

0304

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Mahoney, John

**DATE:**

12/16/92



4611

0305

Witnesses:

*Arthur Buchholz*

Counsel,

Filed, *11/16* day of *Nov* 189*2*

Pleads, *Not Guilty*

THE PEOPLE

vs.

*John Mahoney*  
*vs.*  
*De Lancey Nicoll*  
*Attorney*

[Section 654, Penal Code.]

INJURY TO PROPERTY.

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Herman Decker*

Foreman.

*Decker*

*Decker*  
*Sentence suspended*  
*P.B.M.*

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

*John Mahoney -*

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. The always due account I find now has been adjusted and for all dues which will be paid.

Gustave A. Buckholz

0307

CITY AND COUNTY OF NEW YORK. ss.

POLICE COURT,

1<sup>st</sup> DISTRICT.

of No. 35 West Street, aged 30 years,  
 occupation Resident being duly sworn, deposes and says  
 that on the 12<sup>th</sup> day of December 1892  
 at the City of New York, in the County of New York

John Mahoney (no wheel who did  
 not fully and maliciously break  
 a plate glass window in deponent's  
 premises aforesaid and doing damage  
 to the amount of value of Thirty  
 five dollars. from the fact that  
 shortly before the breaking of said  
 glass deponent ordered defendant  
 out of said premises and said  
 defendant then picked up a  
 stone and threw the same at said

of  
 1892

Police Officer



0308

will over bearing the same  
 and doing damage to the amount of  
 Fifty five dollars and deposit therefor  
 charges said defendant with well  
 merited malicious mischief  
 Sworn to before me 1894 } Gustav Bushhof  
 this 13<sup>th</sup> day of December  
 W. W. Mahan

Police Justice

Police Court, District.

 THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

ARRIDAVIT.

vs.

Dated, 189

Magistrate.

Officer.

Witness.

Disposition

0309

Sec. 198-200.

District Police Court.

1882

City and County of New York, ss:

*John Mahoney* 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 a 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.

*I am not guilty*

*John Mahoney*

Taken before me this

*13*  
*at the Court House 189 3*

Police Justice.

03 10

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, Dec 3 1897 W. T. M. M. M. Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

031

Police Court---

District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

1

2

3

4

BAILED,

No. 1, by.....

Residence ..... Street.

No. 2, by.....

Residence ..... Street.

No. 3, by.....

Residence ..... Street.

No. 4, by.....

Residence ..... Street.

Dated, Dec 13 189

John M. Baker Magistrate.

David S. Sweeney Officer.

2 Precinct.

Witnesses

No. .... Street.

No. .... Street.

No. .... Street.

\$ 500 to answer.

Comtd.

03 12

Court of General Sessions of the Peace

517

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*John Mahony*

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

*John Mahony*

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

The said

*John Mahony,*

late of the City of New York, in the County of New York aforesaid, on the *12<sup>th</sup>* day of *December* in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with force and arms,

*one pane of plate glass*

of the value of *thirty-five dollars* of the goods, chattels and personal property of one *Gustav Buchholz* 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.

## SECOND COUNT.

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

The said

*John Mahony*

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

*one pane of plate glass*

of the value of

*thirty five dollars*

in, and forming part and parcel of the realty of a certain building of one

*Buchholz*

there situate, of the real property of the said

*Gustav*

then and there feloniously did unlawfully and wilfully

*Gustav Buchholz*  
*break*

*and destroy:*

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

DE LANCEY NICOLL,

*District Attorney.*



03 14

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Maloney, Michael

**DATE:**

12/22/92



4611



0315

Witnesses:

*By Daniel Boyer*

Counsel,

1892

Filed, 22<sup>nd</sup> day of Dec.

Pleads,

*Myself, Jany 1<sup>st</sup> 1913*

THE PEOPLE

vs.

*D*

*Michael Maloney*

VIOLATION OF THE EXCISE LAW.  
Selling, etc., on Sunday.  
[Chap. 401, Laws of 1892, § 32.]

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

*Stephen Delaney*

Foreman.

*Filed 11 Dec 4 1893*

03 16

**Court of General Sessions of the Peace**

1907

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Michael Maloney*

The Grand Jury of the City and County of New York, by this indictment, accuse  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND  
BEER ON SUNDAY, committed as follows:

The said

*Michael Maloney*

late of the City of New York, in the County of New York aforesaid, on the day of *October* <sup>9<sup>th</sup></sup> in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, 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 to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of New York and their dignity.

SECOND COUNT—

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

*Michael Maloney*  
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Michael Maloney*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, 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 offer and expose for sale to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL

District Attorney.

03 17

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Maroselli, Thomas

**DATE:**

12/02/92



4611

Witnesses:

Offe Corcoran 6th

Counsel,

Filed, 2 day of Dec 1892

Pleads, *Maguire*

THE PEOPLE

vs.

*B*

*Thomas Marcell*

VIOLATION OF THE EXCISE LAW.  
(Illegal Sales without License.)  
[Chap. 401, Laws of 1892, § 31.]

*May 29*

DE LANCEY NICOLL.

District Attorney.

A TRUE BILL.

*John C. Fallon*

Foreman.

0319

2000

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Marcelli*

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

*Thomas Marcelli*

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINE, ALE AND BEER, IN QUANTITIES LESS THAN FIVE GALLONS AT A TIME, WITHOUT HAVING A LICENSE THEREFOR, committed as follows:

The said

*Thomas Marcelli*

late of the City of New York, in the County of New York aforesaid, on the day of *November* *12* in the year of our Lord one thousand eight hundred and ninety-*two* —, 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, in quantities less than five gallons at a time, to

certain — persons whose names are to the Grand Jury aforesaid unknown, without having a license granted to him in pursuance of any law of this State permitting him to sell either strong or spirituous liquors, wines, ale or beer, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

DE LANCEY NICOLL,

*District Attorney.*

0320

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Martin, James

**DATE:**

12/23/92



4611

Witnesses:

*Officer Sum*  
*Barbara Meyer*

*James Martin*

Counsel

Filed

Pleads,

THE PEOPLE

vs.

*James Martin*

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*De Lancey Nicoll*  
Foreman.

*James Martin*

S.P. 2195

*Dec 20 1892*

day of *Dec* 1892

Grand Larceny,  
(From the Person)  
[Sections 628, 629, 630  
Penal Code.]

369



0322

Police Court

3<sup>rd</sup> District.

Affidavit—Larceny.

City and County  
of New York, ss:Barbara Meyer  
of No. 509 East 4<sup>th</sup> Street, aged 33<sup>rd</sup> years,  
occupation Keep housebeing duly sworn,  
deposes and says, that on the 17<sup>th</sup> day of December 1892 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 right time, the following property, viz:

A pocket book containing twenty  
five cents lawful money of the  
United States.

the property of deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloni-  
ously taken, stolen and carried away by James Martin(now here for the reasons that deponent  
was on Avenue A and has said  
pocket book in a pocket of the  
dress then worn on her person  
and deponent was jostled by the  
defendant and mislaid the pocket  
book and is informed by James  
Dunn an officer that he was watching  
the movements of the defendant and  
he saw him near deponent and  
arrested him and found the pocket  
book here shown on his person which deponent  
identifies as the one stolen from  
her person as aforesaid

Barbara Meyer

Sworn to before me, this 19<sup>th</sup> dayof December 1892  
at New York City.  
Police Justice.

0323

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged \_\_\_\_\_ years, occupation Detective of No. \_\_\_\_\_

300 Mulberry Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Barbara Meyer

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

Sworn to before me, this 19 day  
of December 1892

James Hume

[Signature]  
Police Justice.

0324

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss:  
OF NEW YORK,

*James Martin* 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 sees 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 Martin*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Phila Pa.*

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

Answer. *17 Warren St - 4 mos.*

Question. What is your business or profession?

Answer. *Printer*

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

Answer. *I am not guilty*  
*James Martin*

Taken before me this  
day of *Dec* 1918  
*John J. Keefe*  
Police Justice.

0325

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 Refused

ten 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, Dec 19 1892, John D. [Signature] Police Justice.

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

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

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

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

032

Police Court,

1594  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Suban Meyer*  
*209 East 11th St*  
*vs.*  
*James Manning*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated,

*Dec 19*

1892

Magistrate.

Officer.

Precinct

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ *1000* to answer

*GF*

**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 Martin*

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

*James Martin*  
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:  
The said *James Martin*

late of the City of New York, in the County of New York aforesaid, on the *17th* day of *December* in the year of our Lord one thousand eight hundred and ninety-*two*, in the *night* time of the said day, at the City and County aforesaid, with force and arms,

*one silver coin of the United States of America of the kind called half dollars, of the value of fifty cents, three silver coins of the kind called quarter dollars of the value of twenty-five cents, five silver coins of the kind called dimes of the value of ten cents each, ten nickel coins of the kind called five cent pieces of the value of five cent, each, twenty coins of the kind called cents of the value of one cent each, and one pocketbook of the value of twenty-five cents*  
of the goods, chattels and personal property of one *Barbara Maier* on the person of the said *Barbara Maier* then and there being found, from the person of the said *Barbara Maier* then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.



## SECOND COUNT—

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

*James Martin*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *James Martin*

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,

*the same goods, chattels and personal property described in the first count of this indictment*

*Barbara Maier*  
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 *Barbara Maier*

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

*James Martin*  
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.

DE LANCEY NICOLL,

*District Attorney.*



0329

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Martin, Joseph

**DATE:**

12/01/92



4611

Witness:

Offe Farley 27th

Counsel,

Filed, 1st day of Dec 1892

Pleads,

Wm. H. H. H.

THE PEOPLE

vs.

B

Joseph Martin

VIOLATION OF THE EXCISE LAW.  
Selling, etc., on Sunday.  
[Chap. 401, Laws of 1892, § 32.]

