

0223

BOX:

204

FOLDER:

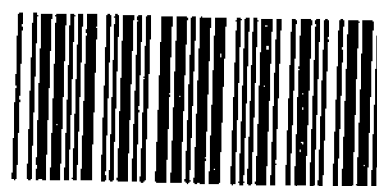
2038

DESCRIPTION:

McInerney, Matthew

DATE:

01/08/86



2038

0224

BOX:

204

FOLDER:

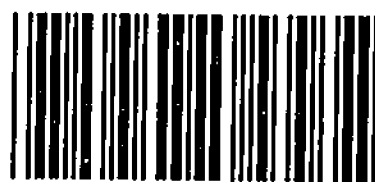
2038

DESCRIPTION:

McDonald, John J.

DATE:

01/08/86



2038

0225

**BOX:**

204

**FOLDER:**

2038

**DESCRIPTION:**

McInerney, Matthew

**DATE:**

01/08/86



2038

0226

BOX:

204

FOLDER:

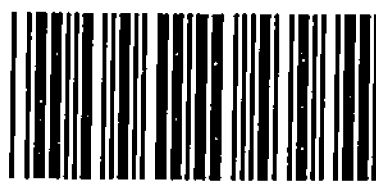
2038

DESCRIPTION:

McDonald, John J.

DATE:

01/08/86



2038



Witnesses:

Sam Allen

For

July 9/90

PK

70 1 KKK

Counsel,

Filed

Pleads,

8

day of

Jan

1886

THE PEOPLE

vs

R

Matthew McInerney

vs

R

John J. McDonald

RANDOLPH B. MARTINE,

District Attorney.

Verdict rendered & convicted Robbery

A TRUE BILL.

26.

Chas. Higgins

Foreman.

July 10

CR01. 12.46 m. SP

CR02. 10.46 m. SP

For

0227

0220

VI.

STATE OF NEW YORK.  
Executive Chamber,  
ALBANY.

MAY 20, 1890.

Sir:

Application for Executive clemency having been made on behalf

of Matthew Mc Inerney who was convicted of Robbery 1st de-

gree in the county of New York and sentenced Feb. 26, 1886,

to imprisonment in the Sing Sing Prison for the term of

12 years, 6 months. I am directed by the Governor

respectfully to request that, in pursuance of Section 695 of the Code

of Criminal Procedure, as amended in 1884, you will forward to him a

concise statement of the facts and circumstances developed upon the

trial, or upon the preliminary examination, or before the coroner's

jury if no trial was had, together with your opinion of the merits of the

application. Will you also inform the Governor of any other matters

having a bearing upon this case which have come to your knowledge

since conviction?

It is particularly requested that each letter of inquiry from

the Executive Chamber should be separately answered.

I am,

Very respectfully yours,

J. S. Williams.

Private Secretary.

District Attorney,

New York City.

Hon. John R. Fellows,

Ans. June 26/90  
Matthew McFurness

Jan<sup>ry</sup> 26

0230

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT

DISTRICT.

*James Thompson*  
of No. *23 French Place* Street, aged *26* years,  
occupation *Policeman* being duly sworn deposes and says,

that on the *19<sup>th</sup>* day of *December* 188*8*

at the City of New York, in the County of New York, he arrested

*Matthew M. Inerney* & *John McDonald*  
*(both now here)* charged with having  
assaulted and beaten *Joseph*  
*Schwarzler*. By striking the said  
*Schwarzler* in the head and body  
with their clenched hands. Causing  
injuries from which the said *Joseph*  
*Schwarzler* is unable to appear in Court.  
The said *Schwarzler* identifies the  
said defendants in deponent's  
presence as the persons who have

Sworn to before me, this  
of \_\_\_\_\_ day of \_\_\_\_\_ 188*8*  
Police Justice.

0231

Caused said injuries, Respondent  
therefore prays that the said McNerney  
and McDonald may be dealt with  
as the law directs

Given to be true me { James E. Ferguson  
this 20<sup>th</sup> day of December 1885

Police Court, 5 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFRIDA VIT.

Matthew McNerney

John McDonald

Dated Dec 20 1885

Magistrate.

Officer.

Witness,

No. 103 Bankers for

Execution of

Disposition, Committed to

County Jail of

Warrant

Ex. Dec 26 - 10 AM



0232

A. PRAMANN, M. D.  
N. Y.

This is to certify that Mr. Schwarzer  
is unable to leave his house in  
consequence of his injuries.  
December 20, '85

A. Pramann M.D.  
164 E. 81 St

Mr. Schwarzer is not in any  
immediate danger.

A. Pramann M.D.

0233

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Richard McLeod a Police Justice  
of the City of New York, charging John J. McDonald Defendant with  
the offence of Assault upon the body of  
Joseph Schwarzer

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

We, John J. McDonald Defendant of No. 500  
19th Street; by occupation a Steam fitter  
and John Schorkie of No. 424  
City Street, by occupation a Painter Surety, hereby jointly and severally undertake that  
the above named John J. McDonald Defendant  
shall personally appear before the said Justice at the 17 District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York, the sum of 10  
Hundred Dollars.

Taken and acknowledged before me, this 4th  
day of Dec 188 8

Charles J. White POLICE JUSTICE

John Schorkie

0234

CITY AND COUNTY } ss,  
OF NEW YORK, }

Police Justice.

the within named Bail and Surety being duly sworn, says, that John Schuyler is a resident and  
holder within the said County and State, and is worth Three Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of House and lot  
number 4307 1/2 Street  
of the full value of Five  
thousand dollars

John Schuyler

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs,

Undertaking to appear during  
the Examination.

Taken the \_\_\_\_\_ day of \_\_\_\_\_ 188

Justice,



0235

Sec. 192.

5 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK,

An information having been laid before Charles Wolfe a Police Justice  
of the City of New York, charging Matthew McInerney Defendant with  
the offence of Assault upon Joseph Schurzler

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

We, Matthew McInerney Defendant of No. 200  
200 Street; by occupation a Park Policeman  
and Thomas Loderique of No. 118 Charlton  
Street, by occupation a Nurse Surety, hereby jointly and severally undertake that  
the above named Matthew McInerney Defendant  
shall personally appear before the said Justice at the 5 District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York, the sum of Five  
Hundred Dollars.

Taken and acknowledged before me, this 22  
day of December 1887

Charles Wolfe POLICE JUSTICE

Matthew McInerney  
Thomas Loderique

0236

CITY AND COUNTY  
OF NEW YORK, } ss,

Police Justice.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs,

Undertaking to appear during  
the Examination.

Taken the ..... day of ..... 188

Justice,

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

number 118 Charlton street  
of the value of Five thousand  
Dollars no mortgage

Thomas Landrigan

Thomas Landrigan  
Surety

0237

Police Department of the City of New York,

Precinct No. 23

New York, Dec 20 1885

To Judge Wilde

At your request  
I have this 1 o'clock P.M., visited  
Mr. Joseph Schwarzer and find  
him confined to his bed,  
suffering from severe contusions  
of Mouth - eyes, nose & face,  
with loss of two teeth - It will  
be impossible for him to appear  
at Court for several days

Respectfully

J. H. Lyon

23 Pre

0238

S. T. Smith, 14 Park Place, N. Y.

# STENOGRAPHERS' MINUTES.

Court of General Sessions of the Peace,  
City and County of New York.

BEFORE

The People, etc.

Hon. Frederick Smyth,

against

And a Jury.

Mathew McInerney and John J. McDonald  
Indicted for robbery in the 1st  
degree.

Tried - February 17th, 1886

Witnesses :

Direct.

Cross.

Re-Direct. Re-Cross.

Dr. Adolph Boormann

1-2

Joseph Schwarzler

2-4

James E. Ferguson

4-6

Jacob Voelbel

6-7

Edward Hatch

7-7

Charles Loonan

8-8

Peter Conlin

8-9

Nelson Haradon

9-10

John Murphy

10-10

Witnesses to character

10-11

John Binder

11-11

John W. England

11-12

James E. Dillon

12-13

John J. McDonald

13-15

Mathew McInerney

15-16

Charles Stewart

16-17

0239

Court of General Sessions of the Peace,  
City and County of New York.

-----+  
The People, etc :  
against : Befroe  
Mathew McInerney and John J. : Hon Frederick Smyth,  
McDonald. : And a Jury.  
Indicted for Robbery in the : Tried - February 17th, 1886.  
1st degree. :  
-----+  
-----000-----

Appearances:

Assistant District Attorneys Fellows and Nicoll, for the People  
Howe & Hummel, for the Defense.

Dr. Adolph Boormann, called by Mr Nicoll,  
being duly sworn, testified that he is a medical practitioner,  
in the City of New York. At about 11 o'clock on the night  
of December 19th, 1885, he was called to attend the complain-  
ant, Joseph Schwarzler, in Mr Schwarzler's house, at 1365  
Fifth Avenue. He found Mr Schwarzler lying on a sofa, and  
his face was very much disfigured by an intense swelling of  
the left side. His left eye was closed entirely, and the  
witness found many abrasions of the skin, and considerable

0240

extravasation of the blood on the left side of the face. Both lips were lacerated, and one tooth was knocked out, and the bridge of the nose was severely bruised, and there was another bruise on the head, behind the right ear. He prescribed for Mr Schwarzler, and attended him for five days.

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JOSEPH SCHWARZLER, the complainant, being duly sworn, testified that he was a builder, and that he lived at 1365 Fifth Avenue, between 88th and 89th Streets. On the evening of December 19th, at quarter past seven o'clock, he got off a Madison Avenue car, coming from 88th Street, at 86th Street, and crossed to Fifth Avenue. He went to the west side of Fifth Avenue, between 85th and 86th Streets, in the shadow of the east wall of Central Park. He stood there inspecting some houses that he owned, on the east side of Fifth Avenue, and just below 86th Street. The houses had just been completed, and it was his custom to take a look at them, every night, on his way home, to see that the persons in charge of them securely closed them for the night.

As he stood there, he suddenly heard the noise of a person jumping from the top of the Park wall, a short distance from him. He turned, and saw two men, one in a park



0241

policeman's uniform, and the other in citizen's dress. He then turned to resume his inspection of his houses. Suddenly he received a blow from behind, on the right side of his head, which felled him to the ground. He fell on his right side, and a man in a park policeman's uniform caught him by the beard, and held his mouth closed with his right hand. He struggled, and the man in the park policeman's uniform kicked him on the head and the face. At the same time, he felt a hand in his left trousers pocket. Then he managed to get the hand of the park policeman away from his mouth, and cried "Police." Almost instantly, Municipal Officer James E. Ferguson, of the 23rd Precinct, came to his assistance. He got to his feet, and caught hold of the park policeman. A moment before, the man in citizen's dress had sprung to the top of the wall, and was standing upon it when the officer ran up.

He, the complainant, seized the park policeman, and called upon Officer Ferguson to arrest him, and the man upon the wall, saying that both had assaulted him. He positively identified the defendants, Mathew McInerney and John J. McDonald, as the two men who assaulted him.

Under cross-examination, the complainant

0242

testified that he did not make any charge of robbery, on the night of the assault. He was so badly injured, that he did not think of the money that he had in his pockets. He had \$70 in his right trousers pocket, and about \$6 in silver, in his left trousers pocket, and some small change in his right vest pocket. On the following morning, at home, when he endeavored to count up the money that he had in his pocket, the day before, he missed the \$6 in silver. The day before, at 3 o'clock, he drew from the West Side Bank \$300, and paid all of it out to his workmen, with the exception of between \$70 and \$80, which he had in his possession, in different pockets, at the time of the assault. He was confined to his house for three days, and then he went to the Harlem Police Court, before Justice White, and preferred a charge of robbery against the defendants.

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Officer James E. Ferguson, of the 23rd Precinct, being duly sworn, testified that, at about half past seven o'clock, when he was standing at about the corner of 88th Street and Fifth Avenue, he heard a cry of "Police". He had with him a probationary police officer, named McEnroe, whom he was instructing in his duties. They ran down in the



0243

direction that the cry came from, and found Mr Schwarzler, the complainant, and the defendants, McInerney and McDonald together. At the moment of their arrival, McDonald was upon the top of the wall, and McInerney stood close to it. Mr Schwarzler, who appeared to have been very badly beaten, seized McInerney, and pointing to McDonald, said, "Officer, arrest these men. They assaulted me." He, Ferguson, directed McDonald to come down from the wall. He had to repeat the direction, before McDonald came down. As McInerney was a police officer, in uniform, on duty, he did not think it was necessary to arrest him, at first. He believed that it would be sufficient to get the number upon his shield, and he asked him for the number. McInerney said that it was 110. To make sure of it, he, Ferguson, lit a match, and looked at the shield. The number was not 110. Thereupon he arrested both McDonald and McInerney, and took them to the 88th Street police station. There McDonald said that he was a park policeman, off duty, and that his shield was in the Central Park Police Station, in the Arsenal, upon his uniform coat. Sergeant Haradon, believing that they were both park policemen, directed him, Officer Ferguson, and Officer Charles Loonan, and also Officer McEnroe, to take the prisoners down

0244

to the Central Park police station, and turn them over to their Captain. The prisoners were taken there, and Sergeant Flock, who was in command, said that McDonald was not a park policeman, and that he had been dismissed, within two weeks of that time, for intoxication. Sergeant Flock directed that the uniform be taken off of McInerney, and that he and McDonald be taken back to the 23rd Precinct station house, in East 88th Street, to be held as prisoners.

They were taken back to the East 88th Street police station, and there Mr Schwarzler preferred the charge of assault, with intent to rob. Sergeant Haradon, who was at the desk, directed him, Officer Ferguson, to search the prisoners. He searched them, principally to ascertain whether they had a knife or a pistol. He found no weapon upon them. In the trousers pocket of each prisoner, he found two silver dollars. In addition to the two dollars, in McDonald's pocket, he found a fifty cent piece, and one or two twenty five cent pieces. The prisoners were then locked up.

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Jacob Voelbel, a night-watchman, being duly sworn, testified that he was on duty, in Fifth Avenue and 84th Street, on the evening of December 19th, and, at

0245

about 7.30 o'clock, he heard a cry of "police". He, and another night-watchman of that neighborhood, ran up to the scene of the assault. He, the witness, saw Officer Ferguson light a match, and look at the number upon McInerney's shield. He corroborated Officer Ferguson as to the other circumstances of the arrest. He heard Officer McInerney say that his number was 110, and saw him hold his hand over his shield, before Officer Ferguson lit the match and looked at the number.

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Edward Hatch, being duly sworn, testified that he lives in Fifth Avenue, between 85th and 86th Streets, and is a member of the New York Stock Exchange. At 7.30 o'clock, on the evening of December 19th, 1885, he heard Night-watchman Voelbel run passed his house. He went to his front door, and, seeing a commotion on the opposite side of Fifth Avenue, went over there. He corroborated the two previous witnesses as to the circumstances of the assault.

