

0443

BOX:

342

FOLDER:

3229

DESCRIPTION:

Kaiser, Rose

DATE:

02/14/89



3229

Witnesses:

Hugh J. Haulon,
Wm. S. McKaiser,

Counsel,

Filed

14 day of

1889

Pleads,

Guilty

THE PEOPLE

vs.

P

Rose Kaiser

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

advised
JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. M. Lusk
Foreman.

Forfeit 7 February 27/89

Trials and Convicted

Pen 3 years

March 1/89. R.B.M. *Wm.*

0445

Police Court— / District.

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

William L. Kaiser

of No. 337 East 49 Street, aged 33 years,
occupation Manufacturer of jewelry being duly sworn
deposes and says, that on the 3 day of February 1889 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Rose Kaiser (Grawker)
who cut and stabbed deponent in
the face with a knife she held
in her hand.

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

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

Sworn to before me, this 4 day
of February 1889.

Wm L Kaiser

John J. Brown, Police Justice.

0446

Sec. 198—200.

4

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Rose Kainer*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New Jersey*

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

Answer. *no place*

Question. What is your business or profession?

Answer. *nothing*

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

Answer. *I am not guilty*

Rose Kainer

Taken before me this

24

day of *February* 188*9*

John J. Cannon

Police Justice

0447

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

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

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

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

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

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

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

0448

BAILED,
No. 1, by _____
Residence _____ Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

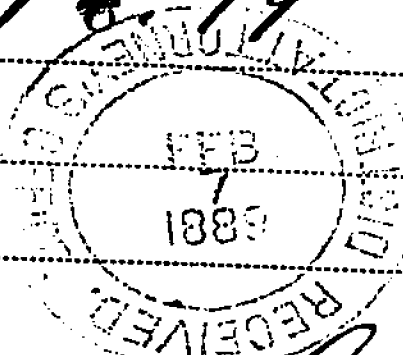
234 / 202
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Anna S. Kainer
337 East 79th St
1. Rose Kainer
2. _____
3. _____
4. _____

Offence *Assault*
Glavin's

Dated *February 4* 188*9*
William Magistrate.
Hugh J. Haulan Officer.
Officer Primmer 25 Precinct.
nothing
Witnesses _____

No. *J. Solinger* Street.
337 E 79
No. _____ Street.
No. _____ Street.
\$ *400* to answer *HS*



Cover

Am

0450

2

A. About eight or nine years; something around that.

Q. Do you remember where you first met her?

A. I believe she was pointed out to me on the Bowery.

Q. Did you ever live with her? A. No sir.

Q. Did you ever have intercourse with her?

A. Yes sir.

Q. Is it not a fact that you paid her room rent?

A. No sir.

Q. Has she not borne your name? A. She has only borne it since this assault.

Q. Is it not a fact that she has been known for the last five years as Rose Kaiser? A. No sir.

Q. Did you ever write her any letters? A. Yes sir.

Q. You called on the defendant and had intercourse with her when she lived at No. 330 e. 11th St.? A. Yes sir.

Q. I see a scar on your face--a long red mark--you don't claim that that is the cut she made? A. Yes sir.; it runs from the eye down to the lip.

Q. Are you suffering now and have you for the past four or five years suffered with syphilis? A. No sir.

Q. Is it not a fact that you communicated to this defendant that venereal disease known as syphilis?

A. No sir.

Q. You don't know that she is suffering from it now?

A. No sir.

Q. Have you not been sending her money to have her cured of this loathsome disease? A. No sir.

Q. Before this woman assaulted you did she not ask you for money to buy medicine? A. No sir.

Q. And did you not strike her after refusing to give her money ? A. No sir; I never raised my arm .

JACOB SOLINGER, a witness for the People, sworn, testified:-

I am a commercial traveller and live at No. 337 E! 79th Street in this city . I am the person that Mr. Kaier referred to as being with him on the day that this assault was committed by this woman . Myself and Mr. Kaiser were walking along Third Avenue on the west side between 78th and 77th Streets when this woman approached Kaiser and tapped him on the shoulder. She said she wanted to speak to him and I walked on ahead; they stopped there and had some conversation which I did not hear. I watched them all the time they were in conversation and after they had been standing together for about three minutes I saw the woman's hand go up, Kaier jumped one side and I at once saw that his face was bleeding and I then saw a knife in the defendant's hand. I identify the knife which is now shown me as the knife which the woman held in her hand . I called an officer and went myself with Kaiser to the drug store where he had his wound dressed . At the time the knife was picked up from where the woman threw it it was quite bloody. It was my brother who picked up the knife .

CROSS EXAMINATION:

I have known Mr. Kaier for twenty five or twenty six years . He never told me that he had given this wo-

0452

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man the syphilis. I did not know that he had been having illicit intercourse with this defendant. I knew that there was a suit for separation pending between him and this woman. . . The defendant claimed she was his wife. Mr. Kaiser did not strike this woman or raise his hand to strike her before she cut him in the face with this knife.

-----D E F E N C E -----

ROSE KAISER, the defendant, sworn, testified:-

I am twenty nine years of age. I have known this man Kaiser for 10 years. I have borne the name of Kaiser ever since I knew him. I lived with him as his wife, and everything that I done on the outside he knew of it. I have been separated from him for about three years. We started in to live together again in the early part of December last. In the second week of December the syphilis began to break out on me; I did not know what it was; his face was all broken out with it too. I went to see a doctor about it and he told me I had the syphilis. He then left me again and I did not see him until the third of February. On that day I went to 79th Street to see him; he told me any time I wanted to see him to send up to him or to come up and wait for him. I saw him come out of his house with his friend and I walked behind him for a short distance; I saw him turn his head one side and I beckoned to him to come to me that I wanted to talk to him. He came back and said "What do you want to be following me, you cant get

0453

5

no stuff off of me, it aint no use following me": I said "Look at the condition I am in with the syphillis, I have got no home and nothing"; he says "I dont care if you rot, I want to get rid of you, I hope it gets into your brain and kills you"; he struck me, he hit me on the jaw and said "Go on you rotten bi tch" and then I hit him .

Q Had you this knife with you ? A. I picked it up as I was crossing the street .

Q Was it a table knife ? A. Yes sir; he wrote me several letters in which he admitted that I was his wife.

CROSS EXAMINATION:

In 1886 he wrote me a letter in which he admitted that he had given me the syphillis . I have not been a waiter on the Bowery . . I have been a faithful wife to this man . I was arrested once for fighting with a girl. On the day in question I took the elevated train to 79th Street and I waited to see the defendant on the corner of 79th St I waited there for him for a couple of hours. I found the knife with which I cut him accidentally lying on the street . I dont know what possessed me to pick it up.

HUGH J. HANLON, a witness called by the People in rebuttal, testified as follows:

I am a police officer attached to the 25th precinct in this city . On the 4th of January last I arrested Rose Kaiser on 3rd Avenue between 77th and 78th Street . The knife was handed to me by Mr. Solinger who has been a witness here . The knife which is shown me is the one

0454

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handed me by that gentleman. When I arrested the woman she told me that this man had ruined her, that he had been living with her for ten years and part of that time he enjoyed part of her earnings; that about three years ago he had been left some money, had started in business and was now trying to cast her off; that she made various appeals to him for assistance and she was repulsed. She further told me that she had brought a suit for separation against him and that alimony had been denied her; she said she did not care what became of her that she had no home or money and that if he could buy the Judge and Jury she would take the law into her own hands. . . She said nothing to me at that time about having been assaulted by the complainant before she cut him.

The Jury returned a verdict of GUILTY of Assault in the second degree.

STATE OF NEW YORK

County of New York

Justice of the Peace

BOOK EXHIBIT

1887

THE PEOPLE

COMPLAINT

1887

COURT OF GENERAL SESSIONS

0455

WILLIAM L. KAISER.

JOHN JENNINGS.

KAISER & JENNINGS,
Manufacturing Jewelers,

NO. 93 GREEN STREET.

Newark, N. J., 2/78 1889

Hon J. Martine
Scri

In the
case tried before you yesterday the
People against Rose Kaiser for
Assault the defendant testified
that since she knows me she
always used my name, this
is deliberate & wilful perjury,
as she never used it until the
action for a separation began
in Oct last.

The various aliases
and addresses she used &
where she lived since I know
her you will find enclosed
her last residence where she
lived & was at 330 East 11th St

0456

WILLIAM L. KAISER.

JOHN JENNINGS.

KAISER & JENNINGS,
Manufacturing Jewelers,

No. 93 GREEN STREET.

Newark, N. J., 7/28 1889

86 Elizabeth St. Sittie Allen
8 Prince " "
Broome " "
East 5th " "
26 Bleeker " "
36 " " "

10 First " Mrs John Grady
East 7th " Mrs Tyler
330 East 11th

the last mentioned where she lived
for nearly 3 years, or up to
the suit when she assumed
my name

0457

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Rose Kaiser

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

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

The said

Rose Kaiser

late of the City of New York, in the County of New York aforesaid, on the
third day of February in the year of our Lord

one thousand eight hundred and eighty-nine, with force and arms, at the City, and
County aforesaid, in and upon the body of one William L. Kaiser
in the peace of the said People then and there being, feloniously did make an assault,
and him the said William L. Kaiser

with a certain knife

which the said

Rose Kaiser

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

with intent

him

the said

William L. Kaiser

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

SECOND COUNT—

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

— Rose Kaiser —

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

The said

Rose Kaiser

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said William L. Kaiser

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

William L. Kaiser

with a certain

knife

which the said

Rose Kaiser

in

her

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

0458

THIRD COUNT—

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

— *Rose Kaiser*
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Rose Kaiser

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

William R. Kaiser in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
him the said *William R. Kaiser*
with a certain *knife*—

which

she

the said

Rose Kaiser

in

her

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

face

of

him

the said

William R. Kaiser

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said

William R. Kaiser

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

JOHN R. FELLOWS,

District Attorney.

0459

BOX:

342

FOLDER:

3229

DESCRIPTION:

Keefe, Owen

DATE:

02/21/89



3229

Witnesses:

Mrs. Purbeck

I have made an examination
in the within case. The
defendant is a hardworking
man who makes shoes and
drunk occasionally. She
left took the glass but
it was the widow of the
very saloon where the
def got the liquor that
intoxicated him. After
looking into all the circum-
stances of the case I
respectfully recommend
that defendant be
suspended.
Wich, 13/09 Part 2

W. J. Jerome
Referring to

T.