Complained to the Court  
of the said Sessions,

May 16 93

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

John E. Freeman

Foreman.

450 Dec 12

0331

Court of General Sessions of the Peace

1997

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Joseph Martin*

The Grand Jury of the City and County of New York, by this indictment, accuse  
of the CRIME OF *Joseph Martin* SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND  
BEER ON SUNDAY, committed as follows:

The said

*Joseph Martin*

late of the City of New York, in the County of New York aforesaid, on the *30<sup>th</sup>*  
day of *October* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, the same being Sunday, certain strong  
and spirituous liquors, wines, 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 spiritu-  
ous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

~~and~~ to certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, against  
the form of the statute in such case made and provided, and against the peace of the People of  
New York and their dignity.

SECOND COUNT—

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

of the CRIME OF OFFERING *Joseph Martin* AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,  
WINES, ALE AND BEER, committed as follows:

The said

*Joseph Martin*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the  
same being Sunday, certain strong and spirituous liquors, wines, 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 offer and  
expose for sale to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the  
form of the statute in such case made and provided, and against the peace of the People of the State  
of New York and their dignity.

DE LANCEY NICOLL

District Attorney.

0332

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Martin, Thomas

**DATE:**

12/09/92



4611

Witnesses:

*Thomas Kearney*  
*James H. Kearney*

Counsel,

Filed

Pleas,

day of

189

THE PEOPLE

*19*  
*14th March, 1892*  
*James H. Kearney*  
*vs.*  
*Thomas Martin*

Grand Larceny, Second Degree,  
[Sections 228, 229, 230, Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

*Filed Dec 20, 1892*

A TRUE BILL.

*Stewart Deane*

*Jan 2 - Dec 20, 1892 Foreman.*

*Heads of L.C. 2nd Degree*

*Ed. J. J.*

0333

0334

Police Court—3<sup>rd</sup> District.City and County } ss.:  
of New York,

of No. 229 South James H. Stearns Street, aged 49 years,  
 occupation Rubber Manufacturer being duly sworn  
 deposes and says, that the premises No 453 Water Street, 7<sup>th</sup> Ward  
 in the City and County aforesaid the said being a stable

and which was occupied by deponent as a stable

~~and in which there was at the time a horse being by name~~

were **BURGLARIOUSLY** entered by means of forcibly breaking open  
the door leading from the street  
to the stable and thence through the  
stable into a yard

on the 2<sup>nd</sup> day of December 1893 in the night time, and the  
 following property feloniously taken, stolen, and carried away, viz:

Five pigs of tin of the value of  
One hundred and twenty seven  
82/100 Dollars

the property of deponent and his co-partners  
 and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen and carried away by  
Thomas Martin (now here)

~~for the reasons following, to wit:~~ for the reasons that  
said pigs of tin were on a truck  
standing in an inclosure which is  
a yard on premises 453 Water Street.  
That on said premises is a stable  
which is surrounded has a door leading  
from the street and a door leading  
from the yard. Deponent found the  
said street door broken open and

0335

the said tin stolen from the said truck standing in the yard. Deponent is informed by Thomas Neophy (now here) that he is a police officer at that about mid-night he saw the defendant carrying a pig of tin along Cherry Street and watched his movements and saw him enter premises 144 Cherry Street which is two blocks from said premises and arrested defendant and found ~~four~~ <sup>three</sup> additional pigs of tin all of which deponent has since seen <sup>which</sup> pigs bear marks similar to those stolen from deponent and which deponent has great cause to believe were stolen from deponent

Subscribed to before me <sup>3</sup> James H. Stearns  
this 3<sup>rd</sup> December, 1892  
*[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  
of the City of New York, until he give such bail.  
Dated 1888  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
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.

Police Court, District,	Offence—BURGLARY.	Dated 1888	Magistrate.	Officer.	Clerk.	Witnesses.	No. Street.	No. Street.	No. Street.	\$ to answer General Sessions.
THE PEOPLE, &c., on the complaint of	vs.	1								
		2								
		3								
		4								



0336

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 29 years, occupation Police Officer of No. 7 Greenwich Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of James H. Keane and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 3 day

of Dec 1895

Thomas. Heaphy

[Signature]  
Police Justice.

0337

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

*Thomas Martin* 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 sees 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.

*Thomas Martin*

Question. How old are you?

Answer.

*18 years.*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*144 Cherry St. 2 years.*

Question. What is your business or profession?

Answer.

*Driver.*

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*

*Thomas Martin*

Taken before me this

day of

*Dec*

1892

Police Justice.

*[Signature]*

0338

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 Agenda

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 Dec 3 1892 [Signature] Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0330

1514

Police Court---3--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James H. Stearns  
329 South  
Thomas Martin

2  
3  
4

Officer  
D. J. Murphy

Dated Dec 3 1892

Hopewell Magistrate.

Heaphy Officer.

Precinct.

Witnesses Call Officer

No. Street.

No. Street.

No. Street.

\$ 1000 to answer

Comm

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

0340

Antwerp

New York Dec 16<sup>th</sup>/1892

To Whom it may Concern:

This is to  
certify that Thomas Martin  
has been in my employ for  
quite some time, And I  
have always found him to be  
a very Honest, Industrious and  
Sober Man. I have sent him  
out with Bills to collect  
very often and has always  
done his business first-  
rate for me. As far as I  
am concerned he is a very  
good Man

James Fenway  
391 Pearl St  
New York City  
Coal Dealer



0342

JAMES CONWAY,

**COAL**

No. 391 Pearl Street,

NEAR VANDEWATER ST.,

NEW YORK.



0343

N. Y. Dec 26. 92

To whom this may concern  
This is to certify that  
Thomas Martin has worked  
for me eighteen months in the  
past two years and I have  
always found him honest  
carefull, sober and steady  
he has often collected as much  
as \$100. 20 Dollars for me  
(the Pay for my carts)  
and always made correct  
returns,

Yours Very Truly  
John Burke

51 Catherine Str  
Eastman

0344

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

505

THE PEOPLE OF THE STATE OF NEW YORK

against

*Thomas Martin*

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

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

The said

*Thomas Martin*

late of the City of New York, in the County of New York aforesaid, on the *second*  
day of *December* in the year of our Lord one thousand eight hundred and  
ninety-*two*; at the City and County aforesaid, with force and arms,

*five pigs of tin of the  
value of twenty six dollars  
each*

of the goods, chattels and personal property of one

*James W. Stearns*

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

## SECOND COUNT—

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

*Thomas Martin*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

*Thomas Martin*  
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,

*five pigs of tin of the value  
of twenty-six dollars each*

of the goods, chattels and personal property of one

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

*James N. Stearns*  
unlawfully and unjustly did feloniously receive and have; the said

*Thomas Martin*  
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.

DE LANCEY NICOLL,

*District Attorney.*

0346

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Martinek, William

**DATE:**

12/02/92



4611

Witnesses:

Off. Place 11th

Counsel,

Filed,

Pleads,

THE PEOPLE

vs.

B

William Martwick

Dec 17/93

Brought to the Court of Appeals  
Sessions for trial by request  
of Counsel for Defendant.

Dr LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Preece

Foreman

VIOLATION OF THE EXCISE LAW.  
[Chap. 401, Laws of 1892, § 32.]  
Selling, etc., on Sunday.

0347

0346

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 Martineau

The Grand Jury of the City and County of New York, by this indictment, accuse  
William Martineau  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND  
BEER ON SUNDAY, committed as follows:

The said William Martineau,

late of the City of New York, in the County of New York aforesaid, on the 4<sup>th</sup>  
day of September, in the year of our Lord one thousand eight hundred and  
ninety-two, at the City and County aforesaid, the same being Sunday, certain strong  
and spirituous liquors, wines, 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

Charles A. Place

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against  
the form of the statute in such case made and provided, and against the peace of the People of  
New York and their dignity.

SECOND COUNT—

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

William Martineau

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,  
WINES, ALE AND BEER, committed as follows:

The said William Martineau,

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the  
same being Sunday, certain strong and spirituous liquors, wines, 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 offer and  
expose for sale to one Charles A. Place,

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the  
form of the statute in such case made and provided, and against the peace of the People of the State  
of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0349

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Matera, Michael

**DATE:**

12/01/92



4611



0350

Witnesses:

*Off Jacobs 10th*

Counsel,

Filed,

*1<sup>st</sup> day of Dec<sup>r</sup>*

1892

Pleads,

*Myself 1<sup>st</sup>*

THE PEOPLE

vs.

*B*

*Michael Matar*

*Dec 1/92*

Sent to the Court of Special Sessions for trial by request of Guardian of Defendant.

**VIOLATION OF THE EXCISE LAW.**  
Selling, etc., on Sunday.  
[Chap. 401, Laws of 1892, § 32].

DE LANCEY NICOLL

*District Attorney.*

A TRUE BILL.

*John C. P. Green*

*Foreman.*

0351

**Court of General Sessions of the Peace**

1897

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Michael Matera*

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

of the CRIME OF *Michael Matera* SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

*Michael Matera*

late of the City of New York, in the County of New York aforesaid, on the *16<sup>th</sup>* day of *October* in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, 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 to certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of New York and their dignity.

SECOND COUNT—

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

*Michael Matera* of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Michael Matera*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, 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 offer and expose for sale to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL

District Attorney.

0352

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McAleer, Patrick

**DATE:**

12/16/92



4611

0353

Police Court—1st District.

1031

City and County } ss.:  
of New York,of No. 93 Mowbray Street, aged 29 years,  
occupation laborerdeposes and says, that on the 30<sup>th</sup> day of November 1892 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Police  
Mc Allen who pointed a revolver  
 and discharged the contents  
 of one barrel of a revolver  
 on the body of deponent  
 a bullet from said revolver  
 striking deponent in the side,  
 the defendant did strike  
 deponent on the head twice  
 with a club 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 1<sup>st</sup> day  
 of December 1892,

Chas O'Connor

Wm. H. H. H. Police Justice.

