dis. at Atty Genl request RBM & assenting.

STENOGRAPHER'S MINUTES.

District Police Court.

THE PEOPLE, &c. IN COMPLAINT OF

Wm A Finn

vs.

Michael J McManus

BEFORE HON.

Samuel H Wolfe

POLICE JUSTICE,

Monday 1892

APPEARANCES: For the People, Wm Fellows Jenks

For the Defence, Mr Greenwood

1892

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D C Sullivan

Official Stenographer.

First District
Police Court

William A Finn
agst
Michael J McCrimmins

Charged with
Rape
Before Hon
Daniel F McMahon
March 4/1892

William A Finn called as a
witness on the part of the people
being duly sworn deposes and says
By the Court
Q You are an officer attached to the
Society for the prevention of cruelty
to children?
A Yes sir
Q Do you know the prisoner Michael
J McCrimmins?
A Yes sir
Q Also the complainant Mary Jennings
A Yes sir
Q And do you know of any relations
that existed between Michael

Mr Damans 2nd Mary Jennings'

A From information received from Mary Jennings

Q What was the information you received

A The information was this, that on or about the 31st of January 1895 the defendants carried on sexual intercourse with the girl Mary Jennings, at 4 Columbia place Newyork city, and that prior to that I am informed since September, and believed also carried on sexual intercourse at that place and at some other places in Newyork'

Defendant Pownell

Q Was this statement made in the presence of the defendant'

A It was not

Defendants Pownell, then Dunne to strike it out

By the Court Motion Granted

M. —

Mary Jennings being called as a witness on the part of the people being duly sworn deposes and says

By the Court

Q How old are you?

A. 15 years.

Q Where do you reside?

A 160 Lithuania Street Brooklyn

Q Do you know the prisoner Michael J. Hernanno?

A Yes Sir

Q How long have you known him?

A Since the 7th of September

Q Last year?

A Yes Sir

Q Did you ever live with him?

A Yes Sir

Q Where?

A In 15th Street W 4 Columbia Place

Q Newyork?

A Yes Sir 8th Street

Q Did this prisoner ever have sexual intercourse with you?

4

Ayes Sir

Q Describe the circumstances, and tell me when, and where, and all about it?

A The first place was in 15th Street and then in 8th Street

Q Where in 15th Street?

A #13

Q And where else?

A #Columbia Place

Q Are more than one time in each of the places?

Ayes Sir

Q About how many occasions?

A 3 or 4 times

Q Disagree with this man there?

Ayes Sir

Q Now tell me all about it?

A When I first met him I went to 15th Street, I met him there, and I stayed there all night, he didn't stay there, he came up the next day, and I told him I didn't want to go home, and he said

stay there and I would pay your board for you, and I stayed there until the 25th or 30th of December, and then Mr Degans sister came there and I went to H Columbia place and he paid board there, he paid Mrs Ball twelve dollars, and the 1st of January or February for 4 weeks rent in H Columbia place and on the 8th of February my sister came and took me away.

Q At that place did that man have sexual intercourse with you?

A yes sir

Q On one occasion or more?

A more than once

Q Several times?

A yes sir

Q How did you come to go with this man at the first occasion?

A He forced me

Q How forced you? Just tell me how it occurred?

A He threw me down and I could not

keep it, and I took a chair pull out of my hair and attack him to make him stop and I got the worst of it and I bit his arm

Q Where was this?

A In the State

Q What kind of a place is it?

A A private office, her husband kept the hotel there

Q What room was it in?

A In the bed room

Q Did this man and woman know that you were in the bed room?

A Yes Sir, she came after I went to leave.

Q You lived there at this place as the man's wife?

A Yes Sir

Q Did he represent you as his wife

A Yes Sir

Q And you say he forced you, how did he force you?

A He threw me down in the bed room?

7

Q Architect?
Yes sir
Q And what else occurred after that?
A Just as I stated Mr Gerry, I lived there with my wife until January, and then I went to a Columbia place but that woman knew that he was a married man, and she let me stay there and take the money off of him
Q How days now that she knew he was married?
A She told me so
Q You lived with him after you knew he was a married man
A I didn't have any intercourse with him, I didn't know it until that Sunday when I was taken away
By Mr Jenkins
Q Detail particularly how you became acquainted with this man the prisoner first, & where did you first meet McManus?
A I met him at a lady friends of

made in 153 Forsyth Street, Mrs Borger

Q Now state the circumstances from that time on?

A From that time on I went to theatre 3 or 4 times and I went to a ball three with him and he used to come to the house regularly to see me

Q Did you know that he was a married man?

A Yes sir I did not

Q He represented himself to you as an unmarried man?

A Yes sir

Q How did he represent himself

A He took me to people that knew him and they said he was a single man and they knew him for the last 7 years.

Q Who were they?

A Mr and Mrs Degan

Cross Examined by Defts Counsel

Q How old are you?
A 15 years
Q When were you 15 years
A 15th of July last 1891
Q Who told you that date?
A I know it
Q Who told you that date?
A Nobody
Q Have you any other religious books in which the date of your father's death is kept?
A Yes Sir
Q What is it?
A Bible
Q Do you recollect ever looking at the bible?
A Yes Sir
Q Do you recollect the date the bible says?
A Yes I do
Q And do you recollect it stated the year 1893? Do you recollect it
A Yes Sir
Q You recollect it very distinctly

Q And only lately it was changed to another date?

A It was changed at that time

Q It was changed to something else — now who changed it?

A I don't know

Q Your father changed it didn't he?

A I don't know

Q Have you recollected the time that you were living at Coney Island

A I do

Q With who were you living there?

A my sister Irene taking care of her little girl

Q Have you recollected your father writing a note to Chief McRae?

A yes sir

Q and stating you had been in a house of prostitution and to take hold of him?

A I don't recollect anything like that

Q Have you recollected a note being sent there?

A yes sir

Q What was the contents of the note?
A That my sister was not a decent woman?
Q And how old were you then?
A 11 or 12 years.
Q Which is it 11 or 12?
A 12 years
Q You are positive?
A Yes Sir
Q Were you living in any houses of prostitution in Coney Island
A No Sir was not
Q Where was your sister at the time
A She was working in Penny Glass pavilion
Q Is she a married woman?
A Yes Sir
Q Got a child?
A Yes (3) three
Q And didn't you mean to tell the Court that she sent for you to take care of her child?
A Yes she did
Q What was her salary down there

A I don't know I don't understand what salary they give to people in places like that,

Q was she getting $200 dollars a week

A I don't know how much?

Q Didn't you want to know?

A No I was more of my business

Q You didn't know if she was coming in a dollar or so much? She sent for you stated you that she could support you down there?

A yes Sir

Q and how was she going to support you

Objected to By the Court

Q Did you rehearsed your faming an opera company lately?

A yes Sir

Q what kind of a show was it?

A It was a burlesque

Q Commonly called a leg show?

A I don't call it called a burlesque?

Q and you engaged in it?

A yes Sir

Q and you signed your contract?

Yes Sir

Q Now when did you first meet Mrs Manus?

A In September

Q Where?

A 153 Forsyth Street

Q Mrs Bangers place?

A Yes Sir

Q Who is Mrs Bangs?

A I don't know, it is a friend of Alice Brown and, I know her from living in the house with her?

Q Did you know what her business is

A No I do not

Q There was a house of ill fame?

A I don't know she might have kept it they said so, I don't know anything about it

Q You stopped there with Mrs Dedick?

A No Sir I did not

Q How long did you live with Mrs Bangs?

A I never lived there?

Q Do you know a man by the name of Dr. Van Zeer?
A Yes Sir
Q You had intercourse with him?
A Yes Sir
Q How long did you know him?
A About a year
Q And you positively state that you never had any intercourse with me?
A Yes Sir
Q You say you live in Brooklyn?
A Yes Sir
Q How long are you living there?
A About seven years, living with my sister
Q Your step sister?
A Yes Sir
Q That is the woman who is supposed to be of ill repute?
A Yes Sir
Q And although your father warned you to keep away from him you still lived with her?
A Yes Sir

Q How many wives has your father had?

A one legal wife

Q How many illegal wives?

A I don't know anything about his other affairs.

Q He had one wife?

A That was my mother

Q He's living with a woman?

A Yes Sir

Q Is that the first or second woman that he has been living with since your ~~father~~ mother died

A He has been living with her, a woman has been coming to the house and staying with him.

Q You don't know how many times

A But she has been taking care of the house?

Q After you left 153 Forsyth Street Mrs Barnes house where did you go to?

A To my sister

Q where?

106

A 14th Street

Q What number?

A 76 East 14th Street

Q Is it a flat?

A Yes Sir

Q Near the Bowery?

A Second Avenue

Q And did you see Mr McNamara there in 76 East 14th Street?

A Yes he came to see me there

Q And from there where did you go?

A 15th Street

Q When you came there in 76 East 14th Street did he come there with any paper for you?

A Yes Sir

Q Did he serve you with a paper?

A Yes Sir he did so

Q Did he serve you with a paper to appear before the Jury?

A Yes Sir he asked me if I would go down town to the Grand Jury and testify what I saw done in 15th Street.

Q What was it when was it

A It was up 15th Street

Q What number?

A 519, the was before I left home at all I was coming down, and I stood home at that time, he was on post in uniform, and there was some men under the influence of liquor standing at the stable door and he was using a bad language?

Q And in consequence of what you saw he ordered you to go to the Grand Jury?

A Yes Sir

Q Do you recollect Wednesday when you were at police Head quarters

A Yes Sir

Q You have a pretty good memory have you not?

A Yes Sir

Q And you know generally what you swore to when you swore?

