0008

BOX:
428

FOLDER:
3946

DESCRIPTION:
Mahoney, Tillie

DATE:
02/16/91

3946

Witnesses;

Cornelius Gracey

Recommend the Court to accept plea of petit larceny upon by the deft.

McKenzie Grant
Asst Dist Atty

Feby 17, 1891

No 175 Hooper W

Counsel,

Filed 16 day of Feby 1891

Pleads, Not guilty

THE PEOPLE

vs.

Willie Mahoney

Grand Larceny, First Degree.
(From the Person.)
[Sections 528, 530 — Penal Code].

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Chas. B. Wheeler

Feby 17/91

Foreman

Plead N.G.

Pen 3 months.

00 10

Police Court— 1 —District.

Affidavit—Larceny.

City and County of New York, } ss.:

Cornelius Graney

of No. 227 East 53rd Street, aged 20 years,

occupation Plasterer being duly sworn

deposes and says, that on the 7th day of February 1889 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession and person of deponent, in the night time, the following property, viz:

Good and Lawful Money of the United States, of the amount of Ten dollars ($10 00/100)

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Lillie Mahoney (now here) from the following facts to wit, That on the aforesaid date about the hour of 7.30 P.M. deponent went into the Liquor Store, South East Corner of Pell and Doyer Street, and was accosted by the defendant who was standing in front of the Bar in said Store, who asked him to buy her a drink, and that after deponent had bought the defendant the drink she had asked, she asked the deponent to come into a room in the said Liquor Store, and that while deponent was in said room the defendant placed her hand in the pocket of the pants

Sworn to before me, this day of 188

Police Justice.

then and there worn on her person and feloniously took the aforesaid property (consisting of two Five dollar Notes of the United States issue) from said pocket and that the defendant immediately left said Liquor Store -

And deponent further says that he is informed by John Coleman of No 304 East 24th Street - that he saw the defendant place her hand in the pocket of deponents pants, and take, and steal said property

Deponent therefore charges the defendant with having committed a Larceny and asks that she may be held and dealt with as the Law may direct -

Sworn to before me this 2nd day of February 1891 } Con Graney.

L. Hagan Police Justice

0012

CITY AND COUNTY OF NEW YORK, } ss.

John Coleman

aged 20 years, occupation Plaster of No. 304 East 24 Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Cornelius Graney and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 5 *day of* February 188 9 } John Coleman

Police Justice.

0013

Sec. 198—200

/ District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Ellis Mahoney

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. U S

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

Answer. 100 Oliver St 5 mos

Question. What is your business or profession?

Answer. Bumsha

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

Ellis Mahoney

Taken before me this 1 *day of* July 188 [illegible]

[illegible] *Police Justice.*

0014

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

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

Dated July 8 *18*91 *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.*

0015

175

Police Court--- 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Cornelius Grant
227 E. 53
Tillie Mahoney
2
3
4

Offence Larceny from a person

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

Dated Feby 8 1891
E. Hogan Magistrate.
Bischoff Officer.
4 Precinct.
Witnesses John Coleman
No. 300 E. 24th Street.
No. Street.
No. Street.
$500 to answer
Cam

RECEIVED FEB 1891 DISTRICT ATTORNEY'S OFFICE

0016

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Tillie Mahoney

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

The said Tillie Mahoney

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

$10.00 two promissory notes for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of five dollars each; two promissory notes for the payment of money of the kind commonly called Bank Notes, of the denomination and value of five dollar each; two United States Gold Certificates, of the denomination and value of five dollar each; two United States Silver Certificates, of the denomination and value of five dollars each;

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

De Lancey Nicoll,
District Attorney.

0017

BOX:
428

FOLDER:
3946

DESCRIPTION:
Mallon, Patrick

DATE:
02/25/91

3946

0018

BOX:
428

FOLDER:
3946

DESCRIPTION:
Clancy, Charles

DATE:
02/25/91

3946

0019

BOX:
428

FOLDER:
3946

DESCRIPTION:
Doolan, John

DATE:
02/25/91

3946

Witnesses,

Manual Putzger
Officer Schenning

No 230 Box

Counsel,

Filed 25 day of Feby 1891

Pleads, Guilty

THE PEOPLE

vs.

Patrick Mallon
Charles Clancy
and
John Doolan

Burglary in the Third degree.
Petit Larceny
and Receiving
[Section 498, v. 26, V. D. S. 1892 D].

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~
District Attorney.

Pd Feb 25 '91
Mch 4 '91
Counsel Engaged

A True Bill.

Chas B. Rogers
Foreman.

March 8/91

all
plead G
No. 1 Pen Pen
" 2 " 4 mos } RBM.
" 3 " 1 yr

0021

Police Court— 4 District.

City and County of New York, } ss.:

Emanuel Pulitzer

of No. 1121 First Avenue Street, aged 30 years,

occupation Liquor dealer being duly sworn

deposes and says, that the premises No 1121 First Avenue Street, 19th Ward

in the City and County aforesaid the said being a four story brick building and store

and which was occupied in part by deponent as a saloon and the cellar for storage purposes

and in which there was at the time no human being, by me

were BURGLARIOUSLY entered by means of forcibly opening the doors leading into the cellar by breaking open the lock and hasp which were on the said door

on the 13th day of February 1886 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

one barrel containing lager beer and one master together of the value of about ten dollars

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by Patrick Mallon, Charles, Clancy and John Dolan (alias Lee) acting in concert

for the reasons following, to wit: that about the hour of 10½ o'clock P.M. on the 13th day of February deponent locked and securely fastened the doors leading into the cellar and the said property was therein. Deponent is informed by Police Officer John Hessberg of the 5th Precinct Police that he, the Officer saw the defendants in company with each other about the

Police Court, ... District.

THE PEOPLE, &c.,
on the complaint of

vs.

1. .....
2. .....
3. .....
4. .....

Offence—BURGLARY.

Dated 188

..... Magistrate.

..... Officer.

..... Clerk.

Witnesses, ...

No. ..... Street,

No. ..... Street,

No. ..... Street,

$ ..... to answer General Sessions.

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 hereto annexed.

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

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

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

Given to Officer Mullen
Police Office

Sworn & Subscribed to
this 13th day of March 1891
Samuel Butler

0023

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Patrick Mallon 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 Mallon

Question. How old are you?

Answer. 18 years old

Question. Where were you born?

Answer. New York City

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

Answer. W 319 East 60th — 6 months

Question. What is your business or profession?

Answer. Painter

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

X Patrick Mallon

Taken before me this 15 *day of* July *188*9

Charles Nottnerr

Police Justice.

0024

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Clancey 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. Charles Clancey

Question. How old are you?

Answer. 19 years old

Question. Where were you born?

Answer. New York City

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

Answer. No 349 East 65 St. 3 years

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

his
Charles X Clancey
mark

Taken before me this 13 day of May 1889

Walter Hunter Police Justice.

0025

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John Dolan 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 Dolan

Question. How old are you?

Answer. 18 years old

Question. Where were you born?

