

0061

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kalest, Antonio

DATE:

12/16/89



3522

POOR QUALITY ORIGINAL

0062

Witnesses;

Stuart ...
...

Filed
16th day of Dec
1889
Counsel,
Pleads, *Aggrievedly*

THE PEOPLE

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

vs.
Antonio Nalest

JOHN R. FELLOWS,
District Attorney.

Pr. Aug 1/90
...
...
A True Bill.
...
Foreman.

POOR QUALITY ORIGINAL

0063

Police Court— 3 District.

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

of No. 197 East Broadway Street, aged 22 years,
occupation Coal Dealer being duly sworn

deposes and says, that on the 5th day of December 1889 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Antonio Kalor
who cut and stabbed deponent in the
face with a knife or some sharp instrument
which he then held in his hand.

[Large blank area with horizontal lines, partially obscured by a vertical scribble]

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 5th day }
of December 1889. } [Signature]

[Signature] Police Justice.

POOR QUALITY ORIGINAL

0054

Police Court, 3 District,

THE PEOPLE, &c.,
on the complaint of
David G. ...
vs.
Antonio ...

Offence—Felonious Assault & Battery

Dated December 5th 1899
M. J. ... Magistrate
John J. ... Officer

Witnesses, Clerk.
No. Street.
No. Street.
No. Street.

\$ to answer General Sessions.

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden and Keeper of the City Prison

of the City of New York, until he give such bail.

I have admitted the above named

to bail to answer by the undertaking hereunto annexed.

There being no sufficient cause to believe the within named

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

Dated 1888

Police Justice.

POOR QUALITY ORIGINAL

0065

Sec. 198-200.

3rd District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Antonio Kalast 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. *Antonio Kalast*

Question. How old are you?

Answer. *38 years*

Question. Where were you born?

Answer. *Denmark*

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

Answer. *- Bell St. 8 years*

Question. What is your business or profession?

Answer. *Locksmith*

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
Defendant refuses to sign*

Taken before me this

5th

day of *December* 189*7*

W. J. B. n

Police Justice.

POOR QUALITY ORIGINAL

0055

711 from
S.C. 6 9 11 AM

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

Police Court... 3rd 3rd 1909
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jacob Goodstein
195 East Broadway
Victoria Kalka

Offence Felonious Assault

Dated Dec 5th 1889

Boyer
Magistrate
12
Precinct

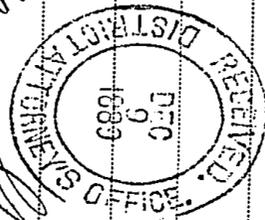
Witnesses

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

\$ 500 TO ANSWER



Boyer
1889

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

Defendant

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

Dated Dec 5th 1889 Boyer Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY ORIGINAL

0067

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Antonio Kalest

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

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

The said Antonio Kalest

late of the City of New York, in the County of New York aforesaid, on the fifth day of December 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 David Goodstein in the Peace of the said People then and there being, feloniously did make an assault and him the said David Goodstein with a certain knife

which the said Antonio Kalest 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 David Goodstein 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

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

The said Antonio Kalest

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 David Goodstein in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said David Goodstein with a certain knife

which the said Antonio Kalest 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.

John R. Fellows, District Attorney

0068

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kannan, Patrick

DATE:

12/20/89



3522

0069

BOX:

377

FOLDER:

3522

DESCRIPTION:

Godfrey, John

DATE:

12/20/89



3522

POOR QUALITY ORIGINAL

0070

WITNESSES;

James D. ...
Mr. ...
...
...

See for office
Deaghegan
20. ...
...
...
...
...

A. H. ...
Counsel,
Filed *...* day of *Dec* 18 *...*
at *...*

THE PEOPLE
of the County of *...*
State of *...*
and *...*
John *...*

JOHN R. FELLOWS,
District Attorney.

...
...
...

A True Bill:
...
...
...
...
...

Section 498, Revised Code, 1901
Burglary in the Third Degree.

POOR QUALITY ORIGINAL

0071

Police Court - 4 District.

City and County of New York, ss.:

of No. 719 10th Avenue Street, aged 31 years, occupation Grocer being duly sworn

deposes and says, that the premises No. 719 10th Avenue Street, 29 Ward in the City and County aforesaid the said being a Grocery Store

and which was occupied by deponent as a Grocery Store and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly attempted to

panel out of the door leading from the hallway of said premises to deponent's store any persons

on the 12th day of December 1889 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

A quantity of Groceries of the value of One hundred dollars

the property of Deponent

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

Jacob A. Gunnar (in) John Todrey (both nowhere)

for the reasons following, to wit: That at or about the hour

of 10 P.M. on the 11th day of December 1889 Deponent, seeing a person and left

said premises, at or about the hour of 1:30 a.m. on the 12th day of December 1889 Deponent discovered that said

premises had been attempted to be entered as aforesaid. Deponent is informed by John M. Nichol that at or about

POOR QUALITY ORIGINAL

0072

The sum of 1300 was paid to the
couple the same of sum and
Gardner in the word cutting the
panel out of the door of defendant
premises, September 7th 1889. That
the said defendant may be held
to answer.

Subscribed before me }
The 12th day of December 1889 }
W. J. [Signature]
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1889
I have admitted the above named
to bail to answer by the undertaking hereunto annexed.
Dated 1889
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1889
Police Justice.

Police Court, District, Offence—BURGLARY.
THE PEOPLE, &c., on the complaint of
1. 2. 3. 4.
Date 1889 Magistrate.
Officer.
Clerk.
Witness, Street,
No. Street,
No. Street,
No. Street,
\$ to answer General Sessions.

POOR QUALITY ORIGINAL

0073

CITY AND COUNTY }
OF NEW YORK, } ss.

John M. Nichols
aged *22* years, occupation *Inspector* of No. *170 West 49th* Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of *Benjamin M. Zimmerman* and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this *12* day of *December* 188*7* *John M. Nichols*

W. J. McMahon
Police Justice.

POOR QUALITY ORIGINAL

0074

Sec. 193-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Patrick Kanner

Taken before me this

day of

1887

W. M. Johnson

Police Justice.

POOR QUALITY ORIGINAL

0075

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

John Godfrey 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 Godfrey*

Question. How old are you?

Answer. *24 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *293 9th Avenue 9 Months.*

Question. What is your business or profession?

Answer. *Labour*

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 Godfrey.

Taken before me this

day of *April* 1887

H. M. Mackin

Police Justice.

that I know of, it was Officer Wegnan who called me up. I had no conversation with anyone in regard to the prisoner, I heard that he was drunk and that he was found asleep in the hallway.

John McNicholl sworn.