A Yes Sir

Q Do you know the nature of an oath?
A Yes sir I was in State Prison
Q How do you know?
A I read it in the paper
Q Do you know the nature of an oath
A Yes Sir
Q Did you ever go to school?
A Yes Sir
Q Did you ever go to church?
A Yes Sir
Q Did they ever teach you the nature of an oath?
A Yes Sir
Q And do you know what will be done with you if you do not tell the truth?
A I always thought you would be arrested if you took an oath and did not tell the truth
Q You recollect what you testified to before Commissioner Sheehan last wednesday
A Yes Sir
Q And do you recollect at the time

you were sworn as a witness before him, and stating that you never had any intercourse with Mr Mr & Mamma?

A I never said anything of the kind

Q Did he suggest what did you state

A I stated that I was away about a week when I met him on the corner of First Avenue and I asked him if he was going to the ball and he said it would be far better for you to go home, your sister is almost crazy about your going to the ball and I said I am going to the ball and he said if you do I will go over and chase you home if I have to go over in my uniform

Q And didn't the Commissioner also ask you if you had any sexual intercourse with him, and you answered in the negative and said no!

A I did not

Q Do you recollect anything else that you testified to before the Commissioners?

A No Sir I did not recollect anything more.

Q Have you a good memory?

A That is all I can recollect, I have been to no rights down here for 2 days

Q But if you dont recollect anything else you do recollect that he had intercourse with you?

A Yes Sir

Q And that has been drummed into your ears by the officers of the Society?

A Yes Sir

The further hearing was then adjourned to Saturday March 5th 1881

Saturday March 5th.
Examination proceeded

Edward Jennings a witness called by the prosecution duly sworn deposes as follows
By the Court
Q Where do you reside?
A 101 Walker Street
Q What is your occupation?
A Engineer
Q Is this girl Mary Jennings your daughter?
A Yes Sir
Q How old is she?
A She will be 16 years next July
Q How old is she now
A She is 15 years and some odd months
Shewill be 16 years next July
By Mr Jennis
Q What was your wifes name the mother of this girl, her maiden name?
A Mary Stickey

Q Did she have any other name, she had been married before you married her?

A Yes Sir

Q Had she been married before?

A Yes Sir

Q What was that marriage name?

A Kiernig

Q What was her maiden name?

A Donnelly

Q Where was this girl christened or baptised?

A Corner of 42d Street & 9th Avenue St Bartholomews church

Q Can you remember who the pastor of that church is?

A I do not know sir at the time it is a catholic church

Q Were you there?

A No Sir

Defendants Counsel

Move to strike it out

By the Court

Strike it out.

14 B

Q Do you remember when the sponsors of the Church are 'or were'?
Defendants Counsel
Objected to
By the Court Answer it
A Yes Sir
Mr Jenkins Offers in evidence the Baptismal certificate
Defendants Counsel,
Subject.
By the Court Admitted Exception
Paper marked Ex A. March 5/92
Q What was the name of your daughter in full if you know?
A Mary Ellen Frances Domingo
Cont Ex
Q How old are you?
A 57 years
Q Where were you born?
A In the city of New York
Q And have you always resided here?
A Not always I have been in California all over the world.
Q Have you been arrested?

A Never in my life

Q Was that your first wife?

A My first & only wife

Q Was that your first wife?

A Yes sir

Q And how many children did you have by your first wife?

A Only this one.

Q Have you any other children besides this one?

A Not that I know of

Q Have you any step children

A I have a step daughter

Q When were you married to your first wife?

A I think it was the 15th of December 1870 or 1869 I am not positive which my recollection is not very good as to dates

Q Your recollection is not very good about a year or so is it, a year or two dont make any difference to you?

A No.

Q That was your first child?
A Yes Sir
Q When was she born?
A On the 13th of July 1876
Q You are positive it was on the 13th of July?
A I am perfectly merely positive, we always celebrate it on the 13th and that is the day she was born
Q But it is a fact that she was born on the 13th of July 1876?
A Yes Sir
Q It may have been?
A Yes Sir
Q Did you make the date or memorandum down in the bible when she was born?
A I did
Q And you made it at the time?
A No I did not make it until 5 years ago.
Q How many memorandums in that bible did you make as to the

Truth of your statement?

A True.

Q If you are positive you only made one entry?

A Yes Sir

Q Transcript in the Bible January 15th 1895 is it true?

A I didn't put it there?

Q Did you always have that Bible in your possession?

A Ever since I found it

Q Is that nobody else ever had a chance to make an entry in it.

A There are plenty of people in the house that wanted changed it

Q You don't suppose they wanted change the date of birth do you?

A I don't know

Q You know your handwriting when you see it?

A Yes Sir

Q Can you identify your own signature?

Answer Sir

Q Was she born on the 30th of July?

A Yes Sir

Q You swear to that?

A I do to the best of my belief

Q Do you remember that you were married on the 15th of December

A Yes that is as near as I can get at it

Q Your memory is not very good as to dates is it?

A No Sir I am getting old and my brain is not as good as it ought to be

Q And you might be mistaken about the year and the date of your marriage?

A I may be mistaken

Q Is this your handwriting in the holy bible: "Edmund F. Jennings to Mary Sheirs November 15th 1870. that is the date there, and it is not November.

A If it is November there it may have been November?

Q Is that your writing (showing)
Answer Yes
Q And when did you put this in?
A Some 30 or 4 years ago
Q What prompted you to put it in 30 or 4 years ago?
A I just happened to have a bible and thought I would write something in it
Q Did you put it after that this was put in at the same time, the date of your marriage was put in
A No it was not put in at the same time
Q Mary E. F. Jennings born July 13th 1878. was that a mistake?
A No I didn't put in 1873. I put in 76. I did it was crossed out and the 3 put over it I can tell you how it was done if you want to find out.
Q Didn't you since 1873 was in the bible before the 70 or 1879 E. was put in?
A I know I wrote 76 there

Q When?

A I cannot tell exactly when

Q Do you know who made that connection?

A Yes Sir

Q Who made it?

A That girl there my daughter, everybody said she was older than she said she was, and one night she scratched out "August" this there, however I answered as to her age, I taught to mow.

Q You say your daughter made that connection?

A I am pretty sure it was here

Q And when she said she didn't know who made it she was telling a lie?

A I said I think it was her, yes sir my sound the same to same people

Q You were in your direct examination that she was baptized in St Bartholomew's church?

A A church in 42d Street

Q Is that St Bartholomews church?

A I think it is

Q Does it appear that she was baptized at St Barnabas church

A It may be

By Mr Jenkins

Q You are certain that the church was located in 42d Street?

A Yes Sir

Recross Ex

Q Did your daughter at one time live in Brooklyn, your step daughter

A Yes Sir

Q Where in Brooklyn?

A Yes Sir

Q And do you recollect writing a postal card to your daughter Laura?

A Yes Sir

Q Will you please state the contents of that postal card?

A I don't know what the contents of it were?

Q Did you state upon that postal card
he asked you about the age?
A Yes I told him what it was
if you want to know, I says what can
you do in the matter tell the truth
Q Tell the truth about what matter
A About everything
Q About this matter?
A Nothing about this matter in court
Q Was there anything on the postal card
in reference to the age?
A I don't think so
Q There may have been?
A I don't think so
By Mr Jenkins
Q Are there any circumstances by which
you fix the year in which your
child was born?
A One very important one
Q What was it?
A It was centennial year in the first
place, and I got a job for the same
man I am working for now
I worked for him for 14 years

and because it being centennial year
it was shortly after the 4th of July
and there was a great deal of
patriotism about and I wanted to call her Martha
Washington, and other patriotic names
and that is the reason I am positive

Jeanna Livingston called as a witness on the part of the people being duly sworn deposes & says

By the Court

Q Where do you reside?

A 16 Atlantic Street Brooklyn

Q What is your business?

A Professional

Q What do you mean by that?

A Stage

Q Are you acquainted with the complainant in this case Mary Deming?

A That is my sister

Q Do you know the defendant Michael J McManus?

A My sister introduced me to him

Q When and under what circumstances what connection did this man and your sister have?

A My sister told me in his presence she admitted she had lived with him in Columbus Ohio

Deft's Counsel

Q Was he present when she admitted

this to you?

A No not at that time

By Mr Jennis

Q Will you kindly be quiet at the beginning and state to his Honor the whole circumstances under which you became acquainted with the woman?

A My sister had left her fathers house

Objected to

Q How do you know that she left your fathers house?

A My father told me

Q Where was she at her fathers house?

A Yes Sir

Q And was she there?

A No Sir she was not there; she had been away from home 2 or 3 days she came to my house, and I paid where she was been, and she said she had been stopping with friends in Madison Steet, and I told her to stay at my house, and she went to a ball, and on the

following morning at noon time she came there to my house with this gentleman and introduced him to me, and ever since I am keeping company with him and that after noon he went away, and she stayed in the house and that night about 9 or 10 o'clock she went up to see him on his beat, I asked him if he was a single man and he said yes, and passed off as a single man in my house for 2 weeks, and my father found out he was a married man with a wife and children; But previous to that, they kept my house that we dined afternoon and took dinner, and he was going to take her to theatre, and that was the last hour of my sister until 2 or 3 weeks ago, when I found her in Columbia place, I went there and waited outside for a while and asked the children to

found out and went in the hallway and listened of course hear her voice, I stayed there for some minutes when he passed one inch ball way with a bundle and when the door opened this Alice shouted meanwhile here comes Tom. and I waited in the dark place in the hallway Tom in and waited until he entered the door and went to the room and he was setting on the bed with his hat and coat off and his pistol on the mantle piece, and when I heard me she jumped and she cried out bring me home, I was glad you came and these women were ruining the house, and said to them they knew she had run away from home and that mamma looking for her and they took her oath they didnt know it, and they said there is nothing wrong with this house, mamma is a good little

quit as far as we know, and I said to her is there anything wrong between you and this man, Nora shook her head No No' not that are we anything but that, and he said there is nothing wrong, That might be came over as far as broadway he owned it Immediately, I felt sorry what I said to the woman, I only knew this man by the name of Dick that is the name he proposed in my house by; She slapped him in the face in my house, and my servant girl says dont be so rough, and he said it was the first time, she tried to state what pain in me, My sister left my house the following Sunday, and didnt come in until monday 6 o clock and I said where have you been, and I said I have been to Mrs Ball, and I said did you see Mr Mann an she said I could not

keep hot pechin, and I said you must stop that, and I said to him you must stop calling on my sister you cannot make out any good, and if you have not yet succeeded in your purpose, you will, and I went on his porch and stated the same thing to officers there, my sister went away the following night, and staged away all night, and I said to her if you don't come home I force you it with other hands, and he said when that man is with me, he can make me do anything he wants to, but if I can be kept away from him I will forget him, I then went to police headquarters

Q Have you ever been known under any other name?

