

02 10

BOX:

539

FOLDER:

4907

DESCRIPTION:

Decker, William H

DATE:

11/21/93



4907

0211

Witnesses:

Geo W. Fleisher

Abraham Bernstein

Boileau

Thos. Ralig

104 E. 31 St.

The people cannot produce the witnesses in this case no address is given the officer simply made the arrest. The case is now five years old and no disposition to further prosecute exists & recommend the discharge of defendant's bail.

Wm. Turner

att. Dist atty

Dec 20 98

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

William N. Decker

Cornel Nov. 8/98

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Foreman.

Bail discharged on motion of D.A.

11 A.M. Dec 20 98

Dec 20 98

FALSE REGISTRATION.

(Section 41a, Penal Code.)

02 12

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

THE PEOPLE OF THE STATE OF NEW YORK

against

William N. Decker

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *William N. Decker*
of a FELONY, committed as follows:

Heretofore, to wit: on the *10th* day of October, in the year
of our Lord one thousand eight hundred and ninety*three*, the same being a day duly ap-
pointed by law as a day for the general registration of the qualified voters of the said City and
County, the said *William N. Decker* late of the City and County afore-
said, at the City and County aforesaid, did personally appear before the Inspectors of Elec-
tion of the *Fourth* Election District of the *Eleventh*
Assembly District of the said City and County, at a meeting of the said Inspectors of Election
then being duly held at the duly designated polling place of the said Election District, for the
purpose of the general registration of the male residents of the said Election District who would
be at the election next following the said day of registration (to wit: on the *seventh*
day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in the
said month of November, and being the day duly appointed by law for the holding of a general
election throughout the said State and in the City and County aforesaid), entitled to vote therein,
and did then and there, at the said general registration of voters, feloniously cause his name to
be placed upon the list and register of voters of and in the said Election District, then being
made by the said Inspectors of Election for the said election, he the said *William N. Decker*
then and there well knowing that he would not be a qualified voter in the said Election District
at the said election in this, to wit: that the said *William N. Decker* was not then
nor would he on the said day of election have been, an inhabitant of the said State one year
next preceding such election, and the last four months a resident of the said County of New
York, and for the last thirty days a resident of the said Election District, as he the said
William N. Decker then and there well knew; against the form of the statute in such
case made and provided, and against the peace and dignity of the said People.

DE LANCEY NICOLL,

District Attorney.

02 13

BOX:

539

FOLDER:

4907

DESCRIPTION:

Dennis, Walter E

DATE:

11/09/93



4907

02 14

BOX:

539

FOLDER:

4907

DESCRIPTION:

O'Connor, Patrick

DATE:

11/09/93



4907

02 15

POOR QUALITY
ORIGINAL

8 22 1/2
No 2. Commence at 900
F2

Witnesses:

Off Ackerly
" Sullivan
Subj. on offer
+ 100/200 - 100
500

I am satisfied
from an examination
made in this case -
that no connection
exists between
Clem H. [unclear]
Complainant's [unclear]
in the report that
he should be discharged
upon his own recognizance.
Robert J. [unclear]
Dec. 4th 93

Counsel,

Filed

day of

189

Pleas,

THE PEOPLE

vs.

Walter E. Dennis
and

Patrick O'Connor

35
20. [unclear]

over days

DE JANCY NICOLL,

District Attorney.

A TRUE BILL

Dec 4/93
[unclear] Discharged

Foreman
202 31st 6 Mrs J. P.
Dec. 5/93 Fy

Grand Larceny, Second Degree
[Sections 528, 529, 530 - Penal Code.]

02 16

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

W. E. Dennis

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. After investigating the matter more fully there is a reasonable doubt in my mind as to the guilt of the defendant W. E. Dennis. I am willing that the case against said W. E. Dennis should be dismissed.

Frank M. ...

0217

W. W. E. PRATT,
 401 West 5th St.
 NEW YORK CITY,
 137 E. 10th Street, Mount Pleasant Camp Co.

NY Nov 15- 1893-

To whom it may Concern.

The Beaver

Mr Walter E Dennis has been in
 my employ off and on for the
 past three years and I have always
 found him strictly honest in
 all ~~positions~~ ^{ways} He has often been placed
 honest if he was so inclined.
 I have always placed implicit
 confidence in him and have
 had no cause to regret it and
 am willing to employ him again
 at any time.

Yours Truly

W. W. E. Pratt

02 18

TORN PAGE

New York May 11, 1892
To whom it may concern.

The Master Walter Dennis
has been in charge of the Electric wires
for lighting the buildings of the
Lock Estate, corner Broadway & 14th
Street for more than three years.

I have always found him
sober, honest, industrious, and
~~and willing to do a hard work~~
ever he could be of any service,
and I cheerfully recommend
him to any one who may need
such a man.

Respectfully,
Geo. E. Butby,
Chief Engineer.
873, 875, 877, & 879 Broadway.
Geo. M. B.

02 19

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged 36 years, occupation Officer of No. 16 Precinct

Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Joseph Hogan and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 3 day
of June, 1893

Daniel Sullivan

W. H. Gandy Police Justice.

0220

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 34 years, occupation Police Officer of No. 10

111 73 Precinct Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Joseph Hogan

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

knowledge.

Sworn to before me, this 3 day of March 1899

of Jeremiah Ackerly

Wm. H. Brady Police Justice.

02221

Police Court—Fourth District.

Affidavit—Larceny.

City and County } ss.
of New York, }
of No. 23 Street, aged 32 years,
occupation Asst Superintendent of Police

deposes and says, that on the 30 day of October 1893 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 day-time, the following property, viz:

One seal skin satchel of the value
of three hundred and twenty five
dollars \$325.00

the property of Chick Bros, and in de-
ponent's charge

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 Walter D. Dennis and Patrick Connor, both men here, while acting in concert for the following reasons. That on said date the defendants were in deponent's employ at the above address. That the said property was in stock on the 2nd floor of the premises. That deponent is informed by Officer Sever Sullivan of the 16th Precinct, that on said date he, the officer, saw the defendants in company with each other on eighth Avenue Street. That the defendant Dennis had a bundle in his possession and he Dennis passed the bundle to the defendant Connor and he,

Subscribed and sworn to before me this 1st day of November 1893

Police Justice

0222

the officer arrested the defendant
Dennis. That the defendant O'Connor
ran away with the said funds. That
Depomus is further informed by Officer
Jeremiah Heckerly of the 33 Precinct
that on the 31st of October he Heckerly saw
the defendant ^{O'Connor} clearing a barn shop
at 969- 7th Avenue with the
apromin seal skin sague in his
O'Connor's possession and placed
the defendant O'Connor under arrest.
Depomus further says that the afore-
said sague has been fully and pos-
itively identified as the property
of O'Brick and taken from the store.
Wherefor Depomus prays that
the defendant be dealt with as
the law directs.

Byron Whifern me to Joseph Hogan
Nov 31st Dec 1st of October 1893

W. H. Bond
J. A. Bond
Patric James

0223

Sec. 193-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

Walter E. Dennis 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. *Walter E. Dennis*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *MS*

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

Answer. *159 West 16th St 6 mos*

Question. What is your business or profession?

Answer. *Carpenter*

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*

W. E. Dennis

Taken before me this
day of *Oct* 189*8*

W. E. Dennis
Police Justice.

0224

Sec. 193-200.

CITY AND COUNTY
OF NEW YORK ss.

District Police Court.

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

Question. What is your name?

Answer. *Michael O'Connor*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *6300 - San Juan Avenue*

Question. What is your business or profession?

Answer. *Farmer*

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.*

J. O'Connor

Taken before me this
day of *July* 189*9*

Wm. J. Brady
Police Justice.

0225

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 *they* be admitted to bail in the sum of *fifteen* Hundred Dollars, *each* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until *they* give such bail.

Dated *Nov 2* 189 *3* *M. H. Brady* Police Justice.

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

Dated..... 189 Police Justice.

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

Dated..... 189 Police Justice

0226

Police Court

1176 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Hogan
vs. Walter E. Dunn
Murder

Offense

BAILED,

No. 1, by *James Keely*
Residence *207 E. 11th* Street

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

3. _____
4. _____

Dated *Oct 31* 189*3*

Magistrate.

Officer.

Precinct.

Witnesses

No. _____ Street.

No. _____ Street.

No. _____ Street.

* *1570* to answer

Each
\$1500 & Term 2. 2 P.M.



0227

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Walter E. Dennis
and
Patrick O'Connor

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

Walter E. Dennis and Patrick O'Connor

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

The said Walter E. Dennis and Patrick O'Connor, both

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

one seal skin sackage of the
value of three hundred and
twenty five dollars

of the goods, chattels and personal property of one

Samuel W. Ehrick

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.

0228

SECOND COUNT—

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

Walter E. Dennis and Patrick O'Connor
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Walter E. Dennis and Patrick O'Connor, both*

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

*one seal skin sackage of the
value of three hundred and
twenty five dollars*

of the goods, chattels and personal property of one

Samuel W. Ehrich

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

Samuel W. Ehrich

unlawfully and unjustly did feloniously receive and have; the said

Walter E.

Dennis and Patrick O'Connor

then and there well known the said goods, chattels and personal property to have been
feloniously stolen, taken and carried away, against the form of the statute in such case made and
provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0229

BOX:

539

FOLDER:

4907

DESCRIPTION:

De Riganto, Peter

DATE:

11/09/93



4907

0230

POOR QUALITY
ORIGINAL

Counsel,

Filed,

Pleads,

May of

189

THE PEOPLE

vs.

30
laborer

P

Peter de Rignano

Grand LARCENY, 2nd degree,
(False Pretenses.)
[Section 538, and 531, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Part 3. Dec. 7. 93 B.S. 10.

A TRUE BILL.

Harvard Foreman.

Part 3. Dec. 8/93 -

Pleads Petit Larceny

Pen 6 mos. B.S. 11

0231

POOR QUALITY
ORIGINAL

Witnesses:

Joseph Peruvino

Counsel,

Filed,

Pleads,

day of

189

THE PEOPLE

vs.

30

laborer

P

Peter de Rigan to

Grand LARCENY, 2nd degree.
(False Pretenses,
[Section 528, and 53], Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Heinrich Foreman.

Re U.S. Dec. 803-

Reinde Peter de Rigan

Pen 6 mos. B.L.

0232

Police Court—

District.

1912

Affidavit—Larceny.

City and County {
of New York, } ss.of No. Haverstraw Joseph Perwin
occupation Laborer Street, aged 40 years,deposes and says, that on the 1st day of November 1893 being duly sworn,
at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:Good and lawful money of the
United States amounting to
Thirty four dollars

the property of

Deponentand that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen
and carried away by Peter De Rignudi (now here)and one other person not arrested acting in
concert for the following reasons

The defendants accosted deponent on West
Street and asked him to change the annexed
paper - they represented that said paper was
a good United States bill of the value of
one hundred dollars. Deponent told the
defendants that all the money he had was
thirty four dollars. The defendants took said
sum from deponent and left him the annexed
paper - deponent discovered that said the
annexed paper was worthless, and on November
2nd 1893 he (deponent) met the defendant De Rignudi
and caused his arrest - deponent fully identified
the defendant as one of the person who took his money
as aforesaid.

Joseph Perwin
his markSworn to before me, this
day of November 1893
at Haverstraw
Police Justice.

0233

Sect 198-200.

CITY AND COUNTY OF NEW YORK.

District Police Court.

Peter De Rigundi 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.

Peter De Rigundi

Question. How old are you?

Answer.

30 years

Question. Where were you born?

Answer.

Italy

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

Answer.

W-4th St

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty
Peter De Rigundi

Subscribed and sworn to before me this
18th day of Nov 1913
Edward J. McArthur
Police Justice.