Answer. London - Eng

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

Answer. 340 East 61 St - Longshore

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
John Dolan

Taken before me this 15 *day of* May 1889

Charles Matthews *Police Justice.*

0026

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* Five *Hundred Dollars,* and *be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.*

Dated July 7 *18* G. Herbert Santos *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.*

0027

216

Police Court--- 2d **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Emanuel Pulitzer
113 First ave
1 Patrick Maffin
2 Charles Clancy
3 John Dolan
4

Offence Burglary

Dated Feb 13 1891

J Ryan Magistrate.

Schieuns Officer.

23 Precinct.

Witnesses Call the officer

No. Street.

No. Street.

No. Street.

$ 500 to answer

1000 Ex Feb 16 - 9am

RECEIVED. FEB 13 1891 DISTRICT ATTORNEY'S OFFICE.

BAILED,

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

0028

CITY AND COUNTY OF NEW YORK, } ss.

John A. Schuning

aged ——— years, occupation Police Officer of No. The 25 Precinct Police Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Emanuel Pritzker and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 19 *day of* July 188 }

John A. Schuning

Charles N. Tainter

Police Justice.

0029

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 Mallon, Charles Clancy and John Doolan

The Grand Jury of the City and County of New York, by this indictment, accuse Patrick Mallon, Charles Clancy and John Doolan

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

The said Patrick Mallon, Charles Clancy and John Doolan, all late of the Nineteenth Ward of the City of New York, in the County of New York aforesaid, on the thirteenth day of February in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, in the night — time of the same day, at the Ward, City and County aforesaid, ~~the dwelling house of one~~ a certain building to wit: the saloon of one Emanuel Pulitzer

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

SECOND COUNT—

AND THE GRAND ~~JURY~~ AFORESAID, by this indictment further accuse the said Patrick Mallon, Charles Clancy and John Doolan

of the CRIME OF Petit LARCENY, committed as follows:

The said Patrick Mallon, Charles Clancy and John Doolan, all late of the ~~Ward~~, City and ~~County~~ aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the night-time of said day, with force and arms, one barrel of lager beer of the value of eight dollars and one mallet of the value of two dollars

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

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Patrick Mallon, Charles Clancy and John Doolan of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Patrick Mallon, Charles Clancy and John Doolan, all late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City and County aforesaid, one barrel of lager beer of the value of eight dollars and one mallet of the value of two dollars

of the goods, chattels and personal property of Emanuel Pulitzer

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, from the said Emanuel Pulitzer

unlawfully and unjustly, did feloniously receive and have; (the said Patrick Mallon, Charles Clancy and John Doolan

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.
JOHN R. FELLOWS,
District Attorney.

0032

BOX:
428
FOLDER:
3946
DESCRIPTION:
Malone, Thomas
DATE:
02/06/91

3946

Witnesses;

L W Reed

Offie Casey

No 49 Pendy

Counsel,

Filed 6 day of Feby 1891

Pleads, Not guilty

THE PEOPLE

vs.

1236 2.25 horseshoes R

Thomas Malone

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

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Chas. B. Dolwick

Foreman.

P 2 Part III March 23/91 — Tried and convicted assault 2d deg — recom. to mercy — 25

~~Feby~~

Feb 25 Elmira Ref. RBM

POOR QUALITY ORIGINAL

0033

0034

Police Court— 14 District.

City and County of New York, } ss.:

John W Reid

of No. 306 East 36th Street, aged 25 years,

occupation Car driver being duly sworn

deposes and says, that on the 11th day of December 1890 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Thomas Malone (now here) who cut and stabbed deponent with a large carving knife on his right side thereby severely wounding deponent

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 22 day of January 1891 } John W. Reid

Police Justice.

0035

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas Malone 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. Thomas Malone

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. NY

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

Answer. 236 Cherry St

Question. What is your business or profession?

Answer. Horseshoer

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 Malone

Taken before me this 5th *day of* August, 188[illegible]

[illegible] *Police Justice.*

0036

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 June 22 18 91 ..... 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.

0037

Police Court--- 95 ... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John W Reid
~~306~~ vs. E 36th St
Thos. Malone
2
3
4

Offence Felonious Assault

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

Dated Jan 32 1891
White Magistrate.
Casey Officer.
21 Precinct.

Witnesses John Kerns
No. 331 East 25th Street.
Rear House 1st floor
up with Thos Hurley
No. John W. Reid 244 E 8 Street.
care of Patrick McCarthy
Dr Brooks Bellevue Hospital
No. Ward 11. Street.
x 8 JWR to answer
Edw Williams 489 Pearl St
James Cooney 519-2 ave
Denis Doris ~~50 Lincoln~~
303 E 29 ~~Ave~~
Gerard

JAN 30 1891 POLICE COURT ATTORNEY

0038

Bellevue Hospital
Jan 6 1891

The condition of
John Reid is gradually
improving

John W Brooke, M.D.

0039

Bellevue Hospital
Jan 2 1891

The condition of
John Ried is due to
"Gradual ..."

0040

Bellevue Hospital
Dec 31 '90

The present condition
of John Ried is one
of improvement.
John W Brooks, M.D.

0041

Bellevue Hospital

The condition of John Ried is the same

John W. Brooks M.D.

Obtained by Officer Adam Carey on Dec 27

0042

Department of Public Charities and Correction,

Bellevue Hospital,

WARDEN'S OFFICE,

JOHN FALLON,
Warden.

New York, December 19th 1890.
4th Surgical Division

This is to certify that John Reid is improving though not by any means out of danger!

Walter Benson M.D.
Senior-Assistant House Surgeon

0043

Bellevue Hospital,
Dec. 17, 1890.

The condition of
John Ried has not
changed since last
certificate was given

John W. Brooke M.D.

0044

Bellevue Hospital
Dec. 13, 1890

The condition of John Ried
has not changed since last
certificate was given.

John W. Brooke M.D.

0045

Bellevue Hospital,
Dec. 12, 1890.

John Reid is suffering from a penetrating stab wound of chest. is in a serious condition.

John W. Brooke, M.D.

0046

Edward Millions
489 - Pearl St
James Cooney
579 - Second Avenue
Dennis Doris
502 First Avenue

Witnesses in the
~~matter~~ Case of
Thos Malone

0047

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 4 DISTRICT.

John Casey

of No. The 21st Precinct Police Street, aged 21 years,

occupation Police Officer being duly sworn deposes and says

that on the 12th day of December 1890

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

now here, is a material and necessary

witness for the People of the State of New

York against Thomas Malone who is

charged with assault on John Reed.

Deponent has good reason to believe

that the said John Kerrins will not

appear when ordered to testify as such

witness and prays that he be committed

to the House of Detention.

John Casey

Sworn before me this 14 day of December 1890

Police Justice.

0048

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 4 DISTRICT.