I live 500 West 49th Street and know the premises 719 10th Avenue on the corner of 49th Street, I live in the house one flight of stairs up directly over the grocery store; to go into my house I have to go into the hallway alongside of the grocery store, I lived in this place on the 12th of December, 1839, and saw the Defendant that night. I know the defendant Godfrey. I saw that man and him in the hallway. I went in about one o'clock and at half past one I heard a noise and came down stairs and Godfrey and Kannan were in the hall. When I came in both doors were locked, the store door and the hall door and I unlocked the doors and when I unlocked the second door a young man came out, he threw his arm across his face and shoulder and walked out, and when I got inside the hallway another young fellow done the same thing, I turned around and shut the doors after me and went upstairs, I was going into bed and I heard, bang, bang; I said to my brother, there is something up and I went down and Kannan and Godfrey were in the hallway, Godfrey got away and ran out, I recognized him. When I got down I saw Godfrey and Kannan in the door about five feet away from one another, Kannan was the nearest one to the door that was broken in, I saw the door that was broken in, Godfrey was standing up but Kannan was

**POOR QUALITY
ORIGINAL**

0079

lying down, Godfrey ran out; when I first saw Kannan he was lying down with his face towards the door and his feet out to the wall, when my father came down he jumped up on his feet and my father grabbed him, my father came down stairs first and I was right after him, Kannan jumped on his feet and my father grabbed him and he held him until the officer came. Did you hear Kannan say anything? He was pleading that he was drunk, he just went in there to have a sleep. I saw where the panel of wood was broken in the door, Kannan was not searched in the hallway, he was not searched until he got to the Station House; the back door was open. After I went up stairs I heard bang, bang, twice, it was a dull sound like the cracking of wood. When I first saw Godfrey he was three or four feet from Kannan and when Godfrey saw me he opened the door and ran out the front hallway. Is that all you saw Kannan do? That is all.

Cross Examined. How long have you lived in these rooms where you are now living? Three years. What business are you in? I am in no business at present. Don't you run a poker game between 48th and 49th Streets and 10th Avenue? No. Do you know or have you ever heard of a man by the name of Tony Walsh, who ran away with four or five thousand dollars from a broker? No sir. How long have you been out of employment? Since last Saturday. What were you working at then? A City Inspector. How long were you City Inspector? Four months. What did you work at before that time? In a stock broker's office at 56 Broadway for Boyce & Son. How long were you employed there? Twelve years. Were

**POOR QUALITY
ORIGINAL**

0000

you ever engaged in any other business uptown? No sir. Were you ever engaged on board of a barge in the summer time in a game known as the sweating game? No sir. Sure about that and could not be mistaken? Yes. It is not true that you are engaged in the poker game? (No answer.) How old are you now? Twenty-four. You were twelve years in one place? Yes. You can't say anything against my character, I have a clear character and I can prove it. I must have been misinformed? You are misinformed. What time did you go to bed? I told you half past one o'clock. What were you doing up that hour of the morning if you were a decent man? I never go to bed any earlier. Where were you that night? Across the way on the corner in a lager beer saloon playing pinnacle. Do you play there every night? Yes. Till half past one o'clock in the morning? Yes. Do you know whether this door you speak of was ever broken before? I do not know anything about it. You lived there three months? I lived three years in that house. Do you know whether there was a panel door with a thin sheet of iron nailed over it? No sir. You have been in that hallway every day and night? The sheeting iron is in the inside of the door. How do you know it was there? I went in and saw it the night it was broken into. Did you notice the door before? Yes sir. Did you notice that the sheet iron was on the door? I noticed it when I went in and looked at it. How long were you upstairs before you heard the noise? I told you I went in about one o'clock and at half past one I heard the noise. Did you go to bed? Yes, certainly. Were you in bed at the time you heard the

noise? Yes sir. What did you do, did you get up and dress? No sir, I came down in my pants. With your father? Yes sir. Do you know a man named Benny Felter? No sir. Did you ever have a quarrel with a man named Benny Felter in some grove up the river about winning money from you? No sir. Were you ever shot? Yes sir. Is it not fact that you and one Benny Felter had a quarrel about money that he had won from you at a game and you pulled your pistol out for the purpose of shooting him for winning your money and you accidentally shot yourself? No. You were shot in a grove on Hudson River at a picnic? Yes. Weren't you shot while you were taking the pistol out of your pocket? No. Had you the pistol in your hand? Yes. What did you take the pistol out for? Because this man hit me, I don't know who he was, I don't know his name. Was it some man who struck you while you were playing some kind of a game? No. What did he hit you for? He was fighting with a friend of mine and I went to separate them. Was there not a game on? Not that I am aware of. Did you lose any money that day? No sir.

Martin Kearney sworn and examined.

I live at 467 West 49th Street and my business is a bartender; on the 12th of December last I was engaged in that business at 49th St. and 10th Avenue; I live on the northeast corner, that is the saloon where I am bartender McCormack's place is on the southwest corner. On the 12th of December, 1889 I saw the Defendant I think it was about half past twelve, he was in the saloon and John Godfrey was with him, Godfrey is the co-defendant in this

**POOR QUALITY
ORIGINAL**

0082

case, I guess it was about half past twelve, between twelve and one when they came in, they both came in together, they had two drinks, I could not tell you whether it was lager or ale but it was either one of them that they drank and I could not tell which one of them paid for it, they were talking together, they drank the beer and asked me for a few matches, I gave them to them and they walked out; I may have given them twenty or twenty-five matches, they went out together; I saw Godfrey afterwards, I was closing up the store, he came in the side door and I said, "you have got to go out of here, I am closing up", he did not come in but came as far as the side door, he went away. After that I looked out of the window and I saw the officer with Kannon standing on the corner, I did not see Godfrey after that, I had nothing more to say to them. I guess Kannon had drank some beer before he came into the saloon, he looked as if he had a couple of glasses, he was able to walk and to talk, I had no difficulty in understanding him when he asked for matches.

William Wegman sworn and examined.

I belong to the 22nd precinct and have known the Defendant by sight about three years, I saw him on the night of the 12th of December at the southwest corner of 49th Street and 10th Avenue, that was in McCormack's place in the hallway at the rear of the store, it was half past one o'clock when I was called there, I was on post and my attention was drew there by a lady holloaing out of the window, saying the place was being robbed and upon

**POOR QUALITY
ORIGINAL**

0083

entering I found the Defendant in there and the last witness had him and turned him over to me and told me that he had been attempting to rob this grocery store. That was in the hallway of 719 10th Avenue, the Defendant was standing when I caught him, I saw the place which had been cut out of the door, it was the door that led from the hall into the store, it was cut out about one and a half feet in length and about six or seven inches in width.

Godfrey was not there at that time, he had ran away, I took Kannan in custody, he was sober, I took him to the Station House; when I got out on the street I saw my superior officer, both my superior officers, Godfrey came back and wanted to know whether there was a fight going on, and I was ordered to arrest him also, he was arrested and taken to the 22nd precinct Station House with the other, they were searched and I found nothing on them.

I had a conversation with Kannan and he told me he was not interested in it, he said if he was taken over to Court in the morning he would get out of it and as far as the case was concerned he was not interested in it. The

Defendant was taken to the Station House and his pedigree was taken, he answered all the questions that were put to him.

John Lehan sworn and examined.