0234

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

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

Dated, Nov 3 189 3 James M. Martin Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0235

245
Police Court---

180
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Perwin
HOUSE OF DETENTION CASE
Peter De Rignudi

2
3
4

Offense

Larclun

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence 1. _____ Street.

No. 4, by _____

Residence _____ Street.

Dated, *Nov 3* 189*3*

Martin Magistrate.

Hahn Officer.

2 Precinct.

Witnesses _____

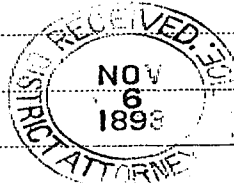
No. _____ Street.

No. _____ Street.

No. _____ Street.

1000 to answer *G. S.*

Committed



0236

AFFIDAVIT FOR COMMITMENT OF WITNESS.

4771

POLICE COURT.....DISTRICT.

CITY AND COUNTY }
OF NEW YORK, } ss.

6 *Henry Hahn*
of the Precinct Police, being duly sworn, deposes
and says that *Joseph Perwin*
(now here) is a material witness for the people against
Peter De Rigmudi charged
with *Larceny*. As deponent has
cause to fear that the said *Joseph Perwin*
will not appear in court to testify when wanted, deponent prays
that the said *Joseph Perwin* be
committed to the House of Detention in default of bail for his
appearance.

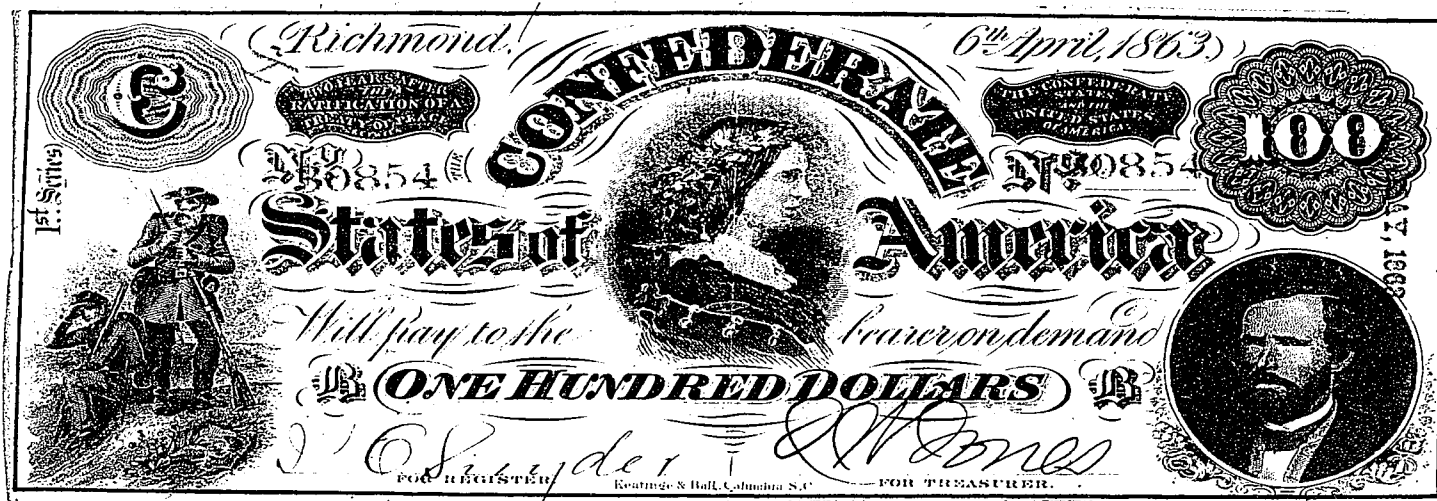
Henry Hahn

Sworn to before me, this
day of *July* 189*9*

189

Police Justice.

0237



0238

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

Peter de Biagato

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

Peter de Biagato

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

The said

late of the City of New York, in the County of New York aforesaid, on the *first*
day of *November*, in the year of our Lord one thousand eight hundred and *Recessing*
ninety- *Three*, at the City and County aforesaid, with force and arms, with intent to *Amended*
deprive and defraud *one Joseph Horrad*, *an* *by order of Court*
ignorant and illiterate person.

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

Recessing 7/13
Amended by
order of Court

That a certain paper writing in the
words and figures following to wit:

Provisional.
Prisoners.
no. 30854
6th April, 1863.
no. 30854
May 1863
Two years after the ratification of a treaty
of peace between the Confederate States and
the United States of America, the Confederate
States of America will pay to the bearer
on demand One hundred dollars B
J. W. Jones
x or Treasurer
J. W. Jones
x or Treasurer

which the said Peter de Biagato then

0239

and there produced and delivered to the said Joseph Perwin, was then and there a good and valid bill of paper currency of the United States of America, and of the denomination and value of one hundred dollars.

By color and by aid of which said false and fraudulent pretenses and representations, the said

— Peter de Brigante —

did then and there feloniously and fraudulently obtain from the possession of the said

Joseph Perwin, the sum of thirty four dollars in money, lawful money of the United States of America, and of the value of thirty four dollars,

of the proper moneys, goods, chattels and personal property of the said

Joseph Perwin

with intent to deprive and defraud the said

Joseph Perwin

December 7, 1893
Amended by
Order of Court

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

Whereas, in truth and in fact, the said paper currency was not then and there a good and valid bill of paper currency of the United States of America, and was not of the value of one hundred dollars, or of any value, but was

And Whereas,

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said *Peter de Ruggento* —
to the said *Joseph Peruvier* — was and were
then and there in all respects utterly false and untrue, as *he*, the said
Peter de Ruggento —
at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said
Peter de Ruggento —
in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods, *Securities*
chattels and personal property of the said *Joseph Peruvier* — *Assailed by*
Order of Court
then and there feloniously did STEAL, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.

0241

BOX:

539

FOLDER:

4907

DESCRIPTION:

Devery, William S

DATE:

11/29/93



4907

0242

COURT OF GENERAL SESSIONS OF THEPEACE
Of the City and County of New York.

-----x
THE PEOPLE OF THE STATE OF NEWYORK

No. 1

Against

William S. Devery.
-----x

THE GRAND JURY O THE CITY AND COUNTY OF NEW YORK, by
this indictment accuse William S. Devery of the crime of
wilfully ommiting to perform a duty enjoined by law upon
him as a public officer, committed as follows:

Heretofore, to wit: on the 16th day of June, in the
year of our Lord one thousand eight hundred and ninety-three,
and at all the times herein mentioned, at the City and County
aforesaid, the said William S. Devery was a public officer,
to wit: a member of the Police Force of the said City of
New York, of the grade and designation of Captain of Police,
assigned and detailed to and the principal officer of police
and in command of that portion of the territory of the said
City of New York known and designated, for the purposes of
police government, and duly established by the Board of Police
of the said City, as the Eleventh Precinct of the said City;
and at all the times aforesaid, the said William S. Devery, as
such Captain of Police and as the commanding officer of the
said precinct was charged, among other things, with the duty
of using and exercising, and causing to be used and exercised,

(2)

all proper, reasonable and effective means, and all the means within his power as such Captain of Police, for especially preserving the public peace and preventing crime in the said precinct, and for detecting and arresting offenders therein, and for carefully observing and inspecting all houses of ill fame and prostitution in the said precinct, and repressing and restraining all unlawful and disorderly conduct and practices therein, and for enforcing and preventing violations of the laws of this state, in force in this city, in the said precinct, and such duty as aforesaid was at all the times herein mentioned enjoined by law upon the said William S. Devery as such public officer and Captain of Police as aforesaid.

And on the said sixteenth day of June, in the year aforesaid, and from thence continually to and including the day of the filing of this indictment, there was, and yet is, kept and maintained in the said precinct, to wit: at and in the building, there situate, known as number 35 Chrystie Street a certain house of ill fame and prostitution, and at all the times aforesaid unlawful and disorderly conduct and practices were therein committed, and divers common prostitutes resorted to and resided therein, all of which he the said William S. Devery, at all the times aforesaid well knew.

Nevertheless, the said William S. Devery, being such public officer and Captain of Police as aforesaid, well knowing the premises aforesaid, wholly disregarding the duty so by law enjoined upon him as aforesaid, on the said sixteenth day of June, in the year aforesaid, and from thence

0244

(3)

continually to the day of the filing of this indictment, at the City and County aforesaid, did, and yet doth, unlawfully and wilfully, wholly neglect and omit to perform such duty as aforesaid, and then did and yet doth, wilfully and unlawfully wholly neglect and omit to use and exercise or caused to be used and exercised, all proper, reasonable and effective means within his power as such Captain of Police, for the prevention of the keeping and maintenance of the said house of ill fame and prostitution, and for the detection and ~~arrest~~ arrest of the person or persons keeping and maintaining the same; and then and at all the times aforesaid did, and yet doth, wilfully and unlawfully wholly neglect and omit to carefully observe and inspect the said house of ill fame and prostitution, or to cause the same to be carefully observed and inspected; and then and at all the times aforesaid did, and yet doth, wilfully and unlawfully wholly neglect and omit to repress and restrain, or cause to be repressed and restrained, such unlawful and disorderly conduct and practices therein; and then, and at all the times aforesaid did, and yet doth, unlawfully and wholly neglect and omit to enforce and prevent violations of the laws of this State in respect to the keeping and maintenance of such houses of ill fame and prostitution, but on the contrary, then and thereafter, continually to the day of the filing of this indictment at the City and County aforesaid, did, and yet doth, unlawfully and wilfully suffer and permit the said house of ill fame and prostitution to be kept and maintained at and in the building aforesaid, and the

0245

(8)

said unlawful and disorderly conduct and practices to be committed therein, without any interference on the part of him the said William S. Devery, such public officer and Captain of Police as aforesaid, and without any proper, reasonable or effective endeavor on his part towards the suppression thereof, or the detection and arrest of the person or persons keeping and maintaining the same, and without any proper, reasonable or effective endeavor on his part for the enforcement and preventing the violation of the laws of this State, in respect to the keeping and maintenance ~~of the same~~ thereof; 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.

DeLancey Nicoll

DISTRICT ATTORNEY.

POOR QUALITY
ORIGINAL

May 20th 1896
Defendant was tried & acquitted
upon evidence of some import as
is available in this case. I would
be useless to try him again & I
recommend dismissal of such.

Witnesses:

M. W. Wishart
Dr. Chas. Parkhurst
John Callinan
Rev. Wm. Hamilton
Stanton Coit
Hattie Schlossman
Abram Berlinski
Annie Altman
Joseph Schlossman
Supt. Byrnes.

Bond renewed Feb. 10/94
Paul & Dec 16/94
Peter G. Stappers
345 W. 28 St

Counsel,

Filed

day of

1896

Pleads,

Guilty, Deems

THE PEOPLE

778.

William S. Devery

DE LANOY-NICOLL,

District Attorney.

A True Bill.

Indictment dismissed
see recommendations of
Dist. Atty.
No 1, 32 City

Foreman.

890

May 21

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0247

**POOR QUALITY
ORIGINAL**

Ordered to the
SUPREME COURT,
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)

May 15 1896

**POOR QUALITY
ORIGINAL**

0248

*Ordered to the
SUPREME COURT,
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)*

May 15 1896

0249

COURT OF GENERAL SESSIONS OF THE PEACE
Of the City and County of New York.

-----X
THE PEOPLE OF THE STATE OF NEW YORK

Against

William S. Devery.