In the 88th Street police station, he noticed dirt upon the uniform of McInerney. It looked as though he had run against a wagon. His coat collar was soiled.

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OFFICER CHARLES LOONAN, being duly sworn, testified that he is an officer of the 23rd Precinct, and that, by the order of Sergeant Haradon, he accompanied Officer Ferguson and the prisoners to the Central Park Police Station. By direction of Sergeant Haradon, he asked whether McDonald was a park policeman, in McDonald's presence, and Sergeant Flock said that he was not.

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PETER CONLIN, being duly sworn, testified that he is the Captain of the 23rd Precinct police, and that he was in the 88th Street police station when the prisoners were arraigned. The complainant, Schwarzler, looked as though he had been through a saw-mill. He was in a terrible condition. His left eye was completely closed, his lips were very much lacerated and protruding, and, as he leaned on the railing in front of the desk, he was constantly spitting blood. McInerney's hat was broken in on the side. His right arm was covered with dust, dry dirt, and there was a streak of blood, or a scratch freshly made, on his face. McDonald had a bright red mark across the bridge of the nose. He, the witness, could not tell whether it was a

0247

scratch or blood.

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NELSON HARADON, being duly sworn for the defense, testified that, when the prisoners were arraigned before him, in the 88th Street police station, McDonald said that he was a park policeman, that the number of his shield was 95, and that it was on his uniform coat, in the park police station. Therefore, he sent the prisoners to the park police station, to be surrendered to their Captain, as a matter of courtesy. When they were brought back, he took Mr Schwarzler's complaint. Mr Schwarzler appeared to have been badly beaten. He was very much excited, and, in the opinion of the witness, he was under the influence of liquor.

Under cross-examination, the witness testified that he directed Officer Ferguson to search the prisoners. Officer Ferguson obeyed the order. No money was delivered to him at the desk, because it is not the practice, unless the charge of robbery is made, to keep the money of prisoners, if they appear to be able to take care of it.

0248

scratch or blood.

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Under cross-examination, the witness testified that he directed Officer Ferguson to search the prisoners. Officer Ferguson obeyed the order. No money was delivered to him at the desk, because it is not the practice, unless the charge of robbery is made, to keep the money of prisoners, if they appear to be able to take care of it.



0249

No weapons were found upon the prisoners.

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Park Officer JOHN MURPHY, called for the defense, being duly sworn, testified that he saw the complainant, Mr Schwarzler, and the prisoners, in the park police station, on the night of the assault. Mr Schwarzler made no complaint of having been robbed, and said that he had plenty of money in his pockets. He, Officer Murphy, having been ordered to accompany the complainant and the prisoners back to the 88th Street police station, asked the complainant, Mr Schwarzler, if he had any money about him, and Mr Schwarzler said that he had \$250 in his pocket. He then pulled out a roll of bills from his trousers pocket, and said that he had \$70 or \$80 in that roll. There was a bank strap about the roll, marked "\$250". There was between \$70 and \$80 in the roll. In the opinion of the witness, Mr Schwarzler was under the influence of liquor.

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Martin Horan, Butcher, of 304 First Avenue,  
John H. Hoyer, Merchant Tailor, of Grand Street, John Blohn,  
Butcher, of 260 Monroe Street, John Scharling, Tailor, of

0250

I  
429 East 17th Street, Isaac S. Gilbert, Superintendent of the Dry Dock, East Broadway and Battery Railroad Company, Michael Kearney, Laborer, of 220 Monroe Street, Daniel Sullivan, Boss Carman, of John and William Streets, and Dennis Curley, Laborer, of 429 East 17th Street, testified to having known the prisoners for years, and that their character was good.

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John Binder, Saloon Keeper, of 513 Tenth Avenue, called for the defense, testified that, on the afternoon of the 19th of December, Mr Schwarzler, the complainant, took seven or eight drinks of beer, in his saloon. He changed a \$5 bill, instead of a \$10 bill, which Mr Schwarzler testified he changed there. He gave Mr Schwarzler, in change, four silver dollars and some small change.

I  
Under cross-examination, Mr Binder testified, that Schwarzler left his saloon at a 1-4 past 6, on that evening, and that he was then sober.

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John W. England, called for the defense, being duly sworn, testified that he was a Sergeant of the

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0251

of the park police, and that he was in the park police station, on the evening of December 19th, 1885, when Mr Schwarzler and the defendants were brought in. In his opinion, Mr Schwarzler, the complainant, was decidedly under the influence of liquor. Mr Schwarzler made a complaint of assault, but did not say anything about having lost any money. He was beat<sup>en</sup> and abused very badly. He was cut. His eyes and face--his face was bleeding, and one of his eyes was shut up; he was very badly beaten.

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Park Police Officer James E. Dillon, called for the defense, testified that he met McInerney and McDonald, together, at the 90th Street entrance to the Park, which was the southern terminus of his, the witness's beat, at about a 1-4 past 7 o'clock. They talked together for some time, and then he, the witness, walked northward, and the two defendants walked southward, in the drive, which runs, at that point, close to the east wall of Central Park. He, the witness, had got some little distance on his beat, when he heard a cry. He went out of the 90th Street gate, and looked down Fifth Avenue. He heard the rap of a policeman's club

0252

He did not go in the direction from which the sound came, because he thought it would be an interference with McInerney's duty, his post extending from 90th Street.

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John J. McDonald, one of the defendants, being duly sworn, testified that he was 27 years of age, and an ex-park policeman. He was dismissed from the park police, on November 28th, upon a charge of intoxication, though the Police Surgeon testified before the Park Commissioners that he was not intoxicated. He was a Steam-Fitter by trade, before he went upon the police force. In the 88th Street police station, he did not say that he was then a park policeman. He said, "I was," and that the number of his badge, "Was 95."

On the 19th of December, 1885, he had nothing to do. Not having any work, he leisurely strolled all the way from his home, at 500 East 19th Street, and walked along 90th Street and Fifth Avenue. He met a man named Turpenny, stationed there, and got there about ten minutes to five. When he left, he intended to go to 110th Street and Fifth Avenue, to see the officer at that gate. He changed his mind,

0253

at about 102nd Street, and went to get something to eat, at the Eagle Hotel, at 94th Street. He took a glass of beer and several ham-sandwiches. He strolled down, and met Officer McInerney, at the 90th Street gate. They talked there for some time, and McInerney said that he wanted to meet the Sergeant, and walked up the full length of his post. They had a talk with Officer Dillon, and walked southward. He, the witness, told McInerney that he would walk down with him to the 82nd Street gate, and go home. When they got down about opposite 87th Street, they heard a cry, and he said to McInerney, "You had better see what that is." They crossed the grass plot and got to the wall, which was 7 1-2 or 8 feet there. McInerney said, "What shall I do?" He, the witness, said, "McInerney, go over the wall, and see what is the matter." McInerney did so.

As McInerney got over, the complainant, Mr Schwarzler, was leaning against a tree, on the sidewalk, and McInerney went to ask what was the matter with him, and Mr Schwarzler kind of staggered around the tree, and faced McInerney, and Officer Ferguson came up, and asked what was the matter; Mr Schwarzler said, "I was assaulted." He, the witness, did not rob or assault Mr Schwarzler, and he did

0254

not see any one do so .

Under cross-examination, the witness testified that he did not hear any one ask McInerney for his number, and did not see Officer Ferguson light a match.

He was not searched in the 88th Street police station, and the officer did not find any money in his pocket.

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Mathew McInerney, the other defendant, being duly sworn, testified that he was 25 years of age, and had been on the park police force for two years. Previous to that time he had worked for the Grand Street Railroad Company, as a conductor.

Ferguson did strike a match, and looked at his number. He, the witness, did not say that his number was 110, and did not attempt to deceive Ferguson as to the number. He corroborated McDonald as to what occurred just before and at the time of their getting to where the complainant, Mr. Schwarzler, was. He, the witness, did not ~~assault~~ <sup>or</sup> ~~attempt to~~ rob Mr Schwarzler. Just as he got to where Schwarzler, was, he saw two men running towards and entering the transverse road, at 85th Street. He did not pursue them,

0255

because he was held by the complainant, Mr Schwarzler, and charged with the assault. He was not searched in the 88th Street Station House, and no money was found in his pocket by Officer Ferguson. He had \$38.50, which he had received that day, from the City Paymaster, in an inside pocket. There was no mud, to his knowledge, on his uniform, and his hat was not, to his knowledge, broken. If there was dust or mud on his uniform, he probably got it upon his uniform in climbing down the wall .

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Charles Stewart, called for the defense, being duly sworn, testified that he lived at 111 East 126th Street. On the night of December 19th, 1885, at about seven o'clock, being on his way home, he stopped at the 85th Street gate of the park, to light a segar. He saw two laborers coming out of the transverse road. They were half drunk. Then he saw two policemen, talking, in the round house there. Then he saw two men coming across Fifth Avenue, from the east side, and enter the transverse road. He saw another man fastening his clothes, while another man seemed to wait for him. He heard the cry of "Police", and went home.

0256

Under cross-examination, he testified that the men were on their way home, and did not stop. None of them were running .

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0257

Court of General Sessions of the  
Peace. City and County of New York

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The People, etc

Against

Mathew McInerney, and John J. McDonald

Indicted for Robbery in the 1st  
degree

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STENOGRAPHERS' TRANSCRIPT.

Tried - February 17th, 1886

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INDICTMENT filed -

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0258

Police Court 5 District.

CITY AND COUNTY }  
OF NEW YORK. } ss.

of No 1365 5th Avenue Street,  
being duly sworn, depose and saith, that on the 19th day of December  
1888, at the 12th Ward of the City of New York, in the County  
of New York, was feloniously taken, stolen, and carried away, from the person of deponent  
by force and violence, without his consent and against his will, the FOLLOWING PROPERTY, VIZ:

Six dollars in money

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

Matthew McMerney and John J. McDonald both  
used here from the following facts to wit:  
that at about the hour of eight o'clock  
on the evening of said date deponent  
was walking on the 5th Avenue between  
86th and 87th Streets in said City and that  
deponent then saw said McMerney and  
McDonald jump over the wall of the  
Central Park from behind deponent  
and that said McMerney approached  
deponent and struck deponent a  
violent blow with some hard  
substance then and there held

Sworn before me, this

188

POLICE CLERK



0259

in the hands of said Mc Murney, on  
deponent's head, from the effect of  
which blow deponent was knocked  
to the ground and that when deponent  
was so prostrated, Mc Murney and  
McDonald, rifled the pockets of deponent  
and forcibly took said money therefrom.  
Deponent further says that he called  
for the police and had said Mc Murney  
and McDonald arrested, and further  
that he (deponent) had said  
money in his possession immediately  
before he was assaulted by said  
Mc Murney

*John J. McMurphy*

Sworn before me  
this 26<sup>th</sup> day of December 1885  
*Andrew J. White*

*Police Justice*

Police Court— District.

AFFIDAVIT—ROBBERY.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

vs.

Dated

188

Magistrate.

Officer.

Witnesses.

0260

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

188

Police Justice

0261

Sec. 198-200.

CITY AND COUNTY OF NEW YORK ss.

District Police Court.

Matthew McGurney 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. Matthew McGurney

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. Ireland

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

Answer. 260 Morris St 5 years

Question. What is your business or profession?

Answer. Book Photographer

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

Matthew McGurney

Taken before me this

26

day of July

1884

Police Justice



0262

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

Matthew M. Hursey and John J. McDonald  
guilty thereof, I order that he be held to answer and he be admitted to bail in the sum of Twenty-five  
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New  
York, until he give such bail.

Dated January 5<sup>th</sup> 1886 Andrew J. White Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

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

There being no sufficient cause to believe the within named

\_\_\_\_\_ guilty of the offence within mentioned, I order he to be discharged.

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

0263

Dr. Adolph Prammann  
~~Dr. Otto Prammann~~  
164 E. 81 St.

Patrick Cayton  
505-10 Ave

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Louis Hager

~~248 Stacker~~  
~~513-10th Ave~~

Jacob Melbel

301 E. 107

Edward Hatch

1033-5th Ave

Police Court--

5-19 District.

THE PEOPLE & c ,

ON THE COMPLAINT OF

Joseph Schwarzes  
136 5th Ave

1 Matthew M. Harney

2 John J. McDonald

3

4

Dated December 26, 1885

Officer

Magistrate

Officer

Officer

Witnesses

No. 207 E 80 Street

August De Rotta

No. 86 St Ave A Street

John Bender (Off)

No. 513-10th Ave Street

\$ 2500. to answer

Ex here 28th Dec. 1885

Ex Jan 5th 1886. 1886

0264

At a Special Term of the Supreme  
Court of the State of New York, held  
at the New Court House in the City  
of New York on the 4th. day of  
January 1887.

P r e s e n t      HON. CHARLES H. VAN BRUNT

HON. JOHN R. BRADY

HON. CHARLES DANIELS,

J u s t i c e s .

-----X  
The People of the State of New York  
a g a i n s t  
Matthew McInerney and  
John J. Mc Donald.  
-----X

The defendants Matthew McInerney and John J.  
McDonald having appealed to the general Term of the Court  
from a judgment of the Court of General Sessions of the  
Peace rendered on the 26th. day of February 1886 and after  
hearing *Howe & McInerney* of counsel for the  
defendant and RANDOLPH B. MARTINE, Esquire of counsel for  
the People it is  
ORDERED that the said judgment of the Court of  
General Sessions of the Peace be and the same is hereby in  
all things affirmed.

*W. L. G. & Co.* *James H. Hall*  
*OK*



0265

*W. H. Supreme Court*

THE PEOPLE OF THE STATE OF  
NEW YORK

*against*

*Matthew McSherry*  
*and John J. McDonald*

*corpus*

*Order*

RANDOLPH B. MARTINE,  
DISTRICT ATTORNEY,

No. 92 CHAMBERS STREET,  
NEW YORK CITY.

*Filed Jan 5 1887*

0266

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Matthew McDermery  
and  
John J. McDonald

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

Matthew McDermery and  
John J. McDonald

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

The said

Matthew McDermery  
and John J. McDonald, each -

late of the First Ward of the City of New York, in the County of New York aforesaid, on the nineteenth day of December, in the year of our Lord one thousand eight hundred and eighty-five, in the middle time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one Joseph Schwarzer, in the peace of the said People, then and there being, feloniously did make an assault, and

six silver coins of the United States, of the kind known as dollars, of the value of one dollar each, ten other silver coins of the United States of the kind known as half dollars, of the value of fifty cents each, fifteen other silver coins of the United States of the kind known as a quarter dollar, of the value of twenty-five cents each, twenty other silver coins of the United States, of the kind known as dimes, of the value of ten cents each, and divers other coins of the United States, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of six dollars,

of the goods, chattels and personal property of the said Joseph Schwarzer, from the person of the said Joseph Schwarzer, against the will, and by violence to the person of the said Joseph Schwarzer, then and there violently and feloniously did rob, steal, take and carry away, (each of

them the said Matthew McDermery and John J. McDonald being then and there aided by an accomplice, actually present) -

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.