John Casey

of ~~No.~~ The 31st Precinct Police ~~Street~~, aged 31 years,

occupation Police Officer being duly sworn deposes and says

that on the 11th day of December 1890

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

Thomas Malone now here on complaint of John Reid who charged the said Malone with stabbing him with a large carving knife. The said defendant has been fully identified by Reid as the person who stabbed him and from the effects of such stab wound is now confined in Bellevue Hospital and unable to appear in court to make formal complaint, as the annexed certificate shows. Therefore deponent prays

Sworn to before me this day of 186

Police Justice

0049

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 Malone

1

The Grand Jury of the City and County of New York, by this indictment, accuse Thomas Malone of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Thomas Malone late of the City of New York, in the County of New York aforesaid, on the eleventh day of December in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the City and County aforesaid, in and upon the body of one John W. Reid in the Peace of the said People then and there being, feloniously did make an assault and him the said John W. Reid with a certain Knife which the said Thomas Malone in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound, him the said John W. Reid with intent 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 Thomas Malone of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Thomas Malone 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 John W. Reid in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said John W. Reid with a certain Knife which the said Thomas Malone in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Thomas Malone of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Thomas Malone late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said John W. Reid in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said John W. Reid with a certain knife which he the said Thomas Malone in his right hand then and there had and held, in and upon the body and side of him the said John W. Reid then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said John W. Reid against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DeLancey Nicoll,
~~JOHN R. FELLOWS,~~

District Attorney.

0051

BOX:
428
FOLDER:
3946
DESCRIPTION:
Malone, Thomas G.

DATE:
02/27/91

3946

Witnesses;

Patrick McMahon

Peter Malone

No 258

Gallagher

Counsel,

Filed 27 day of Feby 1897

Pleads, Not guilty

THE PEOPLE

vs.

30 Worcester Mass

Glazier

Thomas G. Malone

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

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Chas. B. Polach

Foreman.

Part III March 4/91.

Pleads. Assault 3d deg.

1 yr Pen

mch 6/91

Witnesses;

Patrick McMahon

Inge Malone

No 258

Gallagher

Counsel,

Filed 27 day of Feby 1891

Pleads, Not guilty

THE PEOPLE

vs.

30 Worcester Mass

plag maw.

Thomas G. Malone

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

~~DE LANCEY NICOLL,~~
~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Chas B. Polach

Foreman.

Part III March 4/91

Pleads Assault 3d deg

1 yr Pen

mch 6/91

E50

053

0054

CITY AND COUNTY OF NEW YORK, } ss.

Lizzie Malone

aged 24 years, occupation Keeps House of No. 146 West Broadway Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Patrick McMahon and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 20 *day of* July 1882 } Lizzie Malone

Police Justice.

0055

Police Court— 1 District.

City and County of New York, } ss.:

Patrick McMahon

of No. 146 West Broadway Street, aged 22 years, occupation Engineman being duly sworn deposes and says, that on 19 day of May 1887 at the City of New York, in the County of New York, he was violently and feloniously ASSAULTED and BEATEN by Thomas Madonna northern who struck deponent a violent blow on the head with a hatchet

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 dealt with according to law.

Sworn to before me, this 20 day of May 1887. } Patrick McMahon

E. Hogan Police Justice.

0056

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas Malone 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. Thomas Malone

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. Ireland

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

Answer. 146 West Broadway 3 years

Question. What is your business or profession?

Answer. Railroading

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

Thos. G. Malone

Taken before me this 20 *day of* May *1889*

Police Justice.

0057

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 S. Freudenberg

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 July *18* 91 *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.*

0058

Ex Feby 22nd 10 A.M.
$1000 bail

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

258

Police Court--- 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick McMahon
146 West vs Broadway

1 Thomas Malone

2 .....

3 .....

4 .....

Offence Jel. Assault

Dated Feby 20 1891

Hogan ..... Magistrate.

S. Clennis ..... Officer.

5th ..... Precinct.

Witnesses Lizzie Malone

No. 146 W Broadway Street.

Jennie Barr.

No. 146 W Broadway Street.

.....

No. ..... Street.

$ 1000 to answer

RECEIVED, FEB 1891 DISTRICT ATTORNEY'S OFFICE

Case

0059

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 G. Malone

The Grand Jury of the City and County of New York, by this indictment, accuse Thomas G. Malone of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Thomas G. Malone late of the City of New York in the County of New York aforesaid, on the nineteenth day of February in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, at the City and County aforesaid, in and upon the body of one Patrick McMahon in the Peace of the said People then and there being, feloniously did make an assault and him the said Patrick McMahon with a certain hatchet which the said Thomas G. Malone in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound, him the said Patrick McMahon with intent 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 Thomas G. Malone of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Thomas G. Malone, 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 Patrick Mc Mahon in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Patrick Mc Mahon with a certain hatchet which the said Thomas G. Malone in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

De Lancey Nicoll,
District Attorney.

0060

BOX:
428
FOLDER:
3946
DESCRIPTION:
Mann, Eugene D.
DATE:
02/27/91

3946

Dept Parles
Mch 1, 1895
Wm L Daniels

Witnesses:
Offa Comstock

Bail on motion of Dist Atty fixed at $1000 J.F.

Bondsman new address

St Joseph
Dec 2/95

I think the indictment should be dismissed. The defendant is not for five years has been a resident of Alabama and can never return to this state as he is a convicted invalid. He ended his connection with the paper in 1891.
J R Fellows
Dist Atty

No 267, 929

Part I

Counsel,

Filed 27 day of Feby 1895

Pleads,

THE PEOPLE

vs.

Ex 6 for 20 B ##

Eugene D. Mann

Obscene publication. Section 317, Penal Code

DE LANCEY NICOLL,
JOHN R. FELLOWS,
District Attorney.

Part One Dec. 16. 1894. V.u.D for Pleading -

A TRUE BILL.

Chas. B. Parlick
Foreman.

Bail
Jan Discharged
Part Two

New York General Sessions.

---------- ----------x

The People of the State of New York, x

-against-

Eugene D. Mann, x

----------x

City and County of New York, ss:

William D. Mann, being duly sworn, deposes and says: I am a brother of the above-named defendant, and am publisher of the weekly periodical issued in this City called "Town Topics".

That the above-named defendant was at one time the publisher of Town Topics, but since about the month of September 1891, I purchased from said defendant all his right, title and interest in and to the stock he owned in said "Town Topics", and he has no connection whatever with the said Town Topics", either as stock holder, publisher or editor. In fact, said defendant has no interest whatever, either directly or indirectly, in "Town Topics" at present, nor has he had the slightest interest in the same since September 1891.

That said defendant was indicted by the Grand Jury of the City and County of New York on the 27th day of February 1891, for being concerned in a publication in said "Town Topics". That on the morning of said 27th day of February 1891, the above-named defendant was arraigned on said charge before the Court of Special Sessions of the Peace, held in and for the City and County of New York, Justice James T. Kilbreth presiding, and was acquitted of said charge and discharged therefrom, and that his indictment for the same offense was preferred on the same day without any formal complaint having been made against him before any Police Justice

That in the month of September 1891, the defendant, who was then very sick suffering from nervous prostration and bronchial affection, was directed by his physician, in order to save his life, to leave the Northern climate and go at once South.

That in said month of September 1891, the defendant went to Citronville, Alabama, and has been a resident there ever since, and is now living there with his wife and family, on a farm. His physical condition is such that he is unable to do any work, being in an emaciated sickly condition.