No. 2

-----X
THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment accuse William S. Devery of the crime of
wilfully omitting to perform a duty enjoined by law upon
him as a public officer, committed as follows:

Heretofore, to wit: on the first day of August, in
the year of our Lord one thousand eight hundred and ninety-
three, and at all the times herein mentioned, at the City and
County aforesaid, the said William S. Devery was a public
officer, to wit: a member of the Police Force of the said
City of New York, of the grade and designation of Captain of
Police, assigned and detailed to and the officer of police
in command of that portion of the territory of the said City
of New York known and designated for the purposes of police
government, and duly established by the Board of Police of
the said City as the Eleventh Precinct of the said City; and at
all the times aforesaid, the said William S. Devery, as such
Captain of Police and as the commanding officer of the said
Precinct was charged, among other things, with the duty of
using and exercising and causing to be used and exercised all
proper, reasonable and effective means, and all means within

~~xxx~~

0250

(2)

his power as such Captain of Police, for especially preserving the public peace and preventing crime in the said precinct and for detecting and arresting offenders therein, and for carefully observing and inspecting all houses of ill fame and prostitution in the said precinct, and repressing and restraining all unlawful and disorderly conduct and practices therein and for enforcing and preventing violations of the laws of this State, in force in this city, in the said precinct; and such duty as aforesaid was at all the times herein mentioned enjoined by law upon the said William S. Devery as such public officer and Captain of Police as aforesaid.

And on the day and in the year aforesaid, and from thence continually to and including the day of the filing of this indictment therewas, and yet is, kept and maintained in the said precinct, to wit: at and in the building, there situate, known as number 109 Forsyth Street, a certain house of ill fame and prostitution, and at all the times aforesaid, unlawful and disorderly conduct and practices were therein committed, and divers common prostitutes resorted to and resided therein, all of which he the said William S. Devery, at all the times aforesaid well knew.

Nevertheless, the said William S. Devery, being such public officer and Captain of Police as aforesaid, well knowing the premises aforesaid, wholly disregarding the duty so by law enjoined upon him as aforesaid, on the said first day of August, in the year aforesaid, and from thence continually to the day of the filing of this indictment, at the City and County aforesaid, did, and yet doth, unlawfully and

(3)

wilfully wholly neglect and omit to perform such duty as aforesaid, and then did and yet doth, wilfully and unlawfully wholly neglect and omit to use and exercise or cause to be used and exercised, all proper, reasonable and effective means and all means within his power as such captain of police for the prevention ~~and~~ of the keeping and maintenance of the said house of ill fame and prostitution and for the detection and arrest of the person or persons keeping and maintaining the same; and then and at all the times aforesaid did, and yet doth, wilfully and unlawfully wholly neglect and omit to carefully observe and inspect the said house of ill fame and prostitution, or to cause the same to be carefully observed and inspected; and then and at all the times aforesaid did, and yet doth, wilfully and unlawfully wholly neglect and omit to repress and restrain, or cause to be repressed and restrained, such unlawful and disorderly conduct and practices therein; and then and at all the times aforesaid did, and yet doth, unlawfully and wilfully neglect and omit to enforce and prevent violations of the laws of this state in respect to the keeping and maintenance of such house of ill fame and prostitution; but on the contrary, then and thereafter, continually to the day of the filing of this indictment, at the City and County aforesaid, did, and yet doth, unlawfully and wilfully suffer and permit the said house of ill fame and prostitution to be kept and maintained at and in the building aforesaid, and the said unlawful and disorderly conduct and practices to be committed therein, without any interference on the part of him the said William S. Devery, such public

0252

(4)

officer and Captain of Police as aforesaid, and without any proper, reasonable or effective endeavor on his part towards the suppression thereof, or the detection^{and arrest} of the person or persons keeping and maintaining the same, and without any proper, reasonable or effective endeavor on his part for the enforcement and preventing the violation of the laws of this state, in respect to the keeping and maintenance thereof; 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.

DeLancey Nicoll

DISTRICT ATTORNEY.

Mr. W. Wishart
 Dr. Chas. Parkhurst
 John E. Callinan
 Rev. Wm. Hamalton
 Stanton Court
 Mattie Schlossman
 Abram Berlinski
 Annie Altman
 Joseph Schlossman
 J. F. Byrnes

May 20 1896
Same recommendations
as in No. 1
~~Spillars~~
Dist. Off.

Counsel,
Filed 29 day of 1893
Pleads, *W. J. Kelly, Deco - with*
Case by motion
Placed Not Guilty Affirm 1894
THE PEOPLE

vs.
8
##

William S. Devary

Wilbur neglect of duty
154
[Section

DE LANCEY NICOLL
District Attorney.
May 21, 1896
In re Elmer desmarched
reg 14 comm & after of
Dist. Atty
No. 2, 109
J. H. C. March Foreman.

Ordered to the
SUPREME COURT,
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes)
May 15 1896

0253

0254

COURT OF GENERAL SESSIONS OF THE PEACE
Of the ~~City and~~ County of New York.

-----X
The People of the State of New York

Against

William S. Devery

no. 3.

-----X
THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,
by this indictment, accuse William S. Devery of the crime
of Wilfully Omitting to perform a duty enjoined by law
upon him as a public officer, committed as follows:

Heretofore, to wit: on the first day of August in
the year of our Lord one thousand eight hundred and
ninety-three, and at all the times herein mentioned, at
the City and County aforesaid, the said William S. Devery
was a public officer, to wit: a member of the police force
of the said City of New York, of the grade and designa-
tion of Captain of Police, assigned and detailed to, and
the principal officer of ~~of~~ police and in command of that
portion of the territory of the said City of New York,
known and designated, for the purpose of police government,
and duly established by the Board of Police of the said
City, as the ~~Elventh~~ Precinct of the said City; and at all
the times aforesaid, the said William S. Devery, as such
Captain of Police and as the commanding officer of the
said precinct was charged, among other things, with the
duty of using and exercising and causing to be used and
exercised all proper, reasonable and effective means, and
all means within his power as such Captain of Police, for

2.

especially preserving the public peace and preventing crime in the said precinct, and for detecting and arresting offenders therein, and for carefully observing and inspecting all houses of ill-fame and prostitution in the said precinct, and repressing and restraining all unlawful and disorderly conduct and practices therein, and for enforcing and preventing violations of the laws of this State, in force in this City, in the said precinct; and such duty as aforesaid was at all times herein mentioned enjoined by law upon the said William S. Devery as such public officer and Captain of Police as aforesaid.

And on the said first day of August in the year aforesaid, and from thence continually to and including the day of the filing of this indictment there was, and yet is, kept and maintained in the said precinct, to wit: at and in the building, there situate, known as number 81 ~~Elbridge~~ Street, a certain house of ill-fame and prostitution, and at all the times aforesaid, unlawful and disorderly conduct and practices were therein committed, and divers common prostitutes, resorted to and resided therein, all of which he the said William S. Devery, at all the times aforesaid, well knew.

Nevertheless, the said William S. Devery, being such public officer and Captain of Police as aforesaid, well knowing the premises aforesaid, wholly disregarding the duty so by law enjoined upon him as aforesaid, on the said first day of August, in the year aforesaid, and from thence continually to the day of the filing of this

3.

indictment, at the City and County aforesaid, did, and yet doth, unlawfully and wilfully wholly neglect and omit to perform such duty as aforesaid, and then did, and yet doth, wilfully and unlawfully wholly neglect and omit to use and exercise or cause to be used and exercised, all proper reasonable and effective means, and all means within his power as such Captain of Police, for the prevention of the keeping and maintenance of the said house of ill-fame and prostitution and for the detection and arrest of the person or persons keeping and maintaining the same; and then and at all the times aforesaid, did, and yet doth, wilfully and unlawfully wholly neglect and omit to carefully observe and inspect, the said house of ill-fame and prostitution, or to cause the same to be carefully observed and inspected; and then and at all the times aforesaid, did, and yet doth, wilfully and unlawfully wholly neglect and omit to repress and restrain, or cause to be repressed and restrained, such unlawful and disorderly conduct and practices therein; and then, and at all the times aforesaid, did, and yet doth, unlawfully and wilfully wholly neglect and omit to enforce, and prevent violations of, the laws of this State in respect to the keeping and maintenance of such house of ill-fame and prostitution; but on the contrary, then and thereafter, continually to the day of the filing of this indictment, at the City and County aforesaid, did, and yet doth, unlawfully and wilfully suffer and permit the said house of ill-fame and prostitution to be kept and maintained at and in the

4.

building aforesaid, and the said unlawful and disorderly conduct and practices to be committed therein, without any interference on the part of him the said William S. Devery, such public officer and Captain of Police as aforesaid, and without any proper, reasonable or effective endeavor on his part towards the suppression thereof or the detection and arrest of the person or persons keeping and maintaining the same, and without any proper, reasonable or effective endeavor on his part for the enforcement and preventing the violation of the laws of this State, in respect to the keeping and maintenance thereof; 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.

DELANCEY NICOLL,

District Attorney.

0258

81 Dodge

Witnesses:

M. W. Washart
Dr. Chas. Parkhurst
John E. Callman
Rev. Wm. Hamilton
Stanton Cook
Mattie Schlossman
Abram Berliniski
Anne Altman
Joseph Schlossman
Jeph. Byrnes

Counsel,

Filed

day of

Pleads,

1893

April-Dec 6

THE PEOPLE

vs.

#4

William S. Derry

Willful neglect of duty

Section 154

Penal Code

DE LANCEY NICOLL,

District Attorney.

A True Bill.

Foreman.

April 9, 1894

Ind and acquitted

no. 3

622
272

0259

COURT OF GENERAL SESSIONS OF THE PEACE,
Of the City and County of New York.

-----X
The People of the State of New York,

-Against-

William S. Devery.

No. 4.

-----X
THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,
by this indictment, accuse William S. Devery of the crime
of Wilfully Omitting to perform a duty enjoined by law
upon him as a public officer, committed as follows:

Heretofore to wit: on the first day of August in the
year of our Lord, one thousand eight hundred and ninety
three, and at all the times herein mentioned, at the City
and County aforesaid, the said William S. Devery was a
public officer, to wit: a member of the police force of
the said City of New York, of the grade and designation
of Captain of Police, assigned and detailed to, and the
principal officer of police and in command of that
portion of the territory of the said City of New York,
known and designated for the purposes of police govern-
ment and duly established by the Board of Police of the
said city, as the Eleventh Precinct of the said City, and
at all the times aforesaid the said William S. Devery,
as such Captain of Police, and as the commanding officer
of the said precinct was charged, among other things, with
the duty of using and exercising, and causing to be used
and exercised, all proper, reasonable and effective means,

(2)

and all the means within his power as such Captain of Police, for especially preserving the public peace and preventing crime in the said Precinct, and for detecting and arresting offenders therein, and for carefully observing and inspecting all houses of ill-fame and prostitution in the said precinct, and repressing and restraining all unlawful and disorderly conduct and practices therein, and for enforcing and preventing violations of, the laws of this State, in force in this city, in the said precinct; and such duty as aforesaid was, at all the times herein mentioned, enjoined by law upon the said William S. Devery as such public officer and Captain of Police as aforesaid.

And, on the said first day of August in the year aforesaid, and from thence continually to and including the day of the filing of this indictment, there was, and yet is kept and maintained in the said precinct, to wit: at and in the building there situate, known as number 70 Eldridge Street, a certain house of ill-fame and prostitution, and at all the times aforesaid, unlawful and disorderly conduct and practices were therein committed, and divers common prostitutes resorted to and resided therein, all of which the said William S. Devery, at all the times aforesaid well knew.