Randolph S. Martin,  
District Attorney.

0267

BOX:

204

FOLDER:

2038

DESCRIPTION:

McQuade, Bernard

DATE:

01/20/86



2038

0268

190

Counsel, *Reginald Harris*  
Filed *20* day of *Jan* 188*6*  
Pleads *Not Guilty*

THE PEOPLE

vs.

*B*

MISDEMEANOR.

*Bernard McQuade*

RANDOLPH B. MARTINE,

*Dist. Atty.*

*Feb 11 1887*

*Pleads Guilty*

A True Bill.

*Charles H. Haggins*  
Foreman.  
*Feb 11 1887*  
*W. D.*

Witnesses:

0269

CHAS. M. STILLWELL, A. M.  
THOMAS S. GLADDING, A. M.

Office and Laboratory of

STILLWELL & GLADDING,  
Analytical and Consulting Chemists,

Old Series, No. 9406.  
New Series, No. 1845-8.

No. 55 Fulton St., cor. Cliff St.,

P. O. Box 1261.

New York, Nov. 19 1885

### Certificate of Analysis

of a sealed sample of..... "BUTTER".....  
marked. No 919 B + M Co November 16<sup>th</sup> 1885 129 West  
Street N.Y. J. J. Sorgan  
received for account of M. B. F. Van Valkenburg Nov. 17<sup>th</sup>  
drawn by our Agent... per Mr Charles Sears.....

#### This Sample contains

Animal and Butter Fat,.... 85.42  
Curd,..... 1.64  
Salt, [Ash],..... 2.64  
Water, at 100° C.,..... 10.30

#### Analysis of the Fat present in the sample.

Soluble Fatty Acids, [on a dry basis]..... 0.37 %  
Insoluble do do do ..... 95.63 %  
Specific Gravity of the dry Fat, at 100° Fah., 0.9065  
Titre,.....°C.

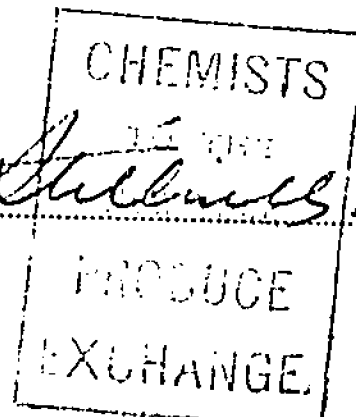
This sample is composed mainly of Animal Fat and was not produced from unadulterated milk, or cream from the same. It was not produced from milk or cream alone. It contains coloring matter, whereby it is made to resemble butter—the product of the dairy, and it is in imitation and semblance of butter produced from pure unadulterated milk or cream from the same.

Very Respectfully,

Charles M. Stillwell

No. B. F. Van Valkenburg

N.Y.



State of New York.....  
City of New York..... } ss.  
County of New York.....

On the third day of December in the year one thousand eight hundred  
and eighty five before me personally came Charles M. Stillwell  
to me known, and known to me to be the individual described in, and who executed the foregoing  
instrument, and he acknowledged that he executed the same.

W. S. Holbrook

NOTARY PUBLIC  
KINGS COUNTY  
Certificate filed in N. Y. C. 1885

0270

Marand

No. 919.

Nov-19<sup>th</sup>/50-

1291/291 68

22-1-6

Wm. D. L. 1874

1000000



0271

STATE OF NEW YORK,

County of New York

ss. :

Charles Sears, 350 Washington St., being duly sworn, deposes and says :  
That he resides in the Town of Montgomery in the County of Orange and State of New York, and is 49 years of age,

and is an expert appointed by JOSIAH K. BROWN, New York State Dairy Commissioner ;

That on the 16th day of November, 1885, in the

House occupied by him, No. 129 West street, in the City

of New York in the County of New York and State of New York, one Bernard McQuade,

against the form and statutes in such cases made and provided, and in violation thereof, and against the peace of the people of the State of New York, had in his possession, with intent to sell the same for Butter made from unadulterated Milk or Cream, a number of pounds of a substance, product, manufacture and compound, which was not Butter made from unadulterated Milk or Cream, but had been made by manufacturing, mixing and compounding with and adding to a small quantity and proportion of natural Milk, Cream or Butter a large quantity and proportion of animal fats or animal or vegetable oils, and was a manufactured oleaginous substance not produced from Milk or Cream ; that it had been and was colored with some coloring matter whereby the same was made to resemble Butter, the product of the Dairy, and was so colored thereby, in semblance of and resembled Butter, and did resemble Butter the product of the Dairy ; that the said Bernard McQuade

offered said substance, product, manufacture and compound for sale as and for Butter made from unadulterated Milk or Cream at such time and place, with intent to sell the same as and for Butter made from unadulterated Milk or Cream, and did sell some considerable portion thereof, to wit, 1 pound

as and for Butter, the product of the Dairy, and represented the same to be Butter at such time and place ; that the said substance, product and compound was not natural Butter produced from pure unadulterated Milk, or Cream of the same, and was not Butter the product of the Dairy, and was not made exclusively from Milk or Cream, or both ; that it contained some substance for the purpose and with the effect of imparting thereto a color resembling that of yellow Butter, and was in imitation and semblance of natural Butter produced from pure unadulterated Milk or Cream of the same, and was colored by some substance to resemble yellow Butter, and was in semblance of natural Butter ; that the same was a substance known as Oleomargarine ; that it had been made, manufactured and rendered after April thirtieth, 1885, out of some animal fat, or animal or vegetable oils not produced from unadulterated Milk, or Cream of the same, in imitation and semblance of natural Butter, produced from pure unadulterated Milk, or Cream of the same, by mixing, compounding with and adding to a small quantity of Milk, Cream or Butter a large quantity and proportion of some animal fats or animal or vegetable oils not produced from Milk or Cream, with design and intent to render, make and produce an article, substance and human food in imitation and semblance of natural Butter. That the same was not manufactured, or in process of manufacture on April thirtieth, 1885, but has been rendered, manufactured, compounded and mixed since April thirtieth, 1885, as deponent is informed and believes.

~~That the tubs in which the same was contained did not have the words "Oleomargarine Butter" upon the top or side thereof, and such words were not printed in or painted thereon with permanent black paint, in a straight line not less than one half inch in length, where deponent could see such brand ; that no printed label, bearing the words "Oleomargarine Butter" was delivered therewith to the purchaser thereof.~~

Deponent further says that on said 16th day of November, 1885, he went to the said McQuade of said

McQuade in said City and County, and told Said McQuade that he wanted to buy some Butter ; that said McQuade

showed deponent a number of pounds of the said Oleomargarine hereinbefore mentioned, offered the same to deponent for sale, and sold the same to deponent ; that he so sold to deponent one pound of Butter

thereof, and deponent then paid to him therefor the agreed price thereof, amounting to the sum of \$ 0.20 ; that, as deponent believes and charges, the said McQuade

at the time of so offering and selling the same, well knew that it was Oleomargarine, and had been manufactured and colored as hereinbefore stated ; that he did not tell deponent at any time that the said Oleomargarine so sold to deponent was not Butter, the product of the Dairy ; that ~~deponent saw the tubs in which the said Oleomargarine was contained, and no printed label bearing the words "Oleomargarine Butter," was delivered by said~~ McQuade

to deponent with the Oleomargarine sold to him ; that on

November 17th, 1885, deponent delivered a sample of such Oleomargarine, so

purchased by him as aforesaid, to Charles M. Stilwell a chemist of

the city of New York N. Y., and caused the same to be analyzed by

such chemist, as shown by the annexed certificate of such chemist.

Wherefore, deponent prays that a warrant may issue for the arrest of the said Bernard

McQuade and that he may be dealt with as the law directs.

Sworn to before me this 15th

day of January, 1886

Charles Sears

Police Justice.

0272

City and County of New York, ss.:

POLICE COURT

15th DISTRICT.

THE PEOPLE,

vs.

Bernard McQuade

On Complaint of

Charles Sears

For

Misdemeanor

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

Dated

January 13 1886

1886

Solomon S. Smith  
Police Justice.

Bernard McQuade

0273

Sec. 198—200.

10th District Police Court.

CITY AND COUNTY OF NEW YORK, { ss

Bernard McQuade 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

Bernard McQuade

Question. How old are you?

Answer

30 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

441 West 24th Street 3 years

Question What is your business or profession?

Answer.

Butcher

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 of the charge  
Bernard C McQuade

Taken before me this

day of

188

10th  
McQuade

0274

Sec. 151.

Police Court 1 District.

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

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

of No. 350 Washington Street, that on the 16 day of November  
1885 at the City of New York, in the County of New York,

Bernard McG. Under did unlawfully sell, for Butter, a substance known as Oleomargarine in violation of the Statute in such case made and provided

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the 1 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 15 day of January 1886

Edouard Sumner  
POLICE JUSTICE.

0275

Police Court ..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Evans  
vs

Bernard McQuade

Warrant-General.

Dated

Jan'y 15 1886

Smith Magistrate.

O'Reilly Officer.

The Defendant

Bernard McQuade  
taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

O'Reilly Officer.

Dated

Jan'y 15 1886

This Warrant may be executed on Sunday or at  
night.

Police Justice.

REMARKS.

Time of Arrest,

Native of

Age,

Sex,

Complexion,

Color,

Profession,

Married,

Single,

Read,

Write,

441 West 34<sup>th</sup> Street



0276

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 J. J. J.

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

*Dated*

188

# Police Justice

*I have admitted the above-named.*

*to bail to answer by the undertaking hereto annexed.*

*Dated*

488

# Police Justice

*There being no sufficient cause to believe the within named*

*guilty of the offence within mentioned, I order he to be discharged.*

*Dated*

188

*Police Justice.*

0277

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

15th Dist. 64

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Sears

350 Washington

Bernard McQuade

2

3

4

Dated

1886

Magistrate

Officer

Precinct

Witnesses

No.

Street

No.

Street

No.

Street

\$

to answer

300  
Signed  
Bailed

0278

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Bernard Mc Duade*

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

*- Bernard Mc Duade -*

(Chap. 458, Laws of 1885, § 3.) of a Misdemeanor, committed as follows :

The said *Bernard Mc Duade,*

late of the City of New York, in the County of New York aforesaid, on the *sixteenth* day of *November*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the City and County aforesaid, *one pound -* of a certain oleaginous substance and compound, not made nor produced from milk or cream (a more particular description of which said substance and compound, and of the ingredients and matters of which the same was made and produced, is to the Grand Jury aforesaid unknown, and cannot now be given), unlawfully did sell, and cause and procure to be sold to one *Charles Sears*, for butter, the product of the dairy ; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SECOND COUNT : (Chap. 246, Laws of 1882, § 1.)

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

*- Bernard Mc Duade -*

of a Misdemeanor, committed as follows :

The said *Bernard Mc Duade,*

late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold, at retail, to one *Charles Sears*, *one pound -* of a certain substance, not butter, commonly called oleomargarine, and did then and there falsely represent the same to the said *Charles Sears,*

to be butter ; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

0279

THIRD COUNT: (Section 430, Penal Code.)

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

*Bernard McDade -*

of a Misdemeanor, committed as follows:

The said *Bernard McDade,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one

*Charles Sears*, as an article of food *one pound* of a certain substance in imitation of a certain article of food, to wit: butter, without disclosing such imitation by a suitable and plainly visible mark or brand; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

FOURTH COUNT: (Chap. 238, Laws of 1882, § 3.)

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

*Bernard McDade -*

of a Misdemeanor, committed as follows:

The said *Bernard McDade,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, a certain parcel containing *one pound -* of a certain article and substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which divers oils and fats not produced from milk or cream, entered as component parts (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), the same being then and there an article and substance required by law, in case of retail sales in parcels, to be sold from a tub, firkin, box or package, distinctly and durably stamped, branded or marked upon the top and side with the words "Oleomargarine Butter," only, where it could be plainly seen, in Roman letters, burned in or painted thereon with permanent black paint in a straight line, and not less than one-half inch in length, and wherewith the seller was then and there required by law, to deliver to the purchaser, a printed label, bearing the plainly printed words "Oleomargarine Butter" only, in Roman letters not less than one-half inch in length, in a straight line, unlawfully did then and there sell and cause and procure to be sold at retail to one *Charles Sears -*

*-* from a certain *tub and box* which was not then and there stamped, branded or marked as aforesaid, and did then and there unlawfully omit to deliver therewith to the said *Charles Sears, -* a label of the kind and description aforesaid, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

0280

FIFTH COUNT : (Chap. 215, Laws 1882, § 2.)

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

*Bernard McDade* —

of a Misdemeanor, committed as follows :

The said *Bernard McDade*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

*Charles Sears, one pound* —

of a certain article and substance in semblance of natural butter, and known as oleomargarine or imitation butter, the same not being the legitimate product of the dairy, and not being made exclusively from milk or cream, or both, with salt or rennet, or both, with or without coloring matter or sage, but into which divers oils, and animal and other fats, not produced from milk or cream, had been introduced (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SIXTH COUNT : (Chap. 458, Laws of 1885, § 2.)

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

*Bernard McDade* —

of a Misdemeanor, committed as follows :

The said *Bernard McDade*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

*Charles Sears, one pound* —

of a certain article, substance and compound in imitation and semblance of, and designed to take the place of natural butter produced from pure, unadulterated milk, or cream of the same the said article, substance and compound, so sold as aforesaid, being rendered and manufactured out of divers animal fats and oils not produced from unadulterated milk, or cream from the same, the said article, substance and compound not being manufactured or in process of manufacture on the <sup>30th</sup> ~~thirtieth~~ day of April, in the year of our Lord one thousand eight hundred and eighty-five (a more particular description of which said article, substance and compound, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

**RANDOLPH B. MARTINE,**

**District Attorney.**



0281

BOX:

204

FOLDER:

2038

DESCRIPTION:

McVey, Thomas

DATE:

01/20/86



2038

Witnesses :

.....  
.....  
.....  
.....  
.....

Counsel, *Robinson & Sanders*  
Filed *20* day of *Jan* 188 *6*  
Pleads *Not Guilty*  
*first degree*

THE PEOPLE

vs.

*D*

*Thomas McVey*

*Violation of Corporation Laws*  
*Sec 316, Record of 1880 and*  
*Section 85, Record of 1882*  
*Act of 1882*

RANDOLPH B. MARTINE,

*District Attorney.*

A True Bill.