A Under 3 names

Q You first passed under the name of Bowe., then you passed under

the name of Pendelton?
A Yes Sir I did not
Q Porter?
A yes Sir
Q and then you were with a man
named Ryan?
A Yes Sir I did not
Q And then you went under the name
of Livingston?
A My proper name
Q And at that time do you recollect
any occurrence by which you
took the name of Livingston
A By being married to the man
Q Dont it also that you were
living with him before Lewis
divorced from his wife
By the Court Dont answer the
question
Q This girl is your half sister?
A yes Sir
Q How is it she became your half
sister
By the Court Dont answer it.

Q How long have you been living in Brooklyn?

A About 3 months

Q And previous to that did you live in Newport?

A Yes Sir

Q Where?

A 76 East 4th Street

Q And when was the last time you met Mr McNamara?

A During the month of December

Q Do you remember as you have testified to the instance of your half sister leaving your home?

A Yes Sir

Q And was it a fact that you went to McNamara's office?

A Yes Sir

Q Did he go out?

A No Sir he was not out, No Sir I did not

Q After your sister first left home where did you see her?

A She came to me and said I will

find her, I will square myself, he made use of the words, I have got myself in a mess for my I will find her, and he says if you want to find her she is up to the Race

Q Do you recollect what he said to you at the Race?

A Element in and got her out

Q Do you recollect a conversation that occurred on the sidewalk didnt he say to her go home?

A He said nothing to her, he said to her Mamie you are getting me in a heap of trouble, and I will not only lose my school but my job until this thing blows over

Q Do you recollect your sister saying she was 17 years old?

A She never said it

Q Were you there when she was born?

A Yes Sir

Q Were you there when she was born?

A Yes Sir, not in the room, but I was

in the house

Q Yesterday you went to Columbia place.

A I don't know the number

Q Who taught you to go to Columbia place?

A Miss Barger in Forsyth Street

Q And what conversation did you have in the Store or Columbia place

A I asked that ~~money~~ woman of keeping a place of that kind and permitting a girl like her to be kept there with him?

Q Did you at any time see this man have intercourse with your sister

A Yes Sir

Q And when you met your half sister at Columbia place and met McNamara there and asked him what was up between him and your sister what did he say?

A He said don't ask me, and he paid if there is, I am getting a divorce and I will marry your

Sister

Q And he said there was nothing the matter with them?

A My sister told me so —

Q Were you at that

By the Court.

Q You said Mr McNamara said there was nothing wrong, what else did he say about divorce and other matters

A He said there is nothing wrong about blame me, it will get me in trouble, because I am in enough trouble now. Ed Slack my shield, at any rate I am getting a divorce, and I will marry your sister

Recd of Ex

Q Did you receive your sister being in Coney Island?

A Yes she took one of my daughters

Q Did you receive your father sending a note to Chief McKane

A Yes to injure me., I deny that

anyone for me

Q Please inform what note you had your sister there for immoral purposes didn't he

A No sir I had my sister down there and kept her there for criminal purposes? she was a little girl only 12 yrs old. minding my daughter 7 yrs old. I done that to keep my daughter out of pimps paid in where I was working

Q How many children have you?

A Four living and 2 dead

By Mr Jenkins

Q I question what is the age of your sister?

A my sister was to be 16 yrs on next 6 birthday

Q What makes you be so positive about the age?

A It was the year of the centennial and my father went to Philadelphia and my mother was sick and

Had to stay home, I was then 12 yrs old
I am now 77, Thomas born July
1876. 13th!
Defendants Counsel moves to
dismiss the Complaint
By the Court Motion Denied.
Counsel Exception

Michael J McManus defendant called by defendants counsel testified as follows in his own behalf

Direct Examination

Q You are the defendant in this proceeding?

A I am

Q Do you know Mary Deering?

A I am acquainted with her I meet her several times

Q Do you know how old she was?

A She told me she was 17 years old.

Q How many times did she tell you she was 17 years old?

A As much as 5 or 6 times

Q In the presence or of anybody?

A The people in 15th Street, Mr and Mrs Degan, Mrs Ball and her sister

Q Do you recollect her testifying that you had sexual intercourse with her?

A I do?

Q Didyou ever have sexual intercourse with her?

A I did not

Q She also swore you took her from the home is that so?

A No Sir I did not

Q You never had any improper relations with her?

A No Sir

Q and every time you asked her how old she was she said she was 17 years?

A Yes Sir

Q Didyou see the postal card written by her father to her sister?

A I did

Q Just state the contents of the postal card?

A It says Dear Laura I have been there be careful about her Butisin tell the truth about my affairs

Q Do you know if she introduced herself to anybody as being over the age of 16 years?

A. I went up to Mrs Rogers in Forsyth Street, and she showed the book she was born in 1873.

By the Court

Q. How long did you know this girl?

A. Since the latter part of September

Q. Did you receive when she lived in Columbus Place?

A. I have seen her there

Q. Did you pay any board or rent for her?

A. I did not

Q. At any place?

A. No Sir

Q. Did you ever pay her board?

A. No Sir

Q. Did you ever visit her there?

A. Not to visit her alone, Mrs Alice Desmond was there?

Q. Did you receive at being in the room, ~~when~~ alone with her when her sister was there?

A. No sir the people were just moving & everything was upset

Q Dayne recalled when she lived in 15th Street?

A I was there 3 times I did insult there I told her to go home her father made trouble for me

Q Did you insult her father at that time

A I told he insult to my ~~daughter~~ wife I told her I had his daughter

Q Why should he do that?

A He had no grounds to do it

Q You were not acquainted with her then were you?

A I was a witness in a case for me

By Mr Jenkins

Q Didn't you know this girl before she lived in 15th Street?

A I never had to speak to

Q Then why do you say you knew her because she was a witness

A When she moved past she wanted speak to me

Q You knew her sometime before she went to 15th Street didn't you

A I knew her the return of 20 days.

Q When went to her sister's house with her and spoke to her sister didn't you
A Yes Sir
Q Did you ever take her from her sister's house to theatre?
A Yes Sir
Q That you are sure of it?
A Yes Sir

Nancy Regan called as a witness for the defendant being duly sworn deposes & says.

Direct Examination

Q Do you know the defendant?
A Yes Sir

Q And do you know the complainant Mary Jennings?
A Yes Sir

Q How long have you known him
A Since November

Q Just state to the Court all that you know about her?
A The first I met her was at the Coroners office my wife and me were there, and she came to the house after the case was over and she called 2 or 3 times after that, and one day she came to us and told us her father had locked her out & she was living with him, and she ran away from home, and officer McManus found her in the

house and put her sister on her; and
her ~~times~~ days after that she
came to me and asked me if she
could not stay in the house she
could not stay with her sister
because men came there down
and pulled her around.

Q Were there any improper relations
between her and him in your house
A Yes Sir

Q Were they alone at any time in your
apartments?

A Yes Sir, one night officer McGrannes
found she was out of my house and
he came there to chase her home and
she grabbed the door to keep him away
and he tried to open it and he took
a knife and tried to stab him in
the hand, and a couple of days
afterwards she skipped away at
night and I didn't see her again

By the Court

Did that occur in your house
A Yes Sir

Q Officer McManus took quite an interest in this girl didn't he?

A Not that I know of

Q Her father was looking for her all along wasn't he?

A Yes and I told her I could not keep her any longer, she took the liberties once in awhile to take things that didn't belong to her

Q You mean her to be a thief and she kept her in your house?

A Yes sir when I found it out I was going to discard, I thought I would wait until morning and in the evening she deserted herself and disappeared,

Mary Regan being called as a witness for the defendant being duly sworn deposes and says.

Direct Examination

Q Where do you reside?

A 418 East 13th Street

Q Do you know the complainant and defendant?

A Yes sir

Q Just state to the court how long you have known her and when you first met her? and all that transpired in your house?

A I met her at the Coroners Jury and I got acquainted with her there and then when I was through I invited her to come to my house and she did, then she was then living with her father at that time, and she came and told me her father put her out and he had 2 or 3 women coming there continually at the time and she could not stay there, and

she left there and went to her sister and from there she came to my house and she said she could not stay there either on account after sister having gentlemen coming there all day and night, and she asked me if I would not let her stay with me, and I said if you have no other place you can, and she stayed there for 3 months.

Q Have you any knowledge of any improper relations between Mr Manus and Mary Jennings?

A No Sir

Q Are you positive that there was no sexual intercourse in the house in any room in your apartments

A No Sir there was not, I only had 2 rooms, a room and bedroom?