Nevertheless, the said William S. Devery, being such public officer and Captain of Police as aforesaid, well knowing the premises aforesaid, wholly disregarding the duty so by law enjoined upon him as aforesaid, on the

(3)

said first day of August, in the year aforesaid, and from thence continually to the day of the filing of this indictment, at the City and County aforesaid, did, and yet doth, unlawfully and wilfully, wholly neglect and omit to perform such duty as aforesaid, and then did and yet doth, wilfully and unlawfully wholly neglect and omit to use and exercise or cause to be used and exercised all proper, reasonable and effective means and all means within his power as such Captain of Police for the prevention of the keeping and maintenance of the said house of ill-fame and prostitution and for the detection and arrest of the person or persons keeping and maintaining the same; and then, and at all the times aforesaid did, and yet doth, wilfully and unlawfully wholly neglect and omit to carefully observe and inspect the said house of ill-fame and prostitution, or to cause the same to be carefully observed and inspected; and then, and at all the times aforesaid did, and yet doth, wilfully and unlawfully, wholly neglect and omit to repress and restrain, or cause to be repressed and restrained, such unlawful and disorderly conduct and practices therein; and then and at all the times aforesaid did, and yet doth, unlawfully and wilfully wholly neglect and omit to enforce and prevent violations of the laws of this State in respect to the keeping and maintaining of such house of ill-fame and prostitution; but on the contrary, then and thereafter, continually to the day of the filing of this indictment, at the City and County afore-

0262

(4)

said, did and yet doth, unlawfully and wilfully suffer and permit the said house of ill-fame and prostitution, to be kept and maintained at the building aforesaid, and the said unlawful and disorderly conduct and practices to be committed therein, without any interference on the part of him the said William S. Devery, such public officer and Captain of Police as aforesaid, and without any proper, reasonable or effective endeavor on his part towards the suppression thereof, or the detection and ~~the~~ arrest of the person or person keeping and maintaining the same, and without any proper, reasonable or effective endeavor on his part ~~of~~ for the enforcement and preventing the violation of the laws of this State, in respect to the keeping and maintenance thereof; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0263

BOX:

539

FOLDER:

4907

DESCRIPTION:

Doherty, John J

DATE:

11/29/93



4907

0264

BOX:

539

FOLDER:

4907

DESCRIPTION:

Doherty, Michael

DATE:

11/29/93



4907

0265

Witnesses:

John J. Brady

Counsel,

Filed

29th day of Nov

1893

Pleaded

Guilty But

THE PEOPLE

vs.

John J. Doherty

and

Michael Doherty

Robbery, First Degree.
(Sections 224 and 22 & Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Dec 15
P. 1. Dec 19
H. D. Ward
Dec 19/93

Foreman.

(Bath)
Discharged on their
own recognizance

The defendants and
complainant were
friends for a period
of time. The complainant
was drunk at the
time and I am
informed. There is
no satisfactory proof
that the complainant
has any money in his
possession. As near
as I can learn.
I was a drunken man
when these men were
at the time of the
crime. I never saw
either of the defendants
in their own home.
Dec-19-93

0266

Police Court-- District.

CITY AND COUNTY } ss
OF NEW YORK,

John J. Brady
 of No. 700 Morris Ave Street, Aged 40 Years
 Occupation Carpenter being duly sworn, deposes and says, that on the
 10 day of November 1893, 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 de-
 ponent by force and violence, without his consent and against his will, the following property, viz:

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

of the value of Thirty two & 50/100 DOLLARS,
 the property of Dependent.

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

John Roberty and Michael Roberty
 (both now here) from the fact that
 at about the hour of 3.30 o'clock
 P.M. said date deponent met these
 defendants on 2nd Ave between 101st and
 102nd Streets - and that the defendants
 remained with deponent all the
 afternoon refusing to leave deponent
 and at about the hour of 6 o'clock
 P.M. same day the defendants took
 deponent to the defendant John Roberty's
 home at 220 2nd & 102nd Street and
 after they got deponent in said home

deposited
 188

Police Justice

0267

the defendant John Doherty struck and knocked defendant down in the presence of the defendant Michael Doherty. and getting on top of defendant prostrate body. struck defendant many violent blows in the face with his fist. and placing his hand into the right hand pocket of defendant's trousers while defendant was lying down as aforesaid he the said John Doherty took stole and carried away said sum of money from said pocket. Defendant further says that the defendant Michael Doherty was present all the time and over the said John Doherty knock defendant down. and over him take said sum of money from defendant and that he refused to assist defendant in any way. and refused to try to stop John Doherty from robbing defendant. Wherefore defendant charges the said defendants with being together and acting in concert with each other. and feloniously taking stealing and carrying away said sum of money from the person of defendant by force and violence.

Sworn to before me }
this 11th day of Nov 1893

John J. Brady

Police Justice

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

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
vs.	
1	2
3	4
Dated 1893	
Magistrate.	
Officer.	
Clerk.	
Witnesses,	
No.	Street,
No.	Street,
No.	Street,
\$ to answer General Sessions.	

0268

Sec. 198-200.

District Police Court.

1882

City and County of New York, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not Guilty.

John J. Doherty

Taken before me this

day of *January* 189*5*

Police Justice.

0269

Sec. 198—200.

1882
District Police Court.

City and County of New York ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not Guilty -

Michael Doherty

Taken before me this
day of *March* 189*9*

John J. Sullivan
Police Justice.

0270

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

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

Dated, November 11 1893 . Thomas J. Leitch Police Justice.

I have have admitted the above-named.....

to bail to answer by the undertaking hereto annexed.

Dated,.....189.....Police Justice.

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

guilty of the offense within mentioned, I order h to be discharged.

Dated,.....189.....Police Justice.

0271

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court, 5 District. 1206

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John J. Brady
700 Morris Ave.
John J. Doherty
Michael Doherty

3

4

Dated

November 11th 1893

Frederic

Magistrate.

W. E. Eary
28

Officer.

Precinct.

Witnesses

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer



C. W. Pratt

0272

482

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 J. Doherty
Michael Doherty

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

John J. Doherty and Michael Doherty
of the CRIME OF ROBBERY in the first degree, committed as follows:
The said John J. Doherty and Michael Doherty, both

late of the City of New York, in the County of New York aforesaid, on the tenth day of November, in the year of our Lord one thousand eight hundred and ninety-three, in the right-time of the said day, at the City and County aforesaid, with force and arms, in and upon one John J. Brady in the peace of the said People then and there being, feloniously did make an assault; and

the sum of thirty-two dollars and fifty cents in money, lawful money of the United States of America and of the value of thirty-two dollars and fifty cents

of the goods, chattels and personal property of the said John J. Brady from the person of the said John J. Brady against the will and by violence to the person of the said John J. Brady then and there violently and feloniously did rob, steal, take and carry away,

the said John J. Doherty and Michael Doherty and each of them being then and there aided by an accomplice actually present, to wit: each by the other against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey McCall,
District Attorney

0273

BOX:

539

FOLDER:

4907

DESCRIPTION:

Donohue, Thomas

DATE:

11/20/93



4907

0274

BOX:

539

FOLDER:

4907

DESCRIPTION:

Larkin, William

DATE:

11/20/93



4907

0275

Witnesses:

Off Skelly
Giuseppe Mordì

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

18
216299
pedlar ns.

Thomas Donohue

22 E 68 and
200 1st St.

William Larkin

Grand Jury Second Degree
[Sections 558, 559, 560 Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Part 3. Nov 24/93

Bottle P reads - Petition Larceny.

A TRUE BILL.

Ass 1st 2 - 1st Ea Pany

Heinrich Foreman.

0276

Police Court— District.

1912

Affidavit—Larceny.

City and County { ss.
of New York, }

of No. 156 Baxter Street, aged 30 years,
 occupation Robber and Fruit Stand being duly sworn,
 deposes and says, that on the 4th day of November 1893 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 evening time, the following property, viz:

One basket full of Swimming
Chewing Tobacco.

One box of Cigaretts
 Three Packs of Cigars.

Being in all of the value of
Thirty 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 Miriam Jernin and Thomas

Lanahan (now here) who were
 acting in concert for the purpose
 of acquiring to wit from the night
 of said day deponent had the said
 property in his stand which was
 in Thursbury Street and which
 was locked with padlocks and
 deponent is informed by Thomas
Shelley a police officer of the
10th Precinct police that about the
 hour of 2:30 o'clock am on the
morning of the 4th day of November
1893 he found said defendants in
Markt Street with the said property

Subscribed before me this
 189 }
 City

Police Justice.

0277

in their possession and arrested them
and when paid they asked defendants
where they were going and where they
got paid property they admitted and
confessed to a deponent that they
had been aware the stated of deponent
and had taken said property therefrom
and deponent identified said property
as being his and charged defendants
with the larceny of the same

Arrested before me 1893 } Giuseppe his
this 4th day of November } son
W. M. [Signature]
Police Justice

0278

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas F. Kelly
aged 26 years, occupation Police Officer of No.
10th Precinct Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Guisepe Nardi
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me this,

day of November 189 3

Thomas F. Kelly
Police Justice.

0279

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

1st District Police Court.

Thomas Donohue 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.

Thomas Donohue

Taken before me this

day of

1st
188
Police Justice.

0280

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William Larkin*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *200 E 65th 2 years*

Question. What is your business or profession?

Answer. *Printer*

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

Answer. *I am not guilty*

William Larkin

Taken before me this

day of

William Larkin
Police Justice.

0281

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, Five and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Nov 14 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0282

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

288
Police Court---

1219
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

3 _____

4 _____

Dated, Nov 4 1893

Magistrate.

Officer.

Precinct.

Witnesses

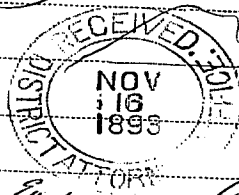
No. 10th Precinct Street.

No. _____ Street.

No. _____ Street.

\$ 1000 Each to answer

Committed



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 Donohue
and
William Larkin

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

Thomas Donohue and William Larkin
of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed
as follows:

The said Thomas Donohue and William Larkin, both

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

ten pounds of tobacco of the
value of two dollars each pound,
one box of cigarettes of the value
of five dollars, and three boxes
of ~~cigarettes~~ of the value of
three dollars each box and one basket
of the value of one dollar

of the goods, chattels and personal property of one

Giuseppe Nardi

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.

SECOND COUNT—

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

Thomas Donohue and William Larkin
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Thomas Donohue and William Larkin, both*
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,

ten pounds of tobacco of the value of two dollars each pound, one box of cigarettes of the value of five dollars and three boxes of cigars of the value of three dollars each box, and one basket of the value of one dollar

of the goods, chattels and personal property of one

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

unlawfully and unjustly did feloniously receive and have; the said

Thomas Donohue and William Larkin

then and there well known the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0285

BOX:

539

FOLDER:

4907

DESCRIPTION:

Driscoll, Michael

DATE:

11/09/93



4907

0286

Witnesses:

Mary Vandewater

Counsel,

Filed

day of

1893

Pleas,

THE PEOPLE

30

18

Cherry

Calomnes

P

Michael Driscoll

H.D.

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. O. Wood Foreman.

Part 3. November 23/93

Pleas Assault 34 deg

177 Pen Jy

0287

17280
Henry M. Aileen
ESTABLISHED A.D. 1845
S.E. Cor. 35th St. & BROADWAY
NEW YORK.
Oct 21 1893
G. H. M. Watch
25⁰⁰
Wm. Williams
Not accountable for loss or damage by
fire, breakage, moth or burglary.
SEE RATES ON OTHER SIDE.

0288

(1365)

Police Court—

District.

Affidavit—Larceny.

City and County } ss.
of New York,of No. 442 East 122 Street, aged 28 years,
occupation Clerkdeposes and says, that on the 21 day of October 1893 being duly sworn,
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 - gold watch; valued
at - Twenty 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

Charles Winkham; now here,
from the fact; that the said defendant
visited with this deponent; and
after the defendant left his house
deponent missed the said property.
Detective John McCabe
arrested this defendant; and the
defendant confessed to the said
McCabe that he had taken and
stolen the said property and pawned
the same. Wherefore deponent prays
that the said defendant may
be held to answer.

Robert E. Shaw

Sworn to before me this
21 day of
October 1893

Police Justice.

0289

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK } ss.5
District Police Court.

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

Question. What is your name?

Answer.

Charles M. Dunham

Question. How old are you?

Answer.

21 years old

Question. Where were you born?

Answer.