*Francis Higgins*

*Foreman*

*Part II June 7/888*  
*Complaint sent to Special Persons*

0282

0283

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

Thomas McDuff

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

Thomas McDuff  
of the CRIME OF Violating an ordinance of the  
Common Council of the City of New York,  
committed as follows:

The said Thomas McDuff

late of the ~~Eighteenth~~ Ward of the City of New York, in the County of New York afore-  
said, on the ~~eleventh~~ day of ~~January~~, in the year of our Lord  
one thousand eight hundred and eighty-~~six~~, at the Ward, City and County aforesaid,  
did unlawfully cast, throw and sprinkle,  
and cause to be cast, thrown and  
sprinkled, a quantity of salt in and  
upon a certain street and highway  
known as East Twenty-third Street,  
there situate, and in and upon a  
certain railroad track then and there  
being (but not upon any sidewalk or  
turnout of the said railroad track)  
for the purpose of melting certain  
snow which had fallen, accumulated  
and been deposited upon and in, and  
was then and there upon and in  
the said street and highway and  
railroad track, against and in  
violation of a certain ordinance there-

0284

to be duly passed and adopted in  
due form of law, and then and there  
in full force and operation and in  
no manner impaired or repealed,  
which said ordinance is as follows,  
that is to say:

Sec. 316. It shall not be lawful for  
any person or persons, company or  
corporation, to cast, throw or sprinkle,  
or cause to be cast, thrown or sprinkled,  
salt, or any other substance, in or  
upon any avenue, street, railroad  
track except upon sidewalks and  
curbs, lane, alley, highway or  
public place in the City of New York,  
for the purpose of melting any  
snow or ice which may have fallen,  
accumulated or been deposited upon  
or in any such avenue, street, railroad  
track, lane, alley, highway or public  
place in the said city, under a penalty  
of not less than five hundred  
dollars, nor more than one thousand  
dollars, for each and every violation  
of and against the provisions of this  
section; provided that permission  
to throw salt on sidewalks and  
curbs on railway tracks be first  
obtained from the Board of Health.  
— against the City of New York

0285

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

Randolph B. Martin,

District Attorney.

0286

BOX:

204

FOLDER:

2038

DESCRIPTION:

Mellin, John H.

DATE:

01/05/86



2038



0287

12

Counsel, \_\_\_\_\_  
Filed 5 day of May 1886  
Pleads Not Guilty

THE PEOPLE  
vs. John H. Melin  
Grand Larceny, second degree  
[Sections 628, 629, 630 Penal Code].

RANDOLPH B. MARTINE,  
District Attorney.  
Filed 5 day of May 1886

A True Bill.  
Lawrence Higgins Foreman.

0288

6<sup>th</sup>

District Police Court

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss.

of No. 563 Can. 148<sup>th</sup> Street, William Sturtevant  
being duly sworn, deposes and says, that on the 15<sup>th</sup> day of September 1885  
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 Black Cloth Dress coat of the value  
of twelve dollars - the property of deponent  
One diagonal Coat, vest, & Pants together  
of the value of forty dollars the property  
of Charles Thimmon being then & there in  
deponent's care & charge, said property  
being together and in all of the  
value of fifty-two dollars

the property of

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by John H. Mellin <sup>(husband)</sup> from the fact  
that since the commission of said offense  
the said John H. Mellin admitted and  
confessed to deponent that he did on  
said day so feloniously take steal and  
carry away from said premises the above  
described property

Wm Sturtevant

Sworn before me this

21<sup>st</sup> day of September 1885

Police Justice.

0289

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

6<sup>th</sup>

District Police Court.

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

Question. What is your name?

Answer.

*John H. Mellin*

Question. How old are you?

Answer.

*29 years -*

Question. Where were you born?

Answer.

*Connecticut*

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

Answer.

*At home -*

Question. What is your business or profession?

Answer.

*None*

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

Answer.

*I am guilty of the charge*

*John H. Mellin*

Taken before me this *21<sup>st</sup>*

day of *December*

*1885*

*James B. Smith*  
Police Justice.

0290

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

John H. Mellin

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

Dated December 21<sup>st</sup> 1885

Amos Smith Police Justice.

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

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

\_\_\_\_\_  
Police Justice.

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

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

\_\_\_\_\_  
Police Justice.

0291

Police Court-- 6<sup>th</sup> 1452 District.

THE PEOPLE, &c,  
ON THE COMPLAINT OF

William Sturtevant  
563 E. 148<sup>th</sup> St

John H. Mellini

Offence Larceny -  
(Felony)

BAILED,

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

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

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

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

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

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

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

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

Dated December 21<sup>st</sup> 1885

White Magistrate.

William Clark Officer.

33<sup>rd</sup> Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ 500 to answer G.S.

\_\_\_\_\_



0292

Works and Office of  
Hopkins & Dickinson Manufg Co.

New York Office

83 Beade Street. Newark, N.J. 1/9 1886

Address all Correspondence to Newark, N.J.

Mr. Allan Lee Smidt

280 Bx. New York.

My dear Sir:

Referring to your  
inquiry I must would say  
that in my experience  
with J. H. Malin, I have  
found him honest,  
very industrious, and fairly  
capable, and wishing  
him success I remain

Yours very truly

Wm. S. Fitch

Supt.

0293

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 St. Mellin*

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

*John St. Mellin* —

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

The said *John St. Mellin*,

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

one coat of the value of Twelve dollars, of the goods, chattels and personal property of one William Sturtevant, and one coat of the value of Twenty five dollars, one vest of the value of five dollars, and one pair of trousers of the value of Ten dollars. —

of the goods, chattels and personal property of one *Charles Sumner*.

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.

*Charles Sturtevant,  
District Attorney*

0294

BOX:

204

FOLDER:

2038

DESCRIPTION:

Merkle, Christian

DATE:

01/12/86



2038

1

**Counsel,**

Filed 2 day of 1

Less

# THE PEOPLE

25.

21

Christian Mezger

ASSAULT IN THE FIRST DEGREE, ETC.  
(Sections 217 and 218, Penal Code).

RANDOLPH B. MARTINE,

Dr Lang 12/22 District Attorney.  
Med ☒ accepted.

# A True Bill.

Francis Higgins

*Foreman,*

Wm. L. Gay

0295

0296

STENOGRAPHER'S MINUTES.

2

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

George Schneider  
 vs.  
 Herman Herkel

BEFORE HON.

John Henry Ford

POLICE JUSTICE,

Jan 6<sup>th</sup> 1886

APPEARANCES:

For the People,

For the Defence,

188

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Randerson	19	21		

H. J. Cheney

Official Stenographer.



0297

D No 11

DISTRICT POLICE COURT.

THE PEOPLE,  
IN COMPLAINT OF  
*Schneider*  
agst.

Examination had

Before

*Jan 6<sup>th</sup> 1886*  
*Henry Ford* Police Justice.

*Merkel*

I *M. J. Obeacy* Stenographer of the District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of

*Schneider, Examiner,  
Merkel, Grindel, and Lundbergson.*

as taken by me on the above examination before said Justice.

Dated

*Jan 6<sup>th</sup> 1886*

*J. J. Obeacy*  
Police Justice.

*M. J. Obeacy*  
Stenographer.

0298

New York Jan 6 "1886  
Second District Police Court  
Henry Ford - vs -  
George Schneider } J. Asseult,  
Christian Merkel }

The complainant  
George Schneider, being duly  
sworn, deposes and says,  
That he is 35 years of age,  
and lives at 457 West 36<sup>th</sup>  
St and is a painter by  
trade. On Dec 17 "1885  
night time, I was outside  
the door with a Lady Miss  
Maxener and this man, the  
defendant came out, and  
said something in German,  
I do not know what it was.  
and the 3<sup>rd</sup> time he came  
into 457 W. 36<sup>th</sup> St and struck  
her. Then I interfered, then  
he pulled out a knife,  
as I was going to take  
her part and stabbed

0299

2

me three times. The  
light was burning. It  
was put out after the  
fight. I was cut in the  
head. Cross Examination

Q What time of the night  
was it when this occurred?

A Eleven o'clock.  
Q In the house where Mr  
Merrill boarded?

A Yes Sir.  
Q Was there any gas light  
in the hall?

A Yes Sir.  
Q What did you say to him  
before you were killed?

A Nothing.  
Q Did you speak to him?  
A Yes Sir, I never  
spoke to him.

Q That is as  
true as everything else

0300

(3)

You have testified to  
here?

Yes Sir

Sworn to before me  
this 6<sup>th</sup> day of January 1886  
J. H. Murphy

George Schriber

Police Justice

3



0301

(H)  
Jesse Manner, of H H 3  
Door 39<sup>th</sup> St, Age 38 years,  
and occupation Lance  
Business, being duly  
sworn deposes and says; This  
young man, my company,  
was in my house, that  
evening. When he was  
going home, I went to  
the door with him; as I  
was at the door this man,  
the defendant, said good  
evening, I said good  
evening to him; he passed  
out a second time and  
said something, inquiring  
to me. The third he  
asked me what I was  
doing at the door. I  
said nothing. He asked me  
to go away from the door;  
I said I would not; as  
I had as much right  
there as he had, at the  
door, with that he hit  
H



0302

5

me, in the side, Mr  
Schneider then came to my  
protection, then the  
defendant pulled the knife  
and threw towards my  
company's head and stabbed  
him three times with the  
knife; as the defendant  
held the complainant over  
the ground, he pressed his  
knees on his back, turned  
his arms around his  
neck and stabbed him  
with the knife, I pulled  
the knife from his  
hand and cut his hands  
in so doing. When he  
saw the man faint he  
ran up stairs.

Ques

Ans

When  
did you see him next?  
On a Sunday,  
he passed on the other  
side of the way and  
threatened my life

0303

(C)

Q I have not <sup>seen</sup> him since  
Mrs What did you do?  
Ans We went to the station  
house. I had the wife  
in my hand and put  
it on the desk.

Q (Cross Examination)  
How long have you lived  
there?

Ans For about 8 or 9  
years.

Q Your business is  
what?

Ans Lace Business  
Q Who do you work for?

Ans Madame Bray 639-6"

Q So there a house-  
keeper living there?

Ans Yes Sir.

Q So the  
front door of the house  
where you and Mr Schmidt  
were standing closed at  
ten or eleven o'clock?

0304

7

Ans On Saturday it is  
closed later.

Ques When Mr Merkle  
came to the door, he told  
you it was time to  
shut the door?

Ans No Sir, he  
did not.

Ques You say Mr Merkle  
had used insulting language  
to you?

Ans Yes Sir, not the  
first time.

Ques What did he  
say?

Ans He did not say  
anything insulting to me,  
he grunted.

Ques Did Mr  
Schneider challenge him  
out to fight?

Ans He did  
not.

Ques You are positive of  
that?

7

0305

8

Ans He did ask him our  
to fight.

Mes How many times  
did Schneider invite  
Merkle our to fight?

Ans I cannot tell.  
Mes Did Merkle say he did  
not want to fight?

Ans No Sir.  
Mes Did Mr Schneider take off  
his coat?

Ans Yes Sir.  
Mes He took off his coat to  
go out and fight Merkle?

Ans Yes Sir.  
Mes You held the coat?

Ans He threw the  
coat at me.

Mes Was there  
any person there besides  
you, Mr Schneider and Merkle?

Ans No Sir.  
Mes Did Schneider call  
Mr Merkel "a Dutch son  
of a bitch"?



0306

Ans  
Me

9  
No Sir.  
Did Morkle  
hand you the knife after  
the affair was over?

Ans  
Me

No Sir.  
You are aware he used  
no insulting language?

Ans

I am not aware  
of any, I did not hear  
any.

Me

How far or any time  
were you or anytime away  
from Schneider and Morkle  
during this quarrel?

Ans

I was about 3

Me

feet. You state positively  
that Mr Schneider never  
called this man a  
son of a bitch or any other  
 vile or abusive names

Ans  
Me

No Sir.  
Did you ever see this  
knife before?

9

0307

Ans

10  
Yes Sir, He is  
a man that goes fishing  
and when he would come  
home from fishing he used  
to clean the pick with this  
knife, I saw that knife  
on the night in question  
and drew it from his  
hand.

Deposited before  
Me this 6<sup>th</sup> day of Jan 1886  
J. Henry

Theresa Maepner

Police Justice

10



0308

11

Christian Mortel of 443  
West 39<sup>th</sup> St, age 40, Years  
occupation Fire Smith, being  
only sworn deposes and  
says

Q How long have you  
lived there?

A A year and a  
half.

Q Is there a rule in  
reference to closing the hall  
door?

A Yes Sir. Saturday  
night it is closed at 11  
o'clock.

Q What hour on  
other nights?

A @ about 10 and  
11 o'clock.

Q You recollect  
the 12<sup>th</sup> of Dec?

A I was home  
that evening.

0309

12

Ques Do you know the  
Complainant?

Ans I saw him  
a couple of times.

Ques Up to  
the 12<sup>th</sup> of Dec last did  
you ever quarrel with  
him?

Ans No Sir.

Ques You do know Miss  
Meamer?

Ans Yes Sir, she  
lives in the same house,  
I saw them in the hall  
that evening, about 5  
feet inside.

Ques Was there  
any light there that  
night, at that time,

Ans I saw no light,  
the light was out.

Ques You  
spoke to McSchneider  
on the night in  
question?

12

0310

(13)

Ans

Yes Sir. I said  
nothing till I got in-  
side, and somebody  
was talking and he  
called me "a Stinking  
Son of a Bitch. What other

me

polite language did  
he use?

Ans

He wanted to  
fight with me; he took  
his coat off and threw  
it to the lady.

Mrs

How many  
times did he ask you  
over to fight?

Ans

3 or 4, he  
called me Son of a bitch  
3 or 4 times, and struck  
me a couple, and then  
I went for him.

Mrs

Did  
you during the quarrel  
have a Knife in your  
hand?

), 3

0311

(14)

Ans  
Mes

No Sir. Did you cut  
or stab him with any  
thing?

Ans

I punched him with  
my fist.

Mes

(Knife shown) Is  
that your knife?

Ans

No Sir, I never  
had that knife in my  
pocket.

Mes

Ans

Whose knife is that?  
I cannot tell. I took it  
out of Mr. Schumachers hand,  
in doing so I cut my  
hand.

Mes

When you got this  
knife, what did you  
do with it?

Ans

I gave it to  
the lady who told her  
it was Mr. Schumachers  
knife.

14





0313

Joseph Grumder of #43  
New 39<sup>th</sup> St, age 39, business  
Butcher.

Me Do you carry on  
business for yourself?

Ans Yes  
Sir, at the same number.

Me You know the  
defendant?

Ans Yes Sir.  
Me Do you know Mr Schneider  
I know him.

Ans Do you recollect Dec 12<sup>th</sup>  
last?

Ans I do.  
Me Were you at your place  
of business from 11 till  
after 12 o'clock that  
night?

Ans I closed about  
12 o'clock.

Me Do you know  
anything of a quarrel  
between these two men?



03 14

17

Ans I heard the noise,  
I was in my store near  
the door.

Mes Did you hear  
the language that  
passed between them?

Ans Yes Sir. I heard  
the defendant walk out  
by the door. I heard Mr  
Schneider say "Come out  
you son of a Bitch", he  
wanted to fight him.