That said defendant cannot return to the City of New York without endangering his life, and his physician has given him peremptory instructions not to leave his present home at Citronville, Alabama, and in view of the above facts I earnestly ask that the indictment found against my brother over five years since, when the very subject matter on which he was indicted was once at issue and determined in his favor, be dismissed and said defendant's bond cancelled.

Sworn to before me this

day of April, 1896.

Leo

v.

Ed Moore

Feb

0065

WILLIAM F. HOWE.
A. H. HUMMEL.
B. STEINHARDT.
JOSEPH F. MOSS.
DAVID MAY.

TELEPHONE 75 FRANKLIN.
CABLE ADDRESS "LENIENT."

Howe & Hummel.
COUNSELORS AT LAW.
87 & 89 CENTRE STREET
AND
136, 138 & 140 LEONARD STREET

New York June 1st, 1896.

Hon. John R. Fellows,
District Attorney.

My dear Colonel:-

I enclose you a copy of the affidavit which I handed you this morning and which you read in my presence. The original affidavit is on file with the papers in the case.

When I left you, you promised that you would go upstairs and get out the indictment in this case and act upon it immediately.

Knowing the multiplicity of the cares which surround you, I enclose you the affidavit as a reminder.

Yours faithfully,

William F. Howe

City and County of New York, ss.

In the Name of the People of the State of New York, To any peace officer in this State:

An indictment having been found on the 27th day of February, 1891, in the Court of General Sessions of the Peace of the City and County of New York, charging Eugene D. Mann

with the crime of printing and publishing an obscene newspaper and story paper,—

You are therefore Commanded forthwith to

D. Mann and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York, or if he require it, that you take him before any Magistrate in that County, or in the County in which you arrest him, that he may give bail to answer the indictment.

City of New York, the 27th day of February, 1891.

~~By order of the Court,~~

D. Lancey Nicoll

District Attorney.

9900

N. Y. General Sessions of the Peace.

THE PEOPLE

OF THE STATE OF NEW YORK,

against

Eugene D. Mann

Bench Warrant for Misdemeanor.

DE LANCEY NICOLL,
~~Randolph B. Martine~~,
District Attorney.

Issued February 27, 1891.

March 12th 1891

The within named defendant was arrested this day and brought to the Court of General Sessions by

Ruth Von Beichler Officer

.....

.....

The within named defendant was arrested this day and brought to the Court of General Sessions by

.....189

New York General Sessions.

----------x

The People of the State of New York, x

-against-

Eugene D. Mann, x

----------x

City and County of New York, ss:

William D. Mann, being duly sworn, deposes and says: I am a brother of the above-named defendant, and am publisher of the weekly periodical issued in this City called "Town Topics".

That the above-named defendant was at one time the publisher of Town Topics, but since about the month of September 1891, ~~I purchased from~~ sold and conveyed to other parties said defendant all his right, title and interest in and to the stock he owned in said "Town Topics", and he has no connection whatever with the said Town Topics", either as stock holder, publisher or editor. In fact, said defendant has no interest whatever, either directly or indirectly, in "Town Topics" at present, nor has he had the slightest interest in the same since September 1891.

That said defendant was indicted by the Grand Jury of the City and County of New York on the 27th day of February 1891, for being concerned in a publication in said "Town Topics". That on the morning of said 27th day of February 1891, the above-named defendant was arraigned on said charge before the Court of Special Sessions of the Peace, held in and for the City and County of New York, Justice James T. Kilbreth presiding, and was acquitted of said charge and discharged therefrom, and that his indictment for the same offense was preferred on the same day without any formal complaint having been made against him before any Police Justice

(2)

That in the month of ~~September~~ March 1891, the defendant, who was then very sick suffering from nervous prostration and bronchial affection, was directed by his physician, in order to save his life, to leave the Northern climate and go at once South.

That in said month of ~~September~~ March 1891, the defendant went to Citron~~ville~~elle, Alabama, and has been a resident there ever since, and is now living there with his wife and family, on a farm. His physical condition is such that he is unable to do any work, being in an emaciated sickly condition.

That said defendant cannot return to the City of New York without endangering his life, and his physician has given him peremptory instructions not to leave his present home at Citron~~ville~~elle, Alabama, and in view of the above facts I earnestly ask that the indictment found against my brother over five years since, when the very subject matter on which he was indicted was once at issue and determined in his favor, be dismissed and said defendant's bond cancelled.

Sworn to before me this
16th day of April, 1896.

Regina ed. S. Durant.
Commissioner of Deeds
New York City

W. D. Mann

To Esq.,
Attorney.

Please take notice that the within is a copy of a duly made and entered in the within entitled action, and filed in the office of the Clerk of the within named Court, at his office in the Court House in the City Hall of the City of New York, the day of 189 .

Dated 189 .

Yours, &c.,
HOWE & HUMMEL,
Attorneys,
87 & 89 Centre St.,
New York City.

To Esq.,
Attorney.

Please take notice that the within will be presented for settlement to Hon. one of the Justices of the within named Court, at the Court House in the City Hall of the City of New York, on the day of 189 , at o'clock in the forenoon, or as soon thereafter as counsel can be heard.

Dated 189 .

Yours, &c.,
HOWE & HUMMEL,
Attorneys,
87 & 89 Centre St.,
N. Y. City.

N. Y. General Sessions.

The People &c
Plaintiff,
against
Eugene D. Mann.
Defendant.

Affidavit of William D. Mann.

Howe & Hummel,
Attorneys for Deft
87 & 89 Centre St., New York City.

Due and timely service of copy of the within hereby admitted this day of 189
Attorney.

To.....
.....

0071

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Eugene D. Mann

The Grand Jury of the City and County of New York, by this Indictment accuse Eugene D. Mann

of the crime of printing and publishing an obscene, lewd, lascivious, filthy, indecent and disgusting newspaper and story paper, — committed as follows:

The said Eugene D. Mann,

late of the City of New York, in the County of New York, aforesaid, on the ~~eighth~~ day of January, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety-one, at the City and County aforesaid, did unlawfully print and publish, and cause and procure to be printed and published, a certain obscene, lewd, lascivious, filthy, indecent and disgusting newspaper and story paper entitled "Town Topics The Journal of Society" containing, among other things, the obscene, lewd, lascivious, filthy, indecent, and disgusting words and matters following, that is to say:

"An early condition.

How an Effective Force was Organized.

Scene. A pretty parlor; doors closed, blinds and portières drawn. Discovered, on a lounge, Miss Wealsen, slowly recovering from a condition of coma. Bending over her, solicitously, Mr. Fyttethorpe, chafing her hands.

Miss Wealsen (opening her eyes) – Where am I?

Mr Fyttethorpe (tenderly) – near me, little one.

Miss Wealsen (vacantly) – What has happened?

Mr. Fyttethorpe (soothingly) – Hush! never mind.

Miss Wealsen (her memory returning) – Yes. I recall it all now. You told me that you possessed the power of mesmerism.