Elizabeth Power called as a witness for the defendant being duly sworn deposes and says

Direct Examination

Q Do you reside at 4 Columbia Place

A Yes Sir

Q Do you know Mr McNamee?

A Yes Sir by acquaintance

Q Do you know Mary Jennings?

A Yes Sir

Q And did they have a room there?

A Yes Sir

Q Who lived there?

A I did

Q How did Mary Jennings come to go there?

A I was acquainted with her about Juneth she came to see my sister and she came in and out all the time and I allowed her to stay there

Q Did McNamee ever remain there over night?

A Yes Sir

57

Q Did you ever see any improper relations between him & Esther?
A No Sir not in my house
By Mr Jenkins
Q Do you mean to swear no rent was paid you by Mr Williams for this year?
A No Sir
Q You are on your oath?
A Yes Sir
Q That you swear to?
A Yes Sir
Q Do you mean to say that you were never paid $12.00 a month?
A She loaned me money;
Q How much did she loan you?
A $3 dollars
Re Direct Ex
Q Did you pay your rent out of the money he loaned you?
A I paid my own rent out of the money he loaned me
Q What is your rent?

58

A $14.00 dollars a month
Did you loaned $12.00 dollars to pay
your arrearent ?
Respectfully
Defendants Counsel
Defendants Rests,
Defendants Counsel Renewed
my motion to dismiss the complaint
on the ground there is no consider
ation
By the Court Motion Denied
Counsel Exception
Defendant bound for trial at
Court of General Sessions in
defaulted of $5000 bail

1 District Police Court.

William A Fair

vs.

Michael J McGrann

STENOGRAPHER'S TRANSCRIPT.

March 5 1892

BEFORE HON.

Samuel D McMahon

Police Justice.

D C Settman

Official Stenographer.

First District Police Court.

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

William A. Finn

of Number 100 East 23' Street being duly sworn, ~~that he has been informed by one~~ Mary Jennings age 15 years and verily believes deposes and says that on the ~~on about~~ 31st day of January 1892 at the City of New York, in the County of New York, at number 4 Columbia Place in said City of New York, one Michael J. McManus did unlawfully perpetrate an act of sexual intercourse with a certain female called Mary Jennings (now present) said female then and there being under the age of sixteen years, to wit, of the age of fifteen years and not being the wife of the said McManus, in violation of Section 278 of the Penal Code of the State of New York —

Wherefore the complainant prays that the said Michael J. McManus

may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 3' *day of* March 1892. } William A. Finn

A. T. McMahon

Police Justice.

N.

POLICE COURT First DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William A. Grimm

vs

Michael J. McManus

~~CRUELTY TO CHILDREN.~~
Rape - Section 278 Penal Code.

DATED March 3 1892.

N. F. McMahon Magistrate.

Clerk.

Grimm Officer.
S.P.C.C.

Witnesses:

E. Fellows Jenkins, Supt.,
100 East 23d Street.

Disposition,

LEHMAIER & BRO., 88 FULTON ST., NEW YORK.

131 East 39th St.
Mch 4th '92

Hon. Elbridge T. Gerry,
President of the Society for the
Prevention of Cruelty to Children,
Dear Sir:—
I have this day
examined the person of Mary
Jennings, aged 15 years, of 16 Dikmar St.,
Brooklyn, and find there has been com-
plete penetration of her genital organs
by some blunt object.

Respectfully Submitted
W. Travis Cobb M.D.
Examining Physician

COURT OF GENERAL SESSIONS.

- - - - - - - - - - - - - - - - - -

The People etc.,

against

Michael J. McManus.

- - - - - - - - - - - - - - - - - x

Hon. Delancy Nicoll,

District Attorney.

Sir:-

On the annexed affidavit of Ambrose H. Purdy, and on all the proceedings herein, please to take notice that I will move the Court at Part One, on April 1st, at 11 o'clock A. M. for the relief prayed for in said affidavit.

Respectfully,

Purdy & McManus,
Defendant's attorneys,
280 Broadway, N. Y. City

COURT OF GENERAL SESSIONS.

- - - - - - - - - - - - - - - - x
:
The People etc.,
:
against
:
Michael J. McManus.
:
- - - - - - - - - - - - - - - - x

City and County of New York, ss:-

AMBROSE H. PURDY being duly sworn deposes and says: That he is the attorney for the above named defendant.

That the said defendant has been now for over a month, confined in the City Prison; that the case has not been adjourned at any time at his request; neither has it at any time, been placed upon the calendar for trial.

Bail in this case was fixed by the Learned Recorder at $3,000; that the defendant has used every effort to procure the said bail, and has been unable to do so.

That the defendant is a police officer and on the police force of the City of New York.

W H E R E F O R E Deponent asks that the bail in this case be still further reduced.

Sworn to before me this)
)
31st day of March, 1892.)

A H Purdy

Robert Stalling Irving

Commissioner of Deeds
New York County.

COURT OF GENERAL SESSIONS.

- - - - - - - - - - - - - -

The People etc.,

against

Michael J. McManus.

- - - - - - - - - - - - - -

Affidavit and Notice of

Motion.

- - - - - - - - - - - - - -

Purdy & McManus,

Defendant's attorneys,

280 Broadway, N. Y.City

LAW OFFICE
—OF—
H. JAY GOLDSMITH,
23 Chambers Street,

New York, March 7th 1892

To the Foreman and Members of the Grand Jury, for
March Term, 1892.

Honored Sirs:-

I take the liberty of asking you, on behalf of Michael J. McManus, to consider the only question in the case against him. The question of age.

I ask you, in the name of Justice, to consider Section 257 of the Code of Criminal Procedure of the State of New York, and make the complainant produce the girl, Mary Jennings, the girl who claims to be under sixteen years of age, and ask you, in the name of God, on her appearance, to weigh her testimony and if in your discretion, you don't come to the conclusion that she is over sixteen years of age.

Your obedient servant,

H. Jay Goldsmith

MEMORANDUM ----------IN McMANUS CASE.

Michael J. McManus, the defendant was appointed on the Police Force June 10th 1891. His wife, Mary, lives at 255 Avenue B. with children John 5 years and Lizzie 15 months old; and she is now three months advanced in pregnancy. Their home there is furnished on the Installment plan, and through the backwardness of McManus in making payments the furnisher now threats to remove all his goods.

Since McManus was appointed on the Police Force, he has been very neglectful towards his family, and on but one occasion gave his wife $50. towards the expenses of the house for one month; on other occasions, he would give her but from $30. to $40. per month. On the morning following his arrest, she came to Society's office and stated that she had not a morsel of food in the house, and that her children were suffering. Inspector Williams compelled McManus to give his wife $25. Woman is now two month's behind in rent and is threatened with being dispossessed. She first learned of husband's actions towards Mamie Jennings on Dec. 20th, 1891, through Mr. Jennings calling on her. For some time prior to that, and since then, McManus never slept home with her when he had nights off and he openly admitted to her his affection for Mamie Jennings.

One Alice Desmond, 22 years old, first introduced McManus to Mamie Jennings, at 153 Forsyth St., about the middle of September, 1891, and from that time on he kept paying her attention up to about Dec. 20th, 1891, when he, under promise of taking her to a theatre, took her to the apartments of a family, named Degan, at 413 East 15th Street, where she was to remain while he went to the 18th Precinct to get excused from duty that night, but failed and was assigned to duty on a post that passed 413 East 15th Street. He made three different calls of Mamie Jennings that evening; and, on the last call, he forcibly, she claims, had sexual intercourse

with her, and then scared her into not returning home, and from that time lived with her at 413 East 15th Street up to about Jan. 20th, 1891, and then took a furnished room at 4 Columbia Place and there lived with her up to the 8th of February, 1892, when Mamie was taken away by her sister, Mrs. Laura Livingston.

During all the above period, McManus had frequent sexual intercourse with Mamie Jennings, the latter asserts; and represented himself to her as a single man until the 31st day of January, 1892, when he told her that he was married but intended to get a divorce from his wife and would then marry her.

----------cccccccccc----------

AS TO AGE,- The father, Edward Jennings,
The step-sister, Laura Livingston,
The aunt, Ellen O'Brien,
One of the sponsors, Mr. McKinny,
Record of Baptism from St. Boniface' Church.

MEMORANDUM.

IN McMANUS CASE.

In opposition to motion to reduce bail - March 14/92

V. M. Davis
Asst

Police Department,
of the City of New York,
300 Mulberry Street,
New York, March 12 1892

In the matter of
Complaint against
Pat. Mich. J. McManus
18th Precinct.

Charge - Conduct unbecoming an officer

Examination held March 2/92
before Commissioner Strahan
Judgment not given

Wm H. Kipp
Chief Clerk

Cooper
v.
McManus

COURT OF GENERAL SESSIONS.

- - - - - - - - - - - - - - - - - - x
:
The People etc.,
:
against :
:
Richard Lehmann.
:
- - - - - - - - - - - - - - - - - - x

Delancey Nicoll, Esq.,

District Attorney.

Dear Sir:-

On the indictment filed vis not on all the proceedings herein, please to take notice that I will move the Court of General Sessions in Part II on Tuesday March 16th, at 11 o'clock, or as soon thereafter as counsel can be heard, for an order fixing bail in the above case.

Respectfully,

Randy B. Lee Esq.,

Defendant's Attorneys,

200 Broadway, N.Y.City.

COURT OF GENERAL SESSIONS.

- - - - - - - - - - - - - - - - - - x
:
The People etc.,
:
against
:
Michael Lennons.
:
- - - - - - - - - - - - - - - - - - x

City and County of New York, ss:-

A. H. PURDY being duly sworn deposes and says:

That he is the attorney for the above named defendant; that said defendant was arrested on the 11th day of March, 1892, charged with abduction and rape; that an indictment was indicted on the 11th day of March; that defendant is a member of the police force of the City of New York; that the bail placed by the magistrate was the sum of $5,000; that the defendant is utterly unable to give any such bail.