I live 531 West 49th Street and am engaged in plumbing. Do you know the Complainant who was on the stand here? Yes. Do you know if at anytime recently what business he was engaged in? I know him to run a poker game.

Cross Examined.

Whereabouts was that?

48th Street and 10th Avenue. I am engaged in the plumbing

**POOR QUALITY
ORIGINAL**

0084

business but have not been working for the last two weeks; I worked before that at Austin & Corbett's, I worked there about six months, I was not discharged but was laid off because of slack work. I have never been convicted of any crime, not even for drunkenness and disorderly conduct, I was arrested once on suspicion, I was arrested at the Democratic parade on suspicion, I did not know what I was arrested for, I was let go right after, Detective Sergeants Cottrell and Larkin arrested me in 1889, I was kept in two or three hours as a suspicious character, I have lived all my life in the city, I was looking at the Democratic parade in Fifth Avenue and 23rd Street, I was not arrested with anybody else. The Defendant runs a poker game, I mean by that he has a game up there every night, him and another man named Tony Wos, they have a room up there on the first floor, I know it because a number of men told me, I don't know whether he runs it now or not, a brother of mine told me that he ran it but I do not know it of my own knowledge, my brother has not been in the State Prison or Penitentiary, his name is Timothy, I have four or five brothers and none of them have ever been in the State Prison nor have they ever been arrested. I seen people go up in the place of the Defendant and seen them through the window. I never played poker and never saw anybody play poker with him. I do not know the Complainant to be a thief but his general reputation is that he gambles. I was on the excursion the time that the Complainant had a difficulty with a pistol, he drew the pistol and shot himself in the leg. I know the Defendant three or four years but never associated with him.

**POOR QUALITY
ORIGINAL**

0085

William McManus sworn and examined.

I live 448 West 49th Street and know the prisoner Kannan, I saw him on the night on which he was arrested and saw Godfrey, I noticed that both of them were drunk.

Cross Examined. I have been arrested once for taking my father's part, I was locked up at night and discharged in the morning and bailed out, I mean it was a fight, I was never tried; the Defendant is not a companion of mine, I never have been in his company but have known him about a year or so from going around the corners. I saw him about half past twelve but he was not arrested at that time, they were both in Connor's liquor store drinking, Godfrey asked me where I was going and I told him I was going up to the stable to get my horse and wagon, I had a drink with him and I said nothing to the other man.

John Godfrey sworn and examined.

I am the co-defendant in this case and pleaded guilty to-day, Kannan had nothing to do with this affair that night.

Cross Examined. I know the witness Martin Kearney, he is a bar-tender for Connors at 49th Street and 10th Avenue, Kannan and I went in there together and drank I think I paid for the drinks but do not know exactly; both of us were so intoxicated we did not know what we were doing, we did not walk straight and were very drunk. While I was in the saloon I lit a cigarette, there was no cigarlighter there and I asked the bar-tender for a couple of matches, he took the box and told me to help myself, I

**POOR QUALITY
ORIGINAL**

0085

took about a dozen of matches and both of us walked out, I lit the cigarette and we talked on the 49th Street corner about fifteen minutes, he said he was going home and he left me; I went over and I fell asleep on the Italian fruit stand, I don't know how long I slept, a gentleman came along and woke me up and I walked away, I was taken short and I went down to go in this hallway where the door was broken into, there was a side door there and I went up to try to open it and I could not open the door and while I was there Kannan was lying down I stumbled and fell over him in the hallway; there was a piece of board attached to the door where the hole had been cut through and I kicked that in, I walked out and I heard a noise, I heard somebody call and I stood against the fence, I did not run out; pretty soon there was a crowd commenced to collect around and I went out of the doorway and I asked, "what is the matter?" And while I was standing there McCormack says to me, "you were in the hall", he said to the officer that I was trying to burglarize the house and the officer took me down to the Station House, I was not there to burglarize the house but I did kick in the door, I pleaded guilty to being in the hallway. I never was in the hall before in my life, I will swear there were two doors there, when I found out I could not open the door that I thought led into the yard I walked out. I had no instruments or tools with me that night I did not run out of the hall and dispose of any and then come back again. It did not strike me very strange that I should meet Kannan in the hallway at that time.

The Jury rendered a verdict of guilty.

**POOR QUALITY
ORIGINAL**

0087

Testimony in the
case of
Patrick Hannan
filed Dec. 1899.

POOR QUALITY
ORIGINAL

0000

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
Patrick Kannan
and John Godfrey

The Grand Jury of the City and County of New York, by this indictment, accuse
Patrick Kannan and John Godfrey
of the Crime of Attempting to Commit
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said Patrick Kannan and
John Godfrey, both

late of the Twenty second Ward of the City of New York, in the County of
New York, aforesaid, on the twelfth day of December 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 store of one

Bernard Mc Cormack
attempt to
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

Bernard Mc Cormack

in the said store 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.

John R. Fellows,
District Attorney.

0089

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kells, Bridget

DATE:

12/18/89



3522

0090

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kells, Mary

DATE:

12/18/89



3522

0091

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kells, Mary

DATE:

12/18/89



3522

0092

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kells, Katie

DATE:

12/18/89



3522

POOR QUALITY ORIGINAL

0093

AC

Counsel,
File 18 Dec 1889
Pleas, *Not guilty.*

Grand Larceny, *Swk Degree*
[Sections 528, 530, 541 Penal Code]

THE PEOPLE

vs.

1021
Bridget Wells,
Marry Wells,
Katie Wells

*7 13 not in Pmbk.
- see letter of indictment*
JOHN R. FELLOWS

District Attorney

*Part III Dec 16 1889
Nov 27 1889
Pleas Patch Larceny
committed at Court House*

A True Bill. 142 (7)

Dec 18 1889
Foreman.

*Copy to custody of
Society of Friends of
Quality to children.
As to Nov 1889, etc. etc. etc.
recom. of Society. RBH.*

Witnesses;

*Witnesses at
#2000*

*Part III Indictment
Dec 24 1889. Nov 2 1889
have this day pleaded as per
indictment heres. The
People have no evidence on
which to convict etc / Yes!
Therefore we recommend that
she be indicted as
discussed as against her
if Madonna
D.A. Not guilty*

POOR QUALITY ORIGINAL

0094

Police Court— 4 District.

Affidavit—Larceny.

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

of No. 329 East 31st Street, aged 29 years,
occupation Porter being duly sworn

deposes and says, that on the 5th day of December 1888 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession and person of deponent, in the night time, the following property viz:

Good and lawful Money of the United States issued to the Treasurer and value of One hundred and sixty 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 Bridget Kells, Mary Kells, and Katie Kells, (all now living)

and acting in concert together from the fact that at or about the hour of eight o'clock P.M. on said date, deponent entered the premises occupied by the said Bridget Kells in premises 353 East 31st Street and in about 2 hours afterward deponent fell asleep while lying on a bed in the premises of the said Bridget Kells, that at or about the hour of 12 P.M. the deponent awakened and discovered that the said

Subscribed and sworn to before me, this 6th day of December 1888
Police Justice

POOR QUALITY
ORIGINAL

0095

money had been feloniously
taken, stolen, and carried away
from the right hand inside pocket
of the coat then on Depoent
Person. Depoent then charged
the said defendants with the larceny
of said money, and that the said
defendants denied having any
knowledge of said money.

