

0009

BOX:

11

FOLDER:

136

DESCRIPTION:

Dwyer, James

DATE:

04/13/80



136

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BOX:

11

FOLDER:

136

DESCRIPTION:

Maxwell, Peter

DATE:

04/13/80



136

0011

BOX:

11

FOLDER:

136

DESCRIPTION:

Waters, James

DATE:

04/06/80



136

92

No 1 James
2 McKee
Counsel,
Filed 13 day of April 1880
all
Plenda, for Clerk

Robbery—First Degree, and Receiving
Stolen Goods.
THE PEOPLE
vs.
Peter Maxwell
James Pralors
James Dwyer

BENJ. K. PHELPS,
District Attorney,
Monday next

A True Bill.

Joseph P. Rogers Foreman.
Part Two—April 19-1880
each Pleads 3.2
14.6 Nov 5.7
each

0012

0013

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

Police Court--First District.

John Mangfred
of No. 85 Sullivan Street, being duly sworn, deposes
and says, that on the 11th day of April 1880
at the 6th Ward of the City of New York, in the

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

One silver watch of the value of Ten dollars with
silver chain attached of the value of Four dollars
One pocket book containing gold and lawful
money in one bill of the denomination and value
of Two dollars ²⁵/₁₀₀ silver coin of various denominations
of the value of Five dollars and sixty cents one
pen knife of the value of Forty cents one pair
cotton drawers of the value of Forty cents and
one cotton handkerchief of the value of Ten cents all
of the value of Twenty two ⁵⁰/₁₀₀ Dollars,
the property of deponent.

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

Peter Maxwell, James Waters ^{and another person whose name is unknown} and James Dwyer
(all now true) that about the hour of 2.30 a.m.
on said date deponent was walking down
Mulberry Street when he saw said Maxwell
Waters ^{and said unknown person} and Dwyer standing together in said
street and one of them asked him what time
it was. That deponent took out his watch
when said Maxwell Waters Dwyer and said unknown
person caught hold of deponent by the head and
feet and carried him back in the alley way
and into the yard of premises No 51 Mulberry
Street in said City and took stole and carried

0014

said property that was contained in the pocket of the clothing ~~they~~ and there worn by defendant and ~~then they~~ ran away. Defendant is informed by officer Daniel Dugan of the 14 Precinct Police that he found a knife in the possession of ^{said} Maxwell and a handkerchief and a pair of drawers in the possession of said Dryu which defendant identifies as his property that was taken stolen and carried away as aforesaid.

Sworn to before me this 11th day
of April 1880

John Manfredy
N.Y. City Police Justice
City and County of
New York

Daniel Dugan of the 14 Precinct Police being duly sworn says that in the 11th day of April 1880 5.50 A.M. he arrested Peter Maxwell James Waters and James Dryu in Mulberry Street in said City and found in the possession of Maxwell a knife and in the possession of said Dryu one handkerchief and one pair of drawers which is identified and described in the within affidavit of John Manfredy as part of the property that was taken stolen and carried away as aforesaid.

Sworn to before me

this 11th day of April 1880

N.Y. City Police Justice

Daniel Dugan

00 15

Police Court—First District.

CITY AND COUNTY } ss.
OF NEW YORK,

James Waters being duly examined before the undersigned,
according to law, on the annexed charge, and being informed that he was at liberty
to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. *James Waters*

Question. How old are you?

Answer. *26*

Question. Where were you born?

Answer. *New York*

Question. Where do you live?

Answer. *No 3 Mulberry St*

Question. What is your occupation?

Answer. *Bricklayer*

Question. Have you anything to say, and if so, what—relative to the charge here
preferred against you?

Answer. *I am not guilty*

James Waters

Taken before me, this

11 day of

April

1880

Police Justice.

00 16

Police Court—First District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Peter Maxwell Jr being duly examined before the undersigned,
according to law, on the annexed charge, and being informed that he was at liberty
to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. *Peter Maxwell Jr*

Question. How old are you?

Answer. *28*

Question. Where were you born?

Answer. *New York*

Question. Where do you live?

Answer. *64 Mulberry St*

Question. What is your occupation?

Answer. *Printer*

Question. Have you anything to say, and if so, what—relative to the charge here
preferred against you?

Answer. *I am not guilty*
Peter Maxwell

Taken before me, this

11 days of *Oct*

POLICE JUSTICE.

1880

00 17

Police Court—First District.

CITY AND COUNTY } ss.
OF NEW YORK.

James Dwyer being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him states as follows, viz:

Question. What is your name?

Answer. *James Dwyer*

Question. How old are you?

Answer. *22*

Question. Where were you born?

Answer. *New York*

Question. Where do you live?

Answer. *117 Leonard St*

Question. What is your occupation?

Answer. *Laborer*

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. *I am not-guilty*

James ^{*his*} *Dwyer*
mark

Taken before me, this

day of

1887

Police Justice.

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CITY AND COUNTY }
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present :

That *Peter Maxwell, James Waters and James*
Dwyer each

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the *Eleventh* day of *April* in the year of our Lord
one thousand eight hundred and ~~eighty~~ *Eighty* at the Ward, City and County
aforesaid, with force and arms, in and upon one *John Manfrady*
in the peace of the said People then and there being feloniously did make an assault and
one watch of the value of two dollars
one chain of the value of four dollars
One pocket book of the value of one dollar
One ring of the value of forty cents
One pair of drawers of the value of forty cents

One Divers Promissory Notes for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as United States Treasury Notes, of a number
~~denomination of two dollars and of the value of two~~
~~and denomination to the Jurors aforesaid unknown, and a more accurate description of~~
~~dollars~~
~~which cannot now be given, of the value of~~

One Divers Promissory Notes for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as Bank Notes, of a number and denomination
~~of two dollars and of the value of two dollars~~
~~denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot~~
~~now be given, of the value of~~

Divers Due Bills of the United States of America, the same being then and there
due and unsatisfied, and of the kind known as Fractional Currency, of a number and
denomination to the Jurors aforesaid unknown, and a more accurate description of
which cannot now be given, of the value of *Five dollars and sixty cents*

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid un-
known, and a more accurate description of which cannot now be given, of the value of
Five dollars and sixty cents

of the goods, chattels, and personal property of the said *John Manfrady*
from the person of said *John Manfrady* and against
the will and by violence to the person of the said *John Manfrady*
then and there violently and feloniously did rob, steal, take and carry away, against the form of
the Statute in such case made and provided, and against the peace of the People of the State
of New York, and their dignity.

0019

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

Peter Maxwell, James Waters & James Dwyer
Each —

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

*one watch of the value of ten dollars —
one chain of the value of four dollars —
one pocket book of the value of one dollar .
one knife of the value of forty cents —
one pair of drawers of the value of forty cents*

~~One Divers Promissory Note for the payment of money, the same being then and there due and unsatisfied, and of the kind known as United States Treasury Notes, of a number and denomination of two dollars and of the value of two dollars, and a more accurate description of which cannot now be given, of the value of~~

~~One Divers Promissory Note for the payment of money, the same being then and there due and unsatisfied, and of the kind known as Bank Notes, of a number and denomination of two dollars and of the value of two dollars, and a more accurate description of which cannot now be given, of the value of~~

Divers Due Bills of the United States of America, the same being then and there due and unsatisfied, and of the kind known as Fractional Currency, of a number and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of *Five dollars and sixty cents*

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of *Five dollars and sixty cents*

of the goods, chattels, and personal property of the said *John Maufready*
by *a certain person or*

~~and certain other persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said~~

John Maufready
unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said *Peter Maxwell, James Waters & James Dwyer* then and there well knowing the said goods, chattels, and personal property, to have been feloniously stolen,) 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.

BENJAMIN K. PHELPS, District Attorney.

0020

BOX:

11

FOLDER:

136

DESCRIPTION:

Jones, John

DATE:

04/27/80



136

0021

BOX:

11

FOLDER:

136

DESCRIPTION:

McDermott, Thomas

DATE:

04/27/80



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0022

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Day of Trial,
Counsel,
Filed 27 day of April 1880
Pleads by

THE PEOPLE
vs.
James M. Burnett
John Jones.
BURGLARY—THIRD DEGREE—AND
RECEIVING STOLEN GOODS.

BENJ. K. PHELPS,
District Attorney

A True Bill.

N. S. Taylor
Jury Foreman.
Wm. H. Jones
Jury Foreman.
I. S. P. Two years.
J. S. P. Three years.

0023

Police Court, Second District.

City and County } ss.
of New York, }

Frederick Bauer
 of No. *1287 Broadway* Street, being duly sworn,
 deposes and says, that the premises No. *1287 Broadway*
 Street, *20* Ward, in the City and County aforesaid, the said being a *Store*
 and which was occupied by deponent as a *Liquor Store*

entered by means *forcing open the Hall door*
an inner door and Saloon
door with a jimmy

on the *Morning* of the *25* day of *April* 187*8*
 and the following property feloniously taken, stolen, and carried away, viz.:

Two Boxes of cigars value three
five dollars
to three dollars in Silver coin

all of the value of Eight dollars

the property of *Frederick Bauer*
 and deponent further says, that he has great cause to believe, and does believe, that
 the aforesaid **BURGLARY** was committed and the aforesaid property taken, stolen,
 and carried away by *Thomas M. Dermott* and

John Jones (now present)
 for the reasons following, to wit: *from the fact*

that deponent is informed
by Robert Roubaud who
resides No 216 West 33 street
that said M. Dermott and

0024

Jones came into No 59 West
31 street and offered to
sell some cigars defendant
said Robert might be a
fox and defendant fully
identified the property in
said Robert's possession
as part of the same
taken from having
been to Jefferson
this 25 day of May 1880

City of New York
County of New York

Robert Robert
residing No 216 West 33
street being sworn says
that between twelve and
20 clock on the morning
of the 25th of April
1880 he Thomas M^c Dermott
and John Jones came into
the place of business where defendant
is employed and offered to sell
some cigars defendant might
one box and paid M^c Dermott
thirty cents for the same
and then said M^c Dermott and
Jones left the store together
R. Roubaud

James W. Hoffman
Notary Public
for the City and County of New York

0025

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas M. C. Dermott being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz.:

Question.—What is your name?

Answer.—*Thomas M. C. Dermott*

Question.—How old are you?

Answer.—*Twenty two Years*

Question.—Where were you born?

Answer.—*New York City*

Question.—Where do you live?

Answer.—*236 W 32 St*

Question.—What is your occupation?