W H E R E F O R E deponent prays that the Court may fix bail in a reasonable amount for the defendant.

Sworn to before me this)
)
14th day of March, 1892.)

A H Purdy

Robert Walling Irving
Commr. of Deeds

Commissioner of Deeds
New York County

N. Y. Court of Gen Sess.

The People &c.

against

Michael McMahon

Affidavit & Notice

Pros. Atty

RECEIVED
MAR 14 1892
DIST. ATTY. BROOKLYN

#285 way

POOR QUALITY ORIGINAL

COURT OF GENERAL SESSIONS.

- - - - - - - - - - - - - - - - - x
:
The People etc.,
against :
Michael McManus.
:
- - - - - - - - - - - - - - - - - x

Delancy Nicoll, Esq.,
District Attorney.

Dear Sir:-

On the annexed affidavit and on all the proceedings herein, please to take notice that I will move the Court of General Sessions at Part ~~II~~ on Tuesday March 15th, at 11 o'clock, or as soon thereafter as counsel can be heard, for an order fixing the bail in the above case.

Respectfully,
Purdy & McManus,
Defendant's attorneys,
280 Broadway, N.Y.City.

COURT OF GENERAL SESSIONS.

- - - - - - - - - - - - - - - - - x
:
The People etc.,
:
against
:
Michael McManus.
:
- - - - - - - - - - - - - - - - - x

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W H E R E F O R E deponent prays that the Court may fix bail in a reasonable amount for the defendant.

Sworn to before me this)
)
14th day of March, 1892.)

A. H. Purdy

Robert Walling Irving

Commissioner of Deeds
New York County

New York

Court of General Sessions

1892
1873
78

The People
agst
Michael J. McManus

(Original)
Affidavit and Notice
of Motion

Pudy & McManus
Defts. attys
[illegible] Broy
N. Y.

MAR 14 1892

Service of the within
is hereby admitted
March 14th 1892
[illegible]

Where [illegible] jury
who were in attendance
[illegible]

Rule

New York April 24th 1892

Hon. Randolph B. Martine
Judge of the Court of General Sessions, Part 3.
Dear Sir,

Even at the risk of being considered officious I cannot refrain from addressing this Court, deeming it my duty so to do, in regard to the unfortunate prisoner Michael J. Mc Manus. While my official relations to this Case have ceased my relations as a fellow-man still Exist. And the same Spirit that causes a jury while condemning, to make the recommendation to mercy, prompts me to place before the Court an opinion on this Case and its following plea for justice. The man is charged with "abduction". It has been carefully presented to and considered by the jury and they stood Eight for acquittal. Your Honors Charge that, Even with the Church record, the jury were at liberty to use their own judgement as to her age ~~by her appe-~~ -pearance must convince any man that the prisoner is not guilty as to her youth by her appearance. This then makes him guilty, if guilty at all, of simply a technical Violation of the law, and of that portion of the law that may be, as in

this case so unjust as to be oppressive. Eight of the jury voted for acquittal and most of them expressed indignation that the man should necessarily be returned again to prison. I was one of those voting "Guilty" and yet I consider with them that it is a great ~~wrong~~ misfortune that this man should be again imprisoned. But the facts, to my mind, as to "harboring" and the law were clear and I had no choice under my oath. Eliminate from the law its unjust and improper technicalities and I believe the verdict would have been unanimous for acquittal. All the facts of the case are now before the Court and the Society for the prevention of Cruelty to Children. Should the prisoner be subjected to another trial and found guilty it would be simply under an unjust portion of the law and, it seems to me would be an injustice. If acquitted or a disagreement of the jury the prisoner will have been unjustly punished by imprisonment. The face of the prisoner is against him but he is not responsible for his features, and his position in life has deprived him of the benefits that a higher Education would have given him. This calls for sympathy not condemnation. And I am frank ~~to say that~~ his bearing during his trial under trying circumstances has been manly. The Society has done its duty, the Asst. Dist. Attorney has ably presented his case and Your Honor's Charge was clear, full and impartial, and the jury honestly tried to do its duty, and the result a disagreement.

Under the law as it stands they never would have agreed. If they could have agreed it would have been for acquittal. The justice of a Court lies in its mercy as this case so clearly shows. I therefore respectfully petition the Court that the prisoner, Michael J. McManus, be discharged, upon the ground that, if the ~~suspect~~ strict interpretation of the wording of the law be Eliminated from the Case, it is clear, beyond the shadow of doubt, that the prisoner is not guilty of any crime whatever.

But there is another feature in this Case. The Society for the prevention of Cruelty to Children is now before us and I might almost say on trial. I realize the noble work that the Society has done and is doing in guarding the homes and children of the poor and furnishing the safe-guards they could not otherwise obtain. And it is this very noble work that makes it Essential that the Society should be without stain. A motion by his Counsel for his discharge if successful does not clear him. A motion by the Dist. Atty. leaves the taint upon him "that there was not Evidence Enough to convict" and the only way in which absolute justice can be given him is by the Society voluntarily ~~withdrawing~~ the charge. After the manly way in which Mr. McDonna declined to continue the Case against the poor Colored lad, charged with burglary, when his Employer took the stand and testified to his good character and his honesty and

that he would re-employ him, I cannot believe that he would object in this case. I therefore ask that, if it should be your decision that the prisoner should be discharged, that Your Honor will afford to the Society for the prevention of Cruelty to Children opportunity to withdraw if allowable their charge in order that Your Honor's action may be predicated on its proper foundation. Such action could not in any way prejudice their work nor impair the protection they seek to throw around other children, and surely the "Jennings" girl needs no such protection. She seems to have nothing left to protect. Her proper place is a House of Reformation.

If there is anything in the act of addressing the Court in this way or in the wording of this letter that may appear in any way disrespectful or improper I beg to apologize for it now. I am prompted by what appears to me to be in the interest of strict justice and strengthened by the secrets of the jury room and warranted by my observance of the evident intention of the Court to administer impartial justice tempered with mercy.

With great respect

Louis Robertson

a juror in the McManus case.

THE COURT OF GENERAL SESSIONS OF THE PEACE

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE

VS. BRIEF FOR THE PEOPLE.

MICHAEL J. McMANUS.

STATEMENT OF CASE.

The Defendant, MICHAEL J. McMANUS, is charged with RAPE on one MARY JENNINGS, AGED 15 YEARS, on or about JANUARY 31st, 1892, AT 4 COLUMBIA PLACE, N. Y. CITY.

He was arrested March 3rd, 1892, by Roundsman James Campbell of the Tombs Court Squad.

WITNESSES:

WITNESSES IN REBUTTAL:

DOCUMENTARY EVIDENCE:

AS TO BIRTH,-

FAMILY BIBLE.
COPY OF BAPTISMAL RECORD FROM ST. BONIFACE'S CHURCH.
COPY OF A BOARD OF HEALTH RECORD OF BIRTH OF ANOTHER JENNINGS GIRL.

EXPLANATORY STATEMENT. - - - - - BRIEF HISTORY OF DEFENDANT.

The defendant in this case, Michael J. McManus, was appointed a police officer June 10th, 1891; prior to that, he was a truck driver for William P. Uptergrove & Co., 10th Street & East River.

His wife, Mary, lives at 255 Avenue B with children, John 5 years and Lizzie 15 months old; and she is now three months advanced in pregnancy. Her home there is furnished on the instalment plan, and, through the backwardness of McManus in making payments, the furnisher now threatens to remove the goods.

Since McManus was appointed on the police force, he has been very neglectful towards his family; and on but one occasion gave his wife $50. towards the support of their home for one month; on other occasions, he gave her but from $30. to $40. per month. On the morning following his arrest, she came to Society's office, and stated "that there was not a morsel of food to eat in the house and that her children were suffering". Inspector Williams compelled McManus to give his wife $25. Woman is now two months behind in rent and is threatened with being dispossessed.

She first heard of husband's actions towards Mary Jennings on Dec. 20th, 1891, through Mr. Jennings calling on her. For some time prior to that and since then McManus never slept home with her when he had nights off; and he has openly admitted to her his "affection" for Mary Jennings.

On Nov. 10th, 1891, McManus clubbed to death one Thomas Callagy in front of 413 East 15th Street; but he was later by a coroner's jury exonerated from all blame.

MARY ELLEN FRANCES JENNINGS, 15 years old on the 13th day of last July, will testify:

That in September, 1891, she lived at 153 Forsyth Street, top floor, with her father Edward Jennings; and that there was also there living with them one Alice Desmond, aged 22 years. That on a certain day about the middle of September, 1891, Witness had occasion to go to the apartments of a Mrs. Carrie Barger on the second floor of the house to tell Alice Desmond who was visiting there that she was wanted upstairs to help with some household duties. That while she was in the Bargers' rooms, in came Officer Michael J. McManus, the defendant, then known as "Officer Ryan". That Alice Desmond, who was previously acquainted with McManus, introduced him to Witness; and that he made an arrangement with Alice Desmond to meet her that night at 15th Street and 1st Avenue. That in keeping this appointment, Alice Desmond was accompanied by Witness; and that they were escorted back home by defendant. That following this, McManus called six times to see Alice prior to the Sunday before Election Day, when Alice left and went to live at service with Mrs. Laura Livingston at 76 East 4th Street; and that she (Alice) remained there up to about Thanksgiving time, when she left on account of her feeling ill towards Mrs. Livingston.