Philadelphia Pa

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

Answer.

Naples Ontario Ont. 12 yrs

Question. What is your business or profession?

Answer.

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
C. M. Dunham

Taken before me this
day of

July 17
1903
Police Justice

Police Justice.

0290

CORRECTION

0291

BOX:

539

FOLDER:

4907

DESCRIPTION:

Driscoll, Michael

DATE:

11/09/93



4907

0292

Witnesses:

Mary Vandewater

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

30

18

Cherry

Calson

Michael Driscoll

H.D.

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. O. Ward Foreman.

Part 3. November 23/93

Pleads Assault 3469

177 Pen Jy.

0293

Witnesses:

Mary Vandewater

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

30

18

Cherry

Calom

P

Michael Nicoll
H.D.

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

H. O. Wood Foreman.

Part 3. November 23/93

Pleads Assault 3rd deg

1 yr Pen

0294

Police Court— District.

1931

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

Mary Vandewater
 of No. *22 Cherry* Street, aged *31* years,
 occupation *Housekeeper* being duly sworn,
 deposes and says, that on the *29* day of *October* 189*3* at the City of New
 York, in the County of New York,

She was violently and feloniously ASSAULTED and BEATEN by

Michael Driscoll (now here)

*who cut and stabbed her several
 times on the left arm and body
 with a Knife - which he then
 and there held in his hand*

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

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

Sworn to before me, this *30th* day
 of *Dec.* 189*3*

James Martin - Police Justice.

Mary X Vandewater
mark

0295

Sec. 198—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, }

Michael Driscoll 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.

Michael Driscoll

Question. How old are you?

Answer.

30 years

Question. Where were you born?

Answer.

New York

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

Answer.

18 Cherry St. - 7 months

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty
Michael Driscoll

Taken before me this

301895Michael Driscoll

Police Justice.

0296

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

Dated, *Oct 30* 189 *3* _____ *James H. [Signature]* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0297

274
Police Court--- / District. 1169

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary Vandewater
HOUSE OF DETENTION CASE
Michael Driscoll

by
Offense: Telonious
Assault

2
3
4

Dated, Oct 30 1893

Martin Magistrate.
Neely Officer.
6 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$1000 to answer

Committed

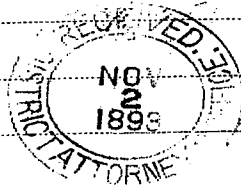
BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.



0298

AFFIDAVIT FOR COMMITMENT OF WITNESS.

4771

POLICE COURT.....DISTRICT.

CITY AND COUNTY }
OF NEW YORK, } ss.

6 Robert H. Neely
of the.....Precinct Police being duly sworn, deposes
and says that Mary Vandewater
(now here) is a material witness for the people against
Michael Driscoll charged
with Felonious Assault. As deponent has
cause to fear that the said Mary Vandewater
will not appear in court to testify when wanted, deponent prays
that the said Mary Vandewater be
committed to the House of Detention in default of bail for ~~his~~ ^{her}
appearance.

Robert H. Neely

Sworn to before me this 23rd day of March 1893

Michael Driscoll

Police Justice.

**TORN
PAGE(S)**

0299

New York 2nd Ave
22 Cherry Street

Friend Mary

We hope you are well poor
Mike's Mother Father and Sister
has been down here every night
since you had him arrested. Mary
he is an only Son and Brother
and we all beg of you for God
Sake not to send him to
to die. You know he is a
Innocent. when you got that
little scratch on your wrist in
Hylands. you let the police force
you to make false Charges
against the poor fellow. You
can free him when you go
before the grand Jury. You can
withdraw the charge if you like.
You know you got the scratch
on your wrist when trying to
throw your arms around him

3

of you for God sake with draw
the Chare before the Grand
jury and if he gets out he
will never bother you again

his mother Father and Sister
is Heart Broken and
did not think you were
so hard hearted.

I will see about your
and things Mrs Grady
give her best regards and hope
to see you and write out again
from your friends

Frank and Maria Hines
Maria and sister was in
to see Mike to day she says he
is being Raulroaded By the Police
having you to put him away
over

**TORN
PAGE(S)**

0301

2
to hold him from going out.
it was purely accidental and
you can tell the Grand Jury so
tell them the officer made you
swear falsely or he would lose
you any chance he got
on you. you need not care
about him you will be in the
jury room alone and tell the
truth God knows Mike is
innocent and there ~~now~~
mark on you only the ~~now~~
on your wrist. don't have it
on your mind and soul by
sending the poor fellow to prison
maybe to his death. Mike
died you like a man while
you were in prison. and
he spent his last dollars
with you. he is a good man
only for drink
now we all beg.

3

Of you for God sake with draw
the chair before the Grand
jury and if he gets out he
will never bother you again

his mother father and sister
is heart broken and
did not think you were
so hard hearted.

I will see about your
and things Mrs Grady
give her best regards and hope
to see you and write out again
from your friends

Frank and Maria Hines
Maria and sister was in
to see Mike to day she says he
is being railroaded by the Police
having you to put him away
Over

**TORN
PAGE(S)**

0303

Mary Be a woman the police
can only give you a month or
so as they have done before.
free Mike and let him
Enjoy a little liberty

~~Mary write to us
and let~~

Mary write to
Patsy in care of Mrs
Grady 22 Cherry St city

0304

1723

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Driscoll

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

Michael Driscoll

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

The said

Michael Driscoll

late of the City of New York, in the County of New York aforesaid, on the *twenty-ninth* day of *October* in the year of our Lord one thousand eight hundred and ninety-*three*, with force and arms, at the City and County aforesaid, in and upon the body of one *Mary Vandewater* in the peace of the said People then and there being, feloniously did make an assault, and *he* the said *Mary Vandewater* with a certain *knife*

which the said

his

Michael Driscoll right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent

her

the said

Mary Vandewater

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

Michael Driscoll

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

The said

Mary Driscoll

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Mary Vandewater* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *her* the said *Mary Vandewater*

with a certain

knife

which the said

in

his

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

0305

THIRD COUNT—

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

Michael Nicoll

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

The said

Michael Nicoll

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 said *Mary Vandewater* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *her* the said

with a certain

knife

Mary Vandewater

which

he

the said

Michael Nicoll

in

his

right hand then and there had and held. in and upon the

of

her

the said

arm

Mary Vandewater

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~lacerate~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

Mary Vandewater

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

DE LANCEY NICOLL,

District Attorney.

0306

BOX:

539

FOLDER:

4907

DESCRIPTION:

Dunham, Charles M

DATE:

11/09/93



4907

0307

Witnesses:

Off John McCabe

Tuesday

Served for the
Compter

Robert E. Shaw

Imprisoned

My

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Charles M. Dunham

for 10/93
Charles L. Day

DE LANCEY NICOLL,

District Attorney.

2 of 10, 4. 1005, 5. 10
A TRUE BILL. Chris 4/93 + 1/2

W. C. Ward Foreman.

Grand Larceny, second Degree.
[Sections 528, 529, Penal Code.]

#34

0308

17280

Henry M. Aileen
ESTABLISHED A.D. 1845
S.E. Cor. 35th St. & BROADWAY
NEW YORK.

Oct 21 1893

G. H. W. Watch

25⁰⁰

W. Williams

Not accountable for loss or damage by
fire, breakage, moth or burglary.
SEE RATES ON OTHER SIDE.

0309

(1365)

Police Court—

District.

Affidavit—Larceny.

City and County } ss.
of New York,of No. 442 East 122 Street, aged 28 years,occupation Clerk being duly sworn,deposes and says, that on the 21 day of October 1893 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:

One gold watch; valued
at Twenty 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

Charles Bunkham; now here,
from the fact; that the said defendant
resided with this deponent and
after the defendant left his house
deponent missed the said property.
Detective John McCall
arrested this defendant; and the
defendant confessed to the said
McCall that he had taken and
stolen the said property and pawned
the same. Wherefore deponent prays
that the said defendant may
be held to answer.

Robert E Shaw

Sworn before me this
21 day of
October 1893

Police Justice.

0310

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY }
OF NEW YORK. }

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

Question. What is your name?

Answer.

Charles M. Dunham

Question. How old are you?

Answer.

21 years old

Question. Where were you born?

Answer.

Philadelphia Pa.

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

Answer.

Naples Ontario Can. 12 years

Question. What is your business or profession?

Answer.

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
C. M. Dunham

Taken before me this

4-7

1913

Police Justice.

03 11

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 Feb 27 1893 Thos. J. [Signature] Police Justice.

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

Dated _____ 189 _____ Police Justice.

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

Dated _____ 1890 _____ Police Justice.

03 12

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

5

1154 " District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Robert E. Shaw
vs. 442 vs. 8. 122 vs. 8. 122
Chas. M. Dunham

2 _____

3 _____

4 _____

Dated Oct 27 1893

O. E. Sinner Magistrate.

John W. Baker Officer.

29 Precinct.

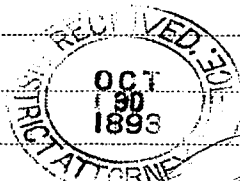
Witnesses John W. Baker

No. 29 Precinct Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer



03 13

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles M. Dunham

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

Charles M. Dunham

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

The said

Charles M. Dunham

late of the City of New York, in the County of New York aforesaid, on the 21st day of October, in the year of our Lord, one thousand eight hundred and ninety-three, at the City and County aforesaid, with force and arms,

one watch of the value of
seventy-six dollars

of the goods, chattels and personal property of one

Robert E. Shaw

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

De Lancey Nicoll,
District Attorney

03 14

BOX:

539

FOLDER:

4907

DESCRIPTION:

Dunne, Mary

DATE:

11/08/93



4907

0315

Witnesses:

Cecelia Chattlin
Off. Ed. Buchanan

Counsel,

Filed

Pleads,

L. S. Chandler
16 Exchange St.
#19
1893
Pleas, *Not Guilty*

THE PEOPLE

vs.

P
Mary Dunne

Murder in the First Degree.
(Section 183, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Heppner
March 16/94
Tried & convicted of
murder
of *Mary Dunne*
by *John S. Mrs. J. J. J. J.*
W. H. J. J. J. J.

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COURT OF GENERAL SESSIONS.

Part III.

The People of the State of New York.

against

M a r y D u n n e .

: Before Hon.
: Frederick Smyth
: and a Jury.

Indictment filed November 8th, 1893.
Indicted for Murder in the First Degree.

New York March 14th, 1894.

Appearances: For the People, Assistant District Attorney James W. Osborne.

For the Defendant Mr. Lewis S.
Chanler.

EDWARD J. DONLIN, a witness for the people, sworn testified:

I am Deputy Coroner. I made an autopsy on the body of George Dunne on the fifteenth of October 1893 at the New York Hospital, and was assisted by Dr. Briggs. It was about three o'clock in the afternoon. On inspection of the body it appeared to be well nourished. There was about a dozen small wounds about the left eye, the forehead and the left temple parietal region. I made a superficial examination of the body. I found a fracture of the skull beneath after removing the scalp. On removing the top of the skull I found a hemorrhage beneath the fracture. I found the cause of death to be fracture of the skull. I believe the other vital organs

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were in normal condition. I should say these wounds were caused from blows struck with a hammer or an ax or anything of that kind.

Cross examination:

I think the stomach was congested. The ulceration could have been from other causes than drinking. The ulceration which I observed was not the cause of this man's death.

FRANK E. TOWLE JR., a witness for the People, sworn testified:

I am a city surveyor. I made the survey shown me representing 106 West 26th Street. It is a correct diagram of the second floor; it was made March 7th, 1894. It contains a diagram representing the staircase leading from the second floor up to the third. By standing at the banisters and bending over I could see down into the kitchen floor. . (The diagram was put in evidence).