Answer.—*Shoe Maker.*

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—*I am guilty and John Jones was with me at the time*

Thomas M. C. Dermott
Mark

Taken before me, this

1900

Police Justice.

0026

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK. }

John Jones being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to *him*, states as follows, viz.:

Question.—What is your name?

Answer.—*John Jones*

Question.—How old are you?

Answer.—*Thirty-two years*

Question.—Where were you born?

Answer.—*New York City*

Question.—Where do you live?

Answer.—*No home*

Question.—What is your occupation?

Answer.—*Driver*

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—*I am guilty*
John L. Jones
Marshall

Taken before me, this
John L. Jones
day of *March* 1890
Police Justice.

0027

POLICE COURT—Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

OFFENCE Burglary and Larceny.

Federick Bauer
1287 Broadway

THOMAS DE DENNETT

John Jones

Dated April 25 1880

Magistrate.

W. Schmidtberger, Officer.

Clerk.

Witnesses,

Robert Robinson
216 West 33rd St

Committed in default of \$1000 bail.
Bailed by [Signature]
No. [Blank] Street. [Blank]

0028

CITY AND COUNTY } ss.
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That *Thomas McDermott and John Jones*
Each -

late of the *Twentieth* Ward of the City of New York, in the County of
New York, aforesaid, on the *Twenty-fifth* day of *April* in the
year of our Lord one thousand eight hundred and ~~seventy~~ *Eighty* with force and
arms, at the Ward, City and County aforesaid, the *1878* of

Frederick Bauer.

there situate, feloniously and burglariously, did break into and enter, the same being a
building in which divers goods, merchandise, and valuable things were then and there
kept for use, sale and deposit, to wit: the goods, chattels, and personal property here-
inafter described, with intent the said goods, chattels, and personal property of the said

Frederick Bauer.

then and there therein being, then and there feloniously and burglariously to steal, take
and carry away, and

Five boxes of Agave of the value of one dollar
each box.

Five hundred cigars of the value of one cent
Each cigar.

Two coins of a number and denomination to
the jurors aforesaid unknown, and a more
accurate description of which can not now be
given of the value of three dollars
of the goods, chattels, and personal property of the said

Frederick Bauer.

so kept as aforesaid in the said *store* then and there being, 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.

And the Jurors aforesaid, upon their oath aforesaid, do further present:
That the said

Thomas. McDermott & John Jones Each

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

*Five boxes of cigars of the value of one dollar each,
Five hundred Cigars of the value of one cent each;
Boxes Cons of a number and denomination
to the Jurors aforesaid unknown, and a more
accurate description of which can not
now be given of the value of three dollars,*

of the goods, chattels and personal property of *Fredrick Bauer*

by a certain person or persons, to the Jurors aforesaid unknown, then lately before feloniously stolen of the said

Fredrick Bauer

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

Thomas. McDermott & John Jones

then and there well knowing the said goods, chattels and personal property, to have been feloniously stolen), 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.

BENJ. K. PHELPS, District Attorney.

0030

BOX:

11

FOLDER:

136

DESCRIPTION:

Leon, Henry

DATE:

04/28/80



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0031

BOX:

11

FOLDER:

136

DESCRIPTION:

MaCaulay, Thomas

DATE:

04/28/80



136

0032

264

Filed 28 day of April 1880

Pleads

THE PEOPLE,

vs.

Thomas J. McCann

Henry J. Leon

BENJ. K. PHELPS,

District Attorney.

A TRUE BILL

Wm. H. Phelps

Wm. H. Phelps

H. S. Taylor

Foreman.

Wm. H. Phelps

James J. Phelps

Wm. H. Phelps

Wm. H. Phelps

17

Paul No. 2

David Leon

Dr. W. W. 50th St.

\$2500 -

apery

W. W. 50th St.

0033

Police Court, Second District.

City and County } ss.
of New York,

Fannie Ellinger

of No. 210 West 40th Street, being duly sworn,
deposes and says, that the premises No. 210 West 40thStreet, 20th Ward, in the City and County aforesaid, the said being a dwelling house
a part of which was occupied by deponent as a residence and place
of labor.were **BURGLARIOUSLY**
entered by means of forcibly severing the Bolts and
the lock nosing from the rear door of
the reception room said door leading into
the middle room of the first floor of said premises
on the night of the 16 day of March 1880

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

One Fur Lined Silk Circular of the value
of Two Hundred and Fifty dollars -
One Seal Skin Sackie worth One Hundred
and Twenty Five dollars - One pair Brace
lets worth One Hundred and Twenty Five -
One pair Bracelets worth Five dollars
One velvet skirt worth Five dollars
being in all of the value of Five
Hundred and Ten dollars -

the property of deponent - a single woman
and deponent further says, that she has great cause to believe, and does believe, that
the aforesaid **BURGLARY** was committed and the aforesaid property taken, stolen
and carried away by Thomas F. J. Mc Gouley and
Harry S. Leon (now here)
for the reasons following, to wit:

That on the said date at
the hour of 10 O'clock P. M. the said
door was securely Locked and Bolted
at about the hour of Two O'clock A. M.

120
13
32
15

0034

on the morning of the 14th day of March 1880 deponent found said ~~flattings~~ severed and misfed the said property deponent was informed by said defendant ^{the Gauley} where a portion of said property could be found at Simpsons Pawn Office in the Bowery - deponent thereafter saw the said Silas Curran at said Simpsons and identified the same as the property of deponent said Mr Gauley also admitted and acknowledged to deponent that he Mr Gauley and said defendant Leon had committed said Burglary. Deponent was informed by Edward Curran that on the night of the 18th day of March 1880 said Curran was present when the conversation related in the annexed affidavit of said Curran occurred between the accused in reference to said Burglary Deponent charges that said defendants did act together and in concert with each other in committing said Burglary.

Sworn to before me this } Sher James Ellinger
23rd day of April 1880
N. T. Morgan Justice

0035

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK } ss.

Henry S. Leon being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him states as follows, viz.:

Question.—What is your name?

Answer.—

Henry S. Leon

Question.—How old are you?

Answer.—

Twenty Five years

Question.—Where were you born?

Answer.—

Danbury Conn.

Question.—Where do you live?

Answer.—

36 Bedford Street

Question.—What is your occupation?

Answer.—

Paper Hanger

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

I am not guilty of the charge

Henry S. Leon

Taken before me, this

1850

Police Justice.

0036

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas F. T. Macaulay being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him states as follows, viz.:

Question.—What is your name?

Answer.—

Thomas F. T. Macaulay

Question.—How old are you?

Answer.—

Twenty Four years

Question.—Where were you born?

Answer.—

Liverpool—England

Question.—Where do you live?

Answer.—

280 West 32nd Street

Question.—What is your occupation?

Answer.—

Writer

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

I decline to answer.

The crime was proposed by Edward Curran and planned by him in conjunction with the undersigned and H. S. Lion. The presence of Mrs Ellinger in her apartments prevented the commission of the crime. ~~On the~~ ^{first} night agreed upon between us three (myself, Edward Curran & H. S. Lion); but on a subsequent night was appointed, and, Edward Curran missing his engagement with us, we (I and H. S. Lion) entered the apartments of Mrs Ellinger and thence took the valuables afterwards missed. These were disposed of at various pawn-offices. Edward Curran demanded a share of the proceeds but received nothing beyond \$2.00, from myself. He also expressed himself disappointed at the fact that he had failed to participate in the crime, and as willing & anxious to help dispose of the valuables and share in the money obtained by disposing of them.

T. F. Macaulay

Taken before me, this

J. J. Morgan
Police Justice
1880

City and County } ss.
 of New York

Edward Bureau of No. 52 West 3^d
 street being duly sworn says on the
 night of the 18th day of March 1880
 deponent was present when the
 conversation herein stated occurred
 between Thomas J. J. Mc Cauley and
 Henry S. Leon to wit: that the said
 Leon accused said Mc Cauley with
 not having divided the money obtain-
 ed on the Bracelets equally
 after the recovery of a portion of
 the said within named ^{property by the} ~~Mc Cauley~~ ^{conspirator}
 deponent might paid defendant ^{back}
 knowledge to deponent that the with
 in named Circular and Jaeger were
 stored in West 28th said Leon said
 to deponent it was strange that they
 the said defendants had not been
 suspected before - that in the conver-
 sation first above referred to said
 Leon in deponents presence remarked
 "If he Leon had not caught hold
 of the Cauley he the Cauley would
 have run out of the house and
 would have been caught" referring
 to the night of the Burglary

Edward Bureau

Sworn to before me this
 23^d day of April 1880
 J. W. McFarland Justice

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POLICE COURT—Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Jennie E. Linney
210 N. 40th St.

OFFENSE—Burglary and Larceny.

Thomas F. McKeelley
Carrys, Leon

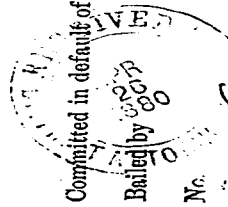
Dated April 23 1880

Magistrate.

Morgan
Deilly & Smith
Officers
20 Peck
Clerk.

Witnesses,

Edward Linsan
12 West 3rd



Committed in default of \$

Bailed by 200

No.

Street.

6000

2000 Jail

0039

PART

THE COURT-ROOM IS IN THE BROWN STONE BUILDING, AND FRONTING THE CITY HALL.

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

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA—(DUCES TECUM)

FOR A WITNESS TO ATTEND THE

Court of *General Sessions*

The People of the State of New York,

T. Simpson & Co

of No. *195 Broadway* Street,

GREETING :

WE COMMAND YOU, That all business and excuses ceasing, you appear in your proper person, before the Court of *General Sessions*, to be holden in and for the City and County of New York, at the *Old Court House* in the Park of the said City, on the *17th* day of *May* instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Henry S. Lem & al
in a case of Felony, whereof *he* stands indicted, and that you bring with you and produce, at the time and place aforesaid, a certain

one black silk Circular trimmed with fur; one seal in sack
pawned by me Reio with you about
the 20th day of April 1886

now in your custody, and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. *Frederick S. May Jr* Presiding Judge of our said Court, at the City Hall in our said City, the first Monday of *May* in the year of our Lord 1880

BENJAMIN K. PHELPS, District Attorney.

0040

PART One

THE COURT-ROOM IS IN THE BROWN STONE BUILDING, AND FRONTING THE CITY HALL.