0354

Sec. 198—200.

1882  
District Police Court.

City and County of New York, ss:

*Patrick McAleer* 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. *Patrick McAleer*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *35 Munn St. Manhattan*

Question. What is your business or profession?

Answer. *Bay tender*

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 ever faithfully  
Patrick McAleer*

Taken before me this

*11th*  
1892*W. H. M. M. M.*

Police Justice.

0355

DR. G. N. STOCKWELL,  
FIRST SURGICAL DIVISION,  
BELLEVUE HOSPITAL,  
NEW YORK.

DEC. 11, 1897

This is to certify that  
James O'Connor is under treatment  
in this institution and that he  
is physically disqualified to attend  
court.

His injuries seem not to be of a  
serious character.

G. N. Stockwell M.D.  
House Surgeon.

0356

DR. G. N. STOCKWELL,  
FIRST SURGICAL DIVISION,  
BELLEVUE HOSPITAL,  
NEW YORK.

Dec. 5, 1891.

This is to certify that  
Charles O'Connor is under treatment  
in this institution and that he  
is physically disqualified to attend  
court.

His injuries seem not to be of a  
serious character.

G. N. Stockwell M.D.

House Surgeon.



0357

DR. G. N. STOCKWELL,  
FIRST SURGICAL DIVISION,  
BELLEVUE HOSPITAL,  
NEW YORK.

Dec. 7, 1897

This is to certify that Charles  
O'Connor is under treatment in  
this institution for a bullet  
wound of the chest and scalp  
wounds - His condition now  
seems not to be serious.

G. N. Stockwell M.D.  
House Surgeon

0358

CITY AND COUNTY } ss.  
OF NEW YORK.

POLICE COURT, / DISTRICT.

*Daniel J. Callahan*  
 of No. *11* Precinct *100* Street, *100* years,  
 occupation *Police Officer* being duly sworn, deposes and says  
 that on the *30* day of *November* 189*2*  
 at the City of New York, in the County of New York *he arrested*

*Patrick McAleer (now here) for shooting*  
*one Charles O'Connor alias Charles Casadon*  
*and causing said O'Connor such injury that he is*  
*now in the Hospital, and unable to appear in Court.*  
*Said O'Connor in the presence of deponent fully*  
*identified the defendant as the person who inflicted*  
*said injury - deponent prays that the defendant*  
*be held to await the result of said injury*

*Daniel J. Callahan*

Sworn to before me, this  
 of *11* day

189*2*

day)

*M. J. Callahan*  
 Police Justice.

035

Police Court, District.

THE PEOPLE, &c., -  
ON THE COMPLAINT OF

vs.

Patrick M. Allen

AFFIDAVIT

felonious assault

Dated, Dec 1 1892

M. Mahon Magistrate.

Officer.

Witness,

Disposition

Conv without bond  
\$4 Dec 2, 9 am  
5000 bond Dec 6, 2 PM  
bv Dec 12 2 PM  
bv Dec 14 2 PM

0360

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 Twenty 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 14 189 2 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

036

Police Court--

15765  
District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Charles Connor*  
*93<sup>rd</sup> Street*  
*Patricia Walker*

2

3

4

BAILED,

No. 1, by.....

Residence ..... Street.

No. 2, by.....

Residence ..... Street.

No. 3, by.....

Residence ..... Street.

No. 4, by.....

Residence ..... Street.

Dated,

189 2

Magistrate.

Officer.

Precinct.

Witnesses

No. .... Street.

No. .... Street.

No. .... Street.

\$ 5000 to answer. *Yes*

*C*

# 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 Mc Aleer*

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

*Patrick Mc Aleer*

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

The said

*Patrick Mc Aleer*

late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *November* in the year of our Lord one thousand eight hundred and ninety-*two*, with force and arms, at the City and County aforesaid, in and upon the body of one *Charles O'Connor* in the peace of the said People then and there being, feloniously did make an assault and to, at and against the said *Charles O'Connor* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Patrick Mc Aleer* 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 *to kill* the said *Charles O'Connor* 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

*Patrick Mc Aleer*

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

The said

*Patrick Mc Aleer*

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 *Charles O'Connor* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against the said *Charles O'Connor*

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said

*Patrick Mc Aleer*

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.

DE LANCEY NICOLL,

District Attorney.



0363

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McArdle, Simon

**DATE:**

12/19/92



4611



Witnesses:

Off John T. Under

Counsel,

Filed,

1892

day of Dec

Pleas,

THE PEOPLE

vs.

B

Simon Mc Ardle

VIOLATION OF THE EXCISE LAW.  
[Chap. 401, Laws of 1892, § 32.]

Transferred to the Court of Sessions for trial and final disposal

Part 6... 1892

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Herman Delia

Foreman.

0364

0365

**Court of General Sessions of the Peace**

2067

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Simon Mc Ardle*

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

*Simon Mc Ardle*

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

*Simon Mc Ardle,*

late of the City of New York, in the County of New York aforesaid, on the *13<sup>th</sup>* day of *November* in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, 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

*John F. Timber*

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of New York and their dignity.

SECOND COUNT—

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

*Simon Mc Ardle*

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Simon Mc Ardle,*

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, 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 offer and expose for sale to one

*John F. Timber*

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*

0366

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McCaffery, John

**DATE:**

12/16/92



4611

0367

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Kelly, Patrick

**DATE:**

12/16/92



4611

Witnesses:

*Erwin Miesel*

*Off Joseph Sullivan*

*I recommend the discharge of  
def't Patrick Kelly on his  
own recognizance.*

*Tany 3/93*

*Adm*

Counsel,

Filed

1892

Pleaded

THE PEOPLE

vs.

*John McCaffery*

and

*Patrick Kelly*

DE LANCEY NICOLL,

District Attorney.

*1st Free-day on Jan 7 1893*

*Not-Auth. Procs*

A TRUE BILL.

*Wm. Delaney*

Foreman.

*Dec 19/92*

*Pleaded Pardon*

*W. Delaney, discharged on his own*

*recog.*

*RB M*

*Burglary in the Third Degree, [Section 485, sub 6, sec. 17552.]*

0369

Police Court—5 District.City and County } ss.:  
of New York,of No. 123 W. 129<sup>th</sup> Street, aged 32 years,occupation Dry goods dealer being duly sworndeposes and says, that the premises No. 219 Manhattan Street, 12 Wardin the City and County aforesaid the said being a five story brickbuilding and which was occupied by deponent as a Dry goods store~~and in which there was at the time a human being, by name~~

were **BURGLARIOUSLY** entered by means of forcibly entering the  
water closet shaft in the first floor then  
letting themselves down to the closet in the store  
floor breaking the seat and entering said store  
with the intent to commit a crime.  
 on the 27 day of November 1892 in the night time, and the  
 following property feloniously taken, stolen, and carried away, viz:

A quantity of plated jewelry fine  
hairs of kid gloves all of the value  
of thirty five dollars.

the property of Leeprunk

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

John W. Caffrey, Patrick Kelly (both are here)  
and Dennis Macclure and Maurice O'Connor (not yet arrested)

for the reasons following, to wit: that at the hour of 11 o'clock  
PM Nov 26<sup>th</sup> deponent securely locked the doors  
of said store and closed the store for the night  
leaving said property therein and on  
Monday morning Nov 28<sup>th</sup> deponent discovered  
that said store had been entered as aforesaid  
and said property taken therefrom and thereafter  
the deponent John W. Caffrey admitted and  
conferred to deponent and Detective Joseph Sullivan

0370

Mr. Coffey  
that he, Dennis Madue and Maurice  
Obanner had entered said place and had  
stolen said property and had given a  
portion of the stolen property to the defendant  
Patrick Kelly and the defendant John  
Mr. Coffey and others returned a portion  
of said stolen property to defendant  
defendant therefore charges these defendants -  
and the said Dennis Madue and  
Maurice Obanner with burglariously entering  
said store and stealing said property  
therefrom.

Served before me }  
this 12<sup>th</sup> day of Dec 1892 } Edward M. McClellan

John H. B. B. B. B.  
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 of the City of New York, until he give such bail.  
Dated \_\_\_\_\_ 188\_\_\_\_  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated \_\_\_\_\_ 188\_\_\_\_  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated \_\_\_\_\_ 188\_\_\_\_  
Police Justice.

Police Court, \_\_\_\_\_ District.

THE PEOPLE, &c.,  
on the complaint of

vs.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Offence—BURGLARY.

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

Magistrate.

Officer.

Clerk.

Witness.

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

§ \_\_\_\_\_ to answer General Sessions.



0371

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of *February* 189*4*

*John Mc Caffrey*

Police Justice.

0372

Sec. 198—200.

5

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } SS:

*Patrick 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 sees 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.

*I Am Not Guilty,*  
*Patrick Kelly*  
*inmate*

Taken before me this

day of

189

Police Justice.

0373

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~~<sup>he</sup> be held to answer the same, and ~~he~~<sup>he</sup> 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~~<sup>he</sup> give such bail.

Dated, *Dec 12* 189*2* *John B. Moorhead* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0374

Police Court---

5

District.

1562  
1334

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Edwin W. Irish  
123 W. 124

1 Patrick Kelly

2 John M. Caffrey

3

4

Offense  
Drunken

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated,

December 12 1892

Virginia

Magistrate.

Sullivan

Officer.

30

Precinct.

Witness

Joseph Sullivan

No.

20 West 10th Street.

Thomas F. Moore

No.

108 E. 2nd Street.

James Kelly

No.