202

Counsel,

Filed 21 day of Feb

1889

Pleads

Guilty

THE PEOPLE

vs.

James H. Owen

Owen H. Owen

INJURY TO PROPERTY.
[Section 654, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

March 13/09

A True Bill.

Sen suspended

Samuel G. Owen

Foreman.

0460

0461

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

5 District Police Court.

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

Question. What is your name?

Answer. *Owen Keeffe*

Question. How old are you?

Answer. *63 Years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *572 East 88 Street*

Question. What is your business or profession?

Answer. *Harness Maker*

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

Answer. *I am not guilty of the charge*
Owen Keeffe

Taken before me this

188

Police Justice.

0462

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

Owen Keefe

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

Dated Feb 16 1889 E. M. Morris Police Justice.

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

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

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

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

0463

Police Court---

254 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Knobloch
1563 ave a
Owen Keefe

2

3

4

Offence

Marching

BAILED,

No. 1, by

Residence

James O Keefe
N.W. Cor. 165th St. + Stebbins Ave.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

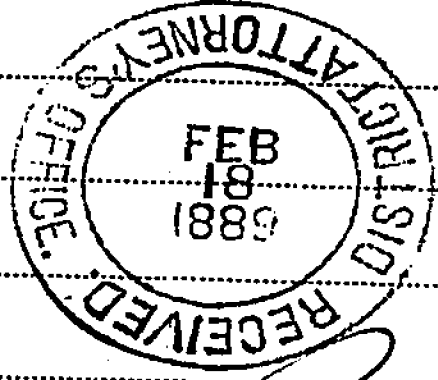
Street.

\$

to answer

Bailed

(Signature)



0464

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 9 DISTRICT.

William Knoblock
of No. 1563 Avenue A Street, aged 33 years,
occupation Signorbeing duly sworn deposes and says,
that on the 15th day of February 188

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

Owen Keefe
now present did wilfully and
maliciously break and destroy glass
of the value of about two hundred
and fifty dollars, as deponent believes
and charges = That the defendant prior
to the breaking of the window was in the
aforesaid place and made a disturbance
therein and threatened to break the window

That after he left the store deponent heard
a crash of glass and saw the defendant run
away. That the property destroyed belonged to deponent's
landlord One Kauselmiller = William Knoblock

Sworn to before me, this

of

188

day

Police Justice.

0465

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Owen Kedge

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

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

The said *Owen Kedge*

late of the *Ward* Ward of the City of New York, in the County of New York
aforesaid, on the *21st* day of *February* in the year
of our Lord one thousand eight hundred and eighty-*nine*, at the Ward, City and
County aforesaid, with force and arms, *a certain pane of*
plate glass

of the value of *two hundred and fifty dollars*,
of the goods, chattels and personal property of one *William Kedge*,
then and there being, then and there feloniously did unlawfully and wilfully *break*
and destroy

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

0466

SECOND COUNT.

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

The said Owen Kedge,
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the Ward, City and County aforesaid, with force and arms, a certain
pane of plate glass,

of the value of two hundred and fifty dollars,
in, and forming part and parcel of the realty of a certain building of one
William Kedge,
there situate, of the real property of the said William Kedge,

then and there feloniously did unlawfully and wilfully break and
destroy

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

JOHN R. FELLOWS,

District Attorney.

0467

BOX:

342

FOLDER:

3229

DESCRIPTION:

Keller, Mamie

DATE:

02/21/89



3229

Witness;
J. M. Kelly
vs. Sullivan and

In the Warren case I find that the concept advanced has allowed me properly from the depth that he is reluctant to penetrate the case. He is willing that the depth should be dealt with honestly. The case is that a very aggressive movement upon all the circumstances as the depth is willing to place a Perry Carney statement recommended that the case be ac-

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Filed

1880

Day of

Filed

THE PEOPLE

2026
March 24

Samuel Keller

Gravest Wicks 2789 p. 3
Wicks 2789 p. 3
Wicks 2789 p. 3

51.37.40

JOHN R. FELLOWS.

March 20/00

Febry. 28 / 1921 Part 3 - from day 5

A True Bill

Edmund Anderson
P.O. # 2111

May 6 / 1899
 Part III April 5/89 -
 Second Peter Foreman.
 13

Stamps
complete / Pen 2 md. /

1/10/1911

Ch. 11 March 14 - 19
April 5. Page 3

0468

0469

Police Court—4 District.

Affidavit—Larceny.

City and County } ss.
of New York, }of No. 204 East 32nd Street, aged 19 years,
occupation Jackety being duly sworndeposes and says, that on the 9 day of February 1889 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession, ~~and~~
~~where~~ of deponent, in the Night time, the following property viz:one Diamond pin of the Value of
Two hundred & fifty dollarsthe property of deponentand that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Mammie Keller (now here)from the fact that deponent was in
a lounge room on South East Ave
of Manhattan avenue & 32nd Street
when deponent had said pin
in the scarf then worn upon
deponent's personThat said Mammie was in conversation
with deponent, when she took said
pin from said scarf, and ran
away Deponent pursued her
and caused her arrest
and when arrested the pin was
found near the place she was arrested
John Mc KellySworn to before me, this 9 day
of February 1889John Mc Kelly
Police Justice.

0470

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

4 District Police Court.

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

Question. What is your name?

Answer *Mamie Keller*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *New York State*

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

Answer. *240 East 84 Street 2 months*

Question. What is your business or profession?

Answer. *Sales Woman*

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

Answer. *I am not guilty*

Mamie Keller

Taken before me this

day of *February* 188*9*

John J. Brennan

Police Justice.

0471

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

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

Dated July 9 1889 John J. Hoffman Police Justice.

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

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

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

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

981

0473

New York Court of General Sessions.

----- X
The People

vs.

William Krulisch.
----- X

To the Hon. John R. Fellows,

District Attorney of the County of New York.

Please to take notice that on the annexed affidavit I will make a communication to Justice Gildersleeve as set forth in said affidavit at two o'clock P. M. on Wednesday, March 13th, 1889, or as soon thereafter as counsel can be heard.

Yours etc.,

Ambrose H. Purdy,
Counsel for Defendant,
280 Broadway,
New York City,
N. Y.

0474

New York Court of General Sessions.

----- *
The People

vs.

William Krulisch.
----- x

City and County of New York, ss:

AMBROSE H. PURDY, being duly sworn says, that he is an attorney and counselor at law and as such is counsel for the above named defendant. That said defendant has been committed by a magistrate of the City of New York on the charge of murder. That a writ of Habeas Corpus was issued, together with one of Certiorari, from the Supreme Court to inquire into the cause of detention of the defendant. That on the return of said writ the District Attorney stipulated, in consideration of the dismissal of the writ, that the evidence against the above defendant should be placed before the Grand Jury this day or as soon as possible.

The defendant is a boy sixteen years old. He is charged with a grave crime. Many consultations have been had with him by deponent and his partner, Mr. McLaughlin, and on due reflection we believe that the best interests of our client may be subserved by letting him make his statement to the Grand Jury.

Wherefore, we ask your Honor to communicate to the Grand Jury the fact that the defendant de-

0475

sires to appear before them in his own behalf.

Sworn to before me this)

13th day of March, 1889.)

Andrew H. Pandy

Henry Bischoff

Notary Public

W. S. Lewis (781)

0476

N.Y. Court of General Sessions.

The People

vs.

William Krulisch.

AFFIDAVIT AND NOTICE.



Purdy & McLaughlin,
Attys. for deft.,
280 Broadway,
N. Y. City.

0477

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Maurice Keller

The Grand Jury of the City and County of New York, by this indictment, accuse
Maurice Keller
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said

Maurice Keller

late of the City of New York, in the County of New York aforesaid, on the *ninth*
day of *February* in the year of our Lord one thousand eight hundred and
eighty-*nine*, in the *night* time of the said day, at the City and County
aforesaid, with force and arms,

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

of the goods, chattels and personal property of one *John M. Kelly*
on the person of the said *John M. Kelly*
then and there being found, from the person of the said *John M. Kelly*
then and there feloniously did steal, take and carry away, against the form of the statute in such
case made and provided, and against the peace of the People of the State of New York and their
dignity.

*John R. Fellows,
District Attorney.*

0478

BOX:

342

FOLDER:

3229

DESCRIPTION:

Kelly, Daniel

DATE:

02/27/89



3229

0479

Counsel,
Filed, 27 day of Feb 1889
Pleads, Chiquity of

THE PEOPLE,

vs.

VIOLETION OF PLUMBING LAW.
(Sections 501 and 587, N. Y. City
Consolidation Act of 1882.)

Daniel Kelly
(2 cases)

JOHN R. I.

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

J. M. Robertson
Foreman.

Complaint sent to the Court
of Special Sessions.

Filed 27 March 1889.

Witness:

John D. Covocan

0480

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Daniel Kelly

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

Daniel Kelly

of a Misdemeanor, committed as follows:

HERETOFORE, to wit: On the *fourth* day of *February* in the year of our Lord, one thousand eight hundred and eighty *nine*, a certain building *had been then lately before constructed* in the course of construction and *and* being erected in the *Twenty-second* Ward of the City of New York, in the County of New York aforesaid, to wit: upon the land and premises situated on the *avenue* and highway there, known as *Tenth Avenue to wit: at the south-west corner of said Tenth Avenue, and the street and highway there known as* *Sixty-seventh Street* in the said city. And the said *Daniel Kelly* - late of the Ward, City and County aforesaid, being a plumber, then and there *had* the charge, control and supervision of the doing, putting in and execution of the drainage and plumbing of the said building *and such drainage and plumbing were then and there being done, put in and executed by the said* *Daniel Kelly* and by *his* authority and direction.