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

Bring this Subpoena with you and give it to the officer at the Court-Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA—(DUCES TECUM)

FOR A WITNESS TO ATTEND THE

Court of General Sessions

The People of the State of New York,

To James A. Shiltonof No. 181 Bowery Street,

GREETING :

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

Mary S. Lem & al
in a case of Felony, whereof he stands indicted, and that you bring with you and produce, at the time and place aforesaid, a certain Redskin back trousers with pointed havers passed with you by one Ashland on the seventeenth day of April 1880

now in your custody, and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. Federick S. Stryker Presiding Judge of our said Court, at the City Hall in our said City, the first Monday of May in the year of our Lord 1880

BENJAMIN K. PHELPS, District Attorney.

0041

New York
May 3/80
Messrs Howe & Hammet
Gentlemen

My professional
engagements being such,
that I could not
possibly be at your
office to-morrow at
10 $\frac{1}{2}$ A. M., I take this
method of endorsing
the good character of
Mr. P. F. Macaulay.
I have known him
from his boyhood and
have always had the

0042

greatest respect for him.
I regret that I cannot
personally express
to you my good opinion
of Mr. Macaulay,
having always found
him a young man
of great integrity
and candor.

Respectfully
Yours

Wm
Dr. W. B. George
119 W. 28th

0043

Thos. McCauley.

0044

CITY AND COUNTY }
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That Thomas J Macaulay and Henry J Lion
Each—

late of the *twentieth* Ward of the City of New York, in the County of
New York, aforesaid,

on the *sixteenth* day of *March* — in the year
of our Lord one thousand eight hundred and ~~seventy~~ *eighty*
with force and arms, about the hour of *ten* o'clock in the *night* time
of the same day, at the Ward, City and County aforesaid, the Dwelling-house of

Fannie Ellinger —
there situate, feloniously and burglariously did break into and enter by means of
forcibly breaking the lock of an outer door of said
dwelling house —
whilst there was then and there some human being to wit, one *Fannie*
Ellinger — within the said dwelling-house, the said

Thomas J Macaulay and Henry J Lion —
then and there intending to commit some crime therein, to wit, the goods, chattels, and
personal property of *Fannie Ellinger* —

— in the said dwelling-house then and there being, then and
there feloniously and burglariously to steal, take, and carry away, against the form of
the Statute in such case made and provided, and against the peace of the People of the
State of New York and their dignity.

And the jurors aforesaid, upon their oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County
aforesaid, about the hour of *ten* o'clock in the *night* time of said day,
the said *Thomas J Macaulay and Henry J Lion* Each

late of the Ward, City, and County aforesaid, *one circular of the value of*
two hundred and fifty dollars, one sash of the
value of one hundred and twenty five dollars —
four bracelets of the value of thirty two dollars and
fifty cent each — one skirt of the value of five
dollars.

of the goods, chattels, and personal property of *Fannie Ellinger*
Fannie Ellinger — in the said dwelling-house of one
—, then and there being found
in the dwelling-house aforesaid, then and there feloniously did steal, take, and carry
away, against the form of the Statute in such case made and provided, and against
the peace of the People of the State of New York and their dignity.

then and there well knowing the said goods, chattels, and personal property to have
been feloniously stolen), against the form of the Statute in such case made and pro-
vided, and against the peace of the People of the State of New York, and their dignity.

BENJAMIN K. PHELPS, District Attorney.

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

Thomas F Macaulay and Henry J Leon
Each—

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

One circular of the value of two hundred and fifty dollars —————
one sacyne of the value of one hundred and twenty five dollars —————
Two bracelets of the value of Thirty two dollars and fifty cents each —————
One shirt of the value of five dollars —————

of the goods, chattels, and personal property of the said *Fannie Ellinger*

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said

Fannie Ellinger —————
unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said *Thomas F Macaulay* ————— then and there well knowing the said goods, chattels, and personal property to have been feloniously stolen), 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.

BENJAMIN K. PHELPS, District Attorney.

0046

BOX:

11

FOLDER:

136

DESCRIPTION:

Mackesy, John

DATE:

04/23/80



136

Grand Jury
213

Filed 23 day of April 1880

Pleas John Quincy (26)

THE PEOPLE

vs.

B

John Mackey

Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

H. S. Taylor

Foreman.

June 11th 1880
Grand Jury
Presented to the Court of
Special Sessions for trial
by consent of counsel

0047

0048

CITY AND COUNTY } ss. :
OF NEW YORK.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present :

That *John Mackesy*

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the *twentieth* day of *April* — in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County
aforesaid, in and upon the body of *Thomas King* —
in the peace of the said people then and there being, with force and arms unlawfully
did make an assault and *him* the said *Thomas King*
did then and there unlawfully beat, wound and ill-treat, to the great damage of the
said *Thomas King* — and against the peace of the
People of the State of New York; and their dignity.

BENJ. K. PHELPS, District Attorney.

0049

BOX:

11

FOLDER:

136

DESCRIPTION:

Mallon, James

DATE:

04/23/80



136

0050

BOX:

11

FOLDER:

136

DESCRIPTION:

Maney, Michael

DATE:

04/23/86



136

0051

BOX:

11

FOLDER:

136

DESCRIPTION:

O'Neill, James

DATE:

04/23/80



136

0052

*2nd
James Wright*

Filed 23 day of April 1850

Plends *John Quincy (26)*

THE PEOPLE,

vs. *P*

1 Michael Harvey

2 James Mallon

3 James Orrill

BENJ. K. PHELPS,

District Attorney.

A True Bill.

W. S. Taylor

April 25/50 Foreman.

1. J. H. Chapman
State Reformatory

Am. 240.
Quar. Secured

0053

Police Court, Second District.

City and County }
of New York, } ss.

Elizabeth Lonsdale

of No. 30 West Ninth Street, being duly sworn,
deposes and says, that the premises No. 30 West NinthStreet, 15 Ward, in the City and County aforesaid, the said being a dwelling house
and which was occupied by deponent as a place of residencewere **BURGLARIOUSLY**
entered by means. Breaking a pane of glass in awindow then placing the hand
through the window & unlocking the
front basement door

on the night of the 18th day of April 1880

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

a quantity of silver & silver plated ware
to wit one dozen forks, 20 spoons,
one ladies' bag, one table knife, two linen table cloths,
& table knives & other property
of the value of fifty dollarsthe property of deponent (a widow)
and deponent further says, that he has great cause to believe, and does believe, that
the aforesaid **BURGLARY** was committed and the aforesaid property taken, stolen
and carried away by Michael Maney (18 years old)and James Mallon (17 years old)
for the reasons following, to wit: That deponent is informed
that officer Campbell arrested Mallon
& Maney they having in their possession
part of said property. Maney had the
two linen table cloths & a silver Butter
Knife in his possession & Mallon had
the ladies' & table knife in his possession
That Maney informed Officer Campbell

0054

that he had sold for one dollar to James O'Neil the following property
One dozen forks. One dozen Spoons
Eight dessert spoons. Eight Table
Spoons. Five plated Knives
One pickel fork. One Butter
Knife of the value of say
Twenty dollars

That ^{said Officer} ~~deponent~~ went to said
O'Neil & told him that
he had said property & that
deponent wanted it when
said O'Neil produced it
& admitted that he
purchased it from Mamey
for one dollar

Deponent charges that
said James O'Neil on the
21st of March of New York
on the 19th April 1880
feloniously did buy & receive
the aforesaid property from
Michael Mamey for the
sum of one dollar he
O'Neil then knowing that
said Mamey had stolen
the same.

~~Sworn to before me this 21st day of April 1880~~, Elizabeth Lonsdale

~~Police Justice~~

Sworn to before me
this 20th April 1880
B. J. Mamey
Police Justice

0055

City & County of New York

Robert F. M. Campbell 16th
precinct being sworn says
that he arrested on yesterday
Michael Maney & James
Mallum & found in their
possession the property
as set forth in the aforesaid
affidavit. That he arrested
James O'Neil last evening
& received from him
the property as set forth
in the aforesaid affidavit.
O'Neil then admitting
that he purchased the
same of Maney for the
sum of one dollar

Sworn to before me this }
20th day of April 1880 } Robt. F. M. Campbell
R. F. M. Campbell

Police Justice

0056

POLICE COURT—Second District

THE PEOPLE & Co.,

ON THE COMPLAINT OF

Elizabeth Constance

Michael Macey

James Mallon
James O'Neil

Dated April 20 1880

Magistrate.

Officer.

Clerk.

Witness,

Robert F. M. Campbell
16th Street

Committed in default of \$1000 bail.

Bailed by

No.

Street.

Receiving stolen property
OFFENCE—Burglary and Larceny.

0057

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Michael Manning being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

Michael Manning

Question.—How old are you?

Answer.—

Eighteen years

Question.—Where were you born?

Answer.—

New York

Question.—Where do you live?

Answer.—

116 West 19th Street

Question.—What is your occupation?

Answer.—

Selling newspapers

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

I am not guilty of the charge

Michael Manning

Taken before me, this

J. J. Murphy
20 day of March 1881

Police Justice.

0058

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

James O'Neill being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

James O'Neill

Question.—How old are you?

Answer.—

41

Question.—Where were you born?

Answer.—

Ireland

Question.—Where do you live?

Answer.—

256 W 19th St

Question.—What is your occupation?

Answer.—

Blacksmith

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

I am not guilty

James O'Neill

Taken before me, this

Police Justice.

0059

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Mallon being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him states as follows, viz.:

Question.—What is your name?

Answer.—

James Mallon

Question.—How old are you?

Answer.—

Seventeen years

Question.—Where were you born?

Answer.—

New York city

Question.—Where do you live?

Answer.—

No 2 Pacific Place

Question.—What is your occupation?

Answer.—

Surgical Instruments

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

I am not guilty of the charge

James Mallon

Taken before me, this

day of April 1880

Police Justice.

0060

POLICE COURT—Second District.

THE PEOPLE &c.,

ON THE COMPLAINT OF

Elizabeth Loredale
80 W 9th St—

vs.
Michael Haney
James Mallon
James O Neil

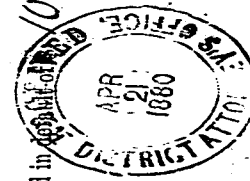
Dated *Apr 20* 1880
Boh. Barry Magistrate.
Campbell 16 Officer.

Clerk.
Witnesses, *Robert Fild Campbell*
16. Precinct Police

Committed in default of \$1000 bail.

Bailed by

No.



Street.