Mr. Fyttethorpe (assuringly) – Yes, yes – but – never mind that now.

Miss Wealsen – Then you begged me to let you hypnotize me. I remember now.

Mr. Fyttethorpe ——, ——, ——.

Miss Wealsen – And promised, if I consented, you would bring me to immediately, and – and – never tell anybody.

Mr. Fyttethorpe (emphatically) – I never will.

Miss Wealsen (faintly) – Finally, trusting you implicitly, I consented — and I

remember nothing more. But (looking strangely around).

Mr. Eggthrope (more soothingly than ever) — Don't talk any more about it.

Miss Weaden (suddenly starting up) — What has happened? Speak, tell me!

Mr. Eggthrope (somewhat confused) — Nothing, my dear; you are nervous, that is all.

Miss Weaden (looking intently at him with horror in her eyes) — you surely would not have dared to —

Mr. Eggthrope (still more confused) — ——, ——, ——.

Miss Weaden (frantically) — Don't deny it. I can read it in your face. Tell me the truth.

Mr. Eggthrope (falling on his knees) — My darling —

Miss Weaden (sobbing) — Don't "darling" me. I am not your darling. Tell me the truth.

Mr. Eggthrope (shamefacedly) — you are my darling. If you wish to be. I'll confess everything if you will forgive me. Can you?

Miss Weaden (still sobbing) — How can I forgive anything so cowardly, so ungentlemanly?

Mr. Eggthrope (pleadingly) — If you knew

how much I love you you could easily do so. Will you? Tell me I am forgiven.

Miss Wealthy (also relenting) — How can I?

Mr. Fyttethorpe (argumentatively entreating) — If you loved me as I love you, you could not help it.

Miss Wealthy (softening very perceptibly) — Well — If I forgive you it will be on one condition.

Mr Fyttethorpe (eagerly) — And that is —

Miss Wealthy (with a rainbow smile) — That you don't hypnotize me — next time.

"The Farceur."

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

0075

BOX:
428

FOLDER:
3946

DESCRIPTION:
May, Arthur

DATE:
02/26/91

3946

0076

BOX:
428

FOLDER:
3946

DESCRIPTION:
Doyle, George

DATE:
02/26/91

3946

0077

BOX:
428

FOLDER:
3946

DESCRIPTION:
Martin, Cornelius

DATE:
02/26/91

3946

No 248

Witnesses;

Louis Jeklinkey

Effie Williams

Counsel.

Filed 26 day of Feby 1891

Pleads

THE PEOPLE

vs.

Arthur May,
George Doyle
and
Cornelius Martin
(Cross)

Burglary in the Third degree.
Petit Larceny
and Receiving.
[Section 498, Pen. Code; 532-533 Pen. Code.]

~~DE LANCEY NICOLL,~~
~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Chas. B. Babcock

Feby 26/91

Foreman.

Arr for

Plead Guilty 3 deg

Each

S.P. 3 yrs.

0079

Police Court— 3 District.

City and County of New York, } ss.:

Henry Shoslat

of No. 176 Monroe Street, aged 38 years,

occupation Grocery being duly sworn

deposes and says, that the premises No 176 Monroe Street, 7th Ward

in the City and County aforesaid the said being a tenement building

the store floor

~~and which was occupied by deponent as a~~ grocery business

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

were BURGLARIOUSLY entered by means of forcibly breaking a pane of plate glass in the front store door leading to said store

on the 19th day of February 1867 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

One box of candles of the value of Sixty cents
Two boxes of blacking " " " Two dollars
One box of rice " " " Sixty cents
Sardines " " " Fifty "
Crackers " " " One 50/100 dollars
Good and lawful money of the United States of the value of fifty cents, all of the value of Five 70/100 dollars

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by Arthur May, George Doyle and Cornelius Martin (all nowhere)

for the reasons following, to wit: Deponent says — at about 11 30 PM. of Feby 18th he left said premises securely locking the doors and fastening the windows on leaving, and when he came to said store at about 5 30 AM. of Feby 19th he discovered that his premises had been forcibly entered, the plate glass in the front store door broken and on investigation discovered that said property

was missing. Deponent further says he is informed by Officer Frederick Williamson of the 7th Precinct, that he together with Officer Stang of the 7th Precinct, arrested the defendants together in a shanty at 181 Monroe Street and found said property concealed under the flooring in said shanty, which property deponent identifies as being his, in the presence of said Officer Williamson.

Wherefore, deponent charges defendants with burglariously entering said premises and taking stealing and carrying away said property from his possession.

Sworn to before me
this 19th day of Feby 1891 } Henry Shorsak

Henry Murray Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named ________ guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ________ Hundred Dollars ________ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated ________ 188 . ________ Police Justice.

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

Dated ________ 188 . ________ Police Justice.

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

Dated ________ 188 . ________ Police Justice.

Police Court, ________ District.

THE PEOPLE, &c.,
on the complaint of ________
vs.
1 ________
2 ________
3 ________
4 ________

Offence—BURGLARY.

Dated ________ 188
________ Magistrate.
________ Officer.
________ Clerk.

Witnesses, ________
No. ________ Street,
____
No. ________ Street,
____
No. ________ Street,

$ ________ to answer General Sessions.

0081

CITY AND COUNTY OF NEW YORK, } ss.

Frederick Williamson

aged ..... years, occupation Officer of No. 7 th Precc ..... Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Henry Thoslark 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* July 1898, } Frederick Williamson

Henry Hommen *Police Justice.*

(3692)

0082

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Arthur May 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. Arthur May

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. United States

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

Answer. 354 Madison St - 18 years

Question. What is your business or profession?

Answer. Peddling fabrics

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 -

Arthur May

Taken before me this 19 *day of* October *1887*

Police Justice.

0083

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name.

Answer. George Doyle

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. United States

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

Answer. 14 Pierson — 2 years

Question. What is your business or profession?

Answer. Work in a printing Office

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

Answer. I am not guilty.
George Doyle

Taken before me this 19 day of Feb 1881
Henry Hamman
Police Justice

0084

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Cornelius 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 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. Cornelius Martin

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. United States

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

Answer. 41 Bowery — 2 nights

Question. What is your business or profession?

Answer. Brassmoulder

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.
Cornelious Martin

Taken before me this 16 *day of* July 1895

Thos. McCunney

Police Justice.

0085

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 M. Saunders

guilty thereof, I order that they *be held to answer the same and* they *be admitted to bail in the sum of* Seven *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 July 19 *18*91 [illegible] *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.*

0086

236

Police Court--- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Hoslard
19 Elsmore St

Arthur May

2 George Doyle

3 Cornelius Martin

4

Offence Burglary

BAILED,

No. 1, *by* .....

Residence ..... *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street.*

Dated Feby 19 1891

Murray Magistrate.

Reed & Williams Officer.

7 Precinct.

Witnesses David Officer

No. Officer Geary Street.

No. ..... Street.

No. ..... Street.