Depoent is informed
by Bernard Malarky that she
arrested the said defendants
and found in the possession of the
said Bridget, a quantity of clothing ^{and one}
^{Gold Ring} which the said Bridget admitted and
confessed that she had received from
the said Mary and Kate, and that
Depoent is further informed by the
said Malarky that he found in the
possession of the said Mary the sum of Seventy
dollars which the said Mary informed him was
a portion of Depoent's money

The said Malarky further informs
Depoent that ~~she did~~ that the
said Kate admitted and confessed
to him that she did find the
money on the floor of the room
in which said Depoent was sleeping
and that she in company with
her sister Mary appropriated the
said money to her own use and
benefit

Depoent therefore prays
that the said defendants may
be held to answer the same

Sworn to before me, this
6th day of December 1889

Jeremiah J. Fenwick
Magistrate

H. T. Malarky
Police Justice

**POOR QUALITY
ORIGINAL**

0096

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 57 years, occupation Bernard Madarkey
Police Officer 21st Precinct

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

Sworn to before me, this 6th
day of December 1839 } Bernard Madarkey

A. J. Mahon
Police Justice.

POOR QUALITY ORIGINAL

0097

Sec. 198-200.

H District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Bridget Kello

Question. How old are you?

Answer. 39 Years

Question. Where were you born?

Answer. Ireland

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

Answer. 353 East 31st St 1 month

Question. What is your business or profession?

Answer. Housekeeper

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

Bridget Kello
Make

Taken before me this

Day of 19 DECEMBER, 1888

W. M. [Signature]

Police Justice.

POOR QUALITY ORIGINAL

0098

Sec. 198-200.

H District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Mary Kello

Question. How old are you?

Answer. 15 Years

Question. Where were you born?

Answer. New York State

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

Answer. 353 East 57th 1 Month

Question. What is your business or profession?

Answer. Boxmaker

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. My Sister took the money and informed me that she had hid it in the Cellar. I went to the Cellar and took it out. I was with my Sister when she spent a portion of the money.

Mary Kello

Taken before me this

6th

day of November 1888

H. J. McMahon

Police Justice.

POOR QUALITY ORIGINAL

0099

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY
OF NEW YORK,

Katie Kello

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

Question. What is your name?

Answer.

Katie Kello

Question. How old are you?

Answer.

14 Years

Question. Where were you born?

Answer.

New York State

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

Answer.

353 East 31 St 1 Month

Question. What is your business or profession?

Answer.

None

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

Answer.

*I am guilty of spending
the money. I found the money
on the floor*

Katie Kello

Taken before me this

66

day of

Wm. J. ...

188

Police Justice.

POOR QUALITY ORIGINAL

0100

BAILLED,
 No. 1, by Patrick Emmingham
 Residence 2034 Madison Avenue
 No. 2, by _____
 Residence _____
 No. 3, by _____
 Residence _____
 No. 4, by _____
 Residence _____

195
 1996
 Police Court District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

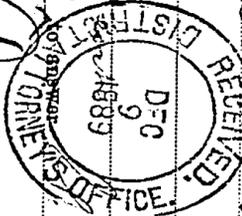
Emmrich Combs
329 East 37 St
Andrew Velt
Madison Ave
Kater Steels
 Offence Sarney

Dated Sept 7 1889
 Magistrate Mr. Malton
 Precinct 21
 Officer Malton

Witnesses Bernard Malton
 No. 21 Street _____

No. 107 Street _____

No. 1070 Street _____



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

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 7 1889 N. T. Malton Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0 10 1

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

THE PEOPLE OF THE STATE OF NEW YORK,

against
*Bridget Kells, Mary
Kells and Katie Kells*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by

this indictment, accuse *Bridget Kells, Mary
Kells and Katie Kells*
of the CRIME OF GRAND LARCENY IN THE *first* DEGREE,
committed as follows:

The said *Bridget Kells, Mary
Kells and Katie Kells, all*
late of the City of New York, in the County of New York aforesaid, on the *7th*
day of *December* in the year of our Lord one thousand eight hundred and
eighty-nine, at the City and County aforesaid, with force and arms, in the
night time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *eighty* _____

dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of
eighty _____
dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *eighty* _____

dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *eighty* _____

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *two dollars*

of the goods, chattels and personal property of one *Jeremiah Conway* the
Person of the said Jeremiah Conway, then and there being found,
from the person of the said Jeremiah Conway
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~~

**POOR QUALITY
ORIGINAL**

0 102

Second COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *Bridget Kells, Mary
Kells and Katie Kells*
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROP-
ERTY committed as follows:

The said *Bridget Kells
Mary Kells and Katie Kells*, all
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 the*
night time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *eighty*
dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of *eighty*
dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *eighty*
dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *eighty*
dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *ten dollars*

of the goods, chattels and personal property of one

Jeremiah Conway

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

Jeremiah Conway

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

Bridget Kells, Mary Kells and Katie Kells

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.

0103

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kelly, Joseph

DATE:

12/05/89



3522

POOR QUALITY ORIGINAL

0104

Witnesses:

A. B. Conway

37. *[Signature]*

Counsel,

Filed *5* day of *Dec* 188*9*

Pleas, *Chattel*

THE PEOPLE

19. *100* vs.

377

Joseph Kelly

Grand Larceny in the 3rd degree.
(MONEY.)
(Sec. 528 and 530, Penal Code.)

JOHN R. FELLOWS,

*P. 2 Dec 10. 1889. District Attorney.
Filed & Amended P.L.*

A True Bill

[Signature]

Foreman.

[Signature]

POOR QUALITY ORIGINAL

0105

Police Court - 2nd District.

Affidavit - Larceny.

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

William C. Ryan

of the St James Hotel Street, aged 37 years,
occupation Merchant being duly sworn

deposes and says, that on the 29 day of November 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 night time, the following property, viz:

gold and lawful money of the issue of the United States consisting of one note of the denomination and value of twenty dollars, and several other notes of various denominations and in all of the value of about thirty dollars

\$30.00

of 1889 }
Sworn to before me, this }
day }
Police Justice.

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

Joseph Kelly (read here)

from the fact that deponent occupied a room at the St James Hotel, and had said money lying upon a Bureau in said room, and at the hour of about 1 o'clock in the evening of said day deponent missed said money. Deponent notified the office of said Hotel as to deponent's loss.

Deponent is informed by Arthur B. Conway, a Special Officer attached to said Hotel that he arrested said defendant who is a Hall boy in said Hotel and found on his person one hundred and sixteen dollars in bills

POOR QUALITY
ORIGINAL

0 106

amongst said Bill a twenty dollar
Bill was found off which a piece was torn
that the part of said Bill torn from
said \$20 dollar note was found
on the Murray farm which said
money was stolen

Deponent believing the information
to be true charges that said defendant
has stolen defendant's property as aforesaid

J. M. Spurr

Given to before me
this 1st day of December 1889

John W. Morris

POOR QUALITY ORIGINAL

0107

CITY AND COUNTY {
OF NEW YORK, } ss.

aged 30 years, occupation Arthur B. Conway of No.