CITY AND COUNTY }
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That *Michael Maney, James Mallon and James O'Neill each*

late of the *Fifteenth* Ward of the City of New York, in the County of New York, aforesaid,

on the *Eighth* day of *April* in the year of our Lord one thousand eight hundred and ~~seventy~~ *eighty* with force and arms, about the hour of *ten* o'clock in the *night* time of the same day, at the Ward, City and County aforesaid, the Dwelling-house of

Elizabeth Lonsdale

there situate, feloniously and burglariously did break into and enter by means of *forcibly breaking open an outer window of said dwelling house*

whilst there was then and there some human being to wit, one *Elizabeth Lonsdale*

within the said dwelling-house, ~~by~~ the said *Michael Maney, James Mallon and James O'Neill*

then and there intending to commit some crime therein, to wit, the goods, chattels, and personal property of *Elizabeth Lonsdale*

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

And the jurors aforesaid, upon their oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, about the hour of *ten* o'clock in the *night* time of said day, the said *Michael Maney, James Mallon, and James O'Neill each*

late of the Ward, City, and County aforesaid,

Twelve forks of the value of one dollar each

Twenty spoons of the value of seventy five cents each

One Sash of the value of five dollars

One cover of the kind called a Table Cover of the value of two dollars

Two cloths of the kind called Table cloths of the value of two dollars each

one butter knife of the value of two dollars

six knives of the value of one dollar each

of the goods, chattels, and personal property of *Elizabeth Lonsdale*

Elizabeth Lonsdale in the said dwelling-house of one

, then and there being found

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

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

Michael Maney, James Mallon and James O'Neil each

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

Twelve Forks of the value of one dollar each

Twenty spoons of the value of seventy five cents each

One saucer of the value of five dollars.

One cover of the kind called a Table cover of the value of two dollars

Two cloths of the kind called Table cloths of the value of two dollars each

One butter knife of the value of two dollars

Six knives of the value of one dollar each

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

Elizabeth Lonsdale

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said

Elizabeth Lonsdale

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

Michael Maney, James Mallon, and James O'Neil

then and there well knowing the said goods, chattels, and personal property to have been feloniously stolen), 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.

BENJAMIN K. PHELPS, District Attorney.

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

James O'Neill

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

*Twelve Forks of the value of one dollar each
Twenty spoons of the value of seventy five cents each
One Saucer of the value of five dollars
One Cover of the kind called a Table Cover of the
value of two dollars,
Two cloths of the kind called Table cloths of
the value of two dollars each
One Butter Knife of the value of two dollars
Six Knives of the value of one dollar each—*

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

Elizabeth Lonsdale

Michael Maney
by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said

Elizabeth Lonsdale

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

James O'Neill

then and there well knowing the said goods, chattels, and personal property to have been feloniously stolen), 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.

BENJAMIN K. PHELPS, District Attorney.

0064

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

James O'Neill

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

*Twelve Forks of the value of one dollar each —
Twenty spoons of the value of seventy five cents each
One sacyue of the value of five dollars
One cover [of the kind called a Table cover] of
the value of two dollars —
Two cloths [of the kind called Table cloths] of
the value of two dollars each —
One butter knife of the value of two dollars
Six knives of the value of one dollar each*

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

James Mallon

by ~~a certain person or persons to the Jurors aforesaid unknown~~, then lately before feloniously stolen of the said

Elizabeth Lonsdale

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

James O'Neill

then and there well knowing the said goods, chattels, and personal property to have been feloniously stolen), 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.

BENJAMIN K. PHELPS, District Attorney.

0065

BOX:

11

FOLDER:

136

DESCRIPTION:

Mallon, Jeremiah V.

DATE:

04/26/80



136

0066

136

Day of Trial,

Counsel,

Filed *26* day of *April* 1880

Pleas *And Verdict (27)*

THE PEOPLE

vs.

P

Jeremiah T. Mallon

BENJ. K. PHELPS,

District Attorney

W. H. Kelley - C

A True Bill.

H. L. Taylor

Foreman

another indictment

filed June 15. 1880

to supersede this

City and County
of New York ss

The Jurors of the People of the
State of New York in and for the body
of the City and County of New York
upon their oath present

That on the twenty sixth day of
January in the year of our Lord
one thousand eight hundred and
eighty and thereafter and at and
during all the times herein after
mentioned there was a suit cause and
action depending in the District Court
in the City of New York of and for the
Third Judicial District, a court then
and there having jurisdiction thereof,
and at and in which George W. Parker,
who was then and there the Judge
and Justice of said court was then
and there presiding as such Judge
and Justice as aforesaid and
wherein said action was duly and
regularly brought by one Robert
Cope and against one James J.
Kenny to recover two hundred and
~~four~~ ^{for divers goods wares and merchandise alleged therein} dollars and ninety six cents in
money by the said Robert Cope and
to have been sold to the said James
J. Kenny as by reference to the proceedings

in said suit cause and action now
 on file with the Clerk of the said
 Court more fully and at large appears,
 and that issue was duly and regularly
 joined in said suit cause and action
 by and between the said Robert Cop-
 land as such plaintiff as aforesaid
 and the said James J. Kenny as
 such defendant as aforesaid and
 thereupon ^{then & there} before the trial thereof
 by the said Court, the said James J.
 Kenny duly and regularly applied
 in pursuance of the Statute in such
 case made and provided to the
 said Court whereat the said George
 W. Parker was then and there presid-
 ing as such Judge and Justice as
 aforesaid, to remove the suit cause
 and action therefrom to the Court of
 Common Pleas for the City and County
 of New York upon executing an under-
 taking to the said Robert Copeland
 as such plaintiff as aforesaid in
 pursuance of said Statute in such
 case made and provided for the
 removal of such a suit cause and
 action into the said Court of Common
 Pleas and he the said James J.
 Kenny for the purpose of removing

0069

said suit cause and action into the
said Court of Common Pleas, presented
and exhibited to the said George W.
Parker as such Justice and Judge so
presiding as aforesaid an undertaking
in due form of law duly executed
by him the said James J. Kenny and
by Jeremiah T. Mallon and one
David Degnan as sureties ^{and for} of him the
said James J. Kenny reciting in sub-
stance and effect the commencement
of the said suit cause and action,
for a cause of action arising under the
said Statute in such case made and
provided and that the claim and
demand in said suit cause ^{and} of action
of the said Robert Copeland as
^{such plaintiff as} aforesaid against the said James J.
Kenny as such defendant as aforesaid,
exceeded the sum of one hundred dollars
and that the said James J. Kenny
as such defendant as aforesaid had
appeared in said action and that
issue was joined therein and that
thereafter and before trial thereof the
said James J. Kenny as such defendant
as aforesaid had duly applied for
the removal of said suit cause and
action to the said Court of Common

Please and providing in substance
 and effect that they the said James
 J. Kenny, Jeremiah V. Mallon and
 David Degnan jointly and severally
 promised and agreed that they the
 said James J. Kenny, Jeremiah
 V. Mallon and David Degnan
^{would} ~~will~~ pay to the said Robert Copeland
 as such plaintiff as aforesaid the
 amount of any judgment that ^{or might} may
 be awarded against the said James
 J. Kenny such defendant as aforesaid
 by the said Court of Common Pleas
 in the said suit cause and action
 and which said undertaking was,
 after the examination ^{and justification} herein after
 mentioned of him the said Jeremiah
 V. Mallon approved by the said George
 W. Parker as such Justice so presiding
 as aforesaid and the said suit cause
 and action and the trial thereof was
 removed to the said Court of Common
 Pleas.

And the Jurors aforesaid upon
 their oath aforesaid at further present.
 That the said Robert Copeland as such
 plaintiff as aforesaid duly and re-
 gularly excepted to the sufficiency
 and liability of the said James J.

Mallon and the said David Segnan
 to be and become sureties of him the said
 James J. Kenny in and upon said
 undertaking so presented as aforesaid
 and in pursuance thereof and of
 the requirement of the said George
 W. Parker as such judge and justice
 so presiding as aforesaid and to
 procure the approval of said under-
 taking by the said George W. Parker
 as such judge and justice so pre-
 siding as aforesaid and the removal
 of said suit cause and action to
 the said Court of Common Pleas,
 it thereafter and on the said twenty
 26th ~~eight~~ day of January in the year of
 our Lord one thousand eight hundred
 and eighty became and was ^{material and} necessary
 for him the said Jeremiah T. Mallon
 to justify and qualify before and
 be examined as to sufficiency and
 ability as such surety as aforesaid
 by and before the said George W.
 Parker as such judge and justice
 so presiding as aforesaid and he the
 said Jeremiah T. Mallon thereupon
 at the said City of New York in the
 County of New York aforesaid on the

said ²⁵twenty eighth day of January in
 the year of our Lord one thousand
 eight hundred and eighty came in
 his own proper person before the said
 George W. Parker, as such presiding
 Judge and Justice. as aforesaid, who
 as such presiding Judge and Justice
 as aforesaid was then and there duly
 authorized and empowered to take
 and approve such undertaking, to
 justify, qualify and be examined
 as to his sufficiency and ability to
 be and become one of the sureties
 of the said James J. Kenny and
 to procure the approval of said
 undertaking by the said George W.
 Parker as such Judge and Justice as
 aforesaid, and he the said Jeremiah
 V. Mallon then and there was duly
 sworn by and took his corporal oath
 before the said George W. Parker as
 such presiding Justice and Judge as
 aforesaid, touching his sufficiency,
 qualification and ability to be and
 become such surety as aforesaid
 of him the said James J. Kenny
 on said undertaking (he the said
 George W. Parker as such Judge and
 Justice so presiding as aforesaid

having then and there full and competent power and authority to administer the said oath to him the said Jeremiah V. Mallon in that behalf)

And the jurors aforesaid upon their oath aforesaid do further present

That the said Jeremiah V. Mallon so being as aforesaid before the said George W. Parker as such presiding judge and justice as aforesaid and so offering to be and ^{and so be sworn} become, and to justify ~~and~~ ^{and so be sworn} qualify, as to his ability and sufficiency to be and become such surety as aforesaid and so being duly sworn, ^{and so be sworn} as aforesaid, it then and there became and was manifest that the said George W. Parker as such presiding ^{and so be sworn} justice as aforesaid should know and be informed

Whether he the said Jeremiah V. Mallon was then and there worth the sum of six hundred dollars over and above all his debts and liabilities

Whether he the said Jeremiah V. Mallon was then and there the owner and proprietor of a Nation Store at

Number three hundred and twenty one west twenty first Street in the said City of New York in the County of New York aforesaid
 Whether he the said Jeremiah V. Mallon was then and there the owner and proprietor of a certain milk route connected with the business of said store

Whether he the said Jeremiah V. Mallon was the sole owner of a certain milk wagon which bore the name thereon "E. Mallon"

Whether the said wagon was worth one hundred and fifty dollars -
 Whether he was the owner of a certain horse used before and in connection with said wagon

Whether said horse was worth one hundred and fifty dollars -
 Whether the brother or Ellen Mallon step mother of him the said Jeremiah V. Mallon owned said milk route or said business or said store or wagon or horse or any interest therein

Whether he the said Jeremiah V. Mallon with his own money and in his own name bought said horse in the year

of our Lord one thousand and eight hundred and seventy one for two hundred dollars -

Whether he the said Jeremiah V. Mallon in his own name bought said milk wagon in the year of our Lord one thousand and eight hundred and seventy one from Robert Kennedy and paid therefor two hundred and sixty dollars

Whether he had ever deposited in an account in his own name in the New York Savings Bank in the City of New York in the County of New York aforesaid the sum of two hundred and sixty dollars -

Whether he drew from said Savings Bank the said sum of two hundred and sixty dollars in the year of our Lord one thousand and eight hundred and sixty five.