$ 1000 Each to answer G.S. 3

Burg 2d Deg

RECEIVED. FEB 24 1891 DISTRICT ATTORNEY'S OFFICE

0087

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Arthur May, George Doyle and Cornelius Martin

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

Arthur May, George Doyle and Cornelius Martin

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

The said Arthur May, George Doyle and Cornelius Martin, all — late of the Seventh Ward of the City of New York, in the County of New York aforesaid, on the nineteenth day of February in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, in the night-time of the same day at the Ward, City and County aforesaid, ~~the dwelling house of one~~ a certain building, to wit: the store of one Henry Shostak

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

0088

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Arthur May, George Doyle & Cornelius Martin of the CRIME OF Petit LARCENY, committed as follows: The said Arthur May, George Doyle and Cornelius Martin, all late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the night time of said day, with force and arms, one box of candles of the value of sixty cents, two boxes of blacking of the value of one dollar each box, five boxes of sardines of the value of ten cents each box, fifteen pounds of crackers of the value of ten cents each pound, divers coins of the United States, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of fifty cents and one box of ink of the value of ~~f~~ sixty cents

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

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Arthur May, George Doyle and Cornelius Martin of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Arthur May, George Doyle and Cornelius Martin, all 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 Henry Shostak by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, from the said Henry Shostak unlawfully and unjustly, did feloniously receive and have; (the said Arthur May, George Doyle and Cornelius Martin 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.

DeLancey Nicoll,
~~JOHN R. FELLOWS,~~
District Attorney.

No 249.

Counsel,

Filed 26 day of Feby 1891

Pleads,

THE PEOPLE

vs.

Arthur May,
George Doyle
and
Cornelius Martin
(2 cases)

Burglary in the Third degree.
Petit Larceny,
and Receiving.
[Section 498, 5D 6, 5 78 & 82 2 RSN.

~~DE LANCEY NICOLL,~~
~~JOHN R. FELLOWS,~~

District Attorney.

~~Indicted~~

~~Sentenced on another Indictment~~

A True Bill.

Chas. B. Dobbins

Feby 26/91 *Foreman.*

No 3
Plead Guilty 3d
L.P. 3 yrs.

Witnesses;

Henry Shorter
Offic Stranger

0091

Police Court— 3rd District.

City and County of New York, } ss.:

Louis Tekulsky

of No. 173 Monroe Street, aged 31 years, occupation Liquors being duly sworn deposes and says, that the premises No 173 Monroe Street, 7th Ward in the City and County aforesaid the said being a tenement building the store floor B

~~and which was occupied by deponent as a~~ Liquor business

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

were BURGLARIOUSLY entered by means of forcibly bursting a door leading from the hallway to said store, and which door was securely locked and fastened

on the 19th day of Feby 1881 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

A quantity of tobacco of the value of three dollars one demijohn & three bottles of whiskey of the value of Ten dollars good and lawful money of the United States of the value of three dollars, all of the value of Eight Fifty dollars

the property in care and charge of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by Arthur May, George Doyle and Cornelius Martin Callaghan

for the reasons following, to wit: Deponent says — he is informed by George Tekulsky of 173 Monroe Street, that at about 9 PM of Feb 18th he the said George Tekulsky left said premises securely locking the doors and fastening the windows on leaving. And when deponent came to said premises about 5 30 AM of Feb 19th he elicited that said premises had been forcibly entered in the

manner aforesaid, and aforesaid property was missing. Deponent further says he is informed by Officer Frederick Williamson of the 7th Precinct, he suspected that the perpetrators of aforesaid burglary were in a shanty at 181 Monroe Street, and going to said shanty (admittance being at first refused said Officer) after entering, discovered defendants in said shanty, and together with Officer Stange of the 7th Precinct, who had accompanied him, found the property herein mentioned, subsequently identified by deponent as the missing property, (except the money) concealed beneath the flooring of said shanty.

Wherefore, deponent charges defendants, with burglariously entering said premises, and latchy stealing and carrying away said property from his custody and possession.

Sworn to before me this 19th day of July, 1891

[illegible] Patrolman

Police Justice

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses, _____

No. _____ Street,

No. _____ Street,

No. _____ Street,

$ _____ to answer General Sessions.

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 hereto annexed.

Dated _____ 188 _____ *Police Justice.*

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____ *Police Justice.*

0093

CITY AND COUNTY OF NEW YORK, } ss.

Frederick Williamson

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

Sworn to before me, this 19th *day of* July 1898, } Frederick C. Williamson

Henry Hornung

Police Justice.

(3602)

0094

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

Cornelius 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 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. Cornelius Martin

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. United States

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

Answer. 41 Bowery — 2 nights

Question. What is your business or profession?

Answer. Brassnecoulder

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
Cornelius Martin

Taken before me this 15 *day of* Feb 1887

[illegible] *Police Justice.*

0095

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Roger Doyle 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. Roger Doyle

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. United States

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

Answer. 24 Jackson St — years

Question. What is your business or profession?

Answer. Work in a printing office

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

Answer. I am not guilty.

George Doyle

Taken before me this 16 *day of* May 1887

Patrick Murray

Police Justice.

0096

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Arthur May 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. Arthur May

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. United States

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

Answer. No home

Question. What is your business or profession?

Answer. Peddles papers

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,

Arthur May

Taken before me this 16 *day of* May 1887

Mott Haven *Police Justice.*

0097

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

A. J. Sundauto

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

Dated Feby 19 18 71 [illegible] 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.

0098

236

Police Court--- 3 — District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Perkulsky
173 Monroe St
Arthur May
George Doyle
Cornelius Martin
4

Offense Larceny

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Witnesses
Marcus Frankel
12 Bleecker St
Henry Ruderman
25 Jefferson St

Dated May 19 1891

Murray Magistrate.

Williamson Officer.

7th Precinct.

Witnesses Said Officer

No. Officer Stange Street.

Officer

No. Louis Perkulsky Street

173 Monroe St

No. Street.

$ 1000 to answer

Committed

RECEIVED FEB 3 1891 DISTRICT ATTORNEY'S OFFICE

0099

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Arthur May, George Doyle and Cornelius Martin

The Grand Jury of the City and County of New York, by this indictment, accuse Arthur May, George Doyle and Cornelius Martin of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said Arthur May, George Doyle and Cornelius Martin, all late of the Seventh Ward of the City of New York, in the County of New York aforesaid, on the nineteenth day of February in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, in the night-time of the same day, at the Ward, City and County aforesaid, ~~the dwelling house of one~~ a certain building, to wit: the store of one Louis Tekulsky 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 Louis Tekulsky in the said store ~~in the said dwelling house~~ then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0 100

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Arthur May, George Doyle and Cornelius Martin of the CRIME OF Petit LARCENY, committed as follows:

The said Arthur May, George Doyle, and Cornelius Martin, all late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the night-time of said day, with force and arms, ten pounds of tobacco of the value of thirty cents each pound, four bottles of whiskey of the value of seventy cents each bottle, and the sum of three dollars and fifteen cents in money, lawful money of the United States and of the value of three dollars and fifteen cents

of the goods, chattels and personal property of one Louis Tekulsky in the ~~dwelling house~~ store of the said Louis Tekulsky there situate, then and there being found, ~~from the dwelling house~~ 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 Arthur May, George Doyle and Cornelius Martin of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Arthur May, George Doyle and Cornelius Martin, all 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 Louis Tekulsky

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, from the said Louis Tekulsky

unlawfully and unjustly, did feloniously receive and have; (the said Arthur May, George Doyle and Cornelius Martin

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,
JOHN R. TEITSOWS,
District Attorney.