1347 Amsterdam St.

\$ 1000 to answer

Signature  
3  
90+

0375

Court of  
General Sessions

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 28D STREET,

New York, N.Y. Dec 12<sup>th</sup> 1892

The People  
vs.  
John M. Caffrey

CASE NO. 1892  
DATE OF ARREST Dec 4<sup>th</sup>  
CHARGE Burglary

AGE OF CHILD Ten years  
RELIGION Catholic  
FATHER John M. Caffrey

MOTHER Catherine  
RESIDENCE 19 Macbeth St. N.Y.

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

May 27<sup>th</sup> 1892 Boy was arrested  
by Officer Black of Harlem Police Court  
for assaulting Edward Connolly aged  
11 years of 561 W. 130<sup>th</sup> St. discharging  
his gun. Justice - Discharged by

Sept 11<sup>th</sup> 1892 Boy was arrested  
by Officer Finnegan of 24<sup>th</sup> Precinct  
for Intercourse. Was discharged by Justice, Made

Jan 2<sup>nd</sup> 1893 Boy was arrested  
by Officer McDonald of 26<sup>th</sup> Precinct for  
Intercourse. Discharged by Justice

Parents are decent, employed  
and have a good name  
Home

All which is respectfully submitted,

To

*Court of  
General Sessions*

*Edw. D. ...*

*John W. ...*

PENAL CODE, "

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. CERRY,  
*President, &c.,*

100 East 23d Street,  
NEW YORK CITY.

0376

0377

Court of  
General Sessions

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23D STREET,

New York, Dec 13 1897.

The People  
vs  
Patrick Miller

CASE NO. 4095 OFFICER J. J. Miller  
DATE OF ARREST Dec 11/97  
CHARGE Brawl

AGE OF CHILD 10  
RELIGION Catholic  
FATHER

MOTHER

RESIDENCE 227 Amsterdam Ave

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

According to the  
record of his case - having  
been arrested before  
by does not work or attend  
school. The father is a  
working decent appearing man  
and bears a good name. The  
mother is of intemperate habits  
and very quarrelsome. Home  
clean but poorly furnished.

All which is respectfully submitted,

J. J.



*Board of  
Governors, New York*

*John D. ...*

*John D. ...*

PENAL CODE, N.Y.

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. CERRY,  
*President, &c.,*  
100 East 23d Street,  
NEW YORK CITY.

0378

**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 Mc Caffery*  
*and*  
*Patrick Kelly*

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

*John Mc Caffery and Patrick Kelly*

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

The said

*John Mc Caffery and*  
*Patrick Kelly, both*

late of the *15<sup>th</sup>* Ward of the City of New York, in the County of New York aforesaid, on the  
*27<sup>th</sup>* day of *November* in the year of our Lord one  
thousand eight hundred and ninety-*two* in the *right* time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the *Store* of  
one *Edwin Musel*

there situate, 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 *Edwin*  
*Musel* 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.

0380

SECOND COUNT—

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

*John McCaffery and Patrick Kelly*

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

The said

*John McCaffery and Patrick Kelly, both*

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 *night* time of said day, with force and arms,

*five pairs of gloves of the value  
of one dollar and fifty cents  
each pair, ~~ten~~ fifty rings of the  
value of fifty cents each, ten chains  
of the value of fifty cents each,  
and divers other goods, chattels  
and personal properties (among  
particular description whereof  
is to the Grand Jury aforesaid  
unknown, of the value of  
twenty dollars*

of the goods, chattels and personal property of one

*Edwin Misel*

in the

*store*

of the said

*Edwin Misel*

there situate, then and there being found, in the *store*  
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.

## THIRD COUNT:

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

*Patrick Kelly*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

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

*the same goods, chattels and  
personal property described  
in the second count of this  
indictment*

of the goods, chattels and personal property of

*Edwin Misel*  
*by John Mc Caffery and*  
*other*  
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said *Edwin Misel*

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

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

DE LANCEY NICOLL,

*District Attorney.*

0382

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McDonald, Matthew

**DATE:**

12/13/92



4611

Witnesses:

Antoni J. Jorgani

By Peter D. Carter

H. B. B. B. B.

Counsel,

Filed

Pleads

13 Dec 1892

THE PEOPLE

vs.

Matthew McDonald

Robbery, (Sections 224 and 225, Penal Code.) Degree.

DE LANCEY NICOLL,

District Attorney.

see 19th - 1st, 2

A TRUE BILL.

William DeLancey

Sub 2 - Dec 19, 1892 Foreman.

Reads G. L. 2 & Degree

Ed. H. G. G.

0303

0384

Police Court— / <sup>St</sup>/<sub>1</sub> District.CITY AND COUNTY } ss  
OF NEW YORK,

Natonio Toigari

of No. 98 Oliver

Street, Aged 40 Years

Occupation Peddler

being duly sworn, deposes and says, that on the

Second day of December 1888 at the 4<sup>th</sup> Ward of the City of New York,  
in the County of New York, was feloniously taken, stolen, and carried away from the person of de-  
ponent by force and violence, without his consent and against his will, the following property, viz:

Gold and lawful money of  
the United States consisting of  
Silver and gold coins together of the  
name of Three Dollars

of the value of Three Dollars DOLLARS,

the property of Dependent

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

Arthur W. Howard (maunder) and  
other persons who are unknown to  
him and who are as yet not arrested  
and who were in act of going in concert for  
the reasons aforesaid to wit: About  
the hour of eleven p.m. on the night  
of the aforesaid day deponent was in  
New Chambers Street and said property  
in the side pocket of the vest he had  
on and said defendant and said unknown  
persons who are as yet not arrested  
took hold of deponent and pressed him  
down on the ground and held him

Dependent  
1888

Michael T. M. M.



0385

while said defendant took said money  
from the said pocket and all ran away  
together and defendant caused said defen-  
dant to be arrested and charges him  
with acting in concert with said other  
unnamed persons who are as yet not  
arrested and with the robbery of the said  
and defendant further says he fully identifies  
said defendant as the person who  
took said property from his pocket

Spoken before me 189 } Notary Public  
this 30 day of December } Tongari  
Wm. M. M. }  
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 188  
Police Justice.

I have admitted the above named  
to bail to answer by the undertaking hereinafter named.  
Dated 188  
Police Justice.

There being no sufficient cause to believe the within named  
guilty of the offense within mentioned, I order he to be discharged.  
Dated 188  
Police Justice.

Police Court, District.

THE PEOPLE, &c.,  
on the complaint of

vs.

1  
2  
3  
4

Offence—ROBBERY.

Date 188

Magistrate.

Officer.

Clerk.

Witnesses,  
No. Street,  
No. Street,  
No. Street,  
to answer General Sessions.

0386

Sec. 198-200.

1882  
District Police Court.

City and County of New York, ss:

*Matthew McDonald* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to a 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.

*I am not guilty.*  
*Matthew McDonald*

Taken before me this

03 d

Police Justice.

0387

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 \_\_\_\_\_  
\_\_\_\_\_ 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, \_\_\_\_\_ 189 \_\_\_\_\_  
\_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_  
\_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_  
\_\_\_\_\_ Police Justice.

038

Born Nov 15. 1876

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court---

1521  
1334  
District.

THE PEOPLE, &c.,  
vs. THE COMPLAINT OF

*Matthew Stanger*  
*vs. 98 Oliver*  
*Matthew 240 Road*  
*Offense 24*

Dated, *Dec 3d* 189*2*

*W. C. M. M. M.* Magistrate.  
*Peter W. Carter* Officer.

Witnesses *off Ring 4*  
No. \_\_\_\_\_ Street.

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

No. \_\_\_\_\_ Street.  
\$ *1000* to answer *Dec 3d*

0389

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Matthew McDonald*

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

*Matthew McDonald*

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

The said *Matthew McDonald*,

late of the City of New York, in the County of New York aforesaid, on the *second* day of *December*, in the year of our Lord one thousand eight hundred and ninety-*two*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Antonie Trigari*, in the peace of the said People then and there being, feloniously did make an assault; and

*divers coins of the United States of America, of a number, kind and denomination to the Grand Jury aforesaid unknown of the value of three dollars.*

of the goods, chattels and personal property of the said *Antonie Trigari* from the person of the said *Antonie Trigari*, against the will and by violence to the person of the said *Antonie Trigari*, then and there violently and feloniously did rob, steal, take and carry away, the said

*Matthew McDonald* being then and there aided by an accomplice, a knowing person, whose name is to the Grand Jury aforesaid as yet unknown.

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.

*Edmund M. M. M.*  
*District Attorney*

0390

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McDonnell, John

**DATE:**

12/22/92



4611



0391

Witnesses:

*Off Charles J. Felt*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Counsel,

Filed, *22<sup>nd</sup>* day of *Dec* 189*2*

Pleads,

THE PEOPLE

vs.

*B*

*John Mc Cormick*

*F*

DE LANCEY NICOLL

District Attorney.

*F. March 30/93*  
A TRUE BILL.

*St. Lawrence Deane*

Foreman.

VIOLATION OF THE EXCISE LAW.  
(Illegal Sales without license)  
[Chap. 401, Laws of 1892, § 31.]



0392

Excise Violation-Selling Without License.

POLICE COURT-

DISTRICT.

City and County } ss.  
of New York,

of No. the 14<sup>th</sup> Avenue Charles G. Fichtel Street,  
 of the City of New York, being duly sworn, deposes and says, that on the 17 day  
 of December 1892, in the City of New York, in the County of New York, at  
 No. 334 3<sup>rd</sup> Avenue Street,  
John Mc Donald (now here)

did then and ~~THERE~~ SELL, CAUSE, suffer and permit to be sold, under his direction and authority,  
 strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than  
 five gallons at a time, to be drunk in the house or premises aforesaid WITHOUT HAVING A  
 PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made  
 and provided deponent purchased a Glass

of Beer for which he paid the sum  
of Five Cents

WHEREFORE, deponent prays that said McDonald  
 may be arrested and dealt with according to law.