Whether he the said Jeremiah V. Mallon then and there had and kept an account in the New York County National Bank in the City of New York in the County of New York aforesaid

Whether he then and there had in the said the New York County National

Bank to his credit one hundred and seventy five dollars -

And the jurors aforesaid upon their oaths aforesaid do further present

That the said Jeremiah V. Mallon being so duly sworn as aforesaid upon his oaths aforesaid at the said City of New York in the County of New York aforesaid on the said twenty ^{6th} eighth day of January in the year of our Lord one thousand eight hundred and eighty before the said George W. Parker as such judge and justice so sitting as aforesaid upon his justification qualification and examination aforesaid did then and there wickedly wilfully falsely feloniously and corruptly say swear, make oaths, answers, testify and depose among other things in substance and to the effect following that is to say that he the said Jeremiah V. Mallon was then and there worth the sum of six hundred dollars over and above all his debts and liabilities -

That he the said Jeremiah V. Mallon was then and there the proprietor and owner of a motion Stone at

Number three hundred and twenty
one west twenty first Street in the
said City of New York in the County
of New York aforesaid

That he the said Jeremiah V.
Mallon was then and there the
proprietor and owner of a Milk route
connected with the business of said
Store.

That he the said Jeremiah V. Mallon
was then and there the sole owner
of a certain Milk wagon which
bears the name thereon "E. Mallon".
That said wagon was then and
there worth one hundred and fifty
dollars.

That he the said Jeremiah V. Mallon
was then and there the owner of a
certain horse used before ^{and} in connection
with said wagon -

That said horse was worth one
hundred and fifty dollars -

That neither the brother nor Ellen
Mallon the stepmother of him the
said Jeremiah V. Mallon then and
there owned or claimed said Milk
Route or said business or said store
or said wagon or said horse or any
interest therein -

That he the said Jeremiah V. Mallon with his own money and in his own name bought said horse in the year of our Lord one thousand and eight hundred and seventy one for two hundred dollars -

That he the said Jeremiah V. Mallon in his own name bought said Milk wagon in the year of our Lord one thousand and eight hundred and seventy one from Robert Kennedy and paid therefor two hundred and sixty dollars -

That he the said Jeremiah V. Mallon had had deposited in an account in his own name in the New York Savings Bank in the said City of New York in the County of New York aforesaid the sum of two hundred and sixty dollars -

That he the said Jeremiah V. Mallon drew therefrom (from said Savings Bank meaning thereby) the money which he paid for the purchase of the said Milk wagon (the said sum of two hundred and sixty dollars meaning thereby) in the year of our Lord one thousand and eight hundred and seventy five -

That he the said Jeremiah V.

Mallon then and there had and kept an account in the New York County National Bank in the said City of New York in the County of New York aforesaid -

That he the said Jeremiah V. Mallon then and there had in the said the New York County National Bank to his credit the sum of one hundred and seventy five dollars -

Whereas in truth and in fact he the said Jeremiah V. Mallon was not then and there worth the sum of six hundred dollars or any sum whatever over and above all his debts and liabilities but was entirely pecuniarily worthless, impoverished, penniless and insolvent -

And whereas in truth and in fact he the said Jeremiah V. Mallon was not then and there the owner nor the proprietor of a notion store at Number three hundred and twenty one West twenty first Street in the said City of New York in the County of New York aforesaid and had no claim right title interest or demand therein or thereto -

And whereas in truth and in fact

00000

he the said Jeremiah T. Mallon
was not then and there the owner
nor proprietor of a certain milk
route connected with the business
of said Stone.

And whereas in truth and in fact
he the said Jeremiah T. Mallon
was not then and there the sole
owner of a certain milk wagon
which bore the name "E. Mallon"
thereon and had no right title
interest claim or demand therein
or thereto -

And whereas in truth and in fact
the said wagon was not worth one
hundred and fifty dollars or any
sum of money in excess of twenty
five dollars -

And whereas in truth and in fact
he the said Jeremiah T. Mallon
was not then and there the owner
of a certain horse used before and
in connection with said wagon -

And whereas in truth and in fact
the said horse was not worth one
hundred and fifty dollars or any
sum of money in excess of twenty
five dollars -

And whereas in truth and in fact

Ellen Mallon the stepmother of him the said Jeremiah T. Mallon then and there owned the said Milk Route and said business and said store and said wagon and said horse

And whereas in truth and in fact he the said Jeremiah T. Mallon did not buy said horse in the year of our Lord one thousand and eight hundred and seventy one or at any other time for two hundred dollars of his own money and in his own name or buy said horse at all -

And whereas in truth and in fact he the said Jeremiah T. Mallon did not in his own name or in any other way buy said Milk wagon in the year of our Lord one thousand and eight hundred and seventy one or at any other time from Robert Kennedy or any body else and did not pay therefor two hundred and sixty dollars or any sum of money whatever

And whereas in truth and in fact he the said Jeremiah T. Mallon never had deposited in an account in his own name in the said

New York Savings Bank the sum of two hundred and sixty dollars or any sum whatsoever And whereas in truth and in fact he the said Jeremiah V. Mallon did not draw from the said Savings Bank the said sum of two hundred and sixty dollars in the year of our Lord one thousand eight hundred and sixty five or at any other time whatsoever -

And whereas in truth and in fact he the said Jeremiah V. Mallon did not then and there have in the said The New York County National Bank to his credit the sum of one hundred and seventy five dollars or any sum of money whatsoever -

And so the jurors aforesaid upon their oath aforesaid do say that he the said Jeremiah V. Mallon at the City of New York in the County of New York aforesaid on the said twenty eighth day of January in the year of our Lord one thousand eight hundred and eighty before the

Honorable George W. Parker, ^{as} such
 presiding judge and justice as afore-
 said (who as such presiding judge
 and justice as aforesaid had then
 and there full and competent power
 and authority to administer the said
 oaths to him the said Jeremiah V.
 Mallon) wickedly, wilfully ~~and~~ mali-
 ciously corruptly and feloniously
^{in manner and form aforesaid}
 did, commit wilful and corrupt per-
 jury against the peace of the people
 of the State of New York and their
 dignity

Benj. K. Phelps
 District Attorney

Honorable George W. Parker, ^{as} such
 presiding Judge and justice as afore-
 said (who as such presiding Judge
 and justice as aforesaid had; then
 and there full and competent power
 and authority to administer the said
 oath to him the said Jeremiah V.
 Mallon) wickedly, wilfully ~~and~~ mali-
 ciously corruptly and feloniously
^{in manner and form aforesaid}
~~did~~ commit wilful and corrupt per-
 jury against the peace of the people
 of the State of New York and their
 dignity

Benj. K. Phelps
 District Attorney

0085

BOX:

11

FOLDER:

136

DESCRIPTION:

Marsh, Samuel

DATE:

04/06/80



136

0086

BOX:

11

FOLDER:

136

DESCRIPTION:

Martin, James

DATE:

04/06/80



136

23

Counsel, *J. A. Gill and*
 Filed *Chas. Reed* 1884.
 day of
 Pleads, *Not Guilty*

THE PEOPLE

28.

[illegible]

BURGLARY—Third Degree,
and Larceny at Pitt-Larceny.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

W. S. Taylor
Foreman.

Part no April 8. 1880
Both plead at P.L.

3 M. v. F. each

0088

Police Office, First District.

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

of No. 163 & 165 Canal Street, being duly sworn,
two inner rooms of

deposes and says, that the premises of said

Street, 14 Ward, in the City and County aforesaid, the said being a Hotel

and which was occupied by deponent as a Hotel in which

he and his family reside here **BURGLARIOUSLY**

entered by means of opening the doors of
said rooms open with false keys

on the day of the 29th day of March 1880

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

beds and bed clothing
of the value of ten dollars
being in rooms 11 & 12.

the property of deponent

and deponent further says, that he has great cause to believe, and does believe that the aforesaid **BURGLARY** was committed attempted to be and the aforesaid property taken, stolen and carried away by

James Martin and Samuel
Marsh, both now present

for the reasons following, to wit:

That on the morning
of said day the prisoners came
to said Hotel registered as guests
and were assigned to a room
on the second floor; ^{Room 201} That deponent
saw the prisoners come out of their
room take a chair look cautiously
up and down to see that

they were not watched or seen,
 And then look through the fair
 lights of two rooms. That they
 finding said rooms unoccupied
 opened them by means of a false
 Key or Keys: the Key here shown
 and which was found in their
 possession department believes to
 be ^{the} one used on the occasions
 aforementioned. That they finally
 came to the door where department
 was watching them from and were
 charged by department with Burglary
 entering said rooms for the purpose
 of stealing, and immediately thereafter
 department caused their arrest
Henry Horgan

Sworn to before me this
 29th day of March 1880
R. W. B. Kelly Police Justice

0090

Police Court—First District.

CITY AND COUNTY
OF NEW YORK,

James Martin being duly examined before the undersigned,
according to law, on the annexed charge, and being informed that he was at liberty
to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live?

Answer.

Question. What is your occupation?

Answer.

Question. Have you anything to say, and if so, what—relative to the charge here
preferred against you?

Answer.