0102

BOX:
428

FOLDER:
3946

DESCRIPTION:
Mayer, Henry

DATE:
02/09/91

3946

No 42

Witnesses;

Louis Cohen

Offr Stutt

Counsel,

Filed 9 day of Feby 1891

Pleads,

THE PEOPLE

vs.

Henry Mayer

Burglary in the Third degree.
Grand Larceny, second degree & Receiving.
[Section 498, 506, 528, 530].

26.

Mayer

~~DE LANCEY NICOLL.~~
~~JOHN R. FELLOWS.~~

District Attorney.

A True Bill.

Chas. B. Babcock

Foreman.

Feby 9/91

Bail Bury 3 dey

S.P. 3 yrs.

0 104

Police Court— 3 — District.

City and County of New York, } ss.:

Louis Kohn

of No. 35 Canal Street, aged 24 years,

occupation Barber being duly sworn

deposes and says, that the premises No 35 Canal Street, 10th Ward

in the City and County aforesaid the said being a tenement building

and which was occupied by deponent as a barber shop

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

were BURGLARIOUSLY entered by means of forcibly breaking a pane of glass in the rear window of the above said premises, and opening the latch of said window

on the 2nd day of Feby 189[illegible] in the night time, and the following property feloniously taken, stolen, and carried away, viz:

A quantity of razors, five boxes of segars, a quantity of toilet articles, and a quantity of barbers tools, all of the aggregate value of

Fifty (50) Dollars

the property of Deponent

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

Henry Meyer (now here)

for the reasons following, to wit: Deponent says — at about 6 P.M. of Feby 1st he left said premises, securely locking the doors and fastening the windows and leaving, and that said property was then in said premises. Deponent further says — he is informed by Officer William Statt of the 11th Precinct, that at about 2.30 A.M. of Feby 2nd, he saw defendant on Allen Street, and arrested him on suspicion

and found a quantity of segars and barbers materials in his possession, and defendant told said Officer, as deponent is informed by said Officer, that there was similar property in defendant's room 111 Allen Street and that said Officer went to said room secured said property, and deponent in the presence of said Officer identified all of the property recovered by said Officer as aforesaid, as being his property.

Wherefore, deponent charges defendant with burglariously entering said premises, and taking stealing, and carrying away said property from his possession.

Sworn to before me }
this 2nd day of Feb 1891 } Louis Fischer

C. W. Meade

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named ______ guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ______ Hundred Dollars, ______ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated ______ 188 . ______ Police Justice.

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

Dated ______ 188 . ______ Police Justice.

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

Dated ______ 188 . ______ Police Justice.

Police Court, ______ District.

THE PEOPLE, &c.,
on the complaint of ______
vs.
1 ______
2 ______
3 ______
4 ______

Offence—BURGLARY.

Dated ______ 188
______ Magistrate.
______ Officer.
______ Clerk.

Witnesses, ______
No. ______ Street,
______
No. ______ Street,
______
No. ______ Street,

$ ______ to answer General Sessions.

0 106

CITY AND COUNTY OF NEW YORK, } ss.

William Stutt

aged ..... years, occupation Officer of No. 11th Precc Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Louis Nolan and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 2 *day of* Feb 1890, } William Stutt

[illegible]

Police Justice.

(3699)

0 107

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Henry Meyer 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 Henry Meyer

Question How old are you?

Answer 20 years

Question. Where were you born?

Answer. Germany

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

Answer. 111 Allen St — 2 mos

Question What is your business or profession?

Answer Shirt iron

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.

Henry Meyer

Taken before me this 2 *day of* [illegible] 188[illegible]

[illegible] *Police Justice.*

0 108

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 C. Jandau

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two *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 2 *18* 91 *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.*

0 109

150

Police Court--- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Louis Kohn
35 Canal St
Henry Meyer
2
3
4

Offence Burglary

BAILED.

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated Feby 2 1891
Mende Magistrate.
William Stutt Officer.
11th Precinct.
Witnesses Said Officer
No. Street.
No. Street.
No. Street.
$ 1000 to answer
Cmm

RECEIVED, FEB 1891 DISTRICT ATTORNEY'S OFFICE

0110

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Henry Mayer

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

Henry Mayer

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

The said Henry Mayer

late of the Tenth Ward of the City of New York, in the County of New York aforesaid, on the second day of February in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, in the night-time of the same day, at the Ward, City and County aforesaid, ~~the dwelling house of one~~ a certain building, to wit: the shop of one Louis Kohn

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

0111

SECOND COUNT—

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

Henry Mayer

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

The said Henry Mayer

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,

ten razors of the value of one dollar each, two hundred and fifty cigars of the value of five cents each, a quantity of toilet articles (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of fifteen dollars, divers barber's tools (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of fifteen dollars

of the goods, chattels and personal property of one Louis Kohn

in the ~~dwelling house~~ shop of the said Louis Kohn

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

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Henry Mayer of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Henry Mayer 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 Louis Kohn by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, from the said Louis Kohn unlawfully and unjustly, did feloniously receive and have; (the said Henry Mayer 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.

DeRamey Nicoll,
~~JOHN R. FELLOWS,~~
District Attorney.

0113

BOX:
428

FOLDER:
3946

DESCRIPTION:
McCarthy, John

DATE:
02/05/91

3946

Witnesses;

Counsel,

Filed 5 day of Feb 1891

Pleads, Not guilty

THE PEOPLE

vs.

B

John McCarthy

(2 cases)

POLICY.

[§§ 343 and 344, Penal Code.]

DE LANCEY NICOLL,

~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Chas. B. Robinson

April 21/91 *Foreman.*

Pleads Guilty

Sen Suspended

Sent to C.P. in another case

0115

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

Anthony Bruntset

Ins. S.F.W. 12 Johns St.
yone 21 West 16th St.
is Rum Nuns
entify N. Haverty.

1888

Mar 30
2 P.M.

0117

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

Anthony Comstock

of ~~150 Nassau~~ 41 Park Row Street, New York City, being duly sworn deposes and says, he is more than 21 years of age, and is employed as Chief agent of the New York Society for the Suppression of Vice, that he has just cause to believe, is informed and verily does believe, that John McCarty here present

~~whose real name unknown, but who can be identified by~~

did, at the city of ~~County of~~ County and State of New York, on ~~or about~~ the 30th day of January 1881, unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage as a dealer or game-keeper in a gambling or banking game, where money or property was dependent upon the result—and did sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did indorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided.