Sworn to before me, this 18 day  
 of Dec 1892

Charles G. Fichtel  
Charles K. Lanier Police Justice.

0393

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer. *John McDonald*

Question. How old are you?

Answer. *62 Years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *33 D 3 Avenue. 13 Years.*

Question. What is your business or profession?

Answer. *Restaurant.*

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  
and demand a trial by jury.  
John McDonald*

Taken before me this

day of

1911

*Charles W. Smith*

Police Justice.

0394

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

Dated, May 15 189 2 Charles V. Linton Police Justice.

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

Dated, May 16 189 2 Charles V. Linton Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

039

SELLING-WITHOUT-LICENCE

1584  
1894

Police Court---

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Charles G. Fichtel*

*John McDonald*

2

3

4

Offense

BAILED,

No. 1, by *Hugh Quinn*

Residence *124 E 50* Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, *June 18* 189*2*

*Samuel* Magistrate.

*Fichtel* Officer.

*18* Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ *100* to answer *G.S.*

*Samuel*

0396

DR. C. E. CAMPBELL,  
NO. 314 EAST 18TH STREET,  
NEW YORK.

OFFICE HOURS: { 9 TO 10 A. M.  
5 TO 7 P. M.  
SUNDAY FROM 12 TO 1.

NEW YORK,

Jan 9

1893

This is to certify that Mr  
John M. Donald is under  
my professional care suffering  
from paralysis, and for the  
past three weeks has been  
unable to leave his bed.

C. E. Campbell  
314 East 18th Street  
N. Y. C.

0397

DR. C. E. CAMPBELL,  
NO. 314 EAST 18TH STREET,  
NEW YORK.

OFFICE HOURS: { 9 TO 10 A. M.  
                  { 5 TO 7 P. M.  
                  { SUNDAY FROM 12 TO 1.

NEW YORK *Jan 17<sup>th</sup>* 1893

This is to certify that Mr  
John McDonald of 334, 3<sup>rd</sup> Ave  
has been under my professional  
care for the past three weeks  
suffering from a stroke of  
Paralysis, and for the past  
three weeks has not been able  
to leave his bed

Respectfully  
C. E. Campbell M.D.  
314 East 18<sup>th</sup> Street



**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 Mc Donnell*

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

*John Mc Donnell*

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINE, ALE AND BEER, IN QUANTITIES LESS THAN FIVE GALLONS AT A TIME, WITHOUT HAVING A LICENSE THEREFOR, committed as follows:

The said

*John Mc Donnell*

late of the City of New York, in the County of New York aforesaid, on the *14<sup>th</sup>* day of *December* in the year of our Lord one thousand eight hundred and ninety-*two*—, 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, in quantities less than five gallons at a time, to

certain *other* persons whose names are to the Grand Jury aforesaid unknown, without having a license granted to him in pursuance of any law of this State permitting him to sell either strong or spirituous liquors, wines, ale or beer, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

DE LANCEY NICOLL,

*District Attorney.*



0399

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McGinn, Edward

**DATE:**

12/02/92



4611

Witnesses:

Offe Beeley 20th

Counsel,

Filed, 22 day of Dec 1892

Pleas,

Guilty Jan 3/93

THE PEOPLE

vs.

B

Edward Mc Linn

Transferred to the Court of Special Sessions for trial and final disposition

Part 2. N.Y. L. .... 1893

VIOLATION OF THE EXCISE LAW.  
[Chap. 401, Laws of 1892, § 32.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Farrell

Foreman.

0401

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Edward Mc Guin*

The Grand Jury of the City and County of New York, by this indictment, accuse  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND  
BEER ON SUNDAY, committed as follows:

The said

*Edward Mc Guin*

late of the City of New York, in the County of New York aforesaid, on the  
day of *October* *16<sup>th</sup>* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, the same being Sunday, certain strong  
and spirituous liquors, wines, 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 spiritu-  
ous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

and to certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, against  
the form of the statute in such case made and provided, and against the peace of the People of  
New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,  
WINES, ALE AND BEER, committed as follows:

The said

*Edward Mc Guin*

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the  
same being Sunday, certain strong and spirituous liquors, wines, 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 offer and  
expose for sale to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the  
form of the statute in such case made and provided, and against the peace of the People of the State  
of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0402

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McKenny, William

**DATE:**

12/09/92



4611

Witnesses:

A.C.D. Thompson

15/ Counsel,  
Filed day of Dec 1892  
Pleads, Monthly 12

THE PEOPLE

48 vs.  
318 N. 36  
Jan 1892

Forgery in the Second Degree.  
[Sections 611 and 621, Penal Code.]

William H. McHenry

DE LANCEY NICOLL,  
District Attorney.

2292  
A TRUE BILL.

Herman Delmar

Foreman.  
Jury Jan 1893  
Ready, Gregory 2nd Degree  
S.P. 1893  
49586 mo, P.B. 1893

0403

0404

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 35 years, occupation Signature of No. 5

5394041 Wenne Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of William L. Kemp  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this

day of

1896

Eugene A. Roby

John Ryan

Police Justice.



0405

Police Court, 2<sup>nd</sup> District.

City and County of New York, ss.

of No. 756 Fifth Avenue, Street, aged 42 years,  
 occupation 38<sup>th</sup> occupation, being duly sworn, deposes and says,  
 that on the 30<sup>th</sup> day of November, 1892, at the City of New  
 York, in the County of New York, William B. Kemp

now live, who did make for and  
 utter a false and fraudulent  
 instrument in writing purporting to be  
 a check on the Madison Square  
 Bank No 23 West 23<sup>rd</sup> Street made  
 payable to the order of William McKenna  
 for twenty five dollars signed William  
 B. Kemp in violation of Section 539  
 of the Penal Code of the State of New York  
 with intent to defraud  
 for the reasons following to wit:  
 that defendant is informed by Eugene  
 A. Robery No 539 and 541 Sixth  
 Avenue that on said date the  
 defendant came to said Robery  
 and presented the annexed check  
 in payment of an account of a bill  
 of \$23.00 and defendant stated that the  
 defendant gave him said check in payment  
 for his defendant's wages as janitor and said  
 Robery believing said representations made  
 difference of said bill twenty three dollars  
 defendant further says that he never authorized  
 the defendant or any other person to sign his name  
 to the annexed or any other check and that  
 defendant did not pay the defendant in said  
 check and that the signature of W.B. Kemp  
 signed to said check is a forgery as defendant  
 swears to before me this 3<sup>rd</sup> day of Dec 1892 John Ryan  
 Justice of the Peace



0406

McCLAIN, SIMPSON & CO.,

Furniture,

CHIPPENDALE, SEWING, ETC.

539 & 541 Eighth Avenue,

N. W. corner 37th Street.

New York, Nov. 30 189

Received of

W. H. Kenney

Two

100 Dollars,

To apply on Lease.

McCLAIN, SIMPSON & CO.,

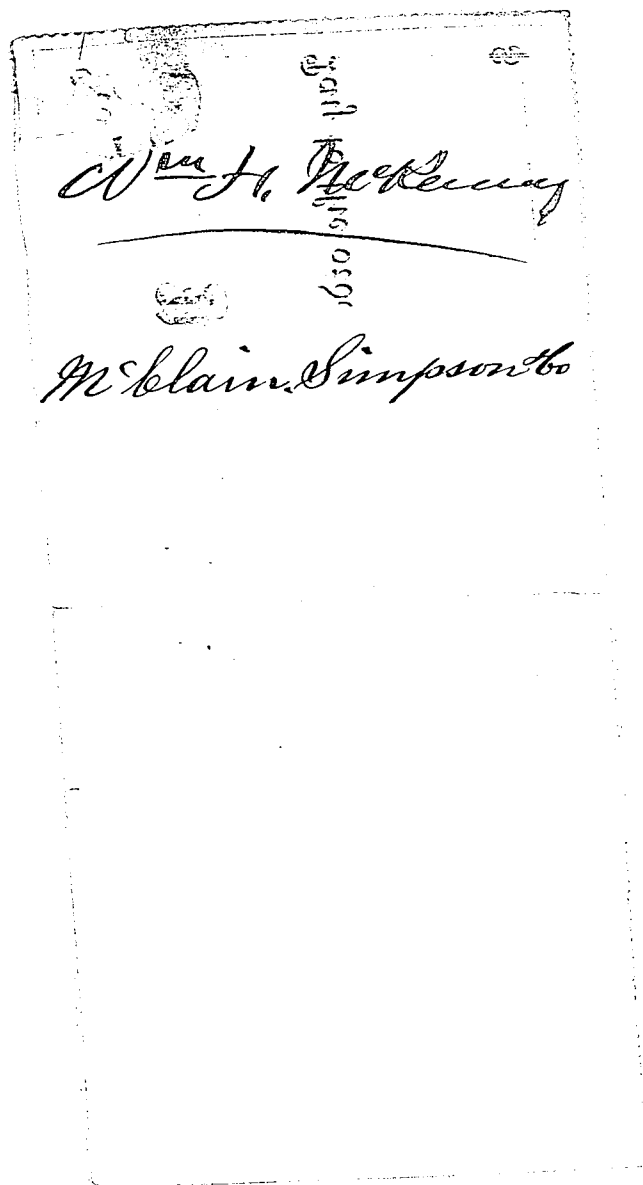
Per H. F. H.

\$ 2 <sup>00</sup>/<sub>100</sub>

0407

No. 1866 New York, Nov. 29<sup>th</sup> 1892  
*Wm. McKim* **Madison Square Bank**  
23 WEST 23d STREET  
Pay to the order of William McKim  
Twenty-five Dollars  
\$ 25.00 J. C. Kimball

0400



0409

Sec. 108—200.

2  
District Police Court.

City and County of New York ss:

*William F. McKeeney*  
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 a 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.

*I am guilty I presented the check and received the money*

*William F. McKeeney*

Taken before me

*John F. [Signature]*  
189

Police Justice.