And before the day and year above mentioned, certain plans had been duly submitted to and placed on file in the Health Department of the said City of New York, as required by law, of and for the drainage and plumbing of the said building, setting forth, stating, requiring and providing amongst other things, in substance and to the effect that the joints in all iron pipes to be put in, laid and to constitute part of such drainage or plumbing should be caulked with oakum and molten lead, and made impermeable to gases, that all connections of lead with iron pipes, so to be put in laid and to constitute a part of such drainage or plumbing should be made by brass or copper ferrules and caulked in with lead, and no putty or cement joints were permitted; that all of such plumbing work should be done in a good and thoroughly workman-like manner; that all materials used in such drainage and plumbing work should be of good quality and free from defects; that defective pipe should be removed *and that the water pipes should be protected*

0481

from freezing

which said plans were thereafter and before the said fourth day of February in the year aforesaid, duly approved by the Board of Health of the said Health Department

And the said Daniel Kelly so having the charge, control and supervision of the said drainage and plumbing work, and of the doing, putting in and executing of the same, and such drainage and plumbing work being so then and there done, put in and executed by him and by his

authority and direction as aforesaid, well knowing the premises, and the requirements and provisions of the said plans so approved by the said Board of Health as aforesaid, afterwards, to wit: on the said day of fourth February

in the year aforesaid, at the Ward, City and County aforesaid, did unlawfully and wilfully neglect and omit to execute the said drainage and plumbing of the said building — in accordance with the said plans, and to cause and procure such plumbing work to be executed in accordance therewith, and did then and there unlawfully and wilfully execute the said drainage and plumbing work, and cause and procure, and suffer and permit the same to be executed contrary to and in violation of the said plans and of the provisions and requirements of the same, in that he the said Daniel Kelly did then and there unlawfully and wilfully neglect and omit to caulk with oakum and molten lead, and make impermeable to gases, or to cause or procure to be so caulked, or made impermeable to gases the joints in all iron pipes, put in, laid and constituting part of such drainage and plumbing and they and there unlawfully and wilfully did neglect and omit to make, or cause to be made, all connections of lead with iron pipes, put in, laid and constituting part of such drainage and plumbing, by brass or copper fitters, and caulked in with lead, and did then and there unlawfully and wilfully neglect and omit to protect or cause to be protected the water pipes in the said building from freezing:

0482

and also in that *he* the said

Daniel Kelly

then and there wilfully and unlawfully did neglect and omit to do all of such plumbing work, and to cause and procure the same to be done in a good and thoroughly workmanlike manner, and to use and cause and procure to be used in the executing and doing of such drainage and plumbing work materials of good quality, and free from defects; and did then and there wilfully and unlawfully do the said plumbing work, and cause and procure, suffer and permit the same to be done, in a poor, inferior and un-workmanlike manner, and did then and there wilfully and unlawfully use in the executing and doing of such drainage and plumbing work, and cause and procure, suffer and permit to be used therein, materials of poor and inferior quality, and defective materials; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN P. MARTINE.

RANDOLPH B. MARTINE.

District Attorney.

0483

Witness:
John J. Cocoran,

Counsel,
Filed, 27 day of Feb, 1889
Pleads, Not guilty

THE PEOPLE,

vs.

Daniel Kelly

VIOLATION OF PLUMBING LAW.
(Sections 501 and 537, N. Y. City
Consolidation Act of 1882.)

SW

JOHN J. COCORA,
RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Wm. J. Connelley
Foreman.

Complaint sent to the Court
of Special Sessions,

Part III, March 4, 1889.

0484

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Daniel Kelly

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

Daniel Kelly

of a Misdemeanor, committed as follows:

HERETOFORE, to wit: On the *fourth* day of *February* in the year of our Lord, one thousand eight hundred and eighty *nine*, a certain building *had been then being constructed* in the course of construction and *and* being erected in the *First Second* Ward of the City of New York, in the County of New York aforesaid, to wit: upon the land and premises situated on the *avenue* and highway there, known as *Seventh Avenue*, to wit: at the north west corner of said *Seventh Avenue*, and the street and highway there, known as *Sixty sixth Street*,

Daniel Kelly in the said city. And the said *Daniel Kelly* late of the Ward, City and County aforesaid, being a plumber, then and there had the charge, control and supervision of the doing, putting in and execution of the drainage and plumbing of the said building and such drainage and plumbing were then and there being done, put in and executed by the said *Daniel Kelly* and by *his* authority and direction.

And before the day and year above mentioned, certain plans had been duly submitted to and placed on file in the Health Department of the said City of New York, as required by law, of and for the drainage and plumbing of the said building, setting forth, stating, requiring and providing amongst other things, in substance and to the effect that the joints in all iron pipes to be put in, laid and to constitute part of such drainage or plumbing should be caulked with oakum and molten lead, and made impermeable to gases, that all connections of lead with iron pipes, so to be put in laid and to constitute a part of such drainage or plumbing should be made by brass or copper ferrules and caulked in with lead, and no putty or cement joints were permitted; that all of such plumbing work should be done in a good and thoroughly workman-like manner; that all materials used in such drainage and plumbing work should be of good quality and free from defects; that defective pipe should be removed, and that

the water pipes should be protected

0485

from freezing;

which said plans were thereafter and before the said fourth day of February in the year aforesaid, duly approved by the Board of Health of the said Health Department

And the said Daniel Kelly so having the charge, control and supervision of the said drainage and plumbing work, and of the doing, putting in and executing of the same, and such drainage and plumbing work being so then and there done, put in and executed by him and by his

authority and direction as aforesaid, well knowing the premises, and the requirements and provisions of the said plans so approved by the said Board of Health as aforesaid, afterwards, to wit: on the said day of February

in the year aforesaid, at the Ward, City and County aforesaid, did unlawfully and wilfully neglect and omit to execute the said drainage and plumbing of the said building in accordance with the said plans, and to cause and procure such plumbing work to be executed in accordance therewith, and did then and there unlawfully and wilfully execute the said drainage and plumbing work, and cause and procure, and suffer and permit the same to be executed contrary to and in violation of the said plans and of the provisions and requirements of the same, in that he the said Daniel

Kelly did then and there unlawfully and wilfully neglect and omit to caulk with lead and molten lead, and make impermeable to gases or to cause or procure to be so caulked or made impermeable to gases the joints in all iron pipes and in, laid and contributing part of such drainage and plumbing, and then and there unlawfully and wilfully did neglect and omit to make, or cause to be made, all connections of lead with iron pipes, and in, laid and contributing part of such drainage and plumbing, by means of copper ferrules, and caulked in with lead, and did then and there unlawfully and wilfully neglect and omit to protect or cause to be protected the water pipes in the said building from freezing;

0486

and also in that ~~he~~ the said David Keating
then and there wilfully and unlawfully did neglect and omit to do all of such plumbing work,
and to cause and procure the same to be done in a good and thoroughly workmanlike manner,
and to use and cause and procure to be used in the executing and doing of such drainage and
plumbing work materials of good quality, and free from defects; and did then and there wil-
fully and unlawfully do the said plumbing work, and cause and procure, suffer and permit the
same to be done, in a poor, inferior and un-workmanlike manner, and did then and there wil-
fully and unlawfully use in the executing and doing of such drainage and plumbing work, and
cause and procure, suffer and permit to be used therein, materials of poor and inferior quality,
and defective materials; against the form of the Statute in such case made and provided, and
against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE.

District Attorney.

0487

BOX:

342

FOLDER:

3229

DESCRIPTION:

Kelly, James

DATE:

02/21/89



3229

0488

Witness:

Abraham

W. H. H. H.

Counsel,

Filed 21 day of Feb 1889

Pleads

Chiquely

THE PEOPLE

vs.

POLICY [S 344, Penal Code]

James Kelly
(2 cases)

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Dugan

For emen.

Pleas Guilty

Judge's Disposed

W. H. H.

0489

CITY OF *New York* COUNTY OF *Kent* }
AND STATE OF NEW YORK.

Peter son
Richard Gammann
20 15 1889
Saturday evening
Jan'y 26 / 89

same to defendant and defendant
of ten cents, to him the said James Kelly for
the same. Afterwards a drawing of numbers was made
and posted upon the blackboards as the drawings or
drawn numbers in said lotteries, and defendant
found he had lost his money -
subscribed and sworn to before me
this 8th day of February 1889
Wm. J. Sherman
Police Justice

0490

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

Anthony Bourtoet of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that James Kelly here present

did, on or about the 26th day of January, 1889, at numbers 18, 20 & 22 Dover street, in the City of New York and County of New York unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery policies and further that the said,

James Kelly had in his possession, within and upon certain premises, occupied by him and situated and known as numbers 18, 20 & 22 Dover street, in the City of New York and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and had in his possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided.

Subscribed and sworn to before me,
this 8 day of February 1889

[Signature]
Police Justice.

Anthony Bourtoet.

CITY OF New York COUNTY OF New York } ss.

William J. Sherman of 150 Nassau Street, being duly sworn further deposes and says, that on the 26th day of January, 1889, aforesaid, he called at the place of business of the said James Kelly aforesaid, at the said premises 18, 20, & 22 Dover street and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery policy as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said James Kelly and had conversation with him in substance as follows.

Deponent said, give me gif 16. 35, 42 for ten dollars, the said James Kelly took a piece of paper, wrote upon it 16. 35 42 and the number "86" and handed the same to deponent and deponent paid the sum of ten cents, to him the said James Kelly for the same. Afterwards a drawing of numbers was made and posted upon the blackboards as the drawings or drawn numbers in said lotteries, and deponent found he had lost his money -

Subscribed and sworn to before me
this 8th day of February 1889

[Signature]
Police Justice

William J. Sherman

POLICE COURT— DISTRICT.

THE PEOPLE, ETC.,
ON THE COMPLAINT OF

LOTTERY AND POLICY.

Anthony Cornstock

VS.

James Kelly

Dated *Feb 8th* 188*9*

Magistrate.

Clerk.

Officer.

Sergt. O'Neil

WITNESSES:

A. Cornstock

W. J. Shuman

Bailed, \$

to answer Sessions.

By

Street.

0491

0492

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *James Kelly*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Cuba*

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

Answer. *198 Nassau St. Bklyn*

Question. What is your business or profession?

Answer. *clerk*

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

Answer. *I am not guilty*
James Kelly

Taken before me this

day of *September* 188*8*

Police Justice.

0493

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

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

Dated *Feb 8* 188 *9* *A. J. White* Police Justice.

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

Dated *February 8* 188 *9* *A. J. White* Police Justice.