We hired a room in the
house for which we paid a dollar
in the morning about ten o'clock
I was taken short & not being able
to reach a water closet used the
chamber I was looking round
for the water closet at the time
the proprietor called to me and did
not go into any room on that floor
as testified to by Complainant

James Martin
Mark

Taken before me, this

29 day of March 1899

POLICE JUSTICE.

0091

Police Court—First District.

CITY AND COUNTY } ss.
OF NEW YORK, }

Samuel Marsh being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Samuel Marsh

Question. How old are you?

Answer.

26 Years

Question. Where were you born?

Answer.

Sullivan St New York

Question. Where do you live?

Answer.

207 E 19th Street

Question. What is your occupation?

Answer.

Mechanic

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.

I am not guilty of the charge

Samuel Marsh

Taken before me, this

29 day of March 1899

Police Justice.

0092

COUNSEL FOR COMPLAINANT

Police Court—First District

Name

Address

THE PEOPLE, &c., vs.

ON THE COMPLAINT OF

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

COUNSEL FOR DEFENDANT

Name

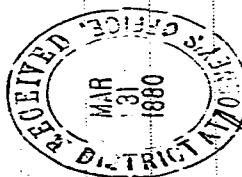
Address

Dated March 29, 1880

Magistrate

Officer

Clerk



Witnesses

Sessions

Received in Dist. Atty's Office

1000, to answer

0093

STATE OF NEW YORK, } Form 112.
CITY AND COUNTY OF NEW YORK, } ss:

Police Court—First District.

of No. 125 E Houston Street, being duly sworn, deposes
and says, that on the Nights of the 29 day of March 1880
at the City of New York, in the County of New York, was feloniously taken, stolen, and carried
away from the possession of deponent, And from Brook

Assembly Rooms where deponent was performing
as a musician the following property, viz: One Silver plated
Coronet

of the value of fifty 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 James Mooney

Now present for the reason that said
property was laid aside by deponent
during intermission at a ball in said
Assembly Rooms, that deponent went
to procure refreshments during such
intermission and when deponent returned
said Cornet was gone but was
subsequently found by Officer Figue
in the possession of the prisoner
as said Figue informed deponent

Leonard O. de Wit

Sworn to, before me, this

of March 1880
at New York
Police Justice.

0094

City and County
of New York

Robert A. Tighe of the 14th
Precinct Police being sworn say
that he arrested the prisoner at
about 2 30 o'clock on the night
of ^{in Grand Street} arrest and at the time of
such arrest he had in his possession
the property within described

Done to before me this } Robt. A. Tighe
3rd day of March 1880 }
D. W. Briggs }
(Justice)

0095

Police Court—First District.

CITY AND COUNTY } ss.
OF NEW YORK.

James Mooney being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

James Mooney

Question. How old are you?

Answer,

24 Years

Question. Where were you born?

Answer.

New York City

Question. Where do you live?

Answer

45 Marion Street

Question. What is your occupation?

Answer.

Paper stainer

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.

I am not guilty

James ^{his} Mooney
mark

Taken before me, this

day of

1890

Police Justice.

0096

COUNSEL FOR COMPLAINANT.

Name,
Address,

COUNSEL FOR DEFENDANT.

Name, *W. Oliver*
Address,

Police Court—First District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Conrad O. DeLoach
125 S. Madison St.
vs.
James H. Morley

BAILED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

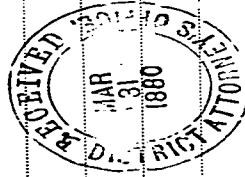
Residence,

No. 5, by

Residence,

No. 6, by

Residence,



Dated, *March 30, 1880*

W. H. Zick Magistrate.

Robert A. Fisher Officer.

W. H. Zick Clerk.

Witnesses:

Calvin H. Fisher

\$1000 to answer

at

Sessions

Received at Dist. Atty's office

CITY AND COUNTY } ss.
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That

James Martin and Samuel Marsh Each.

late of the *fourteenth* Ward of the City of New York, in the County
of New York, aforesaid, on the *twenty ninth* day of *March*
in the year of our Lord one thousand eight hundred and ~~seventy~~ *Eighty* with force
and arms, at the Ward, City and County aforesaid, the *building* of
Henry Rogers there situate, feloniously and
burglariously, did break into and enter, the same being a building in which divers
goods, merchandise, and valuable things were then and there kept for use, sale and
deposit, to wit: the goods, chattels, and personal property hereinafter described, with
intent the said goods, chattels, and personal property of the said
Henry Rogers then and there therein being, then and there
feloniously and burglariously to steal, take and carry away, and

Ten yards of muslin of the value of ten cents
Each yard—

One Blouse of the value of Three dollars

One Spread [of the kind called a Red Spread]
of the value of Two dollars.

One looking glass of the value of three dollars

One pitcher of the value of One dollar.

One bowl of the value of One dollar.

Two towels of the value of fifty cents each

of the goods, chattels, and personal property of the said *Henry Rogers*

so kept as aforesaid in the said *building* then and there being, 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.

BENJ. K. PHELPS, District Attorney.

0098

BOX:

11

FOLDER:

136

DESCRIPTION:

Mason, Ellen

DATE:

04/13/80



136

0099

[Signature]
Counsel,
Filed *13* day of *April* 188*0*
Plends *[Signature]*
THE PEOPLE
vs. *12*
Ellen, et al.
BENJ. K. PHELPS,
District Attorney.
A True Bill.
H. S. Taylor Foreman.
April 14. 1880.
[Signature] Clerk, J. H. Taylor.

0100

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

FORM 89½

SS.

POLICE COURT—SECOND DISTRICT.

of No. 15 Linden Place or at No 287 8 Avenue
and says, that on the 6 day of April 18 80

at the City of New York, in the County of New York, was feloniously taken, stolen and carried away, from the possession of deponent, Ethel Brooker living

residing at No 287 8 Avenue
the following property, to wit:

five sleeve buttons value seventy
five cents
one Harris hat pin value ten
cents
one pocketbook value one dollar

of the value of one 100 Dollars,

the property of William J. Ethel Louis Ethel
Julius Ethel George Ethel living
residing under the firm name Ethel
Brooker at 287 8 Avenue and in complement
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 Ellen Mason

(now present) from the fact
that deponent saw bring
Ellen take part of the
property as above described
from the store No 287 8 Avenue
and further found all
the property in her possession

W. J. Irving

Sworn to before me, this 18 day of April 18 80
Police Justice.

0101

16

FORM 894

POLICE COURT—SECOND DISTRICT,

Affidavit Larceny

THE PEOPLE, & C.
ON THE COMPLAINT OF

William J. Brady
287 8th Ave.
Ellen Masch

DATED April 7 1880

Magistrate
Wm. Cairns OFFICER

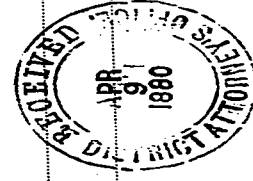
16-

WITNESS:

Rachel McPherson
279 - 9th ave
Sub. 1 Sec. 1
Mr. McPherson
deft. committed
\$ 300 TO ANS.
Cm

BAILED BY

No. STREET.



0102

CITY AND COUNTY } ss.
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present :

That

Ellen Mason

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
Sixth day of *April* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *Eighty* at the Ward, City and County aforesaid,
with force and arms,

*Five buttons of the value of fifteen cents
each*

One pin of the value of ten cents

*One pocket book of the value of one
Dollar*

of the goods, chattels and personal property of one

William J. Church

then and
there being found, 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.

0103

And the Jurors aforesaid, upon their oath aforesaid, do further present
That the said *Ellen Mason*

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

*Five buttons of the value of fifteen cents
each —*

*one pin of the value of ten cents
one pocket book of the value of
one dollar*

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

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously
stolen of the said

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

then and there well knowing the said goods, chattels, and personal property, to have been feloniously
stolen,) 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.

William J. Ehrick
William J. Ehrick
Ellen Mason
BENJAMIN K. PHELPS, District Attorney.

0104

BOX:

11

FOLDER:

136

DESCRIPTION:

McCabe, John J.

DATE:

04/06/80



136

0105

Filed 20 May 1880
O. J. Phelps

Day of Trial.

Counsel,

Filed *6* day of *April* 188*0*

Pleads *Indictment (7)*

THE PEOPLE

vs.

John J. McCabe

Adulterated Milk.

March 21 1881
BENJ. K. PHELPS,
District Attorney.

Filed 225

A True Bill.

N. J. Taylor - Foreman.
March 21 1881
deposes by Counsel
O. J. Phelps

0106

39 Campbell

City and County of New York, ss. :

J. Blake White, M.D.
709 Madison Ave.
Assistant Sanitary Inspector ^{of milk} of said city, being duly sworn, deposes and says, that on the
18th day of November in the year 1880, at premises number
in the City of New York, the said premises being a place then and
there where Milk was kept for sale, one *John J. McCabe* unlawfully did then
and there keep, have and offer for sale ^{in the City of New York} ~~these~~ impure and unwholesome Milk, which had been
and was then and there watered, adulterated, reduced and changed by the addition of water or other
substance, or by the removal of cream therefrom, and that such impure, unwholesome, watered, adul-
terated or reduced and changed Milk, was then and there, by the said

John J. McCabe, unlawfully held, kept and offered for sale against and in
violation of the provisions of the Sanitary Code, and of such Sanitary Code then and there, and at all
times thereafter in force and operation, and especially against and in violation of the provisions of a
section and ordinance of such Sanitary Code which was duly passed and adopted by the Board of
Health of the Health Department of the City of New York, and by said Health Department at a
meeting thereof, duly held in said city, on the twenty-third day of February, 1876, in the manner and
language following, to wit :

" Resolved, That under the power conferred by law upon the Health Department, the following
" additional section to the Sanitary Code, for the security of life and health, be, and the same is hereby,
" adopted and declared to form a portion of the Sanitary Code.

" " No Milk which has been watered, adulterated, reduced or changed in any respect by the
" " addition of water or other substance, or by the removal of cream, shall be brought into, held,
" " kept or offered for sale at any place in the City of New York, nor shall any one keep, have or offer
" " for sale in the said city any such Milk."

That said ordinance was thereafter duly published once a week, for two successive weeks, in the
City Record, a daily official newspaper and journal published in said city, to wit, in the issues of such
newspaper of the 24th day of February, 1876, and also of the 2d day of March, 1876, and that said
ordinance was, at all times alleged herein, in full force and operation in said city and county.

Sworn to before me the 24th day
of November 1880.