Mes How  
often did you hear  
such remarks?

Ans About 2  
times (twice) I did not  
go outside.

Mes What is the  
rule about closing the  
door?

Ans Open on Sunday  
all night. I saw  
Mr Schneider with his  
coat off.

17

03 15

18

Q I heard them fall  
against the window.  
A Yes you are sure  
you heard Schneider  
call the defendant "a  
son of a Bitch" and  
call him over to fight?  
A Yes Sir. I did  
not hear the defendant  
call bad names. I  
heard the language  
about four feet from  
the parties

Sworn to before  
Me this 6<sup>th</sup> day of January 1886  
J. Henry Cook

Joseph Grunert

Police Justice

SP

0316

19

Charles Linderson #43  
Near 37<sup>th</sup> St age 17 years,  
works in a Butcher Shop,  
at #43 Near 37<sup>th</sup> St.

Ques

How long have you been in  
this employment?

Ans

A year  
last November.

Ques

You were  
there on the 17<sup>th</sup> of Dec?

Ans

Yes Sir.

Ques

Do you recollect a  
quarrel between Schneider  
and Merkel?

Ans

Yes Sir. I saw  
it. I heard the defendant  
say to the Complainant  
go down stairs, I want  
to go out. The Lady  
said, go up stairs and  
mind your business, the  
defendant, he said, he  
would not, before he  
closed the door, the

19

0317

(20)

Complainant put his  
foot in the door and  
would not let him close  
it. I did see him in  
the hall way. I heard  
them speaking. I heard  
him say, "I am out to  
fight, he had his coat  
off. I never saw that  
knife before. When the  
defendant went out,  
Schneider struck at him.  
I did not hear Schneider  
say he was cut. I heard  
the defendant say he  
was cut. He was bleeding.  
I saw him wash the  
blood off his hands. He  
said Schneider had cut  
him or had a knife, he  
grabbed the knife and  
cut his hand. The  
defendant is not the  
forger. No one told me

20



03 18

21

what, to say. I did not  
talk with anyone about  
it. The gas was out at  
the time

Sworn to before me  
this 6 day of January 1886  
J. Henry Ford

Chas. F. Ludwig

Police Justice

21

0319

22

George H. Bunk, age 39.  
 Years, Saloon Keeper,  
 Residence H H B West 39<sup>th</sup> St  
 being duly sworn deposes  
 and says; the Defendant  
 Boards with me. I rem-  
 ember Dec 12<sup>th</sup>, he came  
 home about 11 O'Clock; his  
 room is up stairs in the  
 back. The Hall door is to  
 be closed at ten O'Clock, only  
 on Saturday nights. I  
 heard the Defendant and  
 Complainant on my side, I  
 heard words, Schuelder called  
 the defendant out, two or  
 three times to fight. He  
 called him a dirty <sup>bigger</sup> <sup>or</sup> beggar,  
 That is all I know. I never  
 saw that Knife before. I  
 do not know whether it is  
 his or not, I never saw the Knife  
 with him.

Sworn to before me

this 6 day of January 1886

George M. Jink

Police Justice



0320

District Police Court.

George Schneider

vs.

Christian Hertel

Attorneys  
Acourt

STENOGRAPHER'S TRANSCRIPT.

Jan 6<sup>th</sup> 1886

BEFORE HON.

Wm. C. Ford

Police Justice.

Wm. C. Ford  
Official Stenographer.

0321

Police Court—2 District.City and County } ss.:  
of New York, }George Schneider  
of No. 451 West 36<sup>th</sup> Street, aged 25 years,  
occupation Painter being duly sworndeposes and says, that on 12<sup>th</sup> day of December 1885 at the City of New  
York, in the County of New York, in front of premises no 443 W. 39<sup>th</sup> St  
he was violently and feloniously ASSAULTED and BEATEN by Christian  
Merkle. (now here) who did wilfully  
and maliciously cut and stab  
deponent three times in the head  
with a large pocket knife which  
he the said Christian Merkle then  
and there held in his handwith the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without  
any justification on the part of the said assailantWherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer  
for the above assault, etc., and dealt with according to law.Sworn before me, this 5<sup>th</sup> day }  
of January 1886. } George SchneiderJ. M. York Police Justice.

0322

Sec. 198-200.

2. District Police Court.

CITY AND COUNTY OF NEW YORK, ss

*Christian Merkle*

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.

*Christian Merkle*

Question. How old are you?

Answer.

*11 years old*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*443, W. 39<sup>th</sup> St about 18 months*

Question. What is your business or profession?

Answer.

*Lin Smith*

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*

*Christian Merkle.*

Taken before me this

day of *January* 188*6*

*Edmund [Signature]*  
Police Justice.

0323

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

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

Dated Jan 5 1886 J. Henry Bond Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

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

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

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

0324

35

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George Schneider

451 W. 36  
Christian Murphy

2  
3  
4

Office  
Helmonow

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated January 5<sup>th</sup> 1886

D. H. Ford Magistrate

Thomas W. McCormick Officer.

2 out Precinct.

Witnesses Theresa Maexner

No. 443 N. 39<sup>th</sup> Street.

\$1000. bail for ex Jan 6<sup>th</sup> 2 P.M.  
bail reduced to \$500 for ex

No. Jan 9<sup>th</sup> 3 P.M. Street,

No. Street,

\$500 to answer Gen Sec

Com.



0325

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Christian merdale*

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

*Christian merdale*

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

The said *Christian merdale*,

late of the City of New York, in the County of New York aforesaid, on the  
*Twenty* day of *December*, in the year of our Lord  
one thousand eight hundred and eighty *five*, with force of arms, at the City and  
County aforesaid, in and upon the body of one *George Schneider*,  
in the peace of the said People then and there being, feloniously did make an assault  
and *in* the said *George Schneider*,  
with a certain *knife* —

which the said *Christian merdale* —  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound,

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

SECOND COUNT:

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

*Christian merdale*

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

The said *Christian merdale*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the  
year aforesaid, at the City and County aforesaid, with force and arms, in and  
upon the body of one *George Schneider*,  
in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make an assault, and *in* the said *George Schneider*,

with a certain *knife* —

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

*David J. Markey,*  
*District Attorney*



0326

BOX:

204

FOLDER:

2038

DESCRIPTION:

Mitchell, Thomas

DATE:

01/21/86



2038

0327

BOX:

204

FOLDER:

2038

DESCRIPTION:

Hayes, Matthew

DATE:

01/21/86



2038

0328

213. *213. 213. 213.*  
Counsel, *W. Mayers*  
Filed *21* day of *January* 188*6*  
Plead, *voluntarily*

THE PEOPLE  
vs. *B*  
*Thomas Mitchell*  
and *B*  
*Matthew Hayes*  
ASSAULT IN THE THIRD DEGREE.  
(Section 219, Penal Code.)

RANDOLPH B. MARTINE,  
District Attorney.

A True Bill,

*Success Higgins*  
*12 24 1887*  
*High School President*  
*2 Boston Recog. on Recog*  
*of Waring 24*

*It appearing by the within affidavits*  
*that it is impossible to secure the at-*  
*tendance of* *Wm. H. Bryant*  
*a material and necessary witness for*  
*the People and without whose evidence*  
*a conviction cannot be had. I there-*  
*fore respectfully recommend that the*  
*defendants herein* *Thomas Mitchell*  
*+ Matthew Hayes* *be*  
*discharged on their own recognizance.*

*N. Y., Sept 15th 1887.*

*Jos. Munro M. Davis.*  
*Sps. District Attorney.*

0329

**SUBPOENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

To *William H. Bryant*

of No. *414 E 49* Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *19* day of *August* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

*John Mitchell*

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

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

RANDOLPH B. MARTINE, District Attorney.

**PART I.**

THE COURT ROOM IS IN THE SECOND STORY, AND FRONTING THE PARK.

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

Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

*over 1 year*

*Mr. Basch*

0330

of General Sessions.

GLUED PAGE

THE PEOPLE  
vs.  
Thos. Mitchell

City and County of New York, ss.:

being duly  
sworn, deposes and says: I reside at No. 656-2<sup>d</sup> Avenue  
Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the  
City and County of New York. On the 18<sup>th</sup> day of August 1887,  
I called at No. 414 East 79<sup>th</sup> Street

the alleged residence of William H. Bryant  
the complainant herein, to serve him with the annexed subpoena, and was informed by Mr. Bisch  
the Janitor that the said Bryant had moved  
over a year ago but he does not know  
where to and does not know where he  
now resides.

Sworn to before me, this 19 day

of August 1887

Rudolph L. Schauf

COMMISSIONER OF DEEDS,  
N. Y. CITY & COUNTY.

Chas. J. Lyons  
Subpoena Server.



Court of General Sessions.

THE PEOPLE, on the Complaint of

*William H. Bryant*

vs.

*Thomas Mitchell  
et al*

Offense :

RANDOLPH B. MARTINE,

*District Attorney.*

*Affidavit of*

*Chas. J. Lyons*

*Subpoena Server.*

Failure to Find Witness.

0331

0332

*Affidavit wanted by McCoy*

**PART I.**

THE COURT ROOM IS IN THE SECOND STORY, AND FRONTING THE PARK.

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

Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

**SUBPOENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

To *William H. Bryant*

of No. *414 E-79* Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *12* day of *September* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

*Thomas Mitchell et al*

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

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of

in the year of our Lord 1887

RANDOLPH B. MARTINE, *District Attorney.*

0333

# Court of General Sessions.

THE PEOPLE

vs.  
Thomas Mitchell  
Matthew Hayes

City and County of New York, ss.:

George B. McCoy

being duly

sworn, deposes and says: I reside at No. 365 E. 62<sup>nd</sup> Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the 8<sup>th</sup> day of September 1887, I called at No. 414 East 79<sup>th</sup> Street

the alleged residence of Wm. H. Bryant the complainant herein, to serve him with the annexed subpoena, and was informed by the janitor of the building that the said Bryant had moved away about a year ago but left no address and that he does not know where he now resides, but that he heard that the said Wm. H. Bryant is employed as driver or conductor on the 3<sup>d</sup> Avenue Surface Road. I called at the 3<sup>d</sup> Avenue Company's Office and examined the book containing a list of the employees of the company, but could not find the name of Wm. H. Bryant either as driver or conductor, I also asked the starter who said that he knows no one employed there by the name of William H. Bryant.

Sworn to before me, this 14 day

of September, 1887

Rudolph L. Schaaf

COMMISSIONER OF DEEDS,  
N. Y. CITY & COUNTY.

George B. McCoy  
Subpoena Server

Court of General Sessions.

THE PEOPLE on the Complaint of

Wm. H. Bryant

vs  
Thomas Mitchell

Matthew Hayes

Offense:

RANDOLPH B. MARTINE,  
District Attorney.

Affidavit of

George B. McCoy  
Subpoena Server.

Failure to Find Witness.

0334

0335

**PART III.**

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

**SUBPENA**

FOR A WITNESS TO ATTEND THE

**Court of General Sessions of the Peace.**

**The People of the State of New York,**

To

*Morris Goodman*

of No.

*979 3rd*

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the County Court House, in the Park of the said City, on the *13th* day of *June* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against

*Thomas Mitchell et al*

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

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

RANDOLPH B. MARTINE, *District Attorney*

**PART III.**

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

**SUBPENA**

FOR A WITNESS TO ATTEND THE

**Court of General Sessions of the Peace.**

**The People of the State of New York,**

To

*Sam Spindard*

of No.

*81 Division*

Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the County Court House, in the Park of the said City, on the *13th* day of *June* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against

*Thomas Mitchell et al*

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

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

RANDOLPH B. MARTINE, *District Attorney*



0336

**PART III.**

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

**SUBPOENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York

To *Off Frederick Posthoff*  
of No. \_\_\_\_\_ Street,

GREETING:

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

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

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

RANDOLPH B. MARTINE, *District Attorney*

**PART III.**

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

**SUBPOENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To *Wm H Bryant June 9*  
of No. *414 E 79* Street,

GREETING:

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

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

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

RANDOLPH B. MARTINE, *District Attorney*

0337

Complainant *Mr H Boyan*

LIST OF WITNESSES.

~~Frank C. Decker~~, conductor.  
231 Alexander Ave.

~~Charles Ferguson~~, rear guard,  
1962 Third Ave.

~~W. H. Lattre~~, gateman,

Frederick H. ~~Boothoff~~ *Posthoff*, Fifth Precinct, No 289

Jas. Brien, 19th do No. 1093.

Officers.

~~Jas P. Valk~~, 163 E. 37th St.

Morris Goodman, 979 Third Ave. } Citizens.

Sol Spinard, 31 Division St.

~~G. Spring~~, 414 E. 92nd St.

0338

115 E. 40<sup>th</sup> St  
New York, N.Y.  
Jan. 17/80

This is to certify  
that I have examined  
the right hand of  
Mr. Wm. H. Bryant & find  
the metacarpal bone of  
the ring finger fractured.  
This injury in itself is  
sufficient to incapacitate  
him for his duties for  
six weeks. He also  
has many business about  
his head & body.

Matthew D. Hill M.D.

0339

Police Court

X District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

of No. 414 E 9th St Street, aged 26 years,

occupation RR Employee being duly sworn, deposes and says, that

on the 14 day of January 1888 at the City of New York,

in the County of New York,

he was violently ASSAULTED and BEATEN by Thomas Mitchell and

Matthew Hayes (both now here) who severally and together struck deponent with their clenched fists and kicked him with their feet

without any justification on the part of the said assailant

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

Sworn to before me, this 18

day of Jan 1888

William H. Bryant  
mark  
Police Justice.

0340

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK,

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

Question. What is your name?

Answer.

Matthew Hays

Question. How old are you?

Answer.

38

Question. Where were you born?

Answer.

Belmont

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

Answer.

395 E. 19. 1 month

Question. What is your business or profession?

Answer.

Grocery Clerk

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

Answer.

I am not guilty  
demand a trial by Jury  
Matthew Hays.

Taken before me this

day of

188

Police Justice.



0341

Sec. 198-200.

☒ District Police Court.

CITY AND COUNTY {  
OF NEW YORK, } ss

*Thomas Mitchell* 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 upon the trial.

Question. What is your name?

Answer.

*Thomas Mitchell*

Question. How old are you?

Answer.

*21*

Question. Where were you born?

Answer.

*Malta*

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

Answer.

*1961. 3 Ave, 4 months*

Question. What is your business or profession?

Answer.

*Stone cutter*

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 & demand a trial by jury Thomas Mitchell*

Taken before me this

day of

188

Police Justice.

0342

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 \_\_\_\_\_

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

Dated May 18 188 Andrew J. White Police Justice.

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

Dated June 18 188 Andrew J. White Police Justice.

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

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

0343

Noting. Frank Mrs Herman  
On Louis Cole & Rapallo  
32 Nassau Street 2 days  
before the trial shall  
come off.