MALANIA SOMMIEL, a witness for the people, sworn testified:

I live at 106 West 26th Street. I keep a restaurant and house. I remember the 14th of October. The defendant and her husband occupied the second floor, for about six months. On the afternoon of the 14th of October I saw Mary Dunne in the window of her apartments. I was in the yard when I saw her. It was about three

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or four o'clock. She told me to go up, she wanted to see me. She says, "I want to tell you something". . I did not go up. Abrian went up, and after he came down I went up to the door of Mrs. Dunne's apartments. I saw Mrs. Dunne in the hall and she said to me, "I kill my husband!" I came in the kitchen and I ran going in and I saw this man in the bed, I ran away. I went into the front room and I saw one man on the bed full of blood, it was Mr. Dunne. I ran out to the hall. It was in the room next to the kitchen that the body was found; there were three room s altogether. The man was lying straight on the bed with his head towards the foot of the bed. I saw blood on the bed and on the wall. I saw the boy at the d or downstairs and he came upstairs with me and the woman said to him, "Tody, I killed your father".

Q When you went into the room h did you see anything else on the bed except Dunne? A. No sir.

Q The little girl was she on the bed? A. She sat down near the father.

Q She was in the bed with the father? A. Yes sir.

Q Did you notice any blood on the little girl? A. Yes sir, there was blood on the baby's face all over.

Q What did the little boy do when he got upstairs?

A. He is going in to t room to feth the baby. The boy got the little girl in his arms and came down with

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her. The defendant was there and saw this take place. .
I went down to my room and I commenced to wash the baby.
The boy came into my room with a policeman. I left the
woman in her own room. I did not see any hammer lying
on the bed. I did not touch anything in the room.
The little girl I speak of was about 18 months old.

EDWARD BUCHANAN, a witness for the people, sworn
testified:

I am a police officer attached to the 19th Precinct in this city. I remember the 14th of October. On that day a man, Adrian Forin came to me and spoke to me and I went down to 106 West 26th Street to the Dunne Apartments. I saw Mrs. Dunne in the kitchen, and in another room I saw a body of Mr. Dunne; the room was mussed and the furniture overturned, the walls and floor were covered with blood. On the floor lay a hammer, it is the same as the one shown me now. There was blood on it. I rang up an ambulance and took the patient to the New York Hospital. I put Mrs. Dunne under arrest and conveyed her to the hospital also. I locked the room door and the keys were brought to the station house by Officer Brown and Officer Scully.

Cross examination:

When I went to the room there was a baby on the bed there was no one else there. Mrs. Dunne told me that her husband came home and abused her and

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kicked her and she hit him with the hammer. .

Q When you came in was the man lying lengthwise on the bed or across the bed? A. Across the bed. .

The blood that I saw was on the partition wall between the kitchen and the room. As I entered the kitchen there was crockery broken on the floor and thing turned upside down-- the furniture and kitchen utensils.

The furniture in the other room was turned upside down also. It was Dr. Judd examined MRs. Dunne at the hospital. One of the nurses examined her in a side room. I asked Dr. Judd were there any marks of violence on her and he said there was a slight abrasion on the left arm. When I went in the room the child was in the bed and I took it and gave it to it's mother. It was not asleep. I brought this Adrian upstairs to show me where the place was. No one else came in the room while I was there except this Adrian; there were other officers who came in when I sent for them; Officers Brown and Scully.

Mr. Dunne had nothing on but an undershirt when he lay on the bed. He was lying on his back when I entered the room, unconscious. I went downstairs and rang for the ambulance myself. I took the child down into the restaurant myself. When I went down for the ambulance I left Forin in the room in charge. I was gone about five minutes, when I returned the baby was still in the mother's arms; then the boy came upstairs and I

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took the baby off the mother and gave it to the boy,
and the boy brought it downstairs to Mrs. Sommiel's
restaurant.

EMMA GRUBERT, a witness for the People sworn, testified:

I am a nurse in the New York Hospital and was
so on the 14th of October 1893. I nursed George Dunne;
He died between three and four in the morning of the 15th.
He was a very large sized man, weighing about two hundred
pounds or over.

CHARLES MCGOVERN, a witness for the People, sworn, testified:

BY THE COURT:

I am ten years old. I live at 106 West 26th
Street. My name is Charles McGovern, my fathers name
is George Dunne, and my mothers name is Mary Dunne.
I go to school, and to church and to Sunday School.
I remember the day my father was killed; he came home about
seven in the morning. He knocked at the door about ten
times and my mother wouldn't let him in; about an hour
afterwards she did let him in. He sat up and had a glass
of beer. I went for the beer. After that he went to sleep.
He took his clothes off first. My mother drank the rest
of the beer. She then sent me out for another pint of
beer, she drank it all. Then she sent me out for stock-
ings, I was gone about ten minutes. I saw my father when

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I came back; he was bleeding. I also saw blood on my mother, I asked her if he was dead and she said "Yes". .

When she sent me out for the first beer she told me where to get it--down there near Seventh Avenue, I don't know the name of the place. After my father drank some beer he took his clothes off and lay down. My mother gave me the money to go for the beer the second time-- she gave me ten cents. When I came back I gave it to her; she was in the room where my father was lying; she drank all the beer. She then gave me ten cents to go and get black stockings. She didn't say where to get them; I knew where to get them it was on Seventh Avenue near 27th Street. I had been there four times after stockings, sometimes paid five cents and sometimes ten cents; the stockings were for myself. I brought the stockings home and put them on and took my old stockings off, and threw them away. She did not look at the stockings at all. When I went out for the stockings my father was asleep in bed. When I came back I asked my mother if he was dead. She told me she fired a hammer at him. I saw the hammer by the side of the bed. My mother told the People downstairs before I came back. I took the baby downstairs and took care of her. I know of three times before when my mother locked my father out.

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Cross examination:

I was living in the 26th Street House since last Winter. My birthday is the fourth of November. I was nine last November. I remember when we lived over Mr. Feldheim's on Seventh Avenue. My father treated me well except one time. I do not remember the neighbors over there. My father used to come in about seven o'clock in the 26th Street House. There were three rooms in the house, a big room and a kitchen and a little bed room. I slept in the little bed room. The door was broken off. I could hear what went on in the front room. I remember two nights before that my father was carried upstairs. There was a man with him ; it was after my supper. I used to get up at half past seven; he used to come in about seven. . I have not talked with anybody about this case since October. I have been living in the Mission of the Immaculate Virgin on Staten Island. I knew my mother was arrested. I knew my mother was in prison. On the 18th of October I went to the Gerry Society. Some little boys told me my mother was arrested. I told the lady who washed me down at the Gerry Society that my mother had killed my father. Since I left the Gerry Society I talked to the District Attorney about the case, and told him what I knew. I have not talked with anybody else.

I only saw my father drunk twice. Once was at out Seventh Avenue house. . When I came back after getting the stockings, I think Mrs. Sommiel was in the room. I saw police officers there after I went down-

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stairs and came up again. After my father went to sleep that morning I never saw him awake again. I think it was about four days before the occurrence that he came home drunk. I have seen my mother and father quarrelling, and my mother would want to hit my father and he would hold her. I never saw him hit her. It was about eight o'clock when my father came into the room on that day. I think it was about four o'clock in the afternoon when I came back with the stockings. When my father knocked at the door, I was in the kitchen and my mother was in the other room. It was about five minutes after my mother opened the door and let him in, that I went out.

ROBERT J. BROWN, a witness for the People, sworn, testified:

I am connected with the Minicipal Force. I remember the 14th of October. The sergeant sent me to 106 West 26th Street. It was about ten minutes to four. I went there alone. I found there Officers Scully and Buchanan. I saw the defendant there, and also the deceased; he was lying on a bed. I asked Scully what had occurred and he said "This woman has assaulted her husband with a hammer" and he held the hammer in his hand and asked the woman what she had done it for and she didn't answer him. The ambulance surgeon came and and he says, "This is a very bad case" He says, "What did you

assault your husband for", and she says, "He called me a whore and I wanted him to take it back, and he wouldn't do it and I struck him." We carried the body downstairs and put it in the ambulance. The man was insensible at the time. There was blood around the room.

Cross examination:

I entered the place through the door leading from the hall into the main room. The man was lying across the middle of the bed with his feet on the floor. He had nothing on but an undershirt. The room was spattered with blood, and also in the kitchen the sink had blood on it; some dishes in the sink had blood on them also. The woman was not excited when we asked her if she killed her husband; she appeared like one intoxicated. She seemed kind of dazed but you could understand her. I didn't notice any chairs upset.

CELIA CHATTELLION, a witness for the People, sworn, testified:

I live on the top floor of 126 West 26th Street. I recollect the day the man was killed in the house. I recollect about a week before that. It was about seven o'clock in the morning when the man came home. I was in the kitchen and the door was open. I was standing in the hall when he was coming up the stairs. I overheard the conversation between him and his wife. He says, "Open the door" and she says, "I will not open the door, now if you come in I will kill you."

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He said, "Oh you will not you will do no such thing". She then came in the hall and gave him a good beating. He called "Baker, Baker Help". I did not wake up my husband. She then went in and locked the door. She said "Wait a minute, I am going to run for a hammer, and I will fix you". The man then went down to the street door. I saw the man again about four o'clock in the evening. I have heard Mrs. Dunne call her husband bad names. Every day for a week before the homicide she kept the man out. I talked with my husband, and one day I talked to Mrs. Dunne and I told her "Don't be so foolish; why don't you leave your husband come in; He is a nice quiet man", and she called me all the bad names she could think of.

Q Did she say anything else except calling him names?

A I didn't hear. She said she will run in the rooms and she will go for a hammer to smash his brain. This was a week before.

Q That is what she said to you? A. Yes sir, what she said to me, "When I am mad I will go for a hammer and I will smash his brain" and she meant to do something to me just because I told her not to be foolish. On the morning of the homicide, he knockrd at the door, and she says, "You will not come in now, I will kill you". He said "You will not do any such thing, don't be foolish, open the door". He had a great deal of patience, and he was standing in the hallway about half an hour. Then the

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boy opened the door and Mr. Dunne went in and from t at time, from nine in the morning, I didn't hear any more, no fight--until 12 O'clock. I heard the babyscream.

I saw Mrs. Dunne in the kitchen window in the afternoon and heard her call out Mrs. Sommiel.

Cross examination:

I have lived in the same street for six years.

I don't do anything but keep house. I never saw Mr. Dunne until a couple of weeks before he was killed. I had seen him a great many times, but I didn't know it was him. He was a very quiet man. . My husband and Mr. Dunne were not intimate. One time he came in our room on a Sunday Morning, and said "Let me come in or she will kill me". . My husband was not out with him on the night before his death. . I heard his wife threaten to kill him every day for a week before his death and always with a hammer. I have been in Dunne's apartments but never saw any box of tools there. . I could see m from my kitchen into their kitchen when the doors were open; I could not see as far as the kitchen sink. . It was in the hall that I saw her give him a beating. It was the same thing every day for the week. He would come and she would not open the door, She would call him vile names and threaten to kill him with a hammer. The occasion when I spoke to Mrs. Dunne and told her not to be foolish, was a week after she done the

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beating. I did not notice that they quarrelled during the time they lived in the house before the occasions spoken of. I know Mrs. McMannus; she has nothing to do with this case; she is a nice respectable lady. . She lives in the next house now.

On the day that Mr. Dunne died or left those rooms to die in the hospital, there was nothing of an unpleasant nature at the door before Mr. Dunne went into the room. Everything was perfectly quiet. He knocked at the door and I didn't hear what she said. I was not friendly with Mrs. Dunne.

Q Were you unfriendly with Mrs. Dunne? A. No sir, why would I be bad friends with her?". When she came in the house, I made up my mind she was not the kind of woman I wanted to associate with. I heard her conversation with the policeman, "She says, "I did not cut him enough yet". That is the answer she gave the officer.