Rev. Mr. [Signature]
Police Justice.

0107

976
Police Court, 4th District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John P. White, n.p.
vs
John J. McCabe
620 N 52nd St.

Affidavit
J. J. McCabe

Dated November 24th 1880

T. H. Baxby Justice

W. J. Foley Officer
Court

#300

Bailed by J. J. McCabe
Cornelius J. Foley, East
No 46 East 66 Street

0 108

City and County of New York, ss. :

Edward H. Martin of no. 47 West 55th Street an
Assistant Sanitary Inspector of said city, being duly sworn, deposes and says, that on the
31st day of *March* in the year 188*0*, at premises number
in the City of New York, the said premises being a place then and
there where Milk was kept for sale, one *John J. McCabe* unlawfully did then
and there keep, have and offer for sale three quarts of impure and unwholesome Milk, which had been
and was then and there watered, adulterated, reduced and changed by the addition of water or other
substance, or by the removal of cream therefrom, and that such impure, unwholesome, watered, adul-
terated or reduced and changed Milk, was then and there, by the said

John J. McCabe, unlawfully held, kept and offered for sale against and in
violation of the provisions of the Sanitary Code, and of such Sanitary Code then and there, and at all
times thereafter in force and operation, and especially against and in violation of the provisions of a
section and ordinance of such Sanitary Code which was duly passed and adopted by the Board of
Health of the Health Department of the City of New York, and by said Health Department at a
meeting thereof, duly held in said city, on the twenty-third day of February, 1876, in the manner and
language following, to wit :

" Resolved, That under the power conferred by law upon the Health Department, the following
" additional section to the Sanitary Code, for the security of life and health, be, and the same is hereby,
" adopted and declared to form a portion of the Sanitary Code.

" ' No Milk which has been watered, adulterated, reduced or changed in any respect by the
" ' addition of water or other substance, or by the removal of cream, shall be brought into, held,
" ' kept or offered for sale at any place in the City of New York, nor shall any one keep, have or offer
" ' for sale in the said city any such Milk.' "

That said ordinance was thereafter duly published once a week, for two successive weeks, in the
City Record, a daily official newspaper and journal published in said city, to wit, in the issues of such
newspaper of the 24th day of February, 1876, and also of the 2d day of March, 1876, and that said
ordinance was, at all times alleged herein, in full force and operation in said city and county.

Sworn to before me the *5th* day } *Edward H. Martin*
of *April* } 188*0*.

Wm. H. Murray

Police Justice.

0109

354
Police Court, 4th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward W. Martin
of No. 47 West 50th St

vs.
John J. McEabe

of No. 622 West 52nd St

Affidavit Sautter, Clerk

Dated April 6th 1880



Justice.

Officer.

300 ft 18 ft 10 in
Total

By James Barclay
10 Madison Ave

0110

Court of General Sessions, Part 3

THE PEOPLE

INDICTMENT

For

John J. McCabe } *Not found*
To } *Feb 23^d 1881*
M. Cornelius Hartley } *Chapman*
No. 46 East 66th }
140 } *Street.*

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *trial* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on *Thursday* the *24* day of *Feb* instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

~~_____~~
DANIEL G. ROLLINS, District Attorney.

0111

Cornelia Farley
46 East 66th St

0112

CITY AND COUNTY } ss. :
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present :

That

John J. McCabe
late of the *twentieth* Ward of the City of New York, in the County of
New York, aforesaid, on the *thirteenth* day of *January* in the year
of our Lord one thousand eight hundred and ~~seventy~~ *eighty* at the Ward,
City and County aforesaid, unlawfully and knowingly did expose for sale, at the
Store known as ~~number~~ *the corner of tenth Avenue and West Thirty First* Street,
then and there situate, ten quarts of impure, adulterated and unwholesome milk, 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 Jurors aforesaid, upon their Oath aforesaid, do further present :

THAT the said

John J. McCabe
late of the Ward, City, and County aforesaid, afterwards, to wit, on the day and in the
year aforesaid, at the Ward, City and County aforesaid, at the store and place of business
of the said *John J. McCabe*
known as ~~number~~ *the corner of tenth Avenue and West Thirty First* Street,
in said Ward, City and County, and the said premises being then and there a place
where milk was kept for sale, unlawfully did then and there keep, have, and offer for
sale ten quarts of impure and unwholesome milk, which had been, and was then and there
watered, adulterated, reduced and changed by the addition of water or other substance,
and that such impure, unwholesome, watered, adulterated, reduced and changed milk
was then and there by the said *John J. McCabe*
unlawfully held, kept and offered for sale
against and in violation of the provisions of the Sanitary Code, and of such Sanitary
Code then and there, and at all times thereafter in force and operation, and 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.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present:

THAT the said *John J. McCabe*
late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, did bring into the said Ward, City and County, and then and there have and offer for sale, at the store and place of business of him, the said *John J. McCabe*
known as ~~number~~ *the corner of Tenth Avenue and West Thirty First Street*, the said premises being then and there a place where milk was kept for sale, unlawfully did then and there keep, have, and offer for sale, ten quarts of impure and unwholesome milk, which had been and was then and there, watered, adulterated, reduced and changed by the addition of water or other substance, and that such impure, unwholesome, watered, adulterated or reduced and changed milk was then and there, by the said *John J. McCabe* unlawfully held, kept and offered for sale against and in violation of the provisions the Sanitary Code, and of such Sanitary Code then and there, and at all times thereafter in force and operation, and especially against and in violation of the provisions of a section and ordinance of such Sanitary Code, which was duly passed and adopted by the Board of Health of the Health Department of the said City of New York, and by said Health Department at a meeting thereof, duly held in said City, on the twenty-third day of February, 1876, in the manner and language following, to wit:

"Resolved, That under the power conferred by law upon the Health Department, "the following additional section to the Sanitary Code, for the security of life and "health be, and the same is hereby adopted and declared to form a portion of the "Sanitary Code.

"No milk which has been watered, adulterated, reduced, or changed in any "respect by the addition of water or other substance, or by the removal of cream, "shall be brought into, held, kept or offered for sale at any place in the City of New "York, nor shall any one keep, have, or offer for sale in the said city any such milk."

Which said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in said city, to wit: in the issues of such newspaper of the 24th day of February, 1876, and also of the 2d day of March, 1876, and which said ordinance was then and there, and at all times thereafter, in full force and operation against the forms of the Statute in such case made and provided.

BENJ. K. PHELPS, District Attorney.

0114

BOX:

11

FOLDER:

136

DESCRIPTION:

McCabe, John J.

DATE:

04/28/80



136

0115

IN SENATE

Day of Trial.

Counsel,

Filed 28 day of April 1880

Pleads

THE PEOPLE

vs.

Adulterated Milk.

B.

John J. McCaleb

BENJ. K. PHELPS,

March 31/80 District Attorney.

Filed 225.

A True Bill.

W. S. Taylor

March 10/80 Foreman.

I have given

0116

Health Department of the City of New York.

OFFICE OF THE ATTORNEY AND COUNSEL.

(Rooms Nos. 46 and 47.)

NO. 301 MOTT STREET,

New York March 30. 1880

Moses P Black Esq
Chief Clerk

Dear Sir:

The case of selling
adulterated milk against John
J. McCabe of No 622 West 52^d
St was sent to the District Attys
Office in February last for indictment
Dr Martin one of our Inspectors
is the Complainant & will present
this note with Especial reference
to testifying before the Grand Jury.
Please facilitate the further
prosecution of the case

Yours Truly
Geo S. Watson

0117

City and County of New York, ss.

Edward W. Martin of 47 West 55th Street an
 Assistant Sanitary Inspector of said city, being duly sworn, deposes and says, that on the
 13th day of February in the year 1880, at premises number 8
 W. 31st Street + 70th Avenue in the City of New York, the said premises being a place then and
 there where Milk was kept for sale, one John J. McCabe unlawfully did then
 and there keep, have and offer for sale three quarts of impure and unwholesome Milk, which had
 been and was then and there watered, adulterated, reduced and changed by the addition of water
 or other substance, or by the removal of cream therefrom, and that such impure, unwholesome,
 watered, adulterated or reduced and changed Milk, was then and there, by the said
 John J. McCabe, unlawfully held, kept and offered for sale against and in
 violation of the provisions of the Sanitary Code, and of such Sanitary Code then and there, and
 at all times thereafter in force and operation, and especially against and in violation of the
 provisions of a section and ordinance of such Sanitary Code which was duly passed and adopted
 by the Board of Health of the Health Department of the said City of New York, and by said
 Health Department at a meeting thereof, duly held in said city, on the twenty-third day of
 February, 1876, in the manner and language following, to wit:

"Resolved, That under the power conferred by law upon the Health Department, the
 "following additional section to the Sanitary Code, for the security of life and health be, and the
 "same is hereby, adopted and declared to form a portion of the Sanitary Code.

"No Milk which has been watered, adulterated, reduced or changed in any respect by the
 "addition of water or other substance, or by the removal of cream, shall be brought into, held,
 "kept or offered for sale at any place in the City of New York, nor shall any one keep, have or
 "offer for sale in the said city any such Milk."

That said ordinance was thereafter duly published once a week, for two successive weeks, in
 the City Record, a daily official newspaper and journal published in said city, to wit, in the issues
 of such newspaper of the 24th day of February, 1876, and also of the 2d day of March, 1876, and
 that said ordinance was, at all times alleged herein, in full force and operation in said city
 and county.

Sworn to before me the 19th day of February 19th 1880. Edward W. Martin

B. M. Mandell
 Police Justice.

0118

*Defendant demands
a Jury Trial*

Police Court, District.

THE PEOPLE, &C.,
ON THE COMPLAINT OF

Edward H. Martin
of 47 West 55th Street
vs.
John J. McCole
of 622 West 52nd Street

nr 40
Affidavit Sanitary Order

Dated *17th February* 1880

Justice

Officer

Bailed Legal Fees
by Richard Mahab
827 10 Avenue
Brooklyn

0119

City and County of New York ss:

I, J. Blake White M.D.

being duly sworn deposes that he is a Sanitary Inspector
 of the Health Department of New York and that on
 the 13th day of February 1880 one J. J. McCabe
 residing at Number 622 West 52nd Street New York
 did violate the provisions of Section I
 Chapter 220 of the Laws of the State of New
 York passed in the year 1878 in that
 that he, the said J. J. McCabe did then
 and there - at the corner of West 31st St and
 10th Avenue - sell, offer and expose for sale
 one can of milk, containing forty quarts, - from
 which the cream or some part thereof had
 been removed and the said J. J. McCabe
 did then and there knowingly and negligently neglect
 and fail to distinctly and durably mark in
 letters not less than one inch in length in a
 conspicuous ^{place} above the centre and upon the
 outside of the can vessel and package containing
 such milk the words "Skimmed Milk" and such
 milk was sold out of cans not so marked -

Sworn to before me this 22nd day
 of February 1880

J. J. McCabe

John Justice

J. Blake White

Defendant demands a
very great

Phil Cant X⁴ Shattuck

The People vs
in complaint of
L. B. White, Jr.
222. 2nd Ten

L. J. McCabe
620 W. 52nd St

After Feb. 22nd 1880

Manuel J. J. J.