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

William

Frank C. Decker, Clerk

Chas. Ferguson

W. W. Loutch

James Goodman

Sal S. Hirsch

C. S. Hirsch

Filed in

Los Brien

#289

#1093

Officers

Police Court

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William H. Bryant  
414 E. 79  
Thomas Mitchell  
Matthew Hayes

Dated

188

Magistrate

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

No.

\$

0344

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Thomas Mitchell*  
and  
*Matthew Stanger*

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

*Thomas Mitchell and Matthew Stanger*

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

The said *Thomas Mitchell and*

*Matthew Stanger, each -*

late of the First Ward of the City of New York, in the County of New York  
aforesaid, on the *17th* day of *January*, in the year of our Lord  
one thousand eight hundred and eighty-*six*, at the Ward, City and County  
aforesaid, in and upon the body of one *William H. Bryant*,  
in the peace of the said people then and there being, with force and arms, unlawfully  
did make an assault and *in* the said *William H. Bryant*,  
did then and there unlawfully beat, wound and illtreat, to the great damage of the  
said *William H. Bryant*, 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.

**RANDOLPH B. MARTINE,**

**District Attorney.**

0345

**BOX:**

204

**FOLDER:**

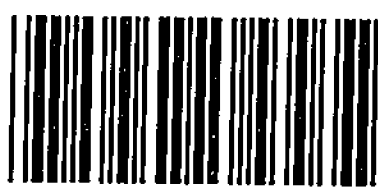
2038

**DESCRIPTION:**

Mohr, Louis

**DATE:**

01/13/86



2038



0346

Witnesses:

Counsel,

Filed 13 day of Jan 1886

Pleads *Chattel*

THE PEOPLE

vs.

*Louis Mober*

*May 8. 1886.*

*Ordered & signed*

*R. B. Martine*

RANDOLPH B. MARTINE,

Attorney at Law

District Attorney.

*Ordered & signed*

A True Bill.

*16th Dec. 1886*

*Emmett Hagan*

Foreman

*W. J. Hagan*

*Feb 5th*

*G. L. B.*

*G. L. B.*

0347

STENOGRAPHER'S MINUTES.

*Second* District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

VS.

BEFORE HON.

POLICE JUSTICE,

188

APPEARANCES:

For the People,

For the Defence,

188

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WITNESSES.

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Cross Ex.

Re-Direct.

Re-Cross.

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Catherine Schuelly		7, 10		
Louis Mohr	11, 12			
Theresa Mohr	13, 14			

*M. J. Treacy*  
Official Stenographer.

0348

DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

agst.

Examination had

188

Before

Police Justice.

I,

Stenographer of the

District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of

as taken by me on the above examination before said Justice.

Dated

188

Police Justice.

Stenographer.

0349

New York Jan 7 1886  
Second District Police Court  
Hon Mayors, Lever presiding

Louis Schully } Crime against  
W. Mohr } Nature.

The complainant,  
Louis Schully, being duly  
sworn deposes and says,  
under cross examination,

Ques What time of the  
day was this?

Ans I do not know  
what time it was.

Ques What day was it?  
Ans The day before Christmas.

Ques Was it in the fore  
noon or after noon?

Ans In the after noon.

Ques Can you not tell what  
time it was by the  
clock?

Ans I do not know  
what time it was.



0350

2

Ques Can you tell us  
about what time it  
was?

Ans I do not know what  
time it was.

Ques By the court, was it  
in the evening?

Ans In the  
afternoon.

Ques Was it dark?

Ans Getting dark.

Ques He will  
fix the time about 5  
o'clock in the afternoon.

Sporn & before me  
this 2<sup>nd</sup> day of Jan 1886

Police Justice

2



0351

(3)

Natie Deuley of No 374  
Dorr 28<sup>th</sup> being duly  
sworn deposes and says  
On Wednesday, the night  
before Christmas, a boy came  
over for my Brother, and  
says, There is a lady wants  
to see you; my Brother  
went over to that lady's  
house. I saw my Brother  
come out with the defendant.  
I called where are you going,  
he said tell her you are  
going to the corner. I said  
which way where you  
are going. I watched till  
I saw my Brother coming  
from 11<sup>th</sup> St.

Ques

How long was  
he away?

Ans

Half an hour, or  
20 minutes.

Ques

Do you know  
about what time he left  
the house?

3

0352

H

Ques Between 7 and 8 o'clock,  
I did not notice the  
time, but when I looked  
at the clock, it was 8  
o'clock, my brother and  
Mother came in together.  
Cross Examination.

Ques Was it  
not very dark?

Ans I had the  
lamps lighted, the street  
lamps, I had the shades  
down.

Ques How long had it  
been dark?

Ans I did not notice,  
I only light the lamp some-  
time before that. I looked at  
the clock a little while  
after my brother and  
Mother came in.

Ques What time  
was this child back?

Ans He  
came in with my mother.

0353

Q

it was about 8 o'clock.  
My Mother saw him on  
the street, and she could  
not walk very good, she  
asked him what was  
the matter when he came  
in the house; she says I  
will whip you if you  
do not tell the truth. He  
said I felt sick. She  
loosened his pants and  
looked at him, he told  
her, after I went for a  
Police man and he came  
to the house; they sent  
and arrested the defendant,  
My Brother was examined  
by the Doctor at the Station  
House, and taken in an  
Ambulance to the Hospital.

sworn to before  
me this 2 day of Jan 1886

Police Justice  
J



0354

6  
William J. Anthony 571 Lenox  
St. N.Y., Age 15 Years, being  
my sworn deposes and  
says, When I came down  
after eating my supper,  
I came to the door of the  
defendant, he asked for  
Schuley, and said, I will  
give you 2¢ if you go  
for him, I never and  
hollered for the boy, he  
put his head out of the  
window. I was told to  
tell him that women wanted  
to see him. He never over  
and went up stairs. I  
saw him then going up  
tenth av and that is all  
I know about it.

Sworn to before me  
this 2<sup>nd</sup> day of January 1886

Oliver Justice  
6

0355

17  
Catherine Schully, mother  
of complainant, being duly  
sworn (5th Year 28th St)  
deposes and says, that  
she is 36 years of age and  
a housekeeper by occupation.  
I left my work about 4  
o'clock and came home  
in Belt Line cars; When  
I got home it was between  
7 and 8 o'clock, my Boy  
was just come in, he said  
he had been up to the  
dock with Louis Mohr. He  
said he went with him  
because, the defendant told  
him a man wanted to  
see him. I went out, and  
my Boy was walking with  
so much trouble. I asked  
him what was the matter.  
My husband was home  
at the time we came  
home, I said there is  
something the matter with



0356

C

I took and looked at  
the boy and saw he  
was all cut in his  
little bottom. He said he  
would tell the truth. He  
then said Louis Mohr did  
something bad to me. My  
husband took him to the  
Station House and the  
Doctor said that the  
boy had been injured.

That is all I know  
about it, He said he, the  
defendant, threw me down  
on my mouth and nose  
and penetrated my body.

(Cross Examination)

Q Did he say it was done  
on the dock?

A Between the  
dock and the River.

Q Did  
he say whether it was  
openly on the dock?

F

0357

9

Ans Right at the bottom  
of 11" w and 29" d.

Q Did  
he say whether he had  
ever done anything like  
that before?

Ans No Sir. He said  
this Boy took him away  
once before.

Q Now before me  
this 2<sup>nd</sup> day of Jan 1886

} Police Justice

9

0358

10

Officer Finnerty of the  
21 Precinct being duly sworn  
deposes and says.

Mes

Examination via you see?

Ans

I saw the  
Doctor examine the Boy  
on a Table, he wrote out  
a Certificate stating the  
condition of the Boy. I  
was sent to the defendant's  
house and got him. I  
pulled the bell and got  
no answer, I forced the  
door of the hall and went  
two stairs up and knocked  
on the door. The defendant  
and his brother were in  
bed together. I told him  
he was under arrest. I  
took him to the Station  
House. There was no con-  
versation between me and the  
defendant.

Examined before me  
this 2 day January 1886

John D. Smith

10

0359

11  
Q What is your  
business?  
A

A I live with my mother  
and father and grand  
mother. I have never been  
arrested.

Q How long have  
you worked for your  
present employers?  
A

A One year.  
I worked for my uncle  
before. My present em-  
ployers are in the timber  
business.

Q What time did  
you get through work?  
A

A On Wednesday  
night last a quarter  
past six o'clock P.M. I  
went with two gentlemen  
to Jane or to Teuth or



0360

12

Ques I got home at 11 o'clock.  
What happened in  
reference to this Day?

Ans I went to the  
water closet; I sent for the  
Boy to tell him to tell  
his father I wanted to  
see him to pay me what  
he owed me for moving  
him. I was not with  
him over five minutes.  
I have done nothing im-  
proper to him.

Ques Were you  
wearing a White Shirt?

Ans No Sir, a Blue  
Shirt

I sworn to before  
on this 2 day of Jan 1886

Police Justice

12



(13)

Frederica Mohr, mother of  
the defendant, being duly  
sworn, deposes and says,

Ques

Is the defendant  
your Boy?

Ans

Yes Sir.

Ques

Do you remember the  
night before Christmas?

Ans

I do.

Ques

Were you present when  
the defendant ate his  
supper?

Ans

Yes Sir.

Ques

About what time did he  
get through?

Ans

About 20 minutes

Ques

past 8 o'clock P.M.

Did he

afterwards leave the house?

Ans

Yes Sir. About ~~10 o'clock P.M.~~  
ten minutes he was gone,  
and then came back and  
went to bed. He read the  
Paper. I do his washing

(13)

0362

14

Q Have you had the  
shirt that he had on  
that night?

A I have Sir.  
I saw nothing out  
of the way at all. He  
is a steady hard working  
boy. He never goes out  
at night. He works  
hard for his living and  
takes care of his Grand  
Mother.

Done before  
Me this 2<sup>nd</sup> day of Jan 1886

Filed in 15 hundred  
dollars to answer.

14

0363

District Police Court.

Louis Schnelly

Louis Mohr  
Prison

Aganor  
Maturer

STENOGRAPHER'S TRANSCRIPT.

1886

BEFORE HON.

M. J. Cover

Police Justice.

Official Stenographer.

0364

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 4 DISTRICT.

*Martin Finerty*  
 of No. *20<sup>th</sup> Street* Street, aged *40* years,  
 occupation *Police* being duly sworn deposes and says  
 that on the *14<sup>th</sup>* day of *December*, 188 *57*  
 at the City of New York, in the County of New York, *he arrested James Mohr*  
*(now here), on complaint of James Sully who charged*  
*the said James Mohr with having committed*  
*the detestable and abominable crime against*  
*nature with the said James Sully; that the said*  
*James Sully is at present confined to the Roosevelt*  
*Hospital undergoing treatment for injuries so in-*  
*flicted and is at present unable to appear in Court.*  
*Wherefore deponent prays that the said James Mohr*  
*may be committed for examination with the said*  
*James Sully can appear in Court and make complaint*  
*Martin Finerty*

Sworn to before me, this *14* day of *December*, 188 *57*  
*David McRae* Police Justice.

0365

Police Court, 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Martin Fennedy

vs.

James Mohr

AFFIDAVIT.

*James against J. Fennedy*

Dated December 24 188 5

James Fennedy Magistrate.

Martin Fennedy Officer.

20<sup>th</sup> Dec

Witness,

John J. Springer

James Fennedy

James

Disposition, Committed to

await the result of

injuries



0366

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK

2 District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

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

*My Comm.*  
Police Justice.

0367

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 Dec 30 1885 W. J. Brown Police Justice.

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

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

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

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

0368

10 ~~7~~ <sup>\$1500.</sup> Am. Dec 31.  
" " Jan 2<sup>d</sup>

BAILED,

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

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

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

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

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

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

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

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

Complainant in brief  
Guaranteed to the  
Care of the C. P.  
C. O. Children  
Residing in  
New York  
m. J. Jones  
R. J. Jones

115 36  
Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Louis Scully  
Catholic Protective  
Louis Jones

Office of the  
Magistrate

Dated Dec 30 1883

Power Magistrate

Immunity Officer

20 Precinct.

Witnesses Henry C. Stocking

No. 101 West 23<sup>d</sup> Street.

Anthony Scully

No. 514 West 28<sup>d</sup> Street,

William J. Anthony

No. 511 West 28<sup>d</sup> Street,

1500 to answer G. J.

1883

Dr. Frank J. Hopkins

Roosevelt Hospital

0369

A. T. DECKER.

C. G. RAPP.

**DECKER & RAPP**  
Wholesale & Retail Dealers in

**YELLOW PINE**  
OFFICE

FOOT OF BETHUNE ST.  
NORTH RIVER,

New York.

DOWN TOWN OFFICE - 114 WALL ST.

Telephone 119 21<sup>st</sup> St.

GEORGIA AND FLORIDA  
YELLOW PINE ONLY.

New York, Dec 29 1887

To Whom it may Concern

Lewis Mohr has been in  
the employ of the above firm  
as Driver. Has always given  
satisfaction. Was very industrious  
withing and of good character  
so far as I could observe. Never  
seemed inclined to take any advantage  
but studied the interest of his employers.  
Was always the first man in the  
stable mornings and I would want  
good evidence to think he was not  
an upright honest man.

Frank O. Miner  
Fireman for Decker & Rapp

0370

LAW OFFICES OF  
NATHAN LEWIS.  
318 Broadway,  
Rooms 13 to 15.

2 ne

New York, Aug 18<sup>th</sup> 1886

Wherever it may concern  
I have known  
Lewis Morse for several  
years. He has done  
work in my house &  
have found him earnest  
& industrious always looking  
for the interest of his Employer.  
I have found him to be  
honest & truthful.

Nathan Lewis



0371

OFFICE OF

**J. LINCKS & CO.**

Box Manufacturers and Lumber Dealers,

519 to 525 West 19th Street,

New York,

36

January 16<sup>th</sup> 1886

Louis Mofre, has been  
in our employ for one  
year, he was always a steady  
and sober young man and  
we give him the recommendation  
in trusting money.

J. Lincks & Co  
Per @

0372

Police Department of the City of New York,

Precinct No. 20

New York, 24<sup>th</sup> Dec 1885

This is to certify that I have made examination of Louis Scully and find laceration of Sphincter ani on anterior aspect commencing  $\frac{1}{2}$  inch or more outside of Sphincter and extending into Sphincter a slight distance. This laceration was probably done by the introduction to a greater or less distance into the <sup>anus</sup> ~~rectum~~ of ~~the~~ some foreign body.