St James Hotel Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Paul Ryan

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

Sworn to before me, this

day of December 1887

Arthur B. Conway

John J. [Signature]
Police Justice.

POOR QUALITY ORIGINAL

0108

Sec. 108-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Joseph Kelly 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. Joseph Kelly

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. Boston

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

Answer. 377 1/2 Avenue C

Question. What is your business or profession?

Answer. Hall Boy

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. Saw not guilty

Joseph Kelly

Taken before me this

day of

September 1889

Thomas J. Brennan Police Justice

0109

POOR QUALITY ORIGINAL

adly 2 P.M.
Dec 3/89
Pilot's Mail

Mission
St. Astor

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

(31) 1111
1989
Police Court...
District...

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Sweeney

1. Arthur Sweeney

2. Arthur Sweeney

3. Arthur Sweeney

Offence: Larceny

Dated

Residence

Magistrate

Officer

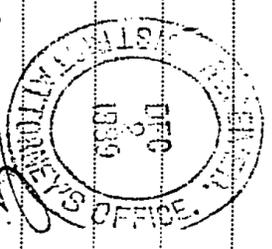
Witnesses

No. 1

No. 2

No. 3

\$



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

Alfred Sweeney

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 Dec 1 1889 Police Justice.

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

Dated 1889 Police Justice.

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

Dated 1889 Police Justice.

POOR QUALITY ORIGINAL

0110

COURT OF GENERAL SESSIONS.

-----X
The People :
v. :
Joseph Kelly, :
Indictment filed Dec. 5/89; :
indicted for grand larceny in :
the first degree. :
-----X
: Tried Dec. 9/89, before the
: Hon. Frederick Smyth and a
: Jury.

Assistant District Attorney Jerome for the People.
F. J. Keller, Esq., for the Defense.

A R T H U R B. C O N W A Y testified that he was a special officer attached to the St. James Hotel in the City of New York. He arrested the defendant at the bar on Friday, November 29th, 1889, at about 12:30 o'clock. On the 29th of November there was a guest at the hotel named William C. Lyon, who was, at the time of the trial, in Chicago. He left the hotel on Monday, December 2d, 1889, intending to go to Chicago. He had not returned to the hotel since December 2d. He, the witness, was present in the Second District Police Court

**POOR QUALITY
ORIGINAL**

0111

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of the City of New York on the 2d day of December, 1889. Mr. William C. Lyon was there at that time. The prisoner at the bar was there. Mr. Lyon made a complaint and it was reduced to writing, and Mr. Lyon signed it in the witness's presence, and the Police Justice swore him to the complaint and then subscribed the deposition. The defendant was represented by counsel at that time. The Police Justice was Justice John J. Gorman. The defendant was standing alongside of the complainant at the time, and was near enough to hear what was going on. The complaint was taken by the clerk of the Magistrate, who was sitting at the side of the Magistrate. The clerk read the complaint to Mr. Lyon in the defendant's presence. The defendant's counsel was Joseph Steiner. Then the defendant was examined by the Police Justice's clerk. He was asked what he had to say in reference to the charge. The Police Justice said to the defendant's counsel that he then had a chance to examine the complainant, and that he was a non-resident and intended to leave for Chicago on that Sunday morning. He, the witness, arrested the defendant on Saturday at about twelve o'clock. The defendant was employed in the hotel as a hall boy. On Friday evening he took the defendant

**POOR QUALITY
ORIGINAL**

0112

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back from his house to the hotel, to confront him with the complainant. It was then about seven o'clock in the evening. Mr. Lyon had then made a complaint to him, the witness. After a talk with the clerk at the office, he, the witness, watched the defendant during the rest of the evening before he left the hotel, and followed him to his house and met him at his door. He told the defendant that he wanted him to go back to the hotel with him. He asked the defendant on the way back to the hotel what he did when he went to Mr. Lyon's room that evening, and he said that he went to hand a letter to Mr. Lyon and he couldn't wake him up, and he returned to the office and gave the letter to the clerk. He, the witness, said that Mr. Lyon had reported at the office that he had lost some money and the defendant said he didn't know anything about it. He, the witness, then took the defendant back to the hotel and confronted him with Mr. Lyon, and Mr. Lyon didn't want to talk of the matter until the following morning. He positively refused to talk about the matter that evening. He, the witness, took the defendant into the hall and searched him and found one hundred and sixteen dollars in bills and some cigars, and a Princeton belt. Besides a hundred and

**POOR QUALITY
ORIGINAL**

0113

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sixteen dollars there were three dollars in silver. There were five packages of cigarettes and a Princeton belt--orange and black. He found a twenty-dollar bill among the bills. He also found a small piece of a twenty-dollar bill on the bureau in Mr. Lyon's room on Saturday morning. He told the defendant to go home after he had searched him, and report at the hotel the following day at twelve o'clock. The defendant reported at that time. Then he, the witness, took him into the reading room, and asked him how much money he had in his possession, and he said about a hundred dollars, and he, the witness, said, "How do you account for having a hundred and sixteen dollars?" and the defendant couldn't account for that amount of money. He could only account for one hundred dollars. The witness then called Captain Conner into the reading room, and Captain Conner asked the defendant why he had taken the money, and Captain Conner said, "Young man, you have got yourself in a tight place now--why did you take that money from Mr. Lyon's room?" and the defendant said he didn't take it. So Captain Conner said, "You do what you choose with him, Mr. Conway." So he, the witness, took the defendant to the Police Headquarters and locked him up. Then he, the

**POOR QUALITY
ORIGINAL**

0114

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witness, and a detective went to the defendant's room and searched it.

Under Cross Examination, the witness testified that he was not a member of the municipal police force, but was a special officer attached to the hotel. He had been in the employ of the hotel about six months. The defendant had been there about the same time. He first learned from the clerk of Mr. Lyon's complaint about seven o'clock on the evening of November 29th, Friday evening. The amount named was forty dollars. The defendant was at his work that evening, and left about 12:15. He, the witness, had not spoken to him at that time. When he, the witness, followed the defendant to his house and arrested him, the defendant was about to unlock the door and go in. Mr. Lyon did not refuse to make any charge. He, the witness, put the money into the office safe after he found it upon the defendant's person, until the following morning. He took the defendant into custody on the following morning when he reported for duty. He, the witness, saw Mr. Lyon leave the hotel to go to Chicago. He took his baggage. It was put on a coupe outside of the door. He purchased his tickets on Sunday morning. He, the witness, saw

**POOR QUALITY
ORIGINAL**

0115

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them, and he saw Mr. Lyon hand them to the head porter to have them changed for Monday. It was the third time that he had to have them changed, and the porter had some trouble about it. He, the witness, did not take him to the train. One of the drivers employed by the hotel did.