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

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

0494

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

230 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Sherman
vs.
James Kelly

2

3

4

Dated

188

Magistrate.

Officer.

Prisoner.

Witnesses

No.

Street.

No.

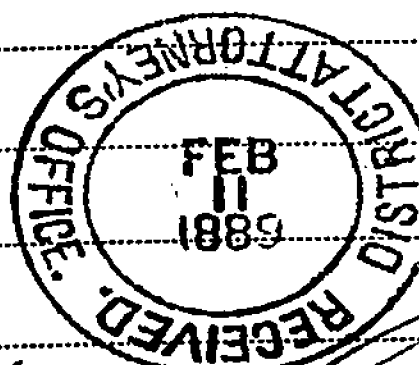
Street.

No.

Street.

\$

to answer



Bailed
Green policy

0495

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Kelly

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

James Kelly
of the CRIME OF SELLING WHAT IS COMMONLY CALLED A LOTTERY POLICY, committed as follows:

The said

James Kelly

late of the City of New York in the County of New York aforesaid, on the *twenty-sixth* day of *January* in the year of our Lord one thousand eight hundred and eighty *nine*, at the City and County aforesaid, feloniously did sell to one

William J. Sherman

what is commonly called a Lottery Policy, the same being a certain paper, and writing, as follows, that is to say:

86
16. 35 42
F10

(a more particular description of which said paper and writing so commonly called a Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

James Kelly

of the CRIME OF SELLING A PAPER, WRITING, AND DOCUMENT, IN THE NATURE OF A BET AND WAGER UPON THE DRAWING OF A LOTTERY, committed as follows:

The said

James Kelly

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

William J. Sherman

0496

a certain paper, writing and document, in the nature of a bet and wager upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document, is as follows, that is to say:

86
16. 35-42
F10

(a more particular description of which said paper, writing and document, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT.

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

James Kelly

of the CRIME OF SELLING A WRITING, PAPER, AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows:

The said

James Kelly

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

William J. Sherman

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

86
16. 35-42, F10

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT.

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

James Kelly

of the CRIME OF SELLING A PAPER, WRITING AND DOCUMENT IN THE NATURE OF A BET AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

0497

The said

James Kelly

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the City and County aforesaid, feloniously did sell to one

William J. Sherman

a certain paper, writing and document in the nature of a bet and wager upon the drawn numbers
of a certain lottery, the same being a scheme for the distribution of property by chance among
persons who had paid or agreed to pay a valuable consideration for such chance (a more particular
description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be
given), which said paper, writing and document is as follows, that is to say:

86
16. 35 42
710

(a more particular description of which said paper, writing and document is to the Grand Jury
aforesaid unknown, and cannot now be given), against the form of the Statute in such case made
and provided, and against the peace of the People of the State of New York and their dignity.

FIFTH COUNT.

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

James Kelly

of the CRIME OF SELLING A WRITING, PAPER AND DOCUMENT IN THE NATURE
OF AN INSURANCE UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said

James Kelly

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, feloniously did sell to one

William J. Sherman

a certain paper, writing and document in the nature of an insurance upon the drawn numbers of
a certain lottery, the same being a scheme for the distribution of property by chance among certain
persons who had paid or agreed to pay a valuable consideration for such chance (a more particular
description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be
given), which said paper, writing and document is as follows, that is to say:

86
16. 35 42
710

(a more particular description of which said paper, writing and document is to the Grand Jury
aforesaid unknown, and cannot now be given), against the form of the Statute in such case made
and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0498

BOX:

342

FOLDER:

3229

DESCRIPTION:

Kelly, James

DATE:

02/21/89



3229

0499

BOX:

342

FOLDER:

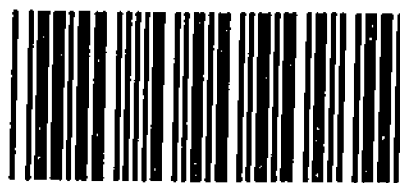
3229

DESCRIPTION:

Kennedy, Robert

DATE:

02/21/89



3229

Witnesses:

Christen
Hoffman

Counsel,

Filed *21* day of *July* 188*9*

Pleas

Not Guilty - not

vs. THE PEOPLE

vs.

B

James Kelly
and

Robert Kennedy
(alias)

vs. THE PEOPLE

RANDOLPH B. MATTINE,

March 8, 1889 District Attorney.

10-10-89

POLICY.
[§§ 843 and 844, Penal Code].

A True Bill.

Edmund Byrne

March 15, 1889, Foreman.

(Not Guilty)

Five \$50 Each

0500

0501

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

and says, that James Kelly, Robert Kennedy and Henry Madden being duly sworn, deposes
here present, as the ones known as Peter Dor, Robert Dor and Joseph Dor
in annexed complaint.

Subscribed and sworn to before me, this
8th day of May, 1889

[Signature]

William J. Sherman

believe, that Dick Tamm,

Police Justice.

0502

New York COUNTY OF New York } ss.
STATE OF NEW YORK.

Anthony Corticelli

Massau Street, New York City, being duly sworn deposes and says, he is more than
of age, and is employed as Chief agent of the New York Society for the
Mission of Vice, that he has just cause to believe, is informed and verily does
believe, that Dick Lamow, Peter Dor, Robert Dor, Richard Dor and
James Dor
whose real names, are unknown, but who can be identified by W. J. Sherman
did, at the city of _____ County
of _____ and State of New York, on or about the 26th day of January 1889,
unlawfully use a room, table, establishment or apparatus for gambling purposes—and
did engage as a dealer or game-keeper in a gambling or banking game, where money or
property was dependent upon the result—and did sell, or offer to sell what is com-
monly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing
or drawn numbers of a certain lottery, hereto annexed, and did indorse and use a book or
other document for the purpose of enabling others to sell or offer to sell lottery policies,
writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing
or drawn numbers of a lottery, against the form of the statute of the State of New York
in such case made and provided.

Deponent further says, he has just ^{and is positive} ~~cause~~ to believe, is informed and verily does
believe ~~from personal observation and~~ from statements made by W. J. Sherman
hereto annexed

to deponent
that the said Dick Lamow, Peter Dor, Robert Dor, Richard Dor and
James Dor aforesaid, now have in their possession, at in and upon
certain premises occupied by them and situate and known as Numbers 18, 20
and twenty two Dover street
in the city of New York and within
the County and State aforesaid, for the purpose of using the same as a means to commit a

0503

public offense, divers and sundry device, apparatus, tables, establishment and paraphernalia layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the Provisions of Chapter IX of the Penal Code of the State of New York, wherefore deponent prays that warrants may be issued for the arrest of the persons named aforesaid, and to search for, seize and take possession of all of said unlawful matter, and that all be dealt with according to law.

Subscribed and sworn to before me this

7th day of February 1889.

Anthony J. Connelley.

[Signature]

Police Justice.

CITY OF New York AND COUNTY OF New York ss.

W. J. Sherman of 150 Nassau Street

being further sworn deposes and says that on the 26th day of January 1889,

deponent visited the said premises, named aforesaid, and there saw the said Dick Gammon, Peter Dor, Robert Dor, Richard Dor, and James Dor aforesaid, and had dealings and conversation with them as follows:

Deponent first saw Dick Gammon, who was doorkeeper, as deponent passed in Gammon said, "here young fellow if you're going to raise any racket in there you can't come in". Deponent said, "that's all right". Gammon then pulled a cord and unfastened the door & deponent went in. Peter Dor, was selling what are called lottery policies, so also was Robert Dor, and Richard Dor, and while Peter Dor was absent for a few moments the said Dick Gammon took his place and also wrote and sold, what are commonly called lottery policies. James Dor, was dealing and conducting the gambling game commonly called Sweat, where

0504

Money was played or bet and took in deforment
 presence. Deforment further says, that from personal
 visitations made into said premises, and dealings
 and conversations had therein with the persons
 named aforesaid, he is informed, ~~has~~ just cause
 to believe, does believe and is positive, that the
 said Dick Gannon, Peter Dor, Robert Dor, Richard Dor ~~and~~
 James Dor, & Joseph Dor, now have in their possession
 at, within and upon certain premises occupied by
 them and situate and known as Numbers 18, 20 &
 22 Dover streets in the city of New York aforesaid,
 divers and sundry, device, books, papers, apparatus
 and paraphernalia, writings, lottery tickets, lottery policies,
 with intent to use the same as a means to
 commit a public offense, and in violation of
 Section 344 Penal Code of the state of New York

Subscribed and sworn to before me
 this 7th day of February 1859
M. A. [Signature]
 Police Justice.

William J. Sherman

0505

THE PEOPLE

ON COMPLAINT OF

Andreasen

AGAINST

Ed. Cannon et al.

*Violation Sec. 344, P. C.
Gambling and Policy.*

18 Dec 1905

Affidavit of Complaint.

WITNESSES :

Subscribed and sworn to before me this }
day of _____ 188__ }

Police Justice.

0506

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. Henry Madden

Question. How old are you?

Answer. 34 years

Question. Where were you born?

Answer. Ireland

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

Answer. 54 Spencer St. / N. York 6 mos

Question. What is your business or profession?

Answer. Laborer

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

Answer. I am not guilty
Henry Madden

Taken before me this

day of

188

Police Justice.

0507

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty
James Kelly

Taken before me this

day of *February* 1938

Police Justice.

0508

Sec. 198-200.

✓ District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

1968

Police Justice.

0509

Sec. 151.

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

Police Court, Third District.

In the name of the People of the State of New York: To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of New York, or to any Marshal, Constable or Policeman of the City of New York. GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Anthony Courtick & W. J. Sherman of No. 150 Nassau Street, charging that on the 26th day of January 1889 at the City of New York, in the County of New York that the crime of unlawfully using a room, table, establishment for gambling purposes where money or property was deposited upon its results, and James Doe has been committed, and accusing Dick Hamow, Peter Doe, Robert Doe, Richard Doe & James Doe whose real names are unknown but who can be identified by W. J. Sherman thereof.

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Deputy Sheriffs, Peace Officers, Marshals, Constables and Policemen, and each and every of you, to apprehend the said Defendants and bring them forthwith before me, at the Third DISTRICT POLICE COURT, in the said City or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 7th day of February 1889
W. J. Sherman POLICE JUSTICE.