That after Alice Desmond left their place, defendant frequently called to see Witness, at 153 Forsyth Street, and, on three or four nights, took her to the theatre.

That about the 2nd or 3rd of December, 1891, Witness left home on account of a quarrel with her father, went to live with her step-sister, Mrs. Laura Livingston, at 76 East 4th Street, and remained there two nights. That the day after she had left her father's home, defendant called & took her to the Boquet Casino in

Brooklyn, where Mrs. Livingston was then performing.

That on account of fearing her father would make trouble, Witness left 76 East 4th Street two nights after arrival there and went to the house of a Mrs. Lee, an old acquaintance, at 200 Madison Street, and remained there about one week; that she then again went to Mrs. Livingston's and remained there about another week; and that at the end of that time, the following took place.

On or about the 20th of December, 1891, Defendant took Witness from 76 East 4th Street, at about 5-00 P. M. to see if he could get a night off from police duty, intending to take witness to a theatre. He took Witness to the house of one Mrs. Mary Degaine (an old friend of defendant's) at 413 East 15th Street, one flight front, and left her there while he went to the 18th Precinct to be excused for the night. That he did not return to 413 East 15th St. until about 7-30 P. M., when he appeared in full uniform and stated that he could not get off and that he was on the 15th Street Post that night. That he remained in the house about 15 minutes. That he again returned at 10-00 P.M. and remained a like period. That he returned a second time at 11-45 P. . . and immediately sent Mr. Henry Degaine out for a pint of beer. That Mrs. Degaine was not at home. That almost immediately after Mr. Degaine left the room, defendant said: "I do not think I can wait until Harry comes back, and then went to the hall-door as though about ot open it and said: "Mamie, come over here while I kiss you 'Good-night'" That she went over to him and he kissed her; that he put his arm around her shoulder and pushed her into the bed-room and over on the bed; that, with one arm on her chest, he held her down on the bed; and that then, unhooking his belt, he got on top of her and had full sexual intercourse with her. That during all this time, Witness endeavored to resist defendant's assault, by stabbing him in the shoulder with a hat pin, and by biting his arm through all his clothes so that the marks were visible for a week or two afterwards,- and in fact she fought so well and successfully that he got off of her before discharging his semen. That she bled profusely on her underclothes and that they were washed later by Mrs. Degaine but that the latter never made any remarks about them. That, on coming out of the bedroom, Witness started to put on her hat to go home, but defendant interfered and said for her to stay there that night, as it was too late for her to go home alone and he could not go down with her. That defendant remained until Mr. Degaine came in with the beer, when he said "Well Harry, I might as well tell you that Mamie and I have been secretly married", and that he then took a little of the beer and left the house. That after defendant had left, Mr. Degaine noticed the disordered condition of the bed and said to Witness "You and Jim must have been having a time". That about 12-30 A. M., Mrs. Degaine came home and that Witness remained at the house all that night. That on the following morning at about 7-00 o'clock, defendant called and found witness up and dressed, and asked her what she was dressed for ? That witness replied that she was going home, and that defendant persuaded her that she had better not, arguing that she would get scolded if it was known that he had been with her, and also that it might make trouble for him. That defendant further stated at this time that he would marry witness when he got

"out of trouble", but did not say what trouble he was then in.

That on January 2nd, 1892, Witness saw defendant give Mrs. Degaine $7.00 for back board and that on previous occasions she saw him give her loose change but in no regular amounts.

That from the 20th of December, 1891, up to January 4th (Monday), 1892, she lived at Degaine's and that there defendant slept with her whenever he had a night off, and frequently there had sexual intercourse with her. The Degaines only had two rooms; "A bedroom and a parlor was all they called their own" and that Defendant and Witness "were welcome any evening" to have the bedroom alone,- while Mrs. & Mr. Degaine slept on a folding sofa in the front room. Whenever defendant slept there, Mrs. Degaine would always get his breakfast in the morning. That witness left Degaine's on Jan. 4th, 1892, on account of the crowded condition of the premises, owing to Mrs. Degaine's sister, her husband and three children coming there to stop temporarily.

That from Degaine's, Witness was referred by Defendant to No. 544 5th Street to get a furnished room from Mrs. Paulina Ater, which she did and where they lived for one week.

That after this, they hired a front room from Mrs. Augusta Krundieck at 553 East 10th Street and remained there for one week.

That while staying at this latter address, Witness found that Alice Desmond was living with her sister, Mrs. Elizabeth Ball, at 4 Columbia Place, this city; that she brought about an interview between Defendant and Alice; and that Defendant asked Alice to persuade Mrs. Ball to consent to allow Witness to live there and that he would pay her board. That Mrs. Ball was seen and did consent, so Mary went to 4 Columbia Place, where Mrs. Ball had the first floor and basement; and that Witness had at this place the back room on the stoop floor. That the day following Witness's arrival, defendant came there and gave Mrs. Ball some bills (money) in the presence of Witness; that Mrs. Ball then gave defendant a latch key; and that thereafter, at this place, up to the time of her being taken away by her sister, defendant frequently called on witness and had sexual intercourse with her, and on four different occasions he had slept with her all night. That on each of these occasions, Mrs. Ball would come upstairs in the morning with coffee for both Defendant and Witness and see them in the bed-room. That on February 18th, 1892, Defendant in the presence of Witness gave Mrs. Ball Twelve Dollars for her board there for one month. That on Feb. 8th, 1892, Mrs. Laura Livingston, her step-sister, came there, caught her and defendant together in their room, and thereupon took Witness to her home at 16 Ditmar Street (Williamsburgh) Brooklyn, whither they were accompanied by defendant.

That, on the night following, Feb. 9th, 1892, Defendant came to 16 Ditmar Street, about 8-00 P. M., and stated that he had called to see how Witness was getting along, and also asked her to come over the next night to 15th Street and Avenue C. where he would be on post. That she did there meet him, as requested, and he, taking off his belt and night stick, left them in the Gas House office; and that then together they went to see Alice Desmond but did nothing more; and that Witness returned home at 11-30 P. M.

That the next day, Feb. 10th, Defendant met Witness in Beethoven Hall, 5th Street near Bowery, where she was rehearsing her part in a theatrical enterprise, with which she intended to travel and sing. That during the intermission at noon-time, Defendant took her to dinner at Lyon's restaurant in the Bowery, but lateron she

alone returned to Brooklyn.

That she next saw Defendant on the afternoon of Sunday, February 14th, 1892, at 4 Columbia Place. That she remained there all night, as Alice Desmond was sick and Mrs. Ball was not at home. That she returned to 16 Ditmar Street on Feb. 15th, 1892.

That she again saw defendant on the night of Feb. 17th, 1892, at 4 Columbia Place, where she had come to see Alice Desmond, who was still sick, and where she remained over night, going home on the following day. That that night defendant called at the house and started a quarrel with her on the subject of her joining the theatrical troupe. That defendant was then in full uniform. That Witness's step-sister, Mrs. Livingston, came between them, and that in the course of the argument Defendant threatened to shoot and finally parted with ill feeling.

IN CONCLUSION,- WITNESS WILL SWEAR: That she did not know Defendant was a married man until January 31st, 1892, and that it was on that date that she last had sexual intercourse with Defendant at 4 Columbia Place, N. Y. City.

W. TRAVIS GIBB, M. D., 131 East 39th Street, will testify:

That on March 4th, 1892, he examined the person of one Mary Jennings and found evidence of the full penetration of her genital organs by some blunt instrument.

EDWARD F. JENNINGS, the father of Mary Ellen Frances Jennings, residing at 101 Walker Street, employed as engineer at 241 Centre Street, will testify:

That Witness, Mary Jennings, was born on the 13th day of July 1876, in East 54th Street near First Avenue, and was baptized in St. Boniface's Catholic Church at 2nd Avenue and 47th Street; that he is positive as to the time, as it was in the Centennial month and year. That her mother, Bridget Maria, (maiden name Donnelly) died three years ago. That she had no other child by him. That the records in the family bible, which is in Society's possession, were made by Witness from memory at the time he purchased the book seven years ago.

(The erased condition of the book as the date of Mary's birth is not satisfactorily accounted for. See Certificate of Baptism of St. Boniface's Church, 47th Street and 2nd Avenue, showing Mary Jennings to have been born on July 13th, 1876, and baptized on Aug. 6th, 1876.)

MRS. LAURA LIVINGSTON, of 16 Ditmar Street, Brooklyn, will testify:

That she was 12 years old when Mary Jennings was born; that she distinctly remembers it was in July, 1876, on account of her mother's confinement being the cause of preventing her attending the Centennial Exposition at Philadelphia.

MRS. ELLEN O'BRIEN, of 1827 Second Avenue, will testify:

That she is a sister of Mary Jennings' mother; that she was with her at the time of Mary's birth; and is positive that it was in the month of July, 1876.

WILLIAM McKINNEY, of 27 Bethune Street, will testify:

That he is the god-father of Mary Jennings, and that she was born in the month of July, 1876.

JAMES CAMPBELL, Roundsman in the Tombs Court Squad, will testify:

That he arrested Michael J. McManus, the defendant, at 5-50 P. M. on Mar. 3rd, 1892, at the 18th Precinct Station House. That defendant made no admissions.

MRS. LAURA LIVINGSTON, step-sister of Mary Jennings, of 16 Ditmar Street, Brooklyn, will testify:

That, on the Wednesday of the week before Christmas (Dec. 16th), 1891, she was living at 76 East 4th Street; that Mary Jennings was living with her; and that on the afternoon of that date, Michael J. McManus, the defendant, called to see Mary(as he had done on several prior occasions)and at about 5-30 P. M. they left the house together. That Defendant said he was going to the 18th Precinct to report at 6-00 P. M. and that they were then going to a theatre.