J A M E S S M I T H testified that he was a subpoena server in the office of the District Attorney of the City and County of New York. He went to the St. James Hotel with a subpoena for Mr. Lyon, and made inquiries about him of the clerk behind the desk, and the clerk said that he had left the hotel and that he had gone to Chicago. The clerk said he had been a guest of the hotel at the time of the larceny from his room. He, the witness, knew no other place of residence of Mr. Lyon in the City of New York.

B E N J A M I N F. B R O W N testified that he was cashier of the St. James Hotel, and was such during the month of November and the early part of December, 1889. There was a guest in the hotel of the name of William C. Lyon on November 21st, 1889. He registered when he came. He registered from Chicago. He remained in the hotel as a guest until the 3d of December. He

**POOR QUALITY
ORIGINAL**

0115

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then paid his bill and left the hotel. He had not since been in the hotel. He said when he left that he was going to Chicago, Illinois, and took his baggage with him. He had tickets for Chicago.

J A M E S B U R N S testified that he was the head porter of the St. Hotel in the City of New York, and was such in December, 1889, and also in November, 1889. He remember a guest of the name of William C. Lyon. He left the hotel on December 3d. He, the witness, took the baggage of Mr. Lyon out of the hotel and put it on a cab. Mr. Lyon had not returned to the hotel since he left.

Under Cross Examination, the witness testified that he knew the defendant, and that he had been employed in the hotel. He did not know anything about his character.

J O H N D O U G H E R T Y testified that he was a cabman, and that he drove William C. Lyon from the St. James Hotel in the City of New York to the 42d Street depot--the Grand Central Depot. He also took his baggage, which Mr. Burns put on the coupe. He, the witness, left Mr. Lyon at the Grand Central Station with his baggage, at the Hudson River Railway Depot, and had not seen him

**POOR QUALITY
ORIGINAL**

0117

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since.

For the Defense F R A N K G. B A R C L A Y testified that he was an officer of the Society for the Prevention of Cruelty to Children. He had lived in the same house with the defendant at the time of his arrest. He knew that the defendant had been a hall boy at the St. James Hotel. The defendant had rented a room from him, the witness, for six or seven months. His habits had always been correct as far as he, the witness, had noticed. He always believed him to be an honest boy. He was a temperate boy. He always stayed at home in the evenings, and, so far as the witness knew, was reputable. His general character for honesty and integrity in the house was good.

Under Cross Examination the witness testified that the defendant occupied a large, square room with another young man named Walter Kelly, who was no relative of the defendant's. Walter Kelly was still lodging in the house. The two boys paid four dollars a week for their room.

F R A N K K I N G testified that he was a hall boy at the Victoria Hotel, corner of Broadway and 27th Street. He had been employed in the hotel about a

**POOR QUALITY
ORIGINAL**

0118

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month. He had also worked in the Gilsey and St. James and several other hotels. He knew the defendant Kelly, and had known him for about eight months. Kelly lived in the same house with the witness. He had often seen the defendant with money in his pocket--generally a considerable sum. He had generally more money in his pocket than any other boy. He remembered having seen the defendant with twenty-dollar bills in his pocket a good while before the arrest--at least five days. The twenty dollar bill in evidence looked like one of the twenty-dollar bills the witness had seen in the defendant's possession. The defendant was showing the money, and said, "This is more money that you ever had." His character was good. The defendant got fifteen dollars a month and his fees, which amounted to about three dollars a day.

J O S E P H K E L L Y, the defendant, testified that he was born in Boston and was nineteen years of age. He had never been charged with any other offense. He came to New York on June 2d, 1889. Before he came to New York he was working in the Southern Hotel in St. Louis. He worked there for a year, and before that he worked in Barnum's Hotel in St. Louis. He went to the

**POOR QUALITY
ORIGINAL**

0119

10

St. James Hotel on June 20th, and was there until the time of his arrest, except when he was in the hospital. He had got slightly injured. The twenty-dollar bill in evidence was his own property. He had it for some time previous to that. He had a hundred and sixteen dollars in his possession when he was arrested. He received fifteen dollars a month salary and got his fees, which amounted to fully two dollars a day, for serving drinks and showing rooms, etc. He was not in the habit of drinking or spending his money, and he usually saved it. He never banked his money, but carried it around in his pocket. He took no money from Mr. Lyon's room.

Under Cross Examination, he said that he was sent up to Mr. Lyon's room between six and seven, to deliver a letter. Mr. Lyon was asleep in his room. He noticed some money on the bureau. He shook Mr. Lyon three or four times and he couldn't get him awake, and he took the note back to the office. He knocked at the door before he entered first. He had a trunk in the room where he lodged, and in that trunk were some silk Sox and one tennis shirt and some flannel shirts and a number of cravats. The silk Sox belonged to Judge Morgan J. O'Brien. He left them there when he left the hotel, and the other

**POOR QUALITY
ORIGINAL**

0120

11

things were left by gentlemen that left the hotel. It was customary when people left the hotel for the bell-boys to get in ahead of the chambermaids on that floor, and to take whatever was left in the rooms. It was not considered stealing.

POOR QUALITY ORIGINAL

0121

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.

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

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

(C 23)
SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

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

To Wm C. Lyon,

of No. St. James Hotel Street,

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the

December 1889, at the hour of 11 in the forenoon of the same day, as a witness in

a criminal action prosecuted by the People of the State of New York, against

Joseph Kelly

Dated at the City of New York, the first Monday of December
in the year of our Lord, 1889.

JOHN R. FELLOWS, *District Attorney.*

POOR QUALITY ORIGINAL

0122

Left the Hotel last
Tuesday for Chicago
James Smith
Manager

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.
If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.
If ill when served, please send timely word to the District Attorney's Office.
If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

POOR QUALITY ORIGINAL

0123

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

THE PEOPLE OF THE STATE OF NEW YORK
against
Joseph Kelly

The Grand Jury of the City and County of New York, by this indictment, accuse
Joseph Kelly
of the crime of GRAND LARCENY IN THE *First* DEGREE, committed as follows:

The said *Joseph Kelly*

late of the City of New York, in the County of New York, aforesaid, on the *29th*
day of *November*, in the year of our Lord one thousand eight hundred and eighty-nine,
at the City and County aforesaid, with force and arms, in the *night* time of
the same day, *one* promissory note for the payment of money, being then
and there due and unsatisfied (and of the kind known as United States Treasury notes), of
the denomination of twenty dollars, and of the value of twenty dollars *_____* ;
one promissory note for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury notes), of the denomination of
ten dollars, and of the value of ten dollars *_____* ; *one* promissory note for the
payment of money, being then and there due and unsatisfied (and of the kind known as United States
Treasury notes), of the denomination of five dollars, and of the value of five dollars *_____* ;
one promissory note for the payment of money, being then and there due and unsatisfied
(and of the kind known as United States Treasury notes), of the denomination of two dollars, and
of the value of two dollars *_____* ; *one* promissory note for the payment
of money, being then and there due and unsatisfied (and of the kind known as United States Treasury
notes), of the denomination of one dollar, and of the value of one dollar *_____* ;
one promissory note for the payment of money (and of the kind known as bank notes),
being then and there due and unsatisfied, of the value of twenty dollars *_____* ; *one*
promissory note for the payment of money (and of the kind known as bank notes), being then and
there due and unsatisfied, of the value of ten dollars *_____* ; *one* promissory note for the
payment of money (and of the kind known as bank notes), being then and there due and unsatisfied,
of the value of five dollars *_____* ; *one* United States Silver Certificate of the