ELLEN O'BRIEN, a witness for the People, sworn testified:

I am police matron at the 19th Precinct. On the 14th of October the defendant was brought to the Station I searched her and found twenty dollars in money. I asked her what she did it for and she said "her husband called her names and she wanted him to take it back and he would not and she struck him with the hammer. I asked her how the baby got blood on it and she said it was in bed with the father. She was intoxicated when I spoke to her. I heard her tell the same thing to the police

Captain. The Captain asked her if he was drunk and she said he was not.

JOSEPH P. DUNNE, a witness for the People, sworn testified:

I am a manufacturer of awnings , and live in Brooklyn. The defendant is the wife of my brother. They were married about three years. He was an engineer for twenty years. He worked at the hotel Marlborough. He told me he left the Oriental Hotel because he could not get his wages. I saw him every month or two.

PETER J. BRADY, a witness for the People, sworn testified:

I am an engineer in the Marlborough Hotel. Myself and Dunne worked together on the night shift. I knew him to be a sober man always attending to his work.

Cross examination:

He was at work every night for the week before his death.

D E F E N S E .

ROBERT HENDERSON, a witness for the Defendant, sworn, testified:

I live at 228 Seventh Avenue. I know Mrs. Dunne's character for peace and quiet to be good, and have always heard of it's being good. I have know George Dunne for four years. My daughter says his character for peace and quiet is very bad. I would call it bad.

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I have heard Dunne speak roughly to his wife, probably twelve or eighteen months ago. I have seen him drunk on the street and in the house. I respected him as a man the same as I respect everybody as a man.

MRS SOMMIEL, recalled for cross examination testified:

Cross examination:

On the morning of the homicide I saw George Dunn going down for beer. I saw him drunk the day before. He did not have any tool chest in his rooms but I had them in my rooms. The condition of the room after the homicide was that clothes were lying around, no dishes were broken or furniture upset. I saw him go out twice for beer and the second time he did not walk the same as the first. I got the keys of the room from his cousin. He was perfectly sober when I saw him at six o'clock in the morning. He was a peaceable man. The tool box was found in the closet. I saw Dunne the day before his death at the door but I was not speaking to him then. I saw him three or four times going for beer on the morning of his death.

MARY BECK, a witness for the defendant, sworn testified:

I am a cousin of the defendant; have known her all her life. Her character for peace and quiet is good--too good natured. I have seen her husband abuse her; it was two years ago at the time of her sickness in her own house at 7th avenue and 23rd Street. She was confined and in bed and he swore at her.

Cross examination:

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Cross examination:

I have known Mr. Dunne about six years.
I never saw Dunne raise his hand to strike his wife.

GEORGE P. BIGGS, a witness for the Defendant, sworn testified:

On the fifteenth day of October together with Dr. Donlin I made a superficial examination of Mr. Dunne and found that his body was that of a well nourished man, he was rather obese. He had a number of lacerations and contusions on the left side of the scalp, which were semi-circular in outline as if they had been made by a blunt circular instrument of some sort about the size of a quarter of a dollar; a blunt instrument. The injury was on the left side. The lungs were very much congested, the heart was normal, the liver was quite fatty, the kidneys showed a condition of Bright's disease. The cause of death was the compound depressed fracture of the skull with lacerations of the brain and hemorrhage.

Cross examination:

The condition of the stomach showed evidence of his being a drinking man.

JENNIE ROCHE, a witness for the Defendant sworn, testified:

I know Mrs. Dunne two years in August. I was with her as a nurse. At the time I was in her employ I

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heard Mr. Dunne threaten to take her life. I stayed with her over night to protect her

Cross examination:

Mrs. Dunne lived then at 226 Seventh Ave.

Mr. Dunne worked at the hotel Bartholdi in the night time. During the time I was with her, five months-- I never saw him strike her. I stayed with her three nights. I never heard Mrs. Dunne use any threats to him. I have seen him drunk a number of times.

GEORGE P. BIGGS, recalled for further cross examination, testified:

The fracture could have been caused by one blow, but the marks indicated that several blows were struck.

FANNIE FELMAN, a witness for the Defendant, sworn, testified:

I live at 226 Seventh Avenue. I have known defendant about five years. The neighbors always spoke well of Mrs. Dunne. Whenever Mr. Dunne was in a sober state he was a quiet peaceable man, but when he was drunk he used to quarrel with his wife.

Cross examination:

I never saw them quarrel but heard them. I saw the man drunk but not the woman. He was more often sober than drunk.

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MARY DUNN, the Defendant, sworn in her own behalf testified:

I was born in Newark. I first worked at the St. James Hotel. I was first married about twelve years ago. My husband died in Ireland. I had my child Tody by him. I married Dunn about five years ago, and continued to work until I became pregnant. When I was first married to Dunn I lived at Seventh Avenue on a flat. After that we lived on a flat of four rooms at 226 Seventh Avenue. Mr. Dunne worked at the Bartholdi Hotel; he was a drinking man. He began to maltreat me about five months after we were married. He maltreated me more particularly every time he visited his family. When I lived in 26th Street I began to drink. I was drinking too much before his death. He was drunk on the 10th of October and came home about nine o'clock in the morning. A few nights previous to that I was told by a little boy that he was in the gutter and I dressed myself and went down and two boys were helping him up the stairs... I threatened to leave him. He struck and kicked me several times while we lived on Seventh Avenue. He used to have hemorrhages of his nose, and I had Doctors Harrison and Mahr for him.

On the morning of the trouble, he came home; he knocked at the door and I wouldn't open the door. There was only a small bolt on the door and he pushed against

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the door and pushed it it, and then he slapped me on the face and I went in the front room. He said, "You had a second hand man in here, a man to sell the furniture" I said "Yes I had". He said "you are going to leave"? and I said "Yes". He says, "You God damned bitch, you've got to stay you are married to me. I am sorry I didn't kill you long ago". I said, "You have got lots of time to do it now". He called me all the names he could think of and I didn't answer him. I had some clothes in the tub and the boiler was on the stove; I intended to do some washing. I went into the front room and untacked some of the carpet, and went to his tool chest to take a hammer from it. There was a small hammer there but there was no claws on it for tacks so I used the larger one. I had one piece of carpet next the washstand, when he came over and took his shoes off. He kicked me two or three times in the abdomen and I stood up and he caught me by the arm and held me against the wall. I remember raising the hammer and hitting him with it. I don't remember anything else; I have an idea that I saw blood. He said, "Now see what you have done", and I rushed into the kitchen and I think I called Mrs. Sommiel. It was not she who came up it was a man who frequents Mrs. Sommiel's. I don't remember anyone speaking to me except Officer Buchanan. He says, "Don't be frightened, get you wrapper on, the officers will take you presently". I saw him give the baby to the boy. I don't remember anything else. I know there was a great bustle there. I don't remember the other officers.

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Cross examination:

I don't remember when I was married. It was by Father Fitzsimmons in 28th Street. My husband worked at the Bartholdi two or three years. He only worked a month and ten days at the Marlborough. During the time I have known him he has been out of work four weeks altogether. I remember locking him out twice during the week before his death. Sunday and the day he burst in the door. I didnot have any quarrel with him on Sunday. I locked him out that Sunday and he didn't come back until four o'clock; the next time I locked him out was the day of his death. I never had any fight with him in the hall or threatened to hit him with a hammer. I was drinking a good deal during the week previous to his death but I remember that we did not fight in the hall and that I did not make reference to a hammer. He broke in the door when he came in that morning of his death. The boy was not around at the time. I didn't send the boy for beer that morning. What I got was from Mrs. Sommiel downstairs. I had whiskey two or three times; the boy went down for it. After Dunne came in that morning and slapped my face he sat on the couch and was talking to the baby. I don't recollect whether he was sober or not. He took some money from the burrau and went out for two hours; I didn't have anything to drink while he was out. The second time he came in he slapped my face also. We had a very severe quarrel. He gave the boy ten cents to go out and get some milk for the breakfast. At the time when he held me

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against the wall he struck me in the face with his hand. I lifted the hammer and I don't know where I struck him. He fell back on the bed. I don't remember hitting him more than once, but I don't say that I didn't. . . I don't know whether I called Mrs. Sommiel or Mrs. Webber. I don't remember Mrs. Sommiel coming upstairs at all. . . I think I told Adrian that my husband was hurt. The piece of carpet that I was talking up was right near the wash stand. I don't remember the doctor at the hospital asking me anything about the affair, or my telling him anything. I remember speaking to Officer Buchanan. I don't remember Mrs. O'Brien at all. I don't say she was not there. . . I don't remember whether I told the Captain or not that my husband was not drunk. He was drunk. . . My husband always slept with his feet towards the head of the bed; he was in that position when the officer took the child from my arms and I put on my wrapper. My husband laid on the bed that way when he felt inclined. When he came into the room the second time that morning he had nothing on but his shirt, undershirt and pants. When he kicked me he had his shoes off. I think he had his trousers on when I struck him, but not his outside shirt. . . He rubbed his head and I saw blood on his hand and then I called the people, to send for a doctor. I don't know how he got the other marks on his head. The twenty dollars found on me was in the bureau drawer at the time I asked

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the boy to go down to Mrs. Sommiel and borrow money, but I didn't want to change the bill. My cousin gave me that money. . I threatened several times to leave my husband. My cousin has seen him strike me. , about two years before this thing occurred. A Mrs. Burns also saw him strike me about eighteen months before.

The little boy was not telling the truth when he said he saw me try to strike Dunne and Dunn hold me. . I never struck him before. He has kicked and abused me during the week prior to his death, more than once. I was pregnant while I was in the prison. A doctor visited me there twice. I am over that trouble now. The doctor at the hospital was very rude to me. When I struck my husband I was dressed in a light dressing sack.

GEORGE TUCKER HARRISON, a witness for the defendant, sworn testified:

I am a physician and surgeon. My acquaintance began with Mrs. Dunne about January 1891. Mr. Dunne was under my care in November 1891. I treated him for symptoms of chronic alcoholism. I have treated Mrs. Dunne professionally.

Cross examination:

I treated Dunne for hemorrhage in March 1892. I had to plug his nostrils. I had to scold him lack of patience while undergoing a slight operation.

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DAVID LATIMER, a witness called on behalf of the Defendant, sworn testified:

I am a tailor at 228 Columbus Avenue. I lived on Seventh Avenue near the defendant when she lived there. I know people who knew her. Her reputation for peace and quiet is good. I have seen George Dunne commit acts of violence against his wife, in 1889, 1890 and 1891. I have seen him blacken her eyes and kick her downstairs and into the street. I have heard noise and quarreling in their rooms. I never went in there except when the baby was born.

Cross examination :

It was four years ago that I first saw him kick his wife downstairs. It was at 11 o'clock in the night. I lived on the same floor with them. . I did not do anything to Dunne when I saw him kick his wife. They were fighting and calling names. . I have not seen Mrs. Dunne quarreling since two years ago when she lived on Seventh Avenue. Mr. Dunne always started the quarreling when he came home at night. because he was drunk and she was sober. I saw her drink one glass of beer in my life and that's all. She may have begun to drink after the baby was born. I remember another occasion when she came into my room for protection with her eye blackened. I weight 110 or 115 pounds.

DAVID LATIMER, Jr. a witness for the Defendant, sworn, testified:

The last witness is my father. I work for him. I know the defendant about five years and a half. I have lived on the same floor with her. I have seen her husband commit acts of violence upon her more than once. I heard his use vile language to her and strike her in the house No. 232 Seventh Avenue. I was attracted by cries in their room and I went in and saw Mr. Dunne in the act of kicking his wife. I have seen him drunk.

Cross examination:

I never saw her getting kicked downstairs. I have seen rows between them seven or eight times. There were only two families living on the floor. When I saw Dunne kicking his wife I stopped him as best I could. I didn't have him arrested. I never heard Mrs Dunne call her husband names. She drank but not to get drunk. I have seen her on the avenue since she moved to 26th Street but never called at her house.