05 10

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William J. Smith
Dick Cannon vs.
Peter Do.
Robert Do.
Richard Do.
James Do.
Joseph Do.
10 D O 1000

Warrant-General.

Dated *July 1* 188*9*

Wilde Magistrate.

Sergt C. Zool Officer.

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest,

Native of

Age,

Sex,

Complexion,

Color,

Profession,

Married,

Single,

Read,

Write,

0511

City and County of New York, ss:

In the name of the People of the State of New York:

To any Peace Officer in the City and County of New York:

Proof by affidavit having been this day made before me, by Anthony J. Conutoch and W. J. Sherman of 150 Nassau Street, New York City, that there is probable cause for believing that Dick Tammors, Peter Dor, Robert Dor, Richard Dor and James Dor - whose real names are unknown but all of whom can be identified by W. J. Sherman has in their possession, at, in and upon certain premises occupied by them and situated and known number 18, 20 & 22 Dover street in said City of New York certain and divers device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings, papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, black-boards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day or night time to make immediate search on the person of the said Dick Tammors, Peter Dor, Robert Dor, Richard Dor and James Dor and in the building situate and known as numbers 18, 20 & 22 Dover street aforesaid, for the following property, to wit: all Faro layouts, all Roulette Wheels and layouts, all Rouge et Noir, or Red and Black layouts, all gaming tables, all chips, all packs of cards, all dice, all deal boxes, all lottery policies, all lottery tickets, all circulars, all writings, all papers, all documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, all books, all documents for the purpose of enabling others to gamble or sell lottery policies, all black-boards, all slips or drawn numbers of a lottery, all money to gamble with, and all device, establishment, apparatus and articles suitable for gambling purposes.

And if you find the same, or any part thereof, to bring it forthwith before me at the First District Police Court at the Court in Centre street in the City of New York.

Dated at the City of New York, the

7th day of February 1889

W. J. Sherman

POLICE JUSTICE.

0512

Inventory of property taken by Wm O Toole the Peace Officer by whom this warrant was executed :

two Faro layouts, two ~~Sweat~~ Layouts 1 Roulette Wheels, 1 Roulette layouts, 1 Rouge et Noir lay-
outs, one gaming tables, 1 chips, 2 packs of cards, 22 dice, 1 Die
boxes, 1 deal trays for holding chips, 1 cue boxes, 1 markers, or tally cards,
about 500 lottery policies, 40 lottery tickets, 2 rolls circulars, a small lot writings, 3
papers, 2 black boards, 3 packages slips, or drawn numbers in policy, 1 money, 8 blank
manifold books, 1 slates, blackboard - 3 dream-books, 1 acct. book of
lottery tickets sold, 1 box numbers.
587 envelopes with slips in for the envelope game.

City of New York and County of New York ss:

I, Wm O Toole the Officer by whom this warrant was executed,

do swear that the above Inventory contains a true and detailed account of all the property taken by me in this warrant.

Sworn to before me, this 8th
day of February 1889 }

William O Toole
Joseph C. O'Neil

Police Justice.

Police Court--- Fourth District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Search Warrant.

Auctioneers Robert Dow Richard Dow James Dow Joseph Dow

vs.
Rich Eakin
Wiley Dow

Robert Dow

Richard Dow

James Dow

Joseph Dow

Dated Feb 7th 1889

Wilde Justice.

Joseph O'Neil Officer.

05 13

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

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

Dated February 8 1889 A J White Police Justice.

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

Dated Feb 8 1889 A J White Police Justice.

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

Dated Feb 8 1889 A J White Police Justice.

05 14

BAILED,

No. 1, by Samuel Brown
Residence 50 East Broadway Street.

No. 2, by Alme
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court--- District. ²²⁷

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William J. Sherman
vs.
Jayus Kelly
Robert Kennedy
Henry Madden

Dated February 9 1889
White Magistrate.

Offence See below

Officer.

Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

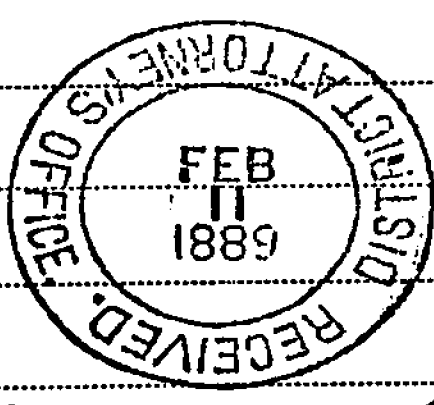
No. _____ Street.

\$ 5710 to answer ho.

N. H. Bailed

Mr. B. Orzechow

No 1 Bailed



05 15

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
James Kelly and
Robert Kennedy

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

James Kelly and Robert Kennedy
of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES,
committed as follows:

The said

James Kelly and Robert Kennedy, both

late of the *Fourth* Ward of the City of New York in the County of New
York aforesaid, on the *twenty-sixth* day of *January* in the year of our
Lord one thousand eight hundred and eighty *nine*, at the Ward, City and County
aforesaid, with force and arms, unlawfully did keep a certain room in a certain building, there
situate, to be used for gambling purposes, to wit: to be used for the purpose of therein con-
ducting a certain gambling game commonly called "policy," where money and property was
dependent upon the result, against the form of the Statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

James Kelly and Robert Kennedy
of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING
LOTTERY POLICIES THEREIN, committed as follows:

The said

James Kelly, and
Robert Kennedy, both

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year
aforesaid, at the Ward, City and County aforesaid, unlawfully did keep a certain room
in a certain building there situate, to be used for the purpose of therein selling and
offering to sell what are commonly called Lottery Policies, and divers writings, papers,
and documents in the nature of bets, wagers and insurances upon the drawing or drawn
numbers of certain public and private lotteries, and of therein endorsing and using books
and other documents for the purpose of enabling divers persons to sell and offer to sell
lottery policies and other such writings, papers and documents, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of New York
and their dignity.

John R. Fellows
District Attorney

05 16

BOX:

342

FOLDER:

3229

DESCRIPTION:

Kelly, John

DATE:

02/13/89



3229

05 17

Witnesses:

John Kelly,

Counsel,

Filed

Pleads,

1/3 Kelly 1889
Criminality

THE PEOPLE

vs.

P

John Kelly

1/3 Kelly

JOHN R. FELLOWS,

District Attorney.

Grand Larceny Second degree
[Sections 528, 531, 550, Penal Code].

A True Bill.

J. P. Pouchard
Foreman

Feb 13/89

Plead G. J.

Pen 3 months

0518

Police Court

District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 2112 8th Avenue Street, aged 32 years,
 occupation Plumber being duly sworn
 deposes and says, that on the 5 day of February 1889 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the day time, the following property, viz:

One Overcoat, and one Undercoat
Collectively of the Value of about
Forty 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 John Kelly now present

that about two O'clock P.M. on said
 day Deponent saw the Defendant
 in a new building in West 115 Street
 the building is in course of construction
 and Deponent who was doing some
 plumbing business there and had taken
 off his Coats which he hung on a door
 of one of the rooms saw the Defendant
 in the Hallway of the house and saw
 him have in his possession the Coats
 in question. Now when Deponent saw
 and attempted to reach him he ran away
 and in this flight Deponent saw him
 drop the property which was recovered and
 identified by Deponent as John Kelly

Sworn to before me, this
5 day of February 1889

Police Justice.

0519

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK.

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

Question. What is your name?

Answer. *John Kelly*

Question. How old are you?

Answer. *17 Years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *313 East 24th Street*

Question. What is your business or profession?

Answer. *I have worked in a Brass Foundry*

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

Answer. *I am not guilty of the*
charge

John Kelly
his mark

Taken before me this

day of February 1889

Police Justice

0520

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

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

Dated Feb 6 1889 Wm. M. Brown Police Justice.

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

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

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

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

0521

Police Court---

201
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Kelly
2112 8th Ave
John Kelly

1
2
3
4

James J. Kelly
Officer

Dated

February 6th

188

Magistrate.

Daniel Feinberg
241

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

5.00

to answer

See Report of N. Y. S. P. C. Q.
for information about defendant
filed with these papers, If lost,
notify the Society at once.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0522

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Kelly

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

John Kelly —
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed as follows:

The said

John Kelly

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *February* in the year of our Lord one thousand eight hundred and eighty-*nine*, at the City and County aforesaid, with force and arms,

one overcoat of the value of thirty dollars, and one coat of the value of ten dollars

of the goods, chattels and personal property of one

John Kelly

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

0523

SECOND COUNT—

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

— *John Kelly* —
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

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

*one overcoat of the value
of thirty dollars, and
one ~~over~~ coat of the value
of two dollars*

John Kelly
of the goods, chattels and personal property of one

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

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

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

JOHN R. FELLOWS,

District Attorney.

0524

BOX:

342

FOLDER:

3229

DESCRIPTION:

Kelly, William

DATE:

02/27/89



3229

0525

BOX:

342

FOLDER:

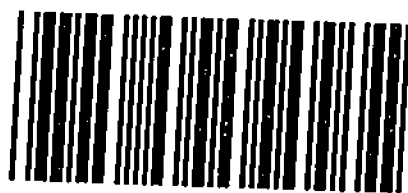
3229

DESCRIPTION:

O'Donnell, John

DATE:

02/27/89



3229

0526

BOX:

342

FOLDER:

3229

DESCRIPTION:

Dougherty, John

DATE:

02/27/89



3229

0527

BOX:

342

FOLDER:

3229

DESCRIPTION:

Kelly, William

DATE:

02/27/89



3229

0528

BOX:

342

FOLDER:

3229

DESCRIPTION:

O'Donnell, John

DATE:

02/27/89



3229

0529

BOX:

342

FOLDER:

3229

DESCRIPTION:

Dougherty, John

DATE:

02/27/89



3229

Witnesses;
Chas Thompson
Jas C. Coleman

for 10.75.50

225.

William Kelly
Wm Kelly
John O'Donnell
P
Wm 3rd
John Dougherty
H. A.

District Attorney.

Ms. B. 1. 13

Part III. *March 5/89*
Wm. L. Trickett *Committed*
A True Bill. *Run 3 days*
W. L. Trickett and Acquitted

17
 Boreman.
 Feb 28/89
 Please Buy 3 doz
 . Rock 5.50 per doz
 Feb 28/89.

8

0531

Police Court— District.