0410

CITY AND COUNTY } ss:  
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

1900

William F. Delana  
of No. 205 Greer Street, aged 29 years,  
occupation Police Officer being duly sworn, deposes and says,  
that on the 1st day of December 1899  
at the City of New York, in the County of New York, Dependant arrested

Sworn to before me, this

of

1899

day

*John H. Ryan*  
Police Justice.

William H. McKernan (now deceased)  
charged with the crime of Forgery  
upon complaint of William C. Kemp  
in forging the name of said Kemp to  
a check for the sum of twenty five  
dollars paid to said defendant by a  
man named Robie whofore dependant  
trays that said defendant may be  
held for examination in order to enable  
dependant to procure sufficient evidence  
William F. Delana

041

Police Court, 1152 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Wm O Delaney

Wm H McKeen

AFFIDAVIT.

Dated, Dec 4 1894

Thy Magistrate.

Officer.

Witness, \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Disposition, 1000 Ex Dec 6 - 10am

\_\_\_\_\_

\_\_\_\_\_



04 12

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

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

Dated, July 2 189

John Ryan Police Justice.

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

Dated, \_\_\_\_\_ 189

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

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

Dated, \_\_\_\_\_ 189

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



0413

1530

Police Court---

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*William C. Kemp*  
*William C. Kemp*  
*736 5 Ave*

2

3

4

Offense

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated,

189

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

*Cashier Madison Bay Bank*

No.

Street.

No.

Street.

\$

to answer

*E. Copeland*

*163 W. 29*

04 14

518

# 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 H. Mc Kenney*

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

*William H. Mc Kenney*  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

*William H. Mc Kenney*

late of the City of New York, in the County of New York aforesaid, on the *30<sup>th</sup>* day of *November* in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with intent to defraud, feloniously did forge a certain instrument and writing, which said forged instrument and writing is as follows, that is to say:

*No 1866 New York, Nov 29<sup>th</sup> 1892*

*Madison Square Bank*  
*23 West 23d Street*

*Pay to the order of William Mc Kenney*

*Twenty-five ————— Dollars*

*\$25.00*  
*100*

*W. C. Kemp*

*7*

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

*William N. Mc Kenney*

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

The said *William N. Mc 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 intent to defraud, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, which said forged instrument and writing is as follows, that is to say:

*No. 1866*

*New York, Nov. 29th, 1892*

*Madison Square Bank*  
*23 West 23d Street*

*Pay to the order of William Mc Kenney*  
*Twenty five ——— Dollars*

*\$25.00*

*W. C. Kemp*

the said

*William N. Mc Kenney*

then and there well knowing the same to be forged, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*

04 16

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McLean, James

**DATE:**

12/06/92



4611

0417

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

Gunn, William

**DATE:**

12/06/92



4611

04 18

Witnesses:

Julia Darrins

Off Ryase  
y<sup>th</sup> Preet

From an examination  
made by me in  
this case I am  
satisfied the People  
could not. Carry up  
the Indictment. and  
must therefore plead  
the acceptance  
of the Pleas of attempt  
at Burglary in the  
3<sup>d</sup> Deg.

Robt Linn  
May 16<sup>th</sup> 93

Counsel,

Filed

Pleas,

day of Dec 1892

THE PEOPLE

30  
262 Moun  
Laborer vs.

James C. McLean

25 Moun  
Laborer and

William Gunn

degree.  
Burglary in the  
[Section 496, Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Harmon DeWitt

Foreman.

Part 3. January 16/93  
Batts plead Attempts at  
Burglary in the 3<sup>d</sup> Deg

for 1 + 2. L.P.

2 yrs + 1 month to each



04 19

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

*Nicholas Ryan*  
aged *32* years, occupation *officer* of No.

*7<sup>th</sup> Avenue* Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of *Julia Dawkins*  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this *1<sup>st</sup>* day of *December* 189*5* *Nicholas Ryan*

*[Signature]* Police Justice.



0420

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 29 years, occupation officer of No. 7 Greenwich Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of William Gunn  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 12 day of December 1897 Andrew Hendry

[Signature] Police Justice.

0421

Police Court— 3 District.

City and County { ss.:  
of New York,

of No. 117 Madison Street, aged 35 years,  
occupation Keep house being duly sworn

deposes and says, that the premises No. 117 Madison Street, 7<sup>th</sup> Ward  
in the City and County aforesaid the said being a dwelling house; a portion  
of the apartments on the first floor of

~~the~~ which was occupied by deponent as a dwelling  
and in which there was at the time a human being, by names Charles Dawkins, deponent  
and five children  
were BURGLARIOUSLY entered by means of forcibly opening the rear  
window leading to said apartments

on the 1<sup>st</sup> day of December 1892 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Wearing apparel; lawful money of the  
United States and other property  
valued about Two hundred dollars

the property of deponent and her husband  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed <sup>was attempted to be</sup> and the aforesaid property taken, stolen and carried away by

James A. McLean and William Gunn (both  
now here) who were in company with each other  
and acting in concert  
for the reasons following, to wit: that deponent securely locked  
and fastened the doors and windows  
leading to said apartments and said  
property was therein and deponent  
and the members of her family retired  
to sleep. Deponent at about one a.m.  
was awakened by a noise at the  
said window and heard it raised  
and saw the defendant McLean enter

0422

through the window and half of his body was in the room. Deponent made an outcry and heard a voice of another person in the yard. The defendants then escaped by jumping into the adjoining yard. Deponent is informed by Andrew Hendry (now here) that he arrested McLean in the adjoining yard and is further informed by Nicholas Ryan (now here) that he saw a man come from the house 35 Market Street, which adjoins deponent's residence, and saw the man run and he pursued him through various street and into Madison Street where he lost sight of him but was informed by a man that the pursued man ran into a building on Madison Street where he found said Gunn in a water closet.

Sworn to before me Julia X Dawkins  
this 1<sup>st</sup> of December, 1892  
A. J. Farn

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  
of the City of New York, until he give such bail.  
Dated 1892  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1892  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated 1892  
Police Justice

Police Court, District.

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

vs.

1  
2  
3  
4

Dated

1892

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

to answer General Sessions.

0423

Sec. 198-200.

CITY AND COUNTY } ss:  
OF NEW YORK,

3 District Police Court.

*James A. McLean* 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 sees 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 McLean*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *362 Cherry St. 3 months*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty*

*J.A. McLean*  
+H

Taken before me this 1<sup>st</sup> day of December 1892

Police Justice.

0424

Sec. 198-200.

3d

District Police Court.

CITY AND COUNTY } ss:  
OF NEW YORK, }*William Gunn*

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 sees 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 Gunn*

Question. How old are you?

Answer.

*25 years*

Question. Where were you born?

Answer

*New York*

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

Answer.

*37 Monroe St. 3 months*

Question. What is your business or profession?

Answer.

*Plumber*

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

Answer.

*I am not guilty  
William Gunn*

Taken before me this 1st  
day of December 1897

Police Justice.

0425

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

*defendants*  
guilty thereof. I order that *they* be held to answer the same and *they* be admitted to bail in the sum of *Twenty* Hundred Dollars, *Each* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until *they* give such bail.  
Dated *Dec 1* 18*92* *[Signature]* Police Justice.

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

Dated.....18..... Police Justice.

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

Dated.....18..... Police Justice.



0428

Police Court---

3

1514

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Julia Dawkins*  
vs. *117 Madison St.*  
*James A. McLean*  
*William Gunn*

Offence *Burglary*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *Dec 1<sup>st</sup>* 18*92*

*Hogan* Magistrate.

*Hendry & Ryan* Officer.

*7* Precinct.

Witnesses *Call officers*

No. .... Street.

No. .... Street.

No. .... Street.

\$ *2000* Each to answer *G.S.*

*Com*

# 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 A. McLean  
and William Flynn*

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

*James A. McLean and William Flynn*

of the CRIME OF BURGLARY in the *first* degree, committed as follows:

The said *James A. McLean and William Flynn, both*

late of the *South* Ward of the City of New York, in the County of New York aforesaid, on the *first* day of *December*, in the year of our Lord one thousand eight hundred and ninety-*two*, in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Charles Dandins,*

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said *Charles Dandins,*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, *the said James A. McLean and William Flynn, and each of them, being then and there assisted by a confederate, actually present, to wit: each by the other, and also by a certain other person whose name is to the Grand Jury aforesaid as yet unknown.*

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.

*Edmund Meall,  
Attorney.*

0428

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McNamara, William

**DATE:**

12/22/92



4611

POOR QUALITY  
ORIGINAL

0429

Witnesses:

- John Fallon  
Warden, City Prison.  
Documentary evidence.  
Original writ of habeas corpus  
in People ex rel. Kyle v. Warden  
2. original return in same  
proceeding.  
3. original commitment in  
People v. Kyle  
4. copy of same commitment  
(attached to above return)

(501)

Counsel

Filed

day of

1892

Plead

THE PEOPLE

vs.

William Mc Namara

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Hermann Delush,

Foreman.

Per 3 March 16/94

Indictment dismissed

Sec 380

Charles J. Fallon

306

B.V. Dec. 22/92

1413

Judge Lynn

20 day of Dec 1892

Plead Not guilty 23

Officer suffering escape.  
Section 80, Penal Code.

For the reasons of  
presented in the report  
submitted hereto, I re-  
spectfully suggest that the  
indictment against the defendant  
be dismissed.

Wm. Mc Namara  
Appointed  
J. P. Fallon  
Dist. Atty.

POOR QUALITY  
ORIGINAL

0430

Witnesses:

(501)

John Fallon  
Warden, City Prison  
Deputy Warden  
Original return in a  
proceeding.  
Original return in a  
proceeding.  
Original return in a  
proceeding.  
Original return in a  
proceeding.