That she did not again see Mary Jennings or Defendant until Feb. 18th, 1892, and then saw them under the following circumstances. That on Saturday, Feb. 6th, 1892, she was told by Mrs. Carrie Harger, of 153 Forsyth St., that Mary Jennings was now living with a Mrs. Ball at 4 Columbia Place. That Witness went to this address on the 8th at about 6-00 P. M. and entered the hall,- the front door being unlocked; that she stood in the hallway for fully one half-hour, trying to locate Mary by the sound of her voice; that during this time, she heard Alice Desmond call out from the basement, "MAMIE, HERE'S JIM"; and that then McManus, the defendant, rushed by her in the hall and into the rear room on the stoop floor That Witness now followed him into the room, and saw defendant sitting on the bed and his hat and coat off, his revolver resting on the mantel. That on entering, witness said "Mamie,- is there anything wrong between you and Jim ?", and that she replied "No,- No,- Not that; Ask me anything but that", and that thereupon she into a dead faint went. That McManus spoke up and said that there was nothing wrong between them. That she took Mary to her home at 16 Ditmar Street, Brooklyn, that night; and that they were accompanied over there by defendant. That on the way over to Brooklyn, Defendant said to Witness "Don't blame Mamie too much, as everything will be all right"; that he "had not lived with his wife for nearly one year"; that he "was going to get a divorce"; and that he "would then marry Mamie". That defendant also said to witness that he had all along known where Mamie was since she left home, and asked her why she did not come to him to find her.

That on the next night, Feb. 9th, defendant called at 16 Ditmar Street, Brooklyn, to see how Mamie was getting along.

WITNESS FURTHER STATES: That Mamie Jennings came to New York several times to see defendant; and, on two occasions, stayed away from home all night.

KATE McLAUGHLIN, a servant at Mrs. Livingston's house at 16 Ditmar Street, Brooklyn, will testify:

That on the night of Feb. 9th, 1892, defendant was at the above address visiting Mary Jennings; that at one time during the evening Mary Jennings hit defendant a hard slap on the face; that she(witness) then said "Don't be so rough"; and that defendant said "That's nothing; she one night stabbed me on the shoulder with a hat pin".

ALICE DESMOND, of 391 8th Street, formerly of 4 Columbia Place, will testify:

That about one week before the first of February, 1892, Mary Jennings called at 4 Columbia Place where she was then staying with her sister, Mrs. Elizabeth Ball, and asked her if she could live there as she was not satisfied with the room she had further uptown; that she (witness) got her sister, Mrs. Ball, to consent to this; that Mary thereupon came to live there; and that from that time up to the first of February, or thereabouts, Witness and Mary Jennings slept together. That during this time Defendant frequantly called to see Mary Jennings.

That about the first of February, 1892, Mary took the rear room on the stoop floor, for which McManus, the defendant, personally gave Mrs. Ball Twelve Dollars for one month's board. That this payment, he made in the presence of Witness and Mary Jennings, and that from that time on defendant continued to frequently call there and on several occasions remained with Mary Jennings all night; and that they had first passed there as man and wife but afterwards said that they only "engaged to be married".

That she at first supposed McManus was a single man.

MRS. ELIZABETH BALL, of 391 8th Street, formerly of 4 Columbia Place, will corroborate the previous witness, Alice Desmond. (NOTE: Mrs. Ball is quite deaf, and would like to be excused, if possible, on account of the untruthful testimony she gave in the Police Court on the examination.)

MRS. FLACIGIAVEN, of 234 East 7th Street, living at 4 Columbia Place, one flight up, during the time that Defendant and Mary Jennings lived there, will testify:

That Mrs. Ball introduced McManus and Mary Jennings to her as man and wife.

MRS. LEMA SAQUI, of 4 Columbia Place, top floor, will testify:

That she has often seen defendant call there and go into the room then occupied by Mary Jennings. Also that Alice Desmond told her that McManus and Mary Jennings were married and that defendant paid Twelve Dollars per month for their board.

ANZI BERLA, of 6 Columbia Place, will testify:

That he was employed as an enumerator for the recent census; that he called at No. 4 Columbia Place in the performance of his duty as such; and that the following were among the names given to him by Mrs. Ball as residents at the last named house:

Elizabeth Ball,
Alice Desmond,
James McManus, policeman,
Mary Jennings, 17yrs, seamstress

(NOTE: The above names will be found as occupants of 4 Columbia Place in the Census Returns on file in the County Clerk's Office.)

MRS. PAULINA AUER, living in flat at 544 5th Street, will testify:

That in the fore part of January, 1892, Mary Jennings came to her place and hired a front room for $2. per week, saying that she had been married three weeks and that her name was Worth. Defend-

ant did not come there on that day, but on the day following he came to the house in full uniform and asked Witness which was the room of his wife. That she showed him the room occupied by Mary Jennings. That defendant came there on various occasions thereafter, both by day and night; that he told Witness that he was an officer of the 22nd St. Station House; but that he never gave his name. That when the first week was up, they evaded paying Witness any rent; so she made them give the room up.

MRS. AUGUSTA KRUNDIECK, living in flat at 353 East 10th St., one flight up, will testify:

That sometime in January, 1892, Mary Jennings came there and hired a front room for $3. per week; that that night defendant came there in full uniform and told Witness that he was the husband of Mary Jennings; that he continued to come there frequently during the week, at the end of which (the first week) Witness told them that she wanted her room as she did not like them as lodgers.

----------oooooooooo::::::::::oooooooooo----------

EVIDENCE IN REBUTTAL.

MRS. MARY DEGAINE, of 413 East 15th Street, is very friendly toward Defendant and will probably testify in his behalf.

MRS. ANNIE FILLER, of 413 East 15th Street, second flight front (rooms directly over Degaines) will testify:

That she has seen Defendant go into Degaines rooms at all hours of the day and night.

MRS. ANNIE GOTLIEB, of 413 East 15th Street, one flight front will corroborate Mrs. Filler.

MRS. ANNIE MURPHY, who now lives with her mother at 716 East 12th Street but who recently resided at 413 East 15th Street with her husband whom she left on account of his brutal habits, will testify:

That her home at the latter address was on the same floor with Degaines; and that her bedroom and that of Degaines were only separated by a thin partition, through which sound could be easily heard. That she frequently saw Defendant come into the Degaines' rooms in full uniform; that she also often saw the girl Mary Jennings; and that, although she never spoke to either, was familiar with the sound of their voices, and frequently heard them conversing in the bedroom at night. That Mrs. Degaine told her(witness) that Defendant and Mary were man and wife; and also that she (Mrs. Degaine) thought more of him (defendant) that she did of her own husband, that she had known him a very long while and that he used to call on her when she kept a "Gin Mill" in 9th Street.

That McManus, the defendant, used to call at Degaines before Mary Jennings came there. That Mary Jennings left Degaines about Jan. 4th, 1892. That Mrs. Degaines is a woman of very intemperate habits and is, in her opinion, immoral.

(N O T E : The Defense may try to introduce in evidence a Record from the Board of Health, showing the birth on July 23, 1873 of one Mary Ellen Jennings. It will be seen by the Certified Copy that Society has that this is not the Mary Ellen Jennings in Society's custody.)

FINIS.

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

MICHAEL J. McMANUS.

PENAL CODE, §

BRIEF FOR THE PEOPLE.

Copy

1877.

CITY AND COUNTY OF NEW YORK, } ss.

Mary Jennings

aged 15 years, occupation none of No. 16 Bittner Street, Brooklyn, State of New York being duly sworn, deposes and says, that She has heard read the foregoing affidavit of William A. Fain and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 3 day of March 1892. } Mary Jennings

D. J. McMahon
Police Justice.

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

Michael J McManus 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. Michael J McManus

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. US

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

Answer. 955. Avenue B.

Question. What is your business or profession?

Answer. Police Officer

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

Michael J McManus

Taken before me this 1 *day of* [illegible] 188[illegible]

[illegible]

Sec. 151.

Police Court First **District.**

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by William A. Finn of No. 100 East 23 Street, that on the 31st day of January 1892 at the City of New York, in the County of New York, at number 4 Columbia Place in said City of New York, one Michael J. McManus did unlawfully perpetrate an act of sexual intercourse with a certain female called Mary Jennings age 15 years, in violation of Section 278 of the Penal Code of the State of New York

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

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

Dated at the City of New York, this 3 *day of* March 1892.

H. McMahon POLICE JUSTICE.

Police Court First **District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William A. Finn

vs

Michael J. McManus

Warrant—General.

Dated March 3 1892.

H. H. McMahon *Magistrate.*

Patrolman Wm. Campbell 4th Inst. *Officer.*

The Defendant Michael J. McManus taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Patrolman Campbell *Officer.*

Dated March 4 1892

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, 5.30 p.m. March 3/92

Native of United States

Age, 25

Sex,

Complexion,

Color, White

Profession, Patrolman

Married, No

Single, No

Read, Yes

Write, Yes

279

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William A. Tinn

vs.

1. Michael McNamara

2.

3.

4.

Offence Rape

Dated March 4 1892

McMahon Magistrate.

Campbell Officer.

Police Court Precinct.

Witnesses Edward Jennings

No. 101 Walker Street.

Lenox Livingston

No. 16 Pitman St Street.

No. G G Lockwood Street.

Attorney for Tompkins & Mayer

RECEIVED MAR 1892 DISTRICT ATTORNEY'S OFFICE

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

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

Dated ..... 18 W. J. McMahon *Police Justice.*

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

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

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

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

Certificate of Baptism.

ST. BONIFACE'S CHURCH.