\$30

**POOR QUALITY
ORIGINAL**

0124

denomination and value of twenty dollars ; one United States Silver
Certificate of the denomination and value of ten dollars ; one United
States Silver Certificate of the denomination and value of five dollars ; one
United States Silver Certificate of the denomination and value of two dollars ;
one United States Silver Certificate of the denomination and value of one dollar
 ; one United States Gold Certificate of the denomination and value of
twenty dollars ; one United States Gold Certificate of the denomination
and value of ten dollars ; one United States Gold Certificate of the
denomination and value of five dollars ; and ~~divers coins of a number, kind and~~
~~denomination to the Grand Jury aforesaid unknown, of the value of~~

of the proper moneys, goods, chattels and personal property of one William R.
Sygn, in the dwelling house of the said
William R. Sygn, there situate, then and there being
found, from the dwelling house aforesaid, then and there
feloniously did steal, take and carry away, against the form of the statute in such case made and
provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0125

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kelly, William

DATE:

12/20/89



3522

POOR QUALITY ORIGINAL

0125

178
Criminal files 1808

Counsel,
Filed *20* day of *Dec* 188*8*
Pleads, *Not guilty*

Crime against nature
Sec. 303, Great Code

THE PEOPLE

38
Not guilty
23rd Dec 1888

William Kelly

JOHN R. FELLOWS,

District Attorney.

John R. Fellows
Dec 25 1888

A TRUE BILL

John R. Fellows

John R. Fellows

John R. Fellows

Part III February 26/90
Trived and Connected

John R. Fellows
1888

Witnesses:

POOR QUALITY ORIGINAL

0 1 2 8

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

William H. Smith 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 H. Smith

Question. How old are you?

Answer.

33 Years.

Question. Where were you born?

Answer.

U. S.

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

Answer.

Newark New Jersey 2 Years

Question. What is your business or profession?

Answer.

Salesman

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

Answer.

I am guilty of the charge

W. H. Smith

Taken before me this

day of

December 1889

1889

A. J. ...

Police Justice.

POOR QUALITY ORIGINAL

0129

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William Kelly*

Question. How old are you?

Answer. *30 Years.*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *33^d St & 2^d Avenue 3 Weeks.*

Question. What is your business or profession?

Answer. *Bar tender* 1836 2^d Ave. Manhattan City

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*

William Kelly

Taken before me this

day of

April 1885

1885

Police Justice.

**POOR QUALITY
ORIGINAL**

0132

2

upstairs and I noticed Kelly and Smith there. I saw that Kelly was rubbing his hand against the private parts of Smith, and thought it kind of suspicious, and I went up-stairs then to the other story. There were a great many people coming up and down at the time. I stayed up there and looked out to see if anything happened. I got in a position where I could see, and after a short time I saw Kelly having his penis exposed, and Smith having his mouth on it. I turned around and they were three or four feet from me on the winding stairs. As soon as w Smith saw me he ran away. I ran after him and I caught both Smith and Kelly. I got the assistance of another officer and we took them both to the Arsenal. I made a charge against them there. Sergeant Block was at the desk. The Sergeant asked Smith what he had to say to the charge, and Smith said; "What the officer said is right". He asked Kelly what did he have to say to the charge, and Kelly denied it. I searched Smith and then I went over and searched Kelly; he had his coat buttoned up and when I opened his coat I called the Sergeant's attention to the fact that his pants were still open. The Sergeant looked at him, and then they were locked down. In the Police Court on the following morning the defendant Smith said he was guilty. The defendant Kelly was asked what he had to say to the charge and he said that he denied it.

**POOR QUALITY
ORIGINAL**

0133

3

Cross-examination.

Q How far was Smith from Kelly at the time this conversation took place in the Station House.

A They were both standing together.

Q How long were you watching these men?

A About half an hour.

Q Who was nearest to you? A. Kelly; he was about three feet away from me.

Q Didn't you testify on another trial that Kelly was four or five steps away from you?

A I dont think I did.

Q What was the position of Smith, was he sitting down?

A No sir, he was standing on the steps, but in a stooping position.

Q Could you see distinctly from where you were?

A Yes sir, I could.

CHRISTOPHER C. COLLINS, a witness for the people, sworn, testified:

I am an Officer attached to the Park Police. I arrested the defendant Smith. I asked him what was the matter and he said "Nothing". I told him there must be something the matter or this officer would not want him arrested. I went with them to the Station House and I heard Kelly deny the charge and Smith admitted that what the officer said was right. I do not remember anything else that took place.

**POOR QUALITY
ORIGINAL**

0134

4

Cross-examination.

I didn't see the occurrence that Officer McGinty speaks of. He shouted to me to come and help him to arrest these two men.

LEWIS FLOCK, a witness for the people, sworn, testified:

I am a Sergeant of the Park Police. I was on duty on the afternoon of December 10th. Officer McGinty brought in these two prisoners to the Arsenal and charged these men with committing this crime, and Smith said that what the Officer spoke was the truth. I asked Kelly what he had to say to the charge and he said it was not so. Officer McGinty then called my attention to the fact that the trousers of the defendant Kelly were unbuttoned.

D E F E N S E .

WILLIAM KELLY, the defendant sworn testified:

I remember the 10th of December last. I was in Central Park on the afternoon of that day. I left Mr. Kelly's saloon at the corner of 71st^{St.} and 2nd Avenue at about half-past two in the afternoon. I had an engagement to meet a gentleman in the park. I wanted to pass the time and I walked through the park for a few minutes. After I was there a while I noticed this man Smith. He was very pale and looked quite sick. I went up to him and he said he was very sick. I told him he would be all right in a few minutes. I stayed there with him 10 or fifteen minutes and there were

**POOR QUALITY
ORIGINAL**

0135

5

several ladies and gentlemen passing up and down at the time. The first thing I knew the officer ran down and grabbed myself and Smith, and then another officer, and had us both arrested. I had never seen the defendant Smith before. Nothing of the kind described by the officer ever occurred. The man who was taken sick on that occasion told me that he came from Newark. It is not true that I did what the Officer said. I would not dare do such a thing, nor would I allow any man to do such a thing with me. I didn't state to anybody that I committed this crime. The co-defendant did not state to anybody that he committed this crime. The man was five or six steps away from me and I approached him and asked him if he was feeling sick. We were searched when we got to the Station House. When the officer opened my coat at the Station House, he pulled my pants open with his finger at the same time. It was very easy for him to unbutton them and he did so. I swear positively that I didn't put my hand on the private parts of Smith or anybody else on that day. I have never done such a thing

Cross-examination.