Frank T. Hopkins M.D.  
Barrenet Hospital

0373

CITY AND COUNTY  
OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

of No. 514 Dear 28" Street, aged 11 years,

occupation School Boy being duly sworn deposes and says

that on the 23" day of December, 1885

at the City of New York, in the County of New York, at some time

between the hours of 7 and 8  
O'clock on the night of the  
above date; a boy named  
William J. Anthony of No 571 Dear  
28" St called to deponent, who  
was sitting at his window, to  
come down as a lady across the  
way wanted him; that deponent  
went to said house No 571 Dear  
28 St, that deponent met the  
said defendant Louis Moore

Subscribed before me, this 11th day of December, 1885

Police Justice

0374

who took deponent to a Lumber Yard  
at 29<sup>th</sup> & N. River and did there and  
then penetrate deponents rectum  
with his penis, or do and commit  
forcibly, and against deponents will and  
by force, the crime against nature,  
or Buggery - the unnatural sexual  
intercourse of human beings, & the  
great injury of deponent according to the annexed  
Certificate. Sworn to before me <sup>the</sup> ~~magistrate~~ <sup>magistrate</sup> ~~magistrate~~  
this 30<sup>th</sup> day of Dec 1886

Police Court, District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFRIDA VIT.

Dated 188

Magistrate.

Officer

Witness,

Disposition,

John O'Connell Police Justice

0375

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

The People

v.

BRIEF FOR THE PEOPLE.

Louis Moher.

STATEMENT OF THE CASE.

The prisoner, a truck driver, nineteen years of age, is indicted for the crime against nature, under § 303 of the Penal Code, committed on a boy named Louis Scully of 514 West 28th Street, aged 13. The facts appear in the following brief.

EVIDENCE FOR THE PEOPLE.

LOUIS SCULLY: - is a school boy 13 years old. Resides with his parents at 514 West 28th Street. Knows the prisoner who lives nearly opposite at No. 511. On December 23, 1885, at about 5 P.M., the prisoner who lives opposite to Scully, sent a boy named Anthony over to the house of Scully for Scully to come over there, as there was a woman there who wanted to see him. Scully went over, and Moher told him there was a man by the name of McGrath in a lumber yard in 29th Street between 11th Avenue and the River who wanted to see him in reference to his (Scully's) father. Scully went to the lumber yard with Moher. When they got into the yard Moher offered him three cents to let him have connection with him. The boy took the money, then Moher told Scully to unbutton his pants and put them down. The boy refused. Then Moher took him by the arm and threw Scully down on his stomach. Scully commenced to shout out when Moher put his hand over his mouth and told him if he did not keep quiet he would call Anthony's



0376

brother to assist him. He then unbuttoned Scully's pants and pulled them down and getting on top of him inserted his penis into his fundament. Scully said that he cried out it hurt him so. During the performance something scared Moher, and he got up off of Scully, who then got up, buttoned up his pants and ran home. Scully said there was no one passed the lumber yard but a drunken woman. Said when he was going to the place with Moher he saw two policemen standing on the corner of 11th Avenue and 20th Street. When he arrived home there was no one home but his sister Kate. He did not tell her. His mother came home about 11 o'clock P.M. He sat down on a bucket in the room to evacuate, and it hurt him so that he began to cry. His mother asked him what was the matter and he told her. The mother sent the daughter Kate out for Officer Finnerty. He came to the house and took the boy and went to the house of Moher which is directly opposite from Scully's. The Officer could not get in. He then went to the station house (the 20th Precinct) with the boy. An ambulance from Roosevelt Hospital came to the station house at 4 this A.M. and took the boy.

OFFICER FINNERTY: - 20th Precinct Municipal Police. Arrested the prisoner December 24, after complaint made by the boy. Took the boy and went to the house of Moher, which is directly opposite Scully's; was unable to get in. Took the boy to the Roosevelt Hospital where he delivered him; then arrested Moher later.

0377

3

DR. FRANK T. HOPKINS: - is a physician attached to the Roosevelt Hospital. Made an examination of Louis Scully, December 24, 1935, and found laceration of the sphincter ani, on the anterior aspect, commencing 1-2 inch or more outside of sphincter and extending into the sphincter a slight distance. This laceration was probably made by the introduction to a quarter or less distance into the anus by some foreign body.

MRS. CATHERINE SCULLY: - 514 West 28th Street. Is the mother of the boy Louis Scully. Came home at 11 o'clock in the evening of December 23rd. Finding the boy crying she asked him what was the matter, and he told her. She then sent her daughter for Officer Finnerty, who came to the house and took the boy, first to the house of Moher, then to the station house and then put him in an ambulance and sent him to the Roosevelt Hospital.

WILLIAM J. ANTHONY: - 511 West 28th Street. Is the boy who was sent by the prisoner to Scully's house to tell Scully to come over to the prisoner's house as there were two women there who wanted to see him. This was on the day in question and shortly before Scully left. Witness went over and told Scully this, and subsequently saw Scully together with the prisoner leave the prisoner's house and go towards the 10th Avenue.

0378

N.Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

Louis  
Cuther

Sodomomy  
PENAL CODE, § 303

COPY

BRIEF FOR THE PEOPLE.

0379

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Samuel M. M. M.*

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

*Samuel M. M. M.*

of the CRIME ~~of~~ *against nature.*

committed as follows:

The said *Samuel M. M. M.*

late of the *First* Ward of the City of New York, in the County of New York afore-  
said, on the *Twenty third* day of *December*, in the year of our Lord  
one thousand eight hundred and eighty-*five*, at the Ward, City and County aforesaid,  
*with force and arms, in and upon*  
*one Samuel M. M. M., a male child*  
*about the age of seven years,*  
*feloniously, wickedly, did*  
*and against the order of nature,*  
*did make an assault, and then*  
*and there feloniously, wickedly,*  
*did*  
*and against the order*  
*of nature had a carnal*  
*with and carnally*  
*Samuel M. M. M., and then and*  
*there feloniously, wickedly, did*  
*and against the order of nature,*  
*with the said Samuel M. M. M.,*  
*commit and perpetrate the above*

0380

inable and detestable crime of  
forgery and perjury; against  
the form of the Statute in such  
case made and provided, and  
against the peace and dignity  
of the said People.

Randolph B. Martin,  
District Attorney



0381

**BOX:**

204

**FOLDER:**

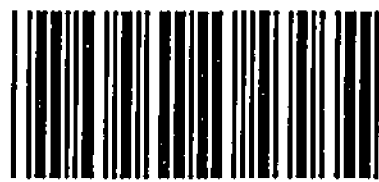
2038

**DESCRIPTION:**

Moran, William

**DATE:**

01/26/86



2038

0382

**BOX:**

204

**FOLDER:**

2038

**DESCRIPTION:**

Hayburn, John

**DATE:**

01/26/86



2038

0383

256

Witnesses:

Counsel,  
Filed 26 day of Jan'y 1886  
H. B. Martine  
H. B. Martine

THE PEOPLE  
vs.  
William Moran  
and  
John Stayburn  
H. B. Martine

Grand Larceny, 2<sup>nd</sup> Degree.  
(From the Person.)  
[Sections 528, 529, — Penal Code].

RANDOLPH B. MARTINE,  
Feb'y 9/86. District Attorney.

(B. B.)  
Spied & Carried.  
Each 5/10 4 yrs. 11  
A True Bill. S. 10 4 yrs. 11  
Feb'y 11/86.  
Foreman.

Foreman.  
Feb'y 5/86  
Feb'y 11/86  
H. B. Martine

0384

92  
The People  
vs.  
William Moran  
and  
John Hayburn.

Court of General Sessions, Part I.

Before Judge Cow ng.

February 9, 1886.

Indictment for grand larceny in the second degree.

Frank McConnell sworn, testified: I am a fire-man on board the steamer Port Philip, she runs from London out to the colonies and from there to China. On the 16th of January I was at 343 West Street in this city, I had about ninety-five dollars with me, I was in bed when I saw these two men. Hayburn put his hand on my shoulder in bed while I was lying on my right side and Moran put his hand in my pocket and took ninety-five dollars and a discharge. They went away and I had them arrested on Tuesday. I saw them in this court last Friday and they told me they would give me the money back if I could get it settled, I was paid of from the steamer and it was my money. They offered me fifty dollars first and I refused it and then they told me they would give me the full amount when I would go to the house.

Cross Examined. I am twenty-six years old and was arrested three times for drunkenness but never for anything else, I was arrested in Liverpool. I worked on vessels in London and Liverpool and have followed that business nearly five years. I have been in New York once or twice, I never met the defendants before this day to my knowledge. I got paid ninety-five dollars on the Port Philip - at least, when I got paid off I got \$110.65, I was paid by the English consul on Saturday, January 15 and on the same day I lost my money, I did not say in any

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saloon that I did not know where I lost it and did not know what became of it. Moran came aboard the ship and I had a falling out on board the ship with the second mate. The defendants keep a boarding house. It was on Friday that I saw Moran on the ship, I had a conversation with him and I agreed to go to his place, I was not perfectly sober. I had a bag and I was going to take it to his house but the men that worked with me advised me not to go to such a place that I was doing a foolish thing, I did not intend to go to a sailors' boarding house. None of these men advanced me money but they gave me drink - Moran gave me five dollars after taking the money but he did not advance me five dollars on Friday, I left the vessel on Friday about eight or nine o'clock at night and had not drunk anything on the vessel but I drank five or six glasses of whiskey and beer all through the day, I drank two <sup>beers</sup> after nine o'clock at night in Moran's house, I got money off my shipmates, they got paid before me, I retired on Friday night about half past ten or eleven o'clock in the house of the defendants, I slept alone and got up on Saturday morning between seven and eight o'clock and had breakfast. Moran brought in a man who he told me was a lawyer and told me to state my case to him and I did so, I said I had plenty of witnesses aboard ship that the second mate struck me, I paid the lawyer ten dollars, this had nothing to do with the taking of the ninety-five dollars. He sent me down aboard ship for my ~~bag~~ account of the wages, I came back with the account of the wages and Hayburn and this lawyer and a witness I have got here went with me to the consul's office where I got paid off. After I got paid off I went into a public house and paid for three beers for them and



0386

a glass of soda water for myself. I came straight down to Moran's house and the lawyer demanded ten dollars off me which I gave him. Then Hayburn took down a bill and told me I owed him \$2.65 for drinks I had the night before, I had not that much drink but I paid him \$2.65. He started to treat all hands around and he forced me to do that; he asked me in the kitchen to have a bit of dinner and we went in and sat down; there was a little girl there and she asked the price of a dress off me so I gave her a dollar; after the beer was brought in he fetched in a bottle of ginger beer and Hayburn said to me, drink this, it will do you good. I drank that and after ten minutes or a quarter of an hour I felt sleepy and told him I would go up and lie down and just at that moment Moran came in. I put my money in the right trousers pocket, the bills were rolled up in a little bunch and the discharge I got off the ship was around it. I saw him pull a bundle of notes out on Saturday night and he gave me five dollars out of the bundle. I had my money in my pocket before I went to bed and when I laid down I had my hand on the pocket, I had my hand on my pocket going upstairs, it is a shallow pocket and the top of the notes were sticking out, I took a five dollar bill out of the bunch to pay for the drinks and put the rest of the money back, when I went upstairs to the bed-room I took off my boots and lay on my right side on top of the notes, I went up to the bed-room about two o'clock and left Mrs. Moran and Mrs. Hayburn in the room and three or four children there; the defendants were in the kitchen with me and both of them accompanied me upstairs. They asked me for my money for safe keeping. I said, no I can mind my money. Hayburn came

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over and said, you had better give me the money, it will be taken off you". He had not had the word out of his mouth when he counted it and said, "I have eighty-five dollars belonging to you"; I said, you have got more than eighty-five dollars; he said, it will be all right; I never suspected anything. When I came down from sleeping I asked him for a five dollar bill, he says, make sure that is five dollars, I came back and showed it to him, I went out when I got the five dollar bill and slept on board ship, that was Saturday night, I came back the next morning to Moran's house, I saw Moran there, he was putting his coat on, the very minute he saw me ~~he~~<sup>I</sup> was not two minutes in the house when he disappeared. I asked Hayburn, have you got my money? He says, no the other man has got the money, I stayed there two or three hours and there were no signs of him coming, I went away with a mate and came back again in the evening about six o'clock and asked if he was in: they told me he was in but he went away again. I asked one of the men where I could find him and he said I might find him in a saloon, so I went and found him there and another man named Black Tom and the landlord of the house that was drinking there. They asked me to have a drink, I had one drink and they wanted me to have another one. I says no, I want to get off, I demanded the money of Moran. He says what money? I says, the money you took off me. He denied it, I asked him three or four times to come over to the house so that I would get him and Hayburn together and at last he consented to come; when he came I asked both of them together and they both denied knowing anything about the money. I asked him to give me a dollar and he said, I will not give you any money. I asked him the second time

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and he went behind the bar and gave me a dollar and some small change. I went away and I met a man outside and told him and he told me to go and get him arrested. I was sober. When the defendants were taking the money I thought it was for safe keeping and said nothing. I said to them, if you give me a hundred dollars I will try and get it settled, they offered me fifty dollars first, I did not say that Hayburn had nothing to do with the matter, I did not say if Moran did not settle with me I would send him up for some years. The sailors' boarding house kept by the defendants is 316 Water Street..

John Donnelly sworn. I am a sailor and got acquainted with the complainant at the boarding house kept by the prisoners, I was present the day he was robbed of ninety-five dollars. About nine o'clock Saturday morning the complainant went down to the ship to get his account of wages and I went down with him, he got his account of wages and came ashore with his bag. Hayburn took his bag up to the house and I went up with them afterwards to the Consul's office and he received \$110.65; there was a man there who represented himself as a lawyer, his name was McDonald, the lawyer handed to the Consul a power of attorney; we went to a public house and the man that got paid off paid for four drinks, we afterwards went down to Hayburn's house and the lawyer said he must have some money or he could not proceed with the case, he pulled out a roll of bills and handed him a ten dollar bill and then he paid \$2.65 to Hayburn, the complainant said he had not drank that much. We went inside to the room and had another drink and this was the last I saw of the complainant.

0389

About half an hour after this Moran came in with his nephew and Hayburn says to Moran, has that fireman got his money? He said yes and asked if the lawyer got his money and he said no. He got cursing around the room because the lawyer did not get the money. He took off his coat and went inside; about two or three minutes after that I heard their feet going upstairs. I was in the bar when the complainant came down after sleeping, I was in the house the whole of the time after he got his money, he went out to the water-closet and when he came back Moran was inside the bar and he asked him for a five dollar bill. He gave him a five dollar bill and the complainant went away, I did not see him that night, the next morning I saw him and he had a glass of whiskey, he asked Hayburn about his money and he said that the other fellow Moran had it; he was two or three hours sitting at the stove waiting to see if Moran would come in; he did not come in and the complainant went away with a ship-mate, the last I saw of the complainant was about six o'clock in the evening, he came in and in my presence asked Moran about the money. Moran said he knew nothing about it, that the other fellow had got it. The complainant stayed there two hours and went out and came back again and asked where he could find Moran. One of them said that he went up to Puffy's public house on the corner, the complainant went out to find him and in about half an hour or three-quarters the complainant and Moran came in and he asked Moran for his money. Moran says, what money, I know nothing about your money; if you accuse me of your money I will split your head open with a glass and have an ambulance in five minutes.