This is to Certify,

That Mary Helena Frances Jennings
child of Edward Francis Jennings
and Bridget M. Dannelly
born on the 30th day of July 1876
was **Baptized**
on the 6th day of August 1876
According to the Rite of the Catholic Church
by Rev. E. A. Pareil
Sponsors: William McKenna
Mary Bogue
as appears from the Baptismal Register of the Church.

New-York, March 4th
1892

Ignatius M. Delvecaro
Rector

D. P. Murphy, Jr., Church Stationer, 64 Vesey Street, N. Y.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Gilmartin

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

Michael Gilmartin

of the CRIME OF ABDUCTION, committed as follows:

The said Michael Gilmartin,

late of the City of New York, in the County of New York aforesaid, on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, did feloniously take, receive, harbor, employ and use one Mary Jennings, who was then and there a female under the age of sixteen years, to wit: of the age of fifteen years, for the purpose of sexual intercourse, he, the said Michael Gilmartin not being then and there the husband of the said Mary Jennings, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

~~DE LANCEY NICOLL,~~
~~*District Attorney*~~

Second COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Michael J. McNamara

of the CRIME OF PERPETRATING AN ACT OF SEXUAL INTERCOURSE WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS, NOT HIS WIFE, committed as follows:

The said Michael J. McNamara,

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 a certain female not his wife, to wit: her, the said Mary Jennings, then and there being, wilfully and feloniously did make an~~other~~ assault, she the said Mary Jennings being then and there a female under the age of sixteen years, to wit: of the age of Sixteen years; and the said Michael J. McNamara, then and there wilfully and feloniously did perpetrate an act of sexual intercourse with her the said Mary Jennings, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

BOX:
472
FOLDER:
4327
DESCRIPTION:
Mead, William
DATE:
03/23/92

4327

106. ordered

No 106

Witnesses:

Henry Hansen

Off - Hagan 14 P.

Mr Marks
930 Broad

Morris folding Chair
Coy -

Each side Four Exp
Co - Joseph Franks
238 E 10th St

Counsel,

Filed 23 day of March 1892

Pleads, Not Guilty

THE PEOPLE

vs.

19
337 & 24
indictment

William Mead

Burglary in the Third Degree.
[Section 498, Penal Code.]

ar. & committed
Mch 23. 1892

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

Part 3. March 29/92
Pleads Attempt Burg 3d deg
April/92
see memo

Ed Ref
April/92

H. RICHTER'S SONS,
502 & 504 BROADWAY.

New York April 1st 1892

To the Honorable Judge Fitzgerald
Dear Sir

In connection with the petition just made I beg to add that I have had so much trouble and sickness in January & February that I am really not in proper condition to serve as a Juror and hope Your Honor will excuse me this time as I have done jury duty every year and am always ready to do it.

Very respectfully
H. Richter

Police Court— 3 District.

City and County of New York, } ss.:

Henry Hauser

of No. 158 East 102nd Street, aged 28 years, being duly sworn, occupation Butcher

deposes and says, that the premises No 214 East 9th Street, 17 Ward in the City and County aforesaid the said being a warehouse

and which was occupied by ~~deponent and~~ David P. Arnold a butchers warehouse and in which there was at the time a human being, by name to wit deponent

were BURGLARIOUSLY entered by means of forcibly opening the front window on the first floor.

on the 20th day of February 1892 in the night time, ~~and the following property feloniously taken, stolen, and carried away, viz:~~

With intent to commit some crime therein

~~the property of~~

and deponent further says, ~~that he has great cause to believe and does believe~~ that the aforesaid BURGLARY was committed ~~and the aforesaid property taken, stolen and carried away by~~ With the intent aforesaid by William Mead (now here) and two men not arrested

for the reasons following, to wit: that the doors and windows were locked and fastened and a large quantity of personal property was therein. At about 11½ o'clock on said night while deponent was on the first floor watching the premises the defendant opened the window on said floor and entered. Deponent seized him and brought him to the street

Police Court, ... District.

THE PEOPLE, &c.,
on the complaint of

.....

vs.

1 .....
2 .....
3 .....
4 .....

Offence—BURGLARY.

Dated 188

..... Magistrate.

..... Officer.

..... Clerk.

Witnesses, ...

No. ..... Street,

No. ..... Street,

No. ..... Street,

$..... to answer General Sessions.

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

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

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

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

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

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

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

POOR QUALITY ORIGINAL

Sec. 198—200.

3rd District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. William Meade

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. New York

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

Answer. 337 East 24th. 5 months

Question. What is your business or profession?

Answer. Upholsterer

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 Meade

Taken before me this 23rd *day of* May 1894

Charles Mommatz *Police Justice.*

Police Court, 3rd District.

THE PEOPLE, &c., ON THE COMPLAINT OF

1. Emma Quiner 157 Cedar St
2. William Read
3.
4.

Offense, Burglary

Dated, February 23 1892

Charles Hogan Magistrate.

Hogan Officer.

14 Precinct.

WITNESSES

No. Street.

No. Street.

BAILED,

No. 1, by Residence Street.

No. 2, by Residence Street.

No. 3, by Residence Street.

No. 4, by Residence Street.

No. Street.

No. Street.

$ 1000 to answer

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 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, Feb 23 1892 Charles N Tomlinson Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

PART III.

THE COURT ROOM IS IN THE FIRST STORY.

If this Subpœna is disobeyed, an attachment will immediately issue.

"bring this Subpœna with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

To our Judge Fitzgerald

SUBPŒNA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

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

To Mr Morris Morris Folding Chair Co

of No. 930 Broadway Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 1st day of April March 1892 at half past ten o'clock in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against

William Mead

Dated at the City of New York, the first Monday of March in the year of our Lord 1892

DE LANCEY NICOLL, *District Attorney.*

427

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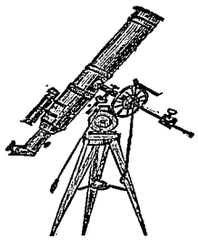
427



M. HANDVILL.

Established in 1804, by BENJ. PIKE, Sr.

BENJ. PIKE'S SON,

OPTICIAN,

IMPORTER AND MANUFACTURER OF

Optical & Mathematical Instruments.

12 EAST 23D STREET.

New York, March 29th 1892

To Who it May Concern

I have known William Mead for a No of years to be honest and a good boy to work he has done work for me and was always Punctual and done his work Well and am Satisfied to Recommend him to any body that needs his help

Yours truly

Benj Pike's Son

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 Mead

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

William Mead

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

The said William Mead,

late of the 17th Ward of the City of New York, in the County of New York aforesaid, on the twentieth day of February, in the year of our Lord one thousand eight hundred and ninety-two, in the night time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the warehouse of one Henry Hauser,

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent the goods, chattels and personal property of the said Henry Hauser, in the said warehouse, 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.

[illegible]
[illegible]

BOX:
472
FOLDER:
4327
DESCRIPTION:
Merritt, Arthur
DATE:
03/14/92

4327

No 62

Witnesses:

Alonzo Eberhardt

Irving G. Lawrence

Counsel,

Filed 14 day of March 1892

Pleads, Friday 15

THE PEOPLE

vs.

Arthur Merritt

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

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

Pa. 3. March 18/92
Pl. Pleads - Petit Larceny

Police Court 1st District. Affidavit—Larceny.

City and County of New York, } ss:

Adolph Ehrhardt

of No. 35 First Street, aged 35 years, occupation Grocer being duly sworn, deposes and says, that on the 3d day of March 1892 at the City of New York in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One Case of Champagne
Being of the Value of
Twenty Six 50/100 Dollars

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 Arthur Wemett (Unknown) for the reasons following to wit That on said day deponent had said property on a wagon which he was driving in Chambers Street and deponent is informed by Irving G Tawnsee of 46 Chambers Street that he saw said defendant take said property out of said wagon while deponent was driving the same and placed the same on the side walk and he caught him and caused him to be arrested and deponent fully identifies said property and charges him with the larceny aforesaid

Adolph Ehrhardt

4759

Sworn to before me, this 3 day of March 1892

Police Justice.

1377

CITY AND COUNTY OF NEW YORK, } ss.

Irving G. Lawrence

aged 48 years, occupation Elder of No.

79 Chambers Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Adolph Ehrlich

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

Sworn to before me, this 3 *day of* March *189* 5 } Irving G. Lawrence

W. Mathews

Police Justice.

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Arthur Merritt 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. Arthur Merritt

Question. How old are you?

Answer. 23 years.

Question. Where were you born?

Answer. United States

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

Answer. 5 Nagle Street 5 months

Question. What is your business or profession?

Answer. Seaman

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

Arthur Merritt

Taken before me this 3d *day of* March 188 94

Mudhard

Police Justice.

Police Court ... 1 District.

275

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick Connolly
35 - 4 95th St.
Arthur Mc Grath
Mc Grath

1 ..... 2 ..... 3 ..... 4 .....

Offence Felonious Assault

Dated March 3d 1892

Witnesses Patrick Connolly
Arthur Mc Grath
Officer Connell
Precinct
No. 79 Attorney Street.

BAILED,

No. 1, by ..... Residence ..... Street.

No. 2, by ..... Residence ..... Street.

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street

No. ..... Street.

No. ..... Street.

No. ..... Street.

RECEIVED DISTRICT ATTORNEY'S OFFICE. MAR 7 1892

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifteen Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated March 3 1892 W. M. Kudlich Police Justice.

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

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

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

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

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Arthur Merritt

The Grand Jury of the City and County of New York, by this indictment, accuse Arthur Merritt of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Arthur Merritt

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

twelve bottles of champagne of the value of two dollars and twenty-five cents each bottle and one case of the value of one dollar

of the goods, chattels and personal property of one Adolph Eberhardt

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

De Lancey Nicoll
District Attorney