JAMES MAHR, a witness for the People, sworn testified:

I am a physician ; my office is at 213 West 23rd Street. About eighteen months ago I was called to attend George Dunne; he was suffering from hemmorrhage of the nose; it was persistent and continued for a week. It was profuse; that is a large quantity of blood flowed. I treated him for about four days. We plugged the nose

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and the blood stopped; the plug was accidentally removed and the blood came on again. This was approximately about eighteen months ago.

DENNIS McCARTHY, a witness for the Defendant, sworn, testified:

I am a cousin of the defendant, and have known her a number of years. I know others who know her. Her reputation for peace and quietness is excellent. I saw Dunne commit an act of violence on his wife in June 1892, and another in 26th Street about three weeks before the murder. I seen him attempt to strike her and I prevented him and took him outside. These were the only two times I saw.

CROSS EXAMINATION:

After the murder I got the keys from the Tombs Prison from Mrs. Dunne, and I went upstairs with Mrs. Sommiel. This was on the Monday after the Saturday I did not disturb the premises until Wednesday of Thursday. I visited the Dunes occasionally. I never saw Mrs. Dunne under the influence of liquor. I did not see Mrs. Dunne within three weeks before the death of her husband; I could not know her condition. I have heard them quarreling and have heard him threaten her.

MARY BECK recalled:

I called to see Mrs. Dunne in the month of September, and she told me that she was pregnant.

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R E B U T T A L .

MRS SOMMIEL, recalled testified.

I don't know what kind of bolts and locks are on the doors of Mrs. Dunne's apartments. . On the kitchen door there is a lock; there is not a bolt . On the front door there is a chair. I saw Mr. Dunne lying straight in the bed with his head towards the mantle . I didn't see any covering on him. His feet were bare. There was blood on the floor and blood on the bed. I got the keys from the cousin on Monday and went into the room. I didn't clean up the room for a week after. On Saturday the 14th I didn't see Tody at all. He didn't come into the store I was in the store all that day. The boy did not get any whiskey in a glass. I gave a bill for \$2.10 to the cousin for beer--not for whiskey. I didn't give her no beer that day. I was in the store every minutes from six in the morning until three in the afternoon. . As soon as I saw Dunne on the bed I ran out. I saw a little blood on the wall near the mantle piece, about a foot above the mantle piece. My son in law helps me to run the restaurant. He was there that day. When I saw Dunne on the bed he had drawers on; I am sure of that.

ADRIAN FORNAGE, a witness for the People, sworn testified:

I live at 249 West 26th Street. I remember Saturday afternoon the 14th of October. I was downstairs in the restaurant and I saw Mrs. Dunne when I went up-

stairs. She was standing leaning against the wall. Between one and three o'clock in the afternoon I went up with Louis Paid, she opened the kitchen door for us. She was covered with blood. She said, "I stabbed my husband because he called me a whore and would not take the word back." I took a glance at the bed and ran out for a policeman.-- Officer Buchanan. When I saw the man on the bed his head was towards the mantle piece and his feet were towards the kitchen partition. The baby was in the bed also. She did not call me out of the window When she opened the kitchen door for us she was not fully dressed. I asked he "Who hurt you?".

Cross examination:

I think she used the word "stabbed". She had blood on hands and face and arms. I remember testifying before that when I asked her who hurt her, she said, "He is inside". That is right. I saw him have an undershirt on but I don't remember if his legs were covered. I testified before the coroner to the same effect.

MICHAEL SHEEHAN, a witness for the defendant, sworn testified:

I am the Sergeant attached to the 19th Precinct. I was behind the desk when the defendant was brought in on the 14th of October. She was brought in

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by Officer Buchanan about five in the afternoon. .

She said her name was Mary McGovern; she said she was born in the United States. She gave her address.

The Officer told me her name was Dunne. She said "My first husband's name was McGovern and then I married Dunne and changed my name. She answered the questions rationally. The officer said he had arrested her for felonious assault; striking her on the head with a hammer.

Cross examination:

The statement in the blotter is correct.

JOHN J. O'NEIL, a witness for the People, sworn, testified:

I am an engineer at the Hotel Marlborough. I knew Dunne ; he was night engineer at the Hotel Marlborough. - He worked there from about the 11th of August until his death. He got to work at seven in the evening. His partner in the night shift was Peter Brady. During the time that Dunne worked there he a sober man. If he had been absent from work I would have known it. He got sixty dollars a month.

Cross examination:

I don't know of Dunne's missing any nights at work during the week before his death. I am not positive whether he missed one night or not.

ROBERT J. BROWN, recalled:

When I saw the body of Dunne it had nothing on but an undershirt; no drawers. The doctor cut the under-

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shirt off and left the man's body naked when it was taken away we put two blankets around him ourselves. There was blood on the floor and the man was lying partially across the bed. There was blood on the bed; there was a stain on the carpet about two inches round. The bed was about four feet and a half wide and was between the two doors. The room was somewhat upset; the bedclothes were on the bed; the man was uncovered. I didn't see any clothing about the room at all.

Mr. Chanler: The District Attorney concedes that this little hammer was a hammer found in the tool box of the deceased.

PATRICK H. DELAHANTY, a witness for the People, sworn testified:

I went to the house where this occurrence took place yesterday. I brought a hammer which I found in the tool chest of the deceased. I saw another hammer in the chest; it was a solid piece of iron with a hole in the centre of it for the handle; any one of the ends were as large as that (indicating) circular; an inch and a half or two inches in diameter. It was about four inches long. The handle was about two feet long.

DANIEL J. REDDING, a witness for the People, sworn testified:

I am a steam fitter for the Ferral Manufacturing

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Company at 154 West 27th Street. I knew George Dunne but not to speak to him. I saw him on the Friday night before his death at about eight o'clock. He was drunk at the time. I saw him in front of Doyle's saloon 26th Street and Sixth Avenue. He was staggering at the time. I saw him another time Friday night a week before his death. I assisted him into the house; he was drunk then. On that night I saw him lying down by the barber pole in front of 100 26th Street. Haight and I helped him up; this was about eight in the evening. Haight knew him and asked me to help him. I worked two and half years in the place I work now. I live at 459 Second Avenue. I used to stop in a grocery store there and I saw Dunne nearly every night in front of his house after seven o'clock. I have seen him there as late as nine o'clock. I don't know him personally, just saw him about the place. I kept books for the grocery man. I generally went there about seven or a quarter past.

Testimony closed.

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Indictment filed Nov. 8/1893
 Court of General Sessions
 Part 3

George Duff.

Testimony closed.

George Duff. I generally went there about seven or a
 half past six about the place. I kept books for the
 as late as nine o'clock. I don't know the handwriting
 his house after seven o'clock. I have seen him there

The People
 George Duff. I saw Duff nearly every night in front of
 second Avenue. I lived in a grocery store
 and kept books in the house. I live at
 124 West 34th Street. I worked
 for him and he asked me to
 keep his books. I saw him lying down by the
 drunk men. On that night I saw him lying down by the
 before his death. I assisted him into the house; he was
 time. I saw him another time Friday night a week
 South Street and Sixth Avenue. He was standing at the
 corner at the time. I saw him in front of Doyle's saloon
 night before his death at about eight o'clock. He was
 not not to speak to him. I saw him on the Friday
 morning at 124 West 34th Street. I knew George Duff

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Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Mary Dunne

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

Mary Dunne

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

The said *Mary Dunne*.

late of the City of New York, in the County of New York aforesaid, on the *fourteenth* day of *October*, in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with force and arms, in and upon one *George Dunne*, in the peace of the said People then and there being, wilfully, feloniously and of *her* malice aforethought did make an assault; and *she* the said *Mary Dunne*, *do*.

the said *George Dunne*, with a certain *hammer* which *she* the said *Mary Dunne* in *her* right hand then and there had and held, in and upon the *head* of *him* the said *George Dunne*, then and there wilfully, feloniously and of *her* malice aforethought, did strike, stab, cut and wound, giving unto *him* the said *George Dunne*, then and there with the *hammer* aforesaid, in and upon the *head* of *him* the said *George Dunne*, one mortal wound *and fracture* of the breadth of one inch, and of the *length* of six inches, of which said

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mortal wound and fracture the said *George Dunne*, at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the *twenty* day of *October*, — in the same year aforesaid, did languish, and languishing did live, and on which said *twenty* day of *October*, — in the year aforesaid, the said *George Dunne*, at the City and County aforesaid, of the said mortal wound did die.

AND SO THE GRAND JURY AFORESAID do say: That the said *Mary Dunne, Spin.* — the said *George Dunne* in the manner and form, and by the means aforesaid, wilfully, feloniously and of *her* malice aforethought, did kill and murder, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

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BOX:

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FOLDER:

4907

DESCRIPTION:

Duval, George

DATE:

11/17/93



4907

0350

Witnesses:

Antonio Callucci

Counsel, ~~Putnam~~

Filed, 17 day of Nov, 1893

Pleads, ~~Not Guilty~~

THE PEOPLE

vs.

George Duval

INJURY TO PROPERTY.

[Section 654, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Aut 2 Nov 29.93 Re: Geo. Duval.

A TRUE BILL.

Dec 1st Part one

Foreman.

Part 3. December 4/93

Tried and Acquitted.

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Police Court, 2 District.

1901

City and County of New York, ss.

of No. 153 Bleecker Street, aged 28 years,
 occupation Salvage Keeper being duly sworn, deposes and says,
 that on the 8th day of November 1893, at the City of New
 York, in the County of New York, George Duval (now here

did wilfully and maliciously break
 and destroy a pane of plate
 glass in the window of premises
153 Bleecker Street, causing damage
 in the sum of about seventy
five dollars, property in deponent's
 care. Deponent saw the defendant
 on the street and hurl a large
 stone at said show window
 causing the damage aforesaid

Sworn to before me
 this 9th November 1893

Amelia L. Duval
 Police Justice

Antonio Callucci
 his mark

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Sec. 189-200.

1882

District Police Court.

City and County of New York, ss:

George Duval

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

Question. What is your name?

Answer. *George Duval*

Question. How old are you?

Answer. *56 years*

Question. Where were you born?

Answer. *British Columbia*

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

Answer. *232 Bergen Avenue Bklyn.; 3 years*

Question. What is your business or profession?

Answer. *Carpenter*

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

Answer. *I am not guilty*
George Duval

Taken before me this
 day of *September* 1882

Wm. H. [Signature]

Police Justice.

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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 *Nov 9* 18*93* *[Signature]* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

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Police Court--- 2 District. 11987

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Antonio Gallucci
153 Blackwell St.
Georgia Duval

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4

Offence
Mail

Dated Nov 9 1893

Koch Magistrate.

Gelligan Officer.

15 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ to answer

to answer

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



0355

Court of General Sessions of the Peace

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IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

George Duval

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

George Duval
of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* PERSONAL PROPERTY OF ANOTHER,
committed as follows:

The said

George Duval

late of the City of New York, in the County of New York aforesaid, on the *eighth*
day of *November*, in the year of our Lord one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, with force and arms,

one pane of plate glass

of the value of

seventy five dollars
of the goods, chattels and personal property of one *Antonius Callucci*
then and there being, then and there feloniously did unlawfully and wilfully *break*

and destroy.

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

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SECOND COUNT.

And the Grand Jury aforesaid, by this indictment further accuse the said
George Duval
of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* REAL PROPERTY OF ANOTHER,
committed as follows:

The said

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

one pane of plate glass

of the value of *seventy-five dollars*
in, and forming part and parcel of the realty of a certain building of one *Antonio*
Callucci there situate, of the real property of the said

Antonio Callucci
then and there feloniously did unlawfully and wilfully

break and
destroy:

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

DE LANCEY NICOLL,

District Attorney.