0390

He says, you are a fine decent man when you are sober, you will be sorry for accusing me for this money in the morning. I said, all right, you refuse to give me my money, don't you? He says, I know nothing about your money. I says, will you give it? He said no I will not give you five cents.

Cross Examined. I am thirty-six years of age, the complainant was as sober as I am now and I haven't tasted liquor this three weeks. I have been in the House of Detention with the complainant, I am no friend of his, I never saw the man in my life before this.

Christopher Dixon sworn. I am a police officer and arrested the defendants on the 18th of January at 346 Water Street, I know nothing regarding the robbery.

The case for the defence!

William Moran sworn. I keep a sailors' boarding house at 346 Water Street with Hayburn, I remember the day on which the complainant was in our place, I met him first on board of the Port Philip on Friday afternoon, he came with me about six o'clock, I had no other sailor as boarder from that vessel but him, I think we had two drinks on our way from the vessel and had supper at the boarding house, I made arrangements with him to stay with us while the vessel was in port, he asked me on Friday evening if I would give him some money and I gave him a five dollar bill; it is the custom of boarding house keepers to advance money to sailors who have money coming to them from the vessel, I guess he had on Friday evening four or five drinks of whiskey before supper and may be two or three after, he



0391

went out a little while and came back again, he slept in our house Friday night. He was not down stairs at the time I went away in the morning. I went away to see some men off about seven o'clock, I don't know whether he had breakfast or not on Saturday morning, I saw him between one and two o'clock and he seemed to be under the influence of liquor, I was not with him when he got his money from the vessel, he did not go to bed that afternoon to my knowledge he went out of the saloon, I did not go upstairs with him, he did not come back that afternoon, I did not see him until Sunday night. It is false when he says that Hayburn and I went upstairs and relieved him of his ninety-five dollars, I never took any money from him and never saw a cent of his money. At the time the complainant came to my house there were ten or twelve sailors lodging there. He asked me for money on Sunday and I told him I would not give him any, he charged me with Sunday night with taking ninety-five dollars, he was under the influence of liquor. I said to him, I don't know anything about what you are talking of, when you are sober you will be sorry for asking money of me. I have been living in New York a little over two years and came from Passaic, N. J., I am thirty-eight years of age and have lived in Passaic fifteen or sixteen years, I kept a butcher store there for a couple of years and also worked for the city, taking care of the lamps, I have never been charged with crime before.

Cross Examined. I did not take the complainant's money for safe keeping, I have seen sailors drunk sometimes in my house, I did not persuade the complainant to come to my house, he came of his own accord, I gave him one of my cards, he was sober on board of the steamer.

0392

I told him to go to a lawyer on Friday.

John J. Winn sworn. I reside at Passaic, N. J. for the last fifteen years, I was a police officer and resigned and went into the butcher business when my salary was cut down and went back when they raised it, I know Moran for fourteen years and never heard anything to stain his character in my lifetime, his reputation among other people is good, I do not know Hayburn.

Walter N. Kipp sworn. I live in Passaic and am a dealer in house furnishing goods, I have known Moran about twelve years, he worked for me two or three years, I have entrusted him with various sums of money and always found him faithful, I never have had any occasion to doubt his honesty and never heard anything against him.

John Hayburn sworn. I reside at 356 Water Street and am in business with Moran as a boarding house keeper, I have been living in the city going on ten months and it is about ten years since I came to the country, I was always sailing on board ship in and out of port. The complainant came into the house with Mr Moran on Friday, the 15th of January, I don't know whether he had his supper or not, I went to bed just as he came in, I got hurt and felt badly, I saw the complainant on Saturday morning about eight o'clock, me and my wife were in the kitchen when he came down stairs, he had two drinks of me on trust at the bar that morning, he left the house after breakfast., I went to his ship with him and the witness, he came ashore and took his bag, he was talking about waiting to get his account of wages, I said, you return back and get your account of wages, he returned and I took the bag to the

0393

house. On my way he says, have you any money, give us the price of a drink, I says, you will be getting drunk, I put my hand in my pocket and I gave him two, five cent pieces, he went back a board the ship and got his account of the wages and said, I will be paid off at eleven o'clock at the Consul's. I says all right, I returned to the house and he wanted me to trust him with more drinks, which I did, I filled him a glass of whiskey again and then we went from the house to the consul's, he had one glass of soda water, he was asleep, we went into the house just beneath the Consul's office, he was shivering cold. I told him, the best thing you can do is to get out of here, you are sitting by this fire having a drink and you will get drunk and you wont get your money to-day, this was eleven o'clock Saturday morning, this conversation was in the bar-room underneath the consul's office, he got his money about ten minutes to twelve, he asked me to go with him when he got his money, he came back to the house with me, when he got his money he had one drink down stairs underneath the Consul's again, he drank soda water and came back to the house with me, as soon as we came into the house he asked for a drink and I gave him ginger beer. Dinner was called for and they went into the kitchen, he asked for another ginger ale and I took it in and he told me to fill the drinks for these other men who were sitting at the table getting their dinners. Mr Moran came in the from Jersey and I said to him, that man has been with me and has been paid off, he has paid me the bill for drinks and if he owes you any money which you advanced him it is your place to get it now. I must go down to see the

0394

captain of a steamship. The complainant never slept in the house after Saturday morning. I did not take ninety-five dollars from him. When the officers came the complainant said to Moran, give me a hundred dollars and I will get you out now and I will withdraw the charge, I never offered him fifty dollars or Moran to my knowledge, I was never arrested in my life, the saloon is licensed.

Cross Examined. I went to the consul with him to get my own money he owed me for drinks, I did not get his wages, he got them himself. He said he had twenty-seven pounds coming to him.

Annie Hayburn sworn. I am the wife of the prisoner and reside with him 346 Water Street; it is true that my husband left the house about half past one o'clock Saturday afternoon and did not return until six or seven o'clock in the evening, he did not go upstairs in the afternoon until he went upstairs to bed.

Cross Examined. He certainly could not be in the house that afternoon without me knowing it, I generally be in the kitchen; no one could go upstairs without going through the kitchen and I was there all the time, this was the Saturday prior to the arrest; the complainant was sitting with me when my husband went out.

Peter Quinn sworn. I remember the Saturday afternoon of the 16th of January, I was at 346 Water Street and saw the complainant there, I should judge it was about one o'clock, he was a little under the influence of liquor he was sitting in a chair in the kitchen, I saw Moran and Hayburn there that afternoon, I saw Hayburn go out about

0395

one or half past one o'clock and saw him return about five or ten minutes after I had my supper, I was back and forth from the bar-room to the kitchen that afternoon, the complainant did not go upstairs in that house on the afternoon I saw him go out on the street near two o'clock, I did not see him return that afternoon or evening, I did not see him until I got up Sunday morning at nine o'clock, the complainant was in the kitchen when Hayburn left, he had been sitting there to my knowledge about fifteen minutes before Hayburn went out.

Cross Examined. I live at Moran's and have lived there since he moved there, I am not in his employ but m a boarder, I have never been arrested, I have worked on a farm, I have been at Moran's two months, I have done nothing since I came here, I came on a visit from Connecticut.

I say the complainant was under the influence of liquor in the kitchen, I had one drink with him which he paid for, I know this was Saturday, I can swear it was after eleven because they were all after eating their dinner when I got home, I know it was not half past two, I looked at the clock after they all went out, it was somewhere near three o'clock, ~~I was not there until Sunday night~~ I did not know there was any trouble until Sunday night. I stated what I knew to Mrs. Hayburn and she told the lawyer what I saw and knew about it and that is how I came to be a witness. The Saturday in question was the Saturday preceding the arrest of the prisoners, I went to bed that night about eleven o'clock.

The Jury rendered a verdict of guilty.



0396

18

Testimony in the  
case of  
Wm. Moran and  
John Hagburn

Filed Jan. 1886.

0397

State of New York.

Executive Chamber.

ALBANY, Feb. 21 1887.

SIR :

An application for Executive clemency having been made on behalf of William Moran, who was convicted of Fraud Larceny, 2nd degree in the County of N.Y., and sentenced Feb. 11 1886, to imprisonment in the Sing Sing Prison for the term of 4 years and        months and to pay a fine of \$       , I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial or upon the preliminary examination, or before the Coroner's jury, if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since the conviction.

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

I am,

Very respectfully yours,

*William Price*  
Private Secretary.

To Hon.

B. B. Martine,  
Dist. Atty. of New York Co.,  
N. Y. City.

0398

State of New York.

Executive Chamber.

ALBANY, *Mar. 6* 1886.

SIR:

An application for Executive clemency having been made on behalf of *John Hayburn*, who was convicted of *G. L. 2nd degree* in the County of *Nut.*, and sentenced *Feb. 11* 1886, to imprisonment in the *Sing Sing Prison* for the term of *4* years and *months* and to pay a fine of \$*\_\_\_\_\_*.

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

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

I am,

Very respectfully yours,

*William G. Rice*  
Private Secretary.  
*B.*

To Hon. *B. B. Martine*,

*N. Y. City.*

0399

Answered  
March 31/84  
R. B. Jr.

0400

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Frank M. Cornell

of No. 346 Water Street, aged 25 years,

occupation Sailer Furman being duly sworn

deposes and says, that on the 16 day of January 1886 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
and person of deponent, in the day time, the following property viz:

good and lawful money consisting of nine  
bills of the denomination and value of  
Ten dollars each and one bill of the  
denomination and value of Five dollars  
all of the value of Ninety five dollars

the property of deponent

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

Heyburn Deponent says while he was  
lying down on a bed in a room in  
premises No 346 Water Street said  
Heyburn turned deponent over on his  
back and while lying in that position  
said Moran put his hand in the  
pocket of the pantaloons then and  
there removed by deponent and took stole  
and carried away said money that was  
contained therein and said defendants  
immediately walked out of said  
room together

his

Frank M. Cornell

Sworn to before me this 19 day  
of Jan'y 1886

Frank M. Cornell  
Police Justice.



0401

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

POLICE COURT, 1st DISTRICT.

Christopher Dixon

of the 1st Police Court Squad ~~Squad~~, being duly sworn, deposes and says,

that on the 19 day of January 1886

at the City of New York, in the County of New York, Frank M. Cornell

John Donnelly (both now here) are necessary  
and material witnesses for the prosecution

That said witnesses are non residents  
and have no place of abode or means  
to provide for one. Wherefore deponent  
asks that said witnesses give surety  
for their appearance to testify

Christopher Dixon  
Sworn to before me  
this 19th day of Jan'y 1886  
Sam'l A. Bell Police Justice

Christopher Dixon

0402

Sec. 198-200.

District Police Court.

CITY AND COUNTY {  
OF NEW YORK, } ss

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

Question What is your name?

Answer

William Moran

Question. How old are you?

Answer

38 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

346 Water St

3 mo's

Question What is your business or profession?

Answer

Boarding House Keeper

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

Answer.

I am not guilty

William Morahan

Taken before me this

day of

May

1886

at

San Francisco

Police Justice.

J. J. Kelly

0403

Sec. 198-200.

District Police Court.

CITY AND COUNTY {  
OF NEW YORK, } ss.

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

I taken before me this 19 day of Jan'y 1886

Police Justice.

John Heyburn

0404

Sec. 151.

1st District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police Justices in and for the said City, by Frank M. Cornell

of No. 346 Water Street, that on the 16 day of January 1886 at the City of New York, in the County of New York, the following article to wit:

good and lawful money consisting of  
divers bills of divers denominations

of the value of Twenty five Dollars,

the property of Complainant  
w as taken, stolen, and carried away and as the said complainant has cause to suspect, and does suspect and believe, by William Moran John Heyburn

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

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

Dated at the City of New York, this 19 day of January, 1886  
Samuel C. Beek POLICE JUSTICE.

0405

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Francis McConnell*

vs.

*William Moran*

*John Heyburn*

Dated *Jan'y 19* 188 *6*

*O'Reilly* Magistrate

*Dixon* Officer

The Defendant *William Moran*  
*John Heyburn*  
taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

*C. Dixon* Officer.

Dated *Jan'y 19* 188 *6*

This Warrant may be executed on Sunday or at  
night.

*Sandy O'Reilly* Police Justice.

Warrant-Larceny.

REMARKS.

Time of Arrest, *12:30 PM Jan'y 19/86*

*William Moran*  
*346 Water St*

Native of *Ireland*

Age, *48 yrs*

*W.*

*Sandy Comp*

Sex *Boarding House* *Keep*

*140 PM Jan'y 19/86*

Complexion, *John Heyburn*

Color, *346 Water St*  
*Ireland*

Profession, *30 yrs*

*W.*

Married *Boarding House* *Keep*

Single, \_\_\_\_\_

Read, \_\_\_\_\_

Write, \_\_\_\_\_



0406

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

guilty thereof, I order that they be held to answer the same and he be admitted to bail in the sum of 25 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 Jan 19 188 6 Samuel C. Bell Police Justice.

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

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

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

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

0407

BAILED,

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

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

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

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

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

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

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

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

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

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Frank McConnell  
H.A.

1 William Moran

2 John Heyburn

3

4

Offence *Carrying from*  
*the person*

Dated *Jan 4-9* 188 *6*

*D. O. Kelly* Magistrate

*Dixon* Officer.

*Court-squad* recinct.

Witnesses *John Dannelly*

No. *306* *Water* Street.

*Frank McConnell + John*

*Dannelly committed to* Street.

*the House of Detention*

*on default of \$300 to appear*

*\$2500* to answer *g*

*\$2500 for \$ Jan 20 9 1/2 a m*

0408

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

PEOPLE OF THE STATE OF NEW YORK

against

William Moran  
and  
John Stauffer

The Grand Jury of the City and County of New York, by this indictment, accuse  
William Moran and John Stauffer  
of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said William Moran and John Stauffer,  
late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
sixteenth day of January, in the year of our Lord one thousand  
eight hundred and eighty-nine, in the day time of the said day, at the Ward, City and  
County aforesaid, with force and arms,

nine Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as United States Treasury Notes, of the  
denomination of Ten dollars, and of the value of Ten dollars each,

nine Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as Bank Notes, of the denomination of  
Ten dollars, and of the value of Ten dollars each,

one Promissory Note for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as United States Treasury Notes, of the  
denomination of Five dollars, and of the value of Five dollars,

and one Promissory Note for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as Bank Notes, of the denomination of  
Five dollars, and of the value of Five dollars.

of the goods, chattels and personal property of one Frank M. Cornell,  
on the person of the said Frank M. Cornell,  
then and there being found, from the person of the said Frank M. Cornell,  
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.

Randolph B. Smith,  
District Attorney