Counsel

Filed 22 day of 189

Plead

THE PEOPLE

vs.

William Mc Namara

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Hermann Delich,

Foreman.

Per March 7, 1897

Indictment dismissed

For the reasons of  
presented in the report  
submitted hereto, I  
respectfully suggest that the  
indictment against the defend-  
ant be dismissed.  
Wm. H. Mc Namara  
John H. Mc Namara  
Appended  
J. H. Mc Namara  
District Atty.

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

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

Against

William McNamara  
-----X

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment accuse William McNamara of the  
crime of allowing a prisoner lawfully in his custody in  
a criminal proceeding to escape and go at large, com -  
mitted as follows:

Heretofore, to wit: on the seventeenth day of November  
in the year of our Lord one thousand eight hundred and  
ninety-two, at the City of New York in the County of New  
York aforesaid, Thomas F. Grady, Esquire, then and yet  
being one of the Police Justices of the said City of  
New York, duly and lawfully authorized and qualified to  
discharge and perform the duties of that office, did  
duly make out and sign with his name of office a com-  
mitment in due form of law, bearing date the day and  
year aforesaid directed to the Warden and Keeper of the  
City Prison of the City of New York, whereby the said  
Warden and Keeper was required and commanded to receive  
into his custody one Richard D. Kyle in the said com-  
mitment named and described as Richard Kyle (an order



(2)

been on the day and in the year aforesaid, at the City and County aforesaid, made by the said Thomas F. Grady, Esquire, Police Justice as aforesaid, that the said Richard D. Kyle, by the name and description of Richard D. Kyle, be held to answer to the Court of General Sessions of the Peace of the said City and County of New York upon a charge of larceny of property valued at three hundred and sixty-five dollars on the oath and complaint of Sigemund Wachsmann, committed by the said Richard D. Kyle in the said City and County on the twenty-ninth day of October in the year aforesaid) and detain him until he was legally discharged, which said commitment is as follows, that is to say:

" I District Police Court.

City and County of New York, SS:

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

To the Warden and Keeper of the City Prison of the City of New York:

An order having been this day made by me that Richard Kyle be held to answer to the Court of General Sessions in said City and County, upon a charge of Larceny of property valued at Three hundred and sixty-five dollars, on the oath and complaint of Sigemund Wachsmann *in the City and County of New York on the 29<sup>th</sup> day of October 1892, you are commanded to receive said Richard Kyle committed by said Richard Kyle, into your custody, and* detain him until he be legally discharged.

Dated at the City of New York, this 17<sup>th</sup> day of November 1892.

Thomas F. Grady, Police Justice."

(3)

by virtue of which said commitment the said Richard D. Kyle afterwards, to wit: on the same day and year aforesaid, at the City and County aforesaid, was duly conveyed, committed and delivered to the City Prison of the said City of New York, there situate, and to the Warden and Keeper thereof for the cause aforesaid, to wit: for the felony and larceny aforesaid, and the said Richard D. Kyle was then and there lawfully detained and kept a prisoner in the said City Prison under the custody of John Fallon, Esquire, then and at all the times herein mentioned being the Warden and Keeper thereof, under and by virtue of the said commitment for the felony and larceny aforesaid.

And afterwards, to wit: on the fourteenth day of December in the year aforesaid, at the City and County aforesaid, and whilst the said Richard D. Kyle was then yet lawfully detained and kept a prisoner in the said City Prison under and by virtue of the said commitment and under the custody of the said John Fallon, Esquire, Warden and Keeper as aforesaid, a writ of habeas corpus was, in due form of law, granted and allowed by the Honorable George L. Ingraham, one of the Justices of the Supreme Court of the State of New York, and issued out of the said Supreme Court in due form of law and according to the form of the statute in such case made and provided, in the name of the People of the State of New York, directed to the said John Fallon, Esquire, Warden and Keeper as aforesaid, by the description of the Warden of

(4)

the Tombs City Prison, commanding him that he have the body of the said Richard D. Kyle by him imprisoned and detained, as it was said, together with the time and cause of such imprisonment and detention by whatsoever name the said Richard D. Kyle should be called or charged, before the said the Honorable George L. Ingraham, Justice as aforesaid, or one of the justices of the said Supreme Court, at the Court of Oyer and Terminer of the said City and County of New York, at the County Court House in the said City of New York, on the fifteenth day of December in the year aforesaid, at the hour of half-past ten in the morning of the said day, to do and receive what should then and there be considered concerning the said Richard D. Kyle, and that the said Warden and Keeper have then there the said writ, which said writ of habeas corpus is as follows, that is to say:

" The People of the State of New York,

To the Warden of the Tombs City Prison

Greeting:

Hab. Corpus  
To bring up person.  
We Command You, That you have the body of Richard D. Kyle by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name Richard D. Kyle shall be called or charged before me or one of the Justices of this Court at Oyer and Terminer at the County Court House in the City of New York on December

(5)

15, 1892 at 10.30 A.M. to do and receive what shall then and there be considered concerning him, and have you then there this writ.

WITNESS, Honorable George <sup>L.</sup> Ingraham Justice, the 14 day of December one thousand eight hundred and ninety-two.

By the Court

Wm. J. McKenna, Clerk.

Charles E. LeBarbier, Attorney for Petitioner,  
65 Park Row, N.Y. City.

and which said writ of habeas corpus was thereafter and on the said fourteenth day of December in the year aforesaid, duly served upon the said John Fallon, Esquire, Warden and Keeper as aforesaid.

And afterwards, to wit: on the fifteenth day of December in the year aforesaid, at the City and County aforesaid, pursuant to and in accordance with the command of the said writ of habeas corpus, the said John Fallon, Esquire, Warden and Keeper as aforesaid, did duly have the body of the said Richard D. Kyle before the said Court of Oyer and Terminer, that is to say, did duly cause and procure the said Richard D. Kyle to be taken before the said Court of Oyer and Terminer at the County Court House in the said City of New York, at the hour of half-past ten in the morning of the said day, in and under the lawful custody of the said William McNamara who was then and there an officer and person duly qualified and acting as such, and being then and there a duly appointed, qualified and acting officer and Keeper of the said City

(6)

Prison, duly authorized, qualified and appointed by the said John Fallon, Esquire, as such Warden and Keeper aforesaid, to take and produce the said Richard D. Kyle under and pursuant and according to the command of the said writ of habeas corpus; and the said Richard D. Kyle was, on the said fifteenth day of December in the year aforesaid, at the City and County aforesaid, a prisoner under the said Commitment for the felony and larceny aforesaid, in the lawful custody of the said William McNamara such officer and keeper as aforesaid, by virtue of the premises, under and pursuant to the said writ of habeas corpus.

And afterwards, to wit: on the said fifteenth day of December in the year aforesaid, at the City and County <sup>the said Richard D. Kyle being so produced as aforesaid,</sup> aforesaid, the hearing of the said writ of habeas corpus was duly transferred from the said Court of Oyer and Terminer, in due form of law, to the said Supreme Court, then and there to be heard at a special term of the said Supreme Court at Chambers thereof.

And the said hearing having been so duly transferred as aforesaid, and the said John Fallon, Esquire, Warden and Keeper as aforesaid, having duly made his return to the said writ in due form of law, and the said writ having been duly heard at the said Special Term of the Supreme Court at Chambers thereof as aforesaid, the said Richard D. Kyle was, by order of the said Supreme Court duly made at the said Special Term, remanded until Saturday the seventeenth day of December in the year aforesaid then next ensuing, pending the decision of the said writ in the custody of the Sheriff of the said City and County of

(7)

New York.

Whereupon the said Richard D.Kyle having been so remanded as aforesaid, he the said Richard D.Kyle was then and there by virtue of the premises, and pursuant to the said remand and under and by virtue of the said writ of habeas corpus a prisoner lawfully in the custody of the said William McNamara in a criminal proceeding under the said commitment for the felony and larceny aforesaid, he the said William McNamara being such officer and Keeper as aforesaid, and having been so duly appointed, qualified and acting as aforesaid, *and being thereby required to keep the said Richard D.Kyle in his custody for the purposes of the said remand and in accordance with the direction of the said Supreme Court.* And afterwards, to wit: on the said fifteenth day of December in the year aforesaid, at the City and County aforesaid, the said William McNamara being such officer and person as aforesaid, and the said Richard D.Kyle being so lawfully in his custody in the said criminal proceeding, *negligently* unlawfully did allow the said Richard D.Kyle, such prisoner as aforesaid, to escape and go at large; *whereby the said Richard D. Kyle, did then and there escape and go at large;* 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 William McNamara of the same crime, committed as follows: .

Heretofore, to wit: on the seventeenth day of November in the year of our Lord one thousand eight



(8)

hundred and ninety-two, at the City of New York in the County of New York aforesaid, Thomas F. Grady, Esquire, then and yet being one of the Police Justices of the said City of New York, duly and lawfully authorized and qualified to discharge and perform the duties of that office, did duly make out and sign with his name of office a commitment in due form of law, bearing date the day and year aforesaid, directed to the Warden and Keeper of the City Prison of the City of New York, whereby the said Warden and Keeper was required and commanded to receive into his custody one Richard D. Kyle in the said commitment named and described as Richard Kyle (an order having been on the day and in the year aforesaid, at the City and County aforesaid, made by the said Thomas F. Grady, Esquire, Police Justice as aforesaid, that the said Richard D. Kyle, by the name and description of Richard D. Kyle be held to answer to the Court of General Sessions of the Peace of the said City and County of New York upon a charge of larceny of property valued at three hundred and sixty-five dollars on the oath and complaint of Sigismund Wachsman, committed by the said Richard D. Kyle in the said City and County on the twenty-ninth day of October in the year aforesaid) and detain him until he was legally discharged, which said commitment is as follows, that is to say:

(9)

" I District Police Court.