City and County } ss.:
of New York,of No. 199 Elm Street, aged 21 years,
occupation Barber being duly sworndeposes and says, that the premises No 22 Bowry Street,
in the City and County aforesaid, the said being a four story brick
building the basement of which
and which was occupied by deponent as a Barber Shop
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking
the door leading into said
premiseson the 18 day of February 1889 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:Twenty-two razors, one razor stop
two clippers and a comb
the one oil stone and twenty
towels, the whole being valued
at Sixty-dollarsthe property of deponentand 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 byWilliam Kelly and John Normell
John Murphy all now who were acting in concert.
for the reasons following, to wit: at about the hour of 8 o'clock
P.M. on the 17th inst. deponent securely
locked and fastened the doors of
said premises and having
found the said door broken open
and the said property missing
he is informed by Officer Fornosa
(then present) that Kelly and Fornosa
saw the defendants Kelly coming

0532

out of said basement with a portion of the stolen property in his possession and he found the defendants O'Sonnell secreted in said premises.

Deponent has since seen the said property which was found in the possession of the defendants Kelly and identifies the same as being a portion of the property which was burglariously taken stolen and carried away. Deponent is informed by James Owen ^{John Owen} that defendant O'Sonnell sold some razor ^{shaver} in Court and identified by deponent as a stolen property. Deponent to ^{the} ^{1st} day of February 1887

J. Murphy

Police Justice

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street.

0533

CITY AND COUNTY
OF NEW YORK, ss.

aged

years, occupation

Charles A. Formosa
Police Officer of No.

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of *February* 188*9*.

Charles A. Formosa

John P. Bord

Police Justice.

0534

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 33 years, occupation James O'Brien
41 Bowery Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of John Lepio
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

1901
188

James O'Brien

John Lepio

Police Justice.

0535

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK } ss.

District Police Court.

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

Question. What is your name?

Answer.

William Kelly.

Question. How old are you?

Answer.

21 years.

Question. Where were you born?

Answer.

New York.

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

Answer.

41 Barry Street. 2 months.

Question. What is your business or profession?

Answer.

Sailor

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

Answer.

I am guilty. William Kelly
men

Taken before me this

day of *January* 188 *9*

J. M. Smith
Police Justice.

0536

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this
day of *January* 188*3*

John O'Donnell
Police Justice

0537

Sec. 198-200

CITY AND COUNTY OF NEW YORK, ss.

152 District Police Court.

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

Question. What is your name?

Answer. *John Dougherty*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *Philadelphia*

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

Answer. *41 Bowery One year*

Question. What is your business or profession?

Answer. *Night Watchman*

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

Answer. *I am not guilty*
John Dougherty

Taken before me this
day of *Sept* 18*92*

John Dougherty
Police Justice.

0538

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

Defendants
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
Dated Sept 1 1889 John J. [Signature] Police Justice.

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

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

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

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

0539

Police Court---

284
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Lepio
199th Elm St.
Wm. Kelly
John Dougherty

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *July 1* 188

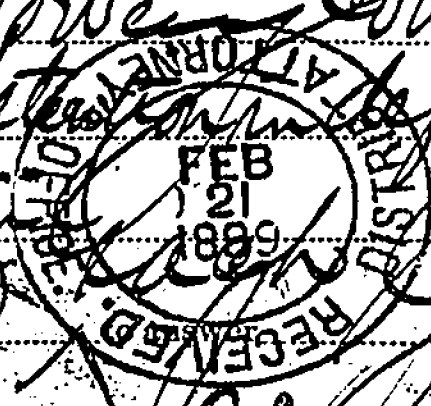
Wm. J. Peterman Magistrate.
Thomas Officer.

6 Precinct.

Witnesses _____

No. _____ Street.

James O'Brien
441 Avenue C to the
house of Peterman & family
\$100 bail
100
OK
Aug 21
Revere



filed 21 Feb 89

0540

COURT OF GENERAL SESSIONS-Part 111.

The People of the State of New York,
against
JOHN O'DONNELL, and JOHN DOUGHERTY.

Indictment filed February 27th 1889.
Indicted for Burglary in the 3rd degree.

New York, March 5 th. 1889.

APPEARANCES: For the People, Asst. Dist. Atty. Goff.
For the defendant, Mr. Joseph F. Moss.

JOHN PEPPIO, a witness for the People, sworn, testified:-
I am a bookkeeper.

I am a barber having my place of business at No. 20 Bowery in this city. On the night of the 17th of February this year, I closed up my barber shop at about eight o'clock. I left my shaving utensils in the shop when I closed it. When I came to the shop next morning I found the shop broken open ; several of my razors and an oil stove of mine weremissing. Seven razors were returned to me by a freind of the defendant Bougherty.

CHARLES A. FORMOSA, a witness for the People, sworn, testified:

I am a police officer in this city. I was on duty in the Bowery on the night of the 17th of February. I know the location of No. 20 Bowery; it is a barber shop in a basement. At a quarter past four o'clock on the

0541

2

morning of the 18th I saw a prisoner, a man whom I afterwards arrested by the name of Kelly coming out of the basement where the barbershop spoken of is situated. I brought him downstairs into the basement and I found the door of the barber shop open and I then found the prisoner O'Donnell secreted on the premises; I found him outside of the basement proper under the steps. I asked O'Donnell what he was doing there and he said he wanted to sleep there; he was in a crouching position under the stoop. O'Donnell at first claimed that he went down there for a sleep and afterwards the next morning in the Police Court he pleaded guilty.

The following was offered in evidence from the Police Court papers: Q. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation? A. I am guilty. John O'Donnell."

WITNESS: When O'Donnell was asked in the police Court whether he was guilty or not guilty he said he "I am Guilty". I did not arrest the defendant Dougherty. These premises are situated in the 6th ward.

CROSS EXAMINATION:

O'Donnell was standing up when I arrested him, but in a crouching position; his head was not touching the ground. I did not club him. I am certain that O'Donnell answered the clerk in the Police Court that he was guilty of the charge.

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

I have known the defendant John Dougherty for a couple of years around the Bowery. About the 17th or 18th of February I got 10 razors from Dougherty in a lodging house in the Bowery. When he handed me the razors he said "O'Brien do you want to make a few pennies"; I said "Yes"; and he said "I have a few razors I got from a fellow who was hard up"; I took the razors from him, as I am a peddler and I went around trying to sell them. I walked into this complainant's barber shop trying to sell them and I was arrested.

CROSS EXAMINATION:

Dougherty is a night watchman at the lodging house where he gave me these razors.

WILLIAM J. PETERMAN, a witness for the People, sworn, testified:

I am an officer of Police. I arrested the defendant Dougherty. I arrested the last witness O'Brien in the Italian's barber shop for having these razors with him and he said he got them from Dougherty and I then arrested Dougherty.

CROSS EXAMINATION:

Dougherty told me that he bought these razors from a fellow who came from Philadelphia and wanted money and he sent O'Brien out to try and get some money on them. Dougherty said he knew nothing about the burglary.

0543

4

D E F E N C E

JOHN WEBER, a witness for the defence, sworn, testified:

I am night clerk in the lodging house 41 Bowery . I have worked there for four months with Dougherty . On the night of the 17th of February w~~h~~ Dougherty was on duty in that house from six o'clock at night --all night. At half past 11 that night two men, one of whom was named Harrington came into the house and wanted trust for a nights lod ing and I refused to give it to them! They then produced 12 razors as security and I would not take them . They came back afterwards and Dougherty bought so e of the razors from them aas they said they needed money badly . . Dougherty afterwrds told me he bought them on speculation.

JOHN DOUGHERTY, a witness for the defendant, sworn, testified :

I am one of the defendants . I am twenty two years old . On the night of the 17th of Febraury two men whom I knew came into the lodging house and asked me to loan them two dollars on some razors till Monday and I did . They never returned for the razors so I sent O'Brien out to try and sell them . I had no part whatever in this burglary .

CROSS EXAMINATION:

I did not look at these razors when they were given to me . I loaned them the money because I believed the property belonged to them . One of the men told me that the other one was a barber from Chicag~~a~~.

0544

5

JOHN O'DONNELL, a witness for the defence, sworn, testified:-

I am one of the defendants . I am twenty two years old . I have never been arrested before . I am a stone cutter by occupation . I work for Mr. Jones at 51st St. and the Boulevard . I had been working for five years prior to my arrest . I dont remember anything about being found in the basement of this barber shop by the officer . This officer when he arrested me beat me all around the place . . I was asleep in this basement; I did not know about anybody having broken in there; I did not know Kelly; I dont know how I got into this basement; I know the officer took me out of it . In the police Court I was confused, I did not know anything about law; I was never arrested before . I was asked my name, where I lived and what I worked at! They asked me if I was in the basement and I said I did not know .

CROSS EXAMINATION:

I know I went into that basement but I did not go there with any intention to steal . I was drunk and fell asleep . I was at a sacred concert at the National Theatre that evening . I dont know whether the stoop I was on was, outside or inside of the basement . . I saw neither Kelly or Dougherty that night.

REBUTAL:

Officer FORMOSA, recalled:-

I found the defendant O'Donnell at the only entrance

0545

6

to this barber shop. There is only one entrance to the shop. There are two entrances--this is a corner property and there is one on the Bowery and one on Pell Street and the entrance was apparently forced through Pell St. and they came out through the Bowery. The defendant O'Donnell was crouching under the steps. He was sober and answered the questions that I addressed to him. The door which was broken was the Pell Street entrance. This is around the corner from the spot where I found the defendant O'Donnell. The Bowery door was opened from the inside. There was no way for the defendant O'Donnell to get in the position in which he was except by coming through the barber shop and getting out of it under the steps. These were wooden steps.

The jury returned the following verdict: We find the defendant John O'Donnell guilty of Burglary in the third degree, and we find the defendant John Dougherty not guilty.

0546

Indictment filed Feb. 27-1889.

COURT OF GENERAL SESSIONS

Part III.
THE PEOPLE &c.
against
JOHN O'DONNELL, and JOHN
DOUGHERTY.
Abstract of testimony
on trial, New York, March
5th 1889.

THE PEOPLE &c.
against
JOHN O'DONNELL, and JOHN
DOUGHERTY.