Q What is your business? A. Grocer and bartender, I have worked at two places since I have been here. I was attendant for a time at the Asylum on Ward's Island. I wasn't working within a few days of the day I was arrested.

Q The charge against you was a total surprise?

A Yes sir.

Q When you saw this man Smith first you thought he

**POOR QUALITY
ORIGINAL**

0136

6

was a decent respectable man? A. Yes sir, I took him to be a respectable.

Q. How many people were in sight of you at the time the officer sprang and caught you? A. I couldn't say; there were a good many people around there all the time.

Q. Did you have any conversation with the officer when he arrested you? A. Yes sir, I asked him what was the meaning of my arrest, and he said that he didn't know, that the other officer had told him to arrest me.

Q. When you got to the Station House, and were charged by the officer before the sergeant; and when Smith admitted it and you denied it, you say that the officer came up to you and opened your coat and also opened your pants? A. Yes sir, that's a positive fact.

Q. Did you exclaim at the injustice done to you?

A. I really could not say whether I did or not.

Q. You don't recollect? A. No sir.

MATTHEW B. KELLY, a witness for the defendant, sworn testified:

I reside at No. 3086 Second Avenue. I am a liquor dealer. I have known the defendant in this country for about fifteen months. He has worked for me during that time. His reputation is that of an honest and upright man.

**POOR QUALITY
ORIGINAL**

0137

7

BERNARD KELLY, also testified to the good character of the defendant.

JOHN MCGINTY, a witness for the people, recalled.

Q At the time you came upon Kelly and Smith, was there anyone in the Belvidere Tower within sight of you? A. No sir, there was nobody on the winding stairway, and there was nobody underneath at all.

THE JURY RETURNED A VERDICT OF GUILTY.

**POOR QUALITY
ORIGINAL**

0138

Indictment filed Dec. 20, 1890

COURT OF GENERAL SESSIONS

Part III.

The People &c.

against

WILLIAM KELLY.

Abstract of testimony on

trial New York February 25h

1890

POOR QUALITY ORIGINAL

0139

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Kelly

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

Indictment accuse *William Kelly*

of the crime of *against nature*

committed as follows:

The said *William Kelly*

late of the City of New York, in the County of New York, aforesaid, on the

ten day of *December*, in the year of our Lord one thousand
eight hundred and eighty- *nine*, at the City and County aforesaid,

in and upon one *William H. Smith*, a male
person, feloniously made an assault, and from
the said *William H. Smith*, in a manner contrary
to nature, then and there feloniously did carnally
intercourse, against the form of the Statute in
such case made and provided, and against the
peace and dignity of the said People.

Second Count -

And the Grand Jury aforesaid, by
this indictment further accuse the said *William
Kelly* of the same crime against nature, com-

POOR QUALITY
ORIGINAL

0140

mitted as follows:

The said William Kelly, of New York, County of New York, did voluntarily submit to said knowledge of himself by one William H. Smith, a male person, in a manner contrary to nature, 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. Adams,

District Attorney.

0141

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kenney, Joseph

DATE:

12/03/89



3522

POOR QUALITY ORIGINAL

0142

Witnesses:

James Tierney
Charles Decker
J. Cannon

Counsel,
Filed 3 day of Dec, 1889
Pleads, *W. R. Kelly*

Assault in the First Degree, Etc.
(F. 170000)
(Sections 217 and 218, Penal Code).

THE PEOPLE

vs.

Joseph Tierney

JOHN R. FELLOWS,
District Attorney.

A True Bill.

John R. Fellows
Foreman.

Deputy

Charles Alexander Day
S. P. Lawrence

POOR QUALITY ORIGINAL

0143

Police Court— 2nd District.

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

of No. 35 Carmine Street, aged 40 years,
occupation Watchman being duly sworn

deposes and says, that on the 26 day of November 1889 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Joseph Kearney (and here)
who aimed and discharged fire shots
the contents of a Revolving pistol
at deponent, one of the balls striking
deponent's back, said assault
was committed by said defendant

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 27 day
of November 1889

Police Justice.

POOR QUALITY ORIGINAL

0144

Sec. 193-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Kenny 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. Joseph Kenny

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. State of New York

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

Answer. 17 Washington Street since from last

Question. What is your business or profession?

Answer. Langhorne man

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

Joseph Kenny

Taken before me this 27
day of November 1889
John W. ...
Police Justice.

POOR QUALITY ORIGINAL

0145

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

Police Court
 District
 2nd 1/153

THE PEOPLE, Ac.,
 ON THE COMPLAINT OF

James Henry
 Joseph Henry

Offence Assault
 Felonious

Dated Nov 27 1889

Magistrate
 Vincent J. ...
 218 Precinct

Witnesses
 John ...
 Charles ...
 259 ...

William ...
 247 ...
 82 ...
 57 ...
 1039
 ATTORNEYS OFFICE

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 Alfred ...

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 Nov 27 1889 James Henry Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0146

District Attorney's Office.

PEOPLE

MS.

Joseph. Kenny
Asst

James Turner
35 Corning St
off Gannon
28 Beek.

Mrs. Damoran
349. Spring St

Chas Pecker
259. West St

Mrs Johnson
82 Watt St

Wm Franko.
247. W. 56 St

POOR QUALITY ORIGINAL

0-147

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Kenney

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

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

The said *Joseph Kenney*

late of the City of New York, in the County of New York aforesaid, on the *twenty sixth* day of *November*, 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 *James Tierney* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *James Tierney* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Joseph Kenney* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent *him*, the said *James Tierney* 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 *Joseph Kenney* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Joseph Kenney*

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 *James Tierney* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said *James Tierney* a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said *Joseph Kenney* 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 shoot off and discharge, 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.

0148

BOX:

377

FOLDER:

3522

DESCRIPTION:

Kiernan, Philip

DATE:

12/03/89



3522

POOR QUALITY ORIGINAL

0149

Counsel,
Filed 3 day of Dec, 1889
Pleads,

VIOLATION OF EXCISE LAW.
(SELLING TO MINOR).
[III Rev. Stat. (7th Ed.) p. 1082, § 15.]

THE PEOPLE

vs.

Philip Kearney
2019/7

JOHN R. FELLOWS,

District Attorney.

A True Bill.

(91)
James H. Lewis

Foreman.

Witnesses:

J. C. Spaul

POOR QUALITY
ORIGINAL

0150

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Philip Kiernan

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

Philip Kiernan

of a MISDEMEANOR, committed as follows:

The said

Philip Kiernan

late of the City of New York, in the County of New York aforesaid, on the *twenty-eighth* day of *October* in the year of our Lord one thousand eight hundred and eighty-*nine*, at the City and County aforesaid, certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to one *and cause and procure to be sold* *child, actually & apparently John O'Neil* who was then and there a *minor* under the age of *sixteen* years, to wit: of the age of *twelve* years, as ~~the said~~

~~then and there well knew and had reason to believe,~~ 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.