City and County of New York, SS:

In the name of the People of the State of New York,  
To the Warden and Keeper of the City Prison of the  
City of New York:

An order having been this day made by me that  
Richard Kyle be held to answer to the Court of General  
Sessions in said City and County, upon a charge of  
larceny of property valued at Three hundred and sixty-  
five dollars, on the oath and complaint of Sigemund

Wachsman committed by said Richard Kyle *into your in the*  
*City and County of New York on the 29 day of October 1892,*  
*you are now warranted to receive said Richard Kyle into your*  
*custody, and detain him until he be legally discharged.*

Dated, at the City of New York, this 17 day of November  
1892.

Thomas F. Grady, Police Justice. "

by virtue of which said commitment the said Richard D.  
Kyle afterwards, to wit: on the same day and year afore-  
said, at the City and County aforesaid, was duly conveyed,  
committed and delivered to the City Prison of the said  
City of New York there situate and to the Warden and  
Keeper thereof for the cause aforesaid, to wit: for the  
felony and larceny aforesaid, and the said Richard D.  
Kyle was then and there lawfully detained and kept a  
prisoner in the said City Prison under the custody of  
John Fallon, Esquire, then and at all the times herein  
mentioned being the Warden and Keeper thereof, under and  
by virtue of the said commitment for the felony and  
larceny aforesaid.

(10)

And afterwards, to wit: on the fifteenth day of December in the year aforesaid, at the City and County aforesaid, the said Richard D. Kyle, then yet being a prisoner in the said City Prison under and by virtue of the said commitment was lawfully in the custody of the said William McNamara then being an officer and person, to wit: a Keeper in the said City Prison duly appointed, qualified and acting as such.

And the said William McNamara then and there, to wit: on the said fifteenth day of December in the year aforesaid, at the City and County aforesaid, unlawfully <sup>negligently</sup> did allow the said Richard D. Kyle so being a prisoner lawfully in his custody as aforesaid, to escape and go <sup>whereby the said Richard D. Kyle did then and there escape and go at large</sup> at large against the form of the statute in such case made and provided and against the peace of the People of the State of New York, and their dignity.

DE LANCEY NICOLL,

District Attorney.

PEOPLE OF THE STATE OF NEW YORK,  
against  
WILLIAM Mc NAMARA.

I am of the opinion that no conviction can be had in this case under the present indictment.

The defendant was indicted by the Grand Jury as an officer suffering an escape, under Section 89 of the Penal Code. The facts disclosed by the indictment are as follows:

On the 17th day of November 1892, at the City of New York, Judge Thomas F. Grady, one of the Police Justices of said City, in due form of law directed that the Warden and Keeper of the City Prison of the City of New York, take and receive into his custody one Richard D. Kyle and by him be held to answer to the Court of General Sessions of the Peace upon a charge of larceny. That the said Warden did receive said Kyle and lawfully detained and kept him a prisoner in the said City Prison under a commitment issued by Justice Grady.

That thereafter, to wit, on the 14th day of December 1892, at the City and County aforesaid and whilst the said Richard D. Kyle was then lawfully detained and kept a prisoner in the said City Prison, under and by virtue of the said commitment made by Judge Grady, a writ of habeas corpus was in due form of law granted and allowed by Mr. Justice Ingraham of the Supreme Court,

--2--

directed to John Fallen, Esq., Warden and Keeper of said City Prison, commanding him to have the body of the said Richard D. Kyle, by him imprisoned and detained, together with the time and cause of said imprisonment and detention by whatsoever the said Richard D. Kyle should be called or charged, before George L. Ingraham a Justice of the Supreme Court, at the Court of Oyer & Terminer of the City and County of New York, on the 15th day of December in the year 1892, at the hour of half past Ten in the morning of the said day, to do and receive what should then and there be considered concerning the said Richard D. Kyle, and that the said Warden and Keeper have then and there the said writ. That in obedience to the writ aforesaid, the said John W. Fallen, Warden and Keeper of the said City Prison, placed the said Richard D. Kyle in the care and custody of the defendant described in this indictment, for the purpose of producing the body of said Kyle in the Court of Oyer & Terminer and before Mr. Justice Ingraham.

That in pursuance of the said writ of habeas corpus, the said William Mc Namara who was then an officer connected with the department of Charities and Correction in the City of New York and acting as such and being then and there the duly appointed, qualified and acting officer and keeper of the said City Prison, produced the body of said Richard D. Kyle in the Court of Oyer & Terminer and afterwards by direction of the Court of Oyer & Terminer, took the said Richard D. Kyle

--3--

to the Chambers of the Supreme Court on the 15th day of December in the year aforesaid.

That argument was had before the Supreme Court and a decision upon the habeas corpus aforesaid was reserved by Mr. Justice Ingraham; that pending the decision to be made upon the writ of habeas corpus issued out of the Supreme Court, Justice Ingraham remanded the prisoner by an order of the Special Term of the Supreme Court, until Saturday the 17th day of December, 1892, and pending the decision of the said writ, he directed that the said Richard D. Kyle be placed in the custody of the Sheriff of the City and County of New York. *I do not understand why the Court made this order, it was a complete deference from the prisoner's practice.*

That afterwards, the defendant William Mc-Namara proceeded to take the said Kyle back to the place from whence he came, and it seems from the indictment, while on his way back to the City Prison he stopped in a drinking saloon at the request of the said Kyle, for the purpose of affording him an opportunity to procure bail; that after having entered the drinking saloon referred to, the defendant and Kyle went into the law office of one J. Oliver King, and it was while in that office that Kyle escaped from the custody of the defendant Mc Namara. The defendant afterwards was indicted by the Grand Jury of this County for suffering the escape just referred to.

Section 385 of the Consolidation Act provides, that the Commissioners of Charities and Correction shall



--4--

have no power over the County and Sheriff's jail. There is nothing in the indictment, nor is there any evidence in this case tending to show that the defendant Mc Namara, was an attache at any time of the Sheriff of this County.

Section 89 of the Penal Code says, that a Sheriff or other officer, who allows a prisoner lawfully in his custody to escape, is guilty in some instances of a felony and in others of a misdemeanor. It will be observed from reading this section, that to charge a person with an escape, it must affirmatively appear that the person escaping was lawfully in charge of the one from whom he escaped. The indictment in this case shows that when the prisoner left the City Prison in the custody of the defendant McNamara, under and by virtue of the writ of habeas corpus described hereinbefore, he was then lawfully in the charge of the defendant; but upon reaching the Supreme Court and after argument was had on the writ of habeas corpus and pending a decision thereon, Mr. Justice Ingraham made a Special Term order directing that the body of the prisoner Richard D. Kyle, be placed in the care and custody and keeping of the Sheriff of the City and County of New York. It would therefore follow, in my opinion, that Mc Namara's duty in the premises ceased when he produced the body of Kyle in the Court in obedience to the writ referred to, and upon entry of the order of the Special Term directing that the prisoner Kyle be remanded to the custody of the

--5--

he (McNamara) was Director of lawful custody of Kyle Sheriff of the City and County of New York. After Kyle left the Court House in the keeping of McNamara and during the time that the escape occurred, it ~~would~~ follow <sup>therefore</sup> ~~seem~~ that he, Kyle, was not in lawful custody of McNamara. McNamara had not any more right to the custody of Kyle at that time than a total stranger to the whole proceeding would have had. To convict him of the offence of suffering an escape, it would be necessary to show positively and affirmatively that Kyle was in lawful custody of the defendant. Upon a trial of the issues of this indictment, the People would be unable to establish that fact.

The Warden and keepers of the City Prison have no jurisdiction, as it appears from Section 385 of the Consolidation Act, over the County or Sheriff's jail. McNamara was a keeper at this time, employed and appointed by the Commissioners of Charities and Correction in the City of New York, and hadn't any authority whatsoever to represent or act for the Sheriff of the City and County of New York.

I am inclined to belief that if the defendant were put to the bar for the purposes of a trial, that at the close of the People's case the Court would be constrained to advise a Jury to acquit. It is useless therefore, to subject the County to the expense of a trial of this case in my judgment, and I suggest that the indictment be dismissed.

John F. McInerney  
Dist. Atty.

0446

Report by  
Mr M. S. Lypke.

0447

**BOX:**

506

**FOLDER:**

4611

**DESCRIPTION:**

McSherry, James

**DATE:**

12/01/92



4611

0448

Witnesses:

*Offe. James 2/1st*

Counsel,

Filed, *1<sup>st</sup> Dec<sup>r</sup>* 189*2*

Pleads, *Arguing to*

THE PEOPLE

vs.

*P*

*James Mc Sherry*

*Transferred to the Court of Sessions for trial and final disposal*

*For S. Phil. 1893*

VIOLATION OF THE EXCISE LAW.  
Selling, etc., on Sunday.  
[Chap. 401, Laws of 1892, § 32].

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

*John E. Follen*

Foreman.

**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 Mc Sherry*

The Grand Jury of the City and County of New York, by this indictment, accuse  
of the CRIME OF *James Mc Sherry* SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND  
BEER ON SUNDAY, committed as follows:

The said

*James Mc Sherry*

late of the City of New York, in the County of New York aforesaid, on the *second*  
day of *October* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, the same being Sunday, certain strong  
and spirituous liquors, wines, 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 to certain other persons whose names are to the Grand Jury aforesaid unknown, against  
the form of the statute in such case made and provided, and against the peace of the People of  
New York and their dignity.

SECOND COUNT—

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

*James Mc Sherry*  
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,  
WINES, ALE AND BEER, committed as follows:

The said

*James Mc Sherry*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the  
same being Sunday, certain strong and spirituous liquors, wines, 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 offer and  
expose for sale to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the  
form of the statute in such case made and provided, and against the peace of the People of the State  
of New York and their dignity.

DE LANCEY NICOLL

District Attorney.