Abstract of testimony
on trial, New York, March
5th 1889.

THE PEOPLE &c.
against
JOHN O'DONNELL, and JOHN
DOUGHERTY.

Abstract of testimony
on trial, New York, March
5th 1889.

0547

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 15th DISTRICT.

of No. William J. Peterson Street, aged 23 years,
occupation Police Officer being duly sworn deposes and says,
that on the 19 day of February 1889

at the City of New York, in the County of New York, James O'Brien
nowhere who is a material witness
in a case of Burglary a James O'Brien
Duquenois deponent is satisfied that
said O'Brien will not appear at the
next Court of General Sessions in and for
the City and County of New York to testify
as such witness. Wherefore deponent
sways that said O'Brien may be ordered
to enter into recognizance with security for
his appearance at such Court.

William J. Peterson

Sworn to before me, this

of

1889

day

Police Justice,

0548

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

William Kelly, John O'Donnell and John Dougherty }
against

The Grand Jury of the City and County of New York, by this indictment, accuse
William Kelly, John O'Donnell and John Dougherty
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said *William Kelly, John O'Donnell and John Dougherty*

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

John Pipio —

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

John Pipio —

in the said *shop* 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.

0549

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said
William Kelly, John O'Donnell
and John Daugherty
of the CRIME OF ~~Grand~~ LARCENY in the second degree, committed as follows:

The said *William Kelly, John*
O'Donnell and John Daugherty all
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the ^{right} time of the said day, with force and arms,
twenty-two razors of the value
of two dollars each, one razor, strip
of the value of one dollar, two
clippers of the value of three dollars
each, one coat of the value of
six dollars, one oil stone of the
value of one dollar, and twenty
towels of the value of ten cents
each

of the goods, chattels and personal property of one

in the *shop* of the said

John Pepio
John Pepio
there situate, then and there being found, in the *shop* 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.

0550

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
William Kelly, John O'Donnell,
and *John Dougherty*
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *William Kelly, John O'Donnell*
and *John Dougherty*, all—
late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year afore-
said, at the Ward, City and County aforesaid, with force and arms,

Twenty two razors of the value of
two dollars each, one razor strip
of the value of one dollar,
two clippers of the value of three
dollars each, one coat of the value
of six dollars, one oil stone of
the value of one dollar, and twenty
towels of the value of two cents each

of the goods, chattels and personal property of one

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

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

William Kelly,
John O'Donnell and *John Dougherty*—
then and there well knowing the said goods, chattels and personal property to have been feloniously
stolen, taken and carried away, against the form of the statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0551

BOX:

342

FOLDER:

3229

DESCRIPTION:

Kennedy, Robert

DATE:

02/21/89



3229

0552

Witnesses:

James R. R.
J. J. Johnson

Counsel,

Filed 21 day of July 1889

Pleads

Chiquely vs

THE PEOPLE

vs.

POLICY.

[§ 844, Penal Code].

Robert Kennedy
(2 cases)

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Edw. J. Connelley
March 15/89 Foreman.
Pleaded Guilty
Judge J. Connelley
Att. J. J.

0553

CITY OF *New York* COUNTY OF *New York*
AND STATE OF NEW YORK.

Unsubstantiated

35,42.64.

52,60.71

2/87

Prof

0554

TORN PAGE

Robert L.
at Richard Lamm
20 Dover St
NY
Saturday evening
Jan'y 26 / 89
W. J. S.

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GLUED PAGE

0555

CITY OF *New York* COUNTY OF *New York* } ss.
AND STATE OF NEW YORK.

Anthony Bourtois of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that *Robert Kennedy* here present

did, on or about the *26th* day of *January*, 1889, at numbers *15, 20 & 22* *Dover* street, in the City of *New York* and County of *New York* - unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery *policy* and further that the said,

Robert Kennedy
had in *his* possession, within and upon certain premises, occupied by *him* and situated and known as numbers *15, 20 & 22* *Dover* street, in the City of *New York* and County of *New York* aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and had in *his* possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided.

Subscribed and sworn to before me,
this *8* day of *February*, 1889

Anthony Bourtois.

A. White
Police Justice.

CITY OF *New York* COUNTY OF *New York* } ss.

W. J. Sherman, of 150 Nassau st.

being duly sworn further deposes and says, that on the *26th* day of *January*, 1889, aforesaid, he called at the place of business of the said *Robert Kennedy* aforesaid, at the said premises *15, 20 & 22* *Dover* street and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery *policy* as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said *Robert Kennedy* and had conversation with *him* in substance as follows.

Deponent ~~said~~ *wrote* upon a piece of paper, *35, 42, 64*
52, 60, 71. Then, deponent said to *Robert Kennedy*
I want two gigs. The said *Robert Kennedy* said to deponent
write them out yourself. Then deponent wrote ^{on} a paper the
aforesaid numbers, and handed them to the said *Robert*
Kennedy who then added upon certain figures, and handed
it back to deponent, and deponent paid the said *Robert*
Kennedy the sum of 20 cents. A drawing was made, and
the drawn numbers were posted upon the blackboard,
and the books of all the writers were closed.

After the drawing had been had, deponent

0556

again handed the said Robert Kennedy the same paper, and played the same numbers again in both lotteries, and again the said Robert Kennedy recorded the numbers upon his sheet or manifold, placed certain numbers, and characters upon said paper and handed it back to deponent, and deponent again paid the said Robert Kennedy the sum of 20 cents, for the same. Again another drawing was made, and the numbers posted upon the Blackboard, and deponent lost his money.

Subscribed and sworn to before me
this 8th day of February 1889
[Signature]
Police Justice

William J. Sherman

POLICE COURT— DISTRICT.

THE PEOPLE, ETC.,
ON THE COMPLAINT OF

Anthony Brant

VS.

Robert Kennedy

LOTTERY AND POLICY.

Dated Feb 8 1889

Magistrate.

Clerk.

Officer.

Sgt. A. Dool

WITNESSES:

A. Brant

W. J. Sherman

Bailed, \$

to answer Sessions.

By

Street.

0557

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

Robert Kennedy

Question. How old are you?

Answer.

36 years

Question. Where were you born?

Answer.

W.

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

Answer.

174 St. West of Madison

Question. What is your business or profession?

Answer.

Clerk

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

Answer.

I am not guilty

Robert Kennedy

Taken before me this

day of

188

Police Justice.

0558

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

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

Dated Feb 27 1889 A. J. White Police Justice.

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

Dated July 8 1889 A. J. White Police Justice.

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

Dated _____ 188 _____ Police Justice.

0559

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

228
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William J. Sherman
vs.
Robert Kennedy

2

3

4

Dated

188

Magistrate.

Anthony Cautock
150 Nassau

Precinct.

Witnesses

No.

Street.

No.

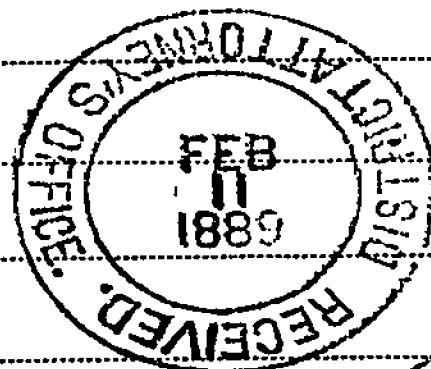
Street.

No.

Street.

\$

to answer



Bailed

0560

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Robert Kennedy

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

— Robert Kennedy —

of the CRIME OF SELLING WHAT IS COMMONLY CALLED A LOTTERY POLICY, committed as follows:

The said

Robert Kennedy

late of the City of New York in the County of New York aforesaid, on the *twenty-sixth* day of *January* in the year of our Lord one thousand eight hundred and eighty *nine*, at the City and County aforesaid, feloniously did sell to one

William J. Sherman —

what is commonly called a Lottery Policy, the same being a certain paper, and writing, as follows, that is to say:

85.42.64.

52.60.71

Prof

Jofg

Q Q

(a more particular description of which said paper and writing so commonly called a Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

— Robert Kennedy —

of the CRIME OF SELLING A PAPER, WRITING, AND DOCUMENT, IN THE NATURE OF A BET AND WAGER UPON THE DRAWING OF A LOTTERY, committed as follows:

The said

Robert Kennedy

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

William J. Sherman

0561

a certain paper, writing and document, in the nature of a bet and wager upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document, is as follows, that is to say :

35. 42. 64,
52. 60. 71
20787 Prof
E C

(a more particular description of which said paper, writing and document, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT.

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

— Robert Kennedy —

of the CRIME OF SELLING A WRITING, PAPER, AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows :

The said

Robert Kennedy

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

William J. Sherman

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say :

35. 42. 64,
52. 60. 71
20787 Prof
E C

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT.

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

— Robert Kennedy —

of the CRIME OF SELLING A PAPER, WRITING AND DOCUMENT IN THE NATURE OF A BET AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows :

0562

The said

Robert Kennedy

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the City and County aforesaid, feloniously did sell to one

William J. Sherman

a certain paper, writing and document in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

35.42.64.

52:60.71.

20/87

Prof
Q *Q*

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FIFTH COUNT.

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

Robert Kennedy

of the CRIME OF SELLING A WRITING, PAPER AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said

Robert Kennedy

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, feloniously did sell to one

William J. Sherman

a certain paper, writing and document in the nature of an insurance upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

35.42.64.

52.60.71.

20/87

Prof
Q *Q*

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

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BOX:

342

FOLDER:

3229

DESCRIPTION:

Kerwick, John

DATE:

02/20/89



3229

0564

Witnesses:

Off. Thos. Morgan,

Deputy Officer

Counsel,

Filed

Pleas,

188

day of

20 July 1889

THE PEOPLE

vs.

John Kenrick

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman

March 14/89

Read and convicted
with the jury

March 14/89

March 14/89

COURT OF GENERAL SESSIONS -Part III.

The People of the State of New York,
against

J O H N K E R W I C K .

:Before Hon. Fred'k
:
:Smyth, and a Jury.

Indictment filed February 20th 1889 .

Indicted for Assault in the 2nd degree

N e w Y o r k , M a r c h 13th 1889.

APPEARANCES: For the People, Asst. Dist. Atty. GOFF,

For the Defendant Mr. Joseph F. Moss.