10th Madison
117 West 50th St

Bailed and recd.
by Richard H. H.
827-10 Avenue.

300 to 400

about 100
ordered
H. S. Taylor
Foreman

0121

CITY AND COUNTY } ss. :
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present :

That *John J. McCabe*
late of the *twenty second* Ward of the City of New York, in the County of
New York, aforesaid, on the *thirty first* day of *March* in the year
of our Lord one thousand eight hundred and ~~seventy~~ *eighty* at the Ward,
City and County aforesaid, unlawfully and knowingly did expose for sale at the
Store known as number *six hundred and twenty two West fifty second* Street,
then and there situate, ten quarts of impure, adulterated and unwholesome milk, 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 Jurors aforesaid, upon their Oath aforesaid, do further present :

That the said *John J. McCabe*
late of the Ward, City, and County aforesaid, afterwards, to wit, on the day and in the
year aforesaid, at the Ward, City and County aforesaid, at the store and place of business
of the said *John J. McCabe*
known as number *six hundred and twenty two West fifty second* Street,
in said Ward, City and County, and the said premises being then and there a place
where milk was kept for sale, unlawfully did then and there keep, have, and offer for
sale ten quarts of impure and unwholesome milk, which had been, and was then and there
watered, adulterated, reduced and changed by the addition of water or other substance,
and that such impure, unwholesome, watered, adulterated, reduced and changed milk
was then and there by the said *John J. McCabe*
unlawfully held, kept and offered for sale
against and in violation of the provisions of the Sanitary Code, and of such Sanitary
Code then and there, and at all times thereafter in force and operation, and 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.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present:

THAT the said *John J. McCabe* late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, did bring into the said Ward, City and County, and then and there have and offer for sale, at the store and place of business of him, the said *John J. McCabe* known as number *Six hundred and twenty two West fifty second* Street, the said premises being then and there a place where milk was kept for sale, unlawfully did then and there keep, have, and offer for sale, ten quarts of impure and unwholesome milk, which had been and was then and there, watered, adulterated, reduced and changed by the addition of water or other substance, and that such impure, unwholesome, watered, adulterated or reduced and changed milk was then and there, by the said *John J. McCabe* unlawfully held, kept and offered for sale against and in violation of the provisions the Sanitary Code, and of such Sanitary Code then and there, and at all times thereafter in force and operation, and especially against and in violation of the provisions of a section and ordinance of such Sanitary Code, which was duly passed and adopted by the Board of Health of the Health Department of the said City of New York, and by said Health Department at a meeting thereof, duly held in said City, on the twenty-third day of February, 1876, in the manner and language following, to wit:

“Resolved, That under the power conferred by law upon the Health Department, “the following additional section to the Sanitary Code, for the security of life and health be, and the same is hereby adopted and declared to form a portion of the “Sanitary Code.

““No milk which has been watered, adulterated, reduced, or changed in any “respect by the addition of water or other substance, or by the removal of cream, “shall be brought into, held, kept or offered for sale at any place in the City of New “York, nor shall any one keep, have, or offer for sale in the said city any such milk.”

Which said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in said city, to wit: in the issues of such newspaper of the 24th day of February, 1876, and also of the 2d day of March, 1876, and which said ordinance was then and there, and at all times thereafter, in full force and operation against the forms of the Statute in such case made and provided.

BENJ. K. PHELPS, District Attorney.

0123

BOX:

11

FOLDER:

136

DESCRIPTION:

McCoy, Patrick

DATE:

04/20/80



136

163

Day of Trial,
Counsel,
Filed 20 day of April 1880,
Pleads not Guilty

BURGLARY-THIRD DEGREE-AND
RECEIVING STOLEN GOODS.

THE PEOPLE
vs.
Patrick McEoy

BENJ. K. PHELPS,
District Attorney
Held 26th April 1880
Not Guilty
A True Bill.

H. S. Taylor
Foreman.

0124

0125

Police Court, Second District.

City and County }
of New York, } ss.

Nathan S. Burdick

of No. 44 Christopher Street, being duly sworn,
deposes and says, that the premises No. 121 Greene
Street, 8 Ward, in the City and County aforesaid, the said being a factoryand which was occupied by deponent as a Office for the
Packing Box business were **BURGLARIOUSLY**entered by means of forcibly springing the lock
on the door leading into said Office
on the 2nd floor of said premiseson the night of the 15 day of April 1880
and the following property feloniously taken, stolen, and carried away, viz.:Three Coats together of the value of
Twenty Five dollars - One Cardigan
Jacket of the value of Five dollars -and other articles of wearing apparel
worth Ten dollars - One Checkon the National Park Bank of said
city for the sum of \$1697.10 dollarsand One Check on the North National
Bank of said city for the sum of\$9.00 dollars - said property being in all
of the value of \$65.97.10 -the property of deponent and Frank Thomas and others
and deponent further says, that he has great cause to believe, and does believe, thatthe aforesaid **BURGLARY** was committed and the aforesaid property taken, stolen

and carried away by

Patrick McGoey (now here)

for the reasons following, to wit:

that on the said date
about an hour prior to said Burglary
being committed deponent entered
said Office and locked the said

door- deponent thereafter missed the said property and was informed by Officer Devoursney that on the night of the 15th day of April 1880 said Officer arrested Patrick the Boy in Mooter street- at the hour of 8.50 o'clock and found in the possession of said defendant the property named in the within complaint.

Deponent identifies the said property as that of the said owners aforesaid. Deponent saw said defendant booting in the alley way adjoining said premises on the evening of said date.

Sworn to before me this 16th day of April 1880 } Nathan L. Benedict

Mercer W. Deane
Police Justice

City and County
of New York }

Charles H. Devoursney of the 8th Precinct being duly sworn says he has read the foregoing affidavit and that the portion of the same which purports to be information given by deponent is true of deponent's own knowledge.

Charles H. Devoursney

Sworn to before me this
16th day of April 1880
Nathan L. Benedict
Police Justice

0127

Police Court—Second District.

CITY AND COUNTY } ss.
OF NEW YORK, }

Patrick McLoon being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him states as follows, viz.:

Question.—What is your name?

Answer.—

Patrick McLoon

Question.—How old are you?

Answer.—

Twenty three years

Question.—Where were you born?

Answer.—

Ireland

Question.—Where do you live?

Answer.—

44 Beach Street

Question.—What is your occupation?

Answer.—

Singer

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

*I am not guilty of
the charge
Patrick McLoon*

Witness
Taken before me, this 16 day of April 1882
Charles A. [Signature]
Police Justice.

POLICE COURT—Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Jonathan L. Burdick
77 Christopher St.
121 Green St.

OFFENCE—Burglary and Larceny.

Patrick Sheboy

Dated *April 16* 1880

Ottoborn Magistrate.

Derouin Officer.

Clerk.

Witnesses,

Charles E. Derouin



Committed in default of \$ *Five* bail.

Bailed by *S. J.*

No.

Street.

Corner

0128

0129

CITY AND COUNTY }
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That

Patrick McCoy

late of the *Eighth* Ward of the City of New York, in the County of
New York, aforesaid, on the *Fifteenth* day of *April* in the
year of our Lord one thousand eight hundred and ~~eighty~~ *eighty* with force and
arms, at the Ward, City and County aforesaid, the *factory* of

Nathan L Burdick

there situate, feloniously and burglariously, did break into and enter, the same being a
building in which divers goods, merchandise, and valuable things were then and there
kept for use, sale and deposit, to wit: the goods, chattels, and personal property here-
inafter described, with intent the said goods, chattels, and personal property of the said

Nathan L Burdick

then and there therein being, then and there feloniously and burglariously to steal, take
and carry away, and ~~one jacket of the value of five dollars,~~
~~three coats of the value of eight dollars each~~
~~doors and other articles of wearing apparel a description of which is to be given~~
~~of the value of ten dollars~~
the instrument and writing of the kind called a Bank check, the same being
drawn on the National Park Bank of the City of New York, the money
secured thereby and then and there remaining unsatisfied being
the sum of fifteen dollars and ninety cents - the same being the sum
of money which might be collected thereon, and the same being the
value of the said Bank check -
the instrument and writing of the kind called a Bank check
the same being then and there unsatisfied and drawn on the
First National Bank of the City of New York, the money secured
by the said Bank check which might be collected thereon
being the sum of nineteen dollars and six cents, the same being the value of the said
instrument of the goods, chattels, and personal property of the said

Nathan L Burdick

so kept as aforesaid in the said *factory* then and there being, 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.

And the Jurors aforesaid, upon their oath aforesaid, do further present:
That the said

Patrick McCoy

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

*one facet of the value of five dollars —
Three coats of the value of Eight dollars each —
Two articles of wearing apparel a description of which
is to these jurors unknown and can not now be given of
the value of two dollars —
One instrument and writing of the said called a Bank
Check. The same being drawn on the National Paris Bank
of the City of New York, the money secured thereby
then and there remaining unsatisfied, being the sum
of sixteen dollars and ninety cents, the same being the sum
which might be collected thereon & the same being the value of
the said Bank Check.*

*One other instrument and writing of the said called a Bank
Check, the same being then and there unsatisfied and drawn on the
North National Bank of the City of New York the money
secured by the said Bank Check and which might be
collected thereon, being the sum of nineteen dollars and
six cents, the same being the value of the said instrument —*

of the goods, chattels and personal property of

Nathan L Burdick

by a certain person or persons, to the Jurors aforesaid unknown, then lately before
feloniously stolen of the said

Nathan L Burdick

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have
(the said

Patrick McCoy

then and there well knowing the said goods, chattels and personal property, to have
been feloniously stolen), 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.

BENJ. K. PHELPS, District Attorney.