THOMAS MORGAN, a witness for the People, sworn, testified

I am a roundsman of police attached to the 31st precinct. On the 31st of January this year, during the car strike, I was on duty at 43rd St. and 6th Avenue and I was sent among other officers by order of Inspector Williams to Broadway and 50th St. for the purpose of dispersing a crowd which had congregated there. With other officers I was ordered by Sergeant Delany to cross from the east side of Broadway to the west side. When I was proceeding down Broadway near 48th St. I noticed this defendant running across Broadway; I observed that he had a knife open in his hand; I turned to face him and he made a thrust at me; I placed my arm in front of my breast to protect myself and he made a cut for me and cut my arm near the elbow with the knife.

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I made an attempt to knock the knife out of his hands but could not . He then ran down Broadway and I shouted to some other officers to look out for that man that he had stabbed me . He was caught at 47th St. I am positive he is the man; I did not lose sight of him .

CROSS EXAMINATION:

Different officers hit the defendant with their clubs after he was caught . The knife was picked up by me near where he cut me with it . The prisoner was cut and bleeding going to the station house . Going down stairs in the station house the prisoner said to me "I have got enough for what I have done" .

GUSTAV H. BRUNING? a pharmacist of 1519 First Avenue testified to dressing a knife cut in the officers left arm.

WILLIAM DELANY, a witness for the People, sworn, testified:

I am a sergeant of Police . On the 31st of January I was in charge of a squad of policemen at Broadway and 47th St. My attention was attracted first to the defendant by seeing him run and hearing officer Morgan shout to me "Billy, look out for him, don't let him get away, he has stabbed me" . I did not see anything in Kerwick's hand while he was running . He was arrested and then Morgan came up with the knife with which the cutting was done (he said).

CROSS EXAMINATION:

I joined in pursuit when I saw this man running . I struck the defendant once or twice with my club; I

cannot tell where I struck him . He did not fall to the ground when I struck him . Officer Huson, who was on horseback hit the prisoner two or three times .

WILLIAM J. HUSON, a witness for the People, sworn, testified:

I am a mounted officer. On Jan. 31st I was at B'way and 47th Street. I saw Officer Morgan in pursuit of this prisoner and also Sergeant Delany. He was arrested by one of the officers there, and immediately after Officer Morgan came up with the knife in his hand and said "That is the knife he stabbed me with".

CROSS EXAMINATION:

Sergeant Delany struck the prisoner on the head twice.

JOHN MCNAMARA, a witness for the People, sworn, testified

I am an officer of police . On the 31st of January I was at 47th St. and Broadway . I saw a man running and Sgt. Delany after him . I joined in the chase and the prisoner was caught by an officer . I heard Roundsman Morgan say "This is the knife he stabbed me with" producing a knife .

CROSS EXAMINATION:

I saw the roundsman pick up a knife but I did not see the defendant throw away anything .

WILLIAM McGLONE, a witness for the People, sworn, testified:

I am a police officer . I was on duty in upper Broadway on the afternoon of Jan. 31st. this year . I saw a man make a thrust at the Roundsman and I heard the

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Roundsman shout "I am stabbed; go for him". I saw the defendant run across the street and after the sergeant and the mounted officer had him I went over to make sure of the man . It was the same man . I did not notice the defendant have anything in his hand while running . . I saw Officer Morgan produce the knife to the Inspector .

CROSS EXAMINATION:

I did not see the defendant throw away anything while running .

D E F E N C E .

WILLIAM GILLIGAN, a witness for the Deft. sworn, testified

I am a brick handler and reside at No. 332 East 35th Street . On the 31st of January I saw the defendant on the corner of 48th St. and Broadway trying to get away from a policeman. He ran to 47th Street when three or four policemen surrounded him and there he was knocked down and clubbed . I did not see him have anything in his hand .

CROSS EXAMINATION:

I do not know what took place before I saw this man running .

PATRICK COLLINS, a witness for the Deft? Testified:

I am a hostler . On the 31st day of January I saw the defendant Kerwick at the corner of 48th St. and Broadway. He was moving along with the rest of the crowd at the time I saw him. I was within five or six

yards of him . I did not see him cut anybody . The first I saw was that one of the officers came up and charged against the crowd and hit Kerwick . Kerwick looked aro und and said something and the officer drew on him again and knocked him down . Then he got up and went across the street and when he got to 47th St. a lot of officers clubbed him there . He had no knife in his hand while I saw him . He did not nothing that I saw except to ward off the strikes of the club the best way he could .

CROSS EXAMINATION:

I was not clubbed on this day . He was knocked down flat at 47th St. and Broadway . The defendant and I worked together at the 7th Avenue stables . I was not working on that day .

JOSEPH KOLEMEKOFISKY, a witness for the defendant, sworn, testified:

I work in Brewster's carriage factory at the corner of 47th St. and Broadway . On the 31st of January I saw a man clubbed at the corner of 47th St. and B'way. I could not say that this was the man . He was hit by several policeman and when he was quite bloody he was carried out of sight. He was a tall man .

ALBERT SCHULTZE, a witness for the defendant, sworn, testified:

I am a carriage body maker in Brewster's factory at 47th St. and Broadway . About three or four o'clock in the day I saw a mounted officer club a man. I believe this defendant here is the man that I saw

clubbed I saw a man cross 47th St. and try to escape into the crowd and then I saw him caught and clubbed . He was finally knocked down on the pavement .

ADOLPH GERTZ, a witness for the Defendant, sworn, testified:-

I work in Frewster's . I saw this defendant on the 31st of January between three and five o'clock at 47th St. and Broadway . I saw him struck a couple of times and then he went across the street--when over there a mounted policeman struck him; about half a dozen other policemen struck him and he was knocked down . I saw something the like of which I never saw in my life .

EDWARD BUTLER, a witness for the Defendant, sworn, testified:-

I am a piano maker employed at Peek and Sons . at 47th St. and Broadway. On the 31st of January I saw a man clubbed at 47th St. and Broadway . I could not say if it was the defendant . I saw him run across the street but I did not ~~have~~ see him have anything in his hand when he did .

LOUIS W. LANG, employed in the same place gave similar testimony .

Four witnesses testified to the good character of the defendant .

WILLIAM H. MAY, a physician of No. 50 w. 24th Street N. Y. testified to dressing wounds on the head of the defendant and to having seen him clubbed at 47th St. and Broadway .

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JOHN KERWICK, the defendant, testified:

I am thirty one years old . I have been in this city five years . I am a hostler and worked in the stables of the 7th Avenue Railroad . On the 31st day of January I was not working . I was down town and came up 8th Avenue to 48th St.; I came through 48th St. ; when I got to the corner of 48th St. and Broadway a policeman who was rushing at the crowd struck me and knocked me down. I ran from him to the other side of Broadway and when I got there a policeman on horseback hit me with his club. A number of policemen then surrounded me and knocked me senseless. I had no knife with me that day . I did not stab the roundsman . I did not say to the roundsman that I had got enough for what I had done . . I was laid up four about five weeks from the wounds I received .

CROSS EXAMINATION:

I was on my way home when I was struck by the officer . I did not see the roundsman stabbed by anybody that day . I did not see Officer Morgan that I remember of on the day of this occurrence . The reason I went from one side of the street to the other was because a policeman had hit me and I wanted to get out of his way .

REBUTTAL :-

CHARLES T . SCHROFF? for the People, testified:

I am an officer of Police . On the 31st day of January I saw this defendant at 48th St. and Broadway

I drove him along with several other back into the crowd . Some time after this I saw him and he had his head cut and I recognized him as the man I had driven back at 48th Street .

CROSS EXAMINATION:

I did not see this man cross to the other side of the street when I drove him back . His hat fell off and I told him to pick it up. I told him to go on or I would knock the life out of him . I did not see a knife in his hand at any time . I did not see any of the clubbing which has been testified to .

The jury returned a verdict of GUILTY of as-
sault in the second degree with a recommendation to
the utmost mercy of the Court .

988L-02. det. 176. 1961

CONFIDENTIAL

Indictment filed Feb. 20-1889

COURT OF GENERAL SESSIONS

Part 3.

THE PEOPLE &c.

against

JOHN KERRICK

Abstract of testimony on

trial New York, March 13th

1889.

thing which has been testified to
 the hand as being the
 those and the one of the
 the back of the
 the street corner of the
 I did not see the other side of
 CROSS EXAMINATION:

back of the street
 head and I recognized him as the man I had spoken
 of. Some time after this I saw him and he told me
 I spoke him and he with several others back into the

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Police Court 4th District.

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

of No. West 91st Street Police Department aged 39 years,
occupation Roundman Police Department being duly sworn
deposes and says, that on the 31st day of January 1888 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

John Herwick (now here)
also did wilfully and maliciously
cut and stab dependent on the
left forearm with the blade
of a pen knife the defendant
held in his hand and
said assault was committed

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

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

Sworn to before me, this 1st day
of February 1888

Thomas Morgan
Police Justice.

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Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

H. A. District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

1889

Police Justice

John Kerwick

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

Defendant

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

Dated *July 9* 188 *J. Henry Bond* Police Justice.

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

Defendant

Dated *July 3* 188 *J. Henry Bond* Police Justice.

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

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

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

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District Attorney's Office.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

2
3
4

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

to answer

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0578

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Kerwick

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

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

The said

John Kerwick

late of the City of New York, in the County of New York aforesaid, on the
thirty-first day of January in the year of our Lord
one thousand eight hundred and eighty-nine, with force and arms, at the City and
County aforesaid, in and upon the body of one Thomas Morgan
in the peace of the said People then and there being, feloniously did make an assault,
and him the said Thomas Morgan
with a certain knife

which the said

John Kerwick
in his right hand then and there had and held, the same being a deadly and
dangerous weapon then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent

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

SECOND COUNT—

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

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

The said

John Kerwick

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

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

with a certain

Thomas Morgan
knife

which the said

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

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THIRD COUNT—

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

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

The said

John Kerwick
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said
Thomas Morgan in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
him the said Thomas Morgan
with a certain knife,

which

in

the said

right hand

then and there had and held, in and upon the

of

the said

John Kerwick
him the said Thomas Morgan
then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said Thomas Morgan

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

JOHN R. FELLOWS,

District Attorney.