Deponent further says, ~~he has just come to believe, is informed and verily does believe~~ from personal observation and from statements made by John R. Collard to deponent that the said John McCarty aforesaid, ~~now~~ did have in his possession, at in and upon certain premises occupied by him and situate and known as number 122 Mott street in the city of New York and within the County and State aforesaid, for the purpose of using the same as a means to commit a

Filed S.C.W. 12 Johns Str.
now 21 West 116 St.
is Rue Nuevo
Certify J. Sweeny
188

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

Subscribed and sworn to before me this 30th day of January 1891.

Anthony Comstock

Charles A. Lawton *Police Justice.*

CITY OF ..... AND COUNTY OF ..... *ss.*

.....

being further sworn deposes and says that on the ..... day of ..... 188....., deponent visited the said premises, named aforesaid, and there saw the said ..... aforesaid, and had dealings and conversation with ..... as follows:

Deponent

0119

THE PEOPLE

ON COMPLAINT OF

A Cornelock

AGAINST

John McCarty

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

Affidavit of Complaint.

WITNESSES:

Subscribed and sworn to before me this
day of 188.

Police Justice.

0120

Sec. 198—200.

CITY AND COUNTY OF NEW YORK } ss.

1 District Police Court.

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

Question. What is your name?

Answer. John McCarthy

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. Ireland

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

Answer. 167 Mott St.

Question. What is your business or profession?

Answer. Clerk

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

Answer. I am not guilty

John McCarthy
Mark

Taken before me this 30 *day of* Oct 1895

Charles A. Flammer *Police Justice.*

0121

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 A Lundam

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 Jan 30 1891 Charles N Tainter Police Justice.

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

Dated Jan 30 1891 Charles N Tainter 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.

0122

No 41 140

Police Court--- 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Anthony Comstock
vs.
John McCarthy
2
3
4

Offence Lewd Pict

BAILED,
No. 1, by Hyman Harris
Residence 52 Bowery Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street

Dated Jan 30 1891
Taulor Magistrate.
English Officer.
Court Precinct.

Witnesses
No. Street.

No. Street.

No. Street.

$ 500 to answer

Bail

0123

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Mc Carthy

The Grand Jury of the City and County of New York, by this indictment, accuse John Mc Carthy of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said John Mc Carthy

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

SECOND COUNT.—

And the Grand Jury aforesaid, by this indictment further accuse the said John Mc Carthy of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said John Mc Carthy

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

THIRD COUNT.—

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

— John Mc Carthy —

of the CRIME OF SELLING TO ANOTHER WHAT IS COMMONLY KNOWN AS A LOTTERY POLICY, committed as follows:

The said — John Mc Carthy —

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

— John R. Collord —

a certain paper, instrument and writing, commonly called a Lottery Policy, which said paper, instrument and writing, called a Lottery Policy, is as follows, that is to say:

Buy 30
10 20 30
— 1 — 2 — 3 —
— 6 — 17 15
11 — 25 — 40
— 1 — 3 — 20
16 — 42 — 54
25

A C Jan 3 1891

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

FOURTH COUNT.—

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

— John Mc Carthy —

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

The said — John Mc Carthy —

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

— John R. Collord —

a certain paper and writing, in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more par-

0125

ticular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper and writing is as follows, that is to say:

Bu/30
102030
—1—2—3—
—6—19—15
11—25—28
—1—8—20
16—42—54
35

AG Jan 30 91

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

FIFTH COUNT.—

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

— John McCarthy —

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

The said — John McCarthy —

late of the Ward, City and County aforesaid, afterward, to wit: On the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

— John R. Collord —

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

Bu/30
102030
—1—2—3—
—6—19—15
11—25—28
—1—8—20
16—42—54
35

AG Jan 30 91

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

DeLancey Nicoll
~~JOHN R. FELLOWS~~,

District Attorney.

Witnesses;

Counsel,

Filed 5 day of Feb 1891

Pleads, Not guilty

THE PEOPLE

vs.

B

John McCarthy
(2 cases)

POLICY.
[§§ 343 and 344, Penal Code.]

~~DE LANCEY NICOLL,~~
~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Foreman.

Plead Guilty
City Prison 30 days.

0127

0128

Jan 29/91 95 cts

122 Prothdt
J.R.C

0129

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

Anthony Comstock

of ~~150 Nassau~~ 41 Park Row Street, New York City, being duly sworn deposes and says, he is more than 21 years of age, and is employed as Chief agent of the New York Society for the Suppression of Vice, that he has just cause to believe, is informed and verily does believe, that Samuel Doe

whose real name is unknown, but who can be identified by John R. Collard

did, at the City ~~of~~ County ~~of~~ and State of New York, on or about the 27th day of January 1881, unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage as a dealer or game-keeper in a gambling or banking game, where money or property was dependent upon the result—and did sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did indorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided.

Deponent further says, he has just ~~cause~~ cause to believe, is informed and verily does believe ~~from personal observation and~~ from statements made by John R. Collard to deponent that the said Samuel Doe aforesaid, now has in his possession, at in and upon certain premises occupied by him and situate and known as number 122 Mott street in the City of New York and within the County and State aforesaid, for the purpose of using the same as a means to commit a

0130

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

Subscribed and sworn to before me this 30th day of January 1891.

Anthony Comstock

Charles N. Tainter Police Justice.

CITY OF New York AND COUNTY OF New York ss.

John R. Collard of 41 Park Row

being further sworn deposes and says that on the 27th day of January 1891, deponent visited the said premises, named aforesaid, and there saw the said Samuel Doe aforesaid, and had dealings and conversation with him as follows:

~~Deponent~~ Deponent walked in the room where the said SAMUEL DOE was, and handed him a paper with some numbers upon it, and told him to play those same numbers in both Lotteries for the morning. The said SAMUEL DOE recorded the same upon his manifold-book, and wrote them upon a slip of paper hereto annexed, and handed the slip of paper to Deponent, and Deponent paid him the sum of 35 cents for the same.

While the said SAMUEL DOE was writing said numbers, he told Deponent to come around where the light was, to see if he got them down right.

John R. Collard

Subscribed, and sworn to before me :
this 30th. day of January 1891. :

Charles N. Tainter.

Police Justice.

0131

THE PEOPLE

ON COMPLAINT OF

A. Comstock et al.

AGAINST

Samuel Dorr.
John McCarthy.

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

Affidavit of Complaint.

WITNESSES:

A Comstock
John R Collard.

Subscribed and sworn to before me this
day of 188.

Police Justice.

0132

Sec. 151.

Police Court, 14 **District.**

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

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by Anthony Comstock & John R Collard of No. 41 Park Row Street, charging that on the 27th day of January 1891 at the City of New York, in the County of New York that the crime of selling what is commonly called a lottery policy

has been committed, and accusing Samuel Doz whose real name is unknown but who can be identified by John R Collard thereof.

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

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

Dated at the City of New York, *this* 30th *day of* January 1891

Charles N Tristan POLICE JUSTICE.

0133

POLICE COURT, 1st DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anthony Comstock et al

vs.

Samuel Dorr
John McCarthy

Warrant—General.

Dated 188

..... *Magistrate.*

English ..... *Officer.*

The Defendant John McCarthy taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Patrick English *Officer.*

Dated Jun 30 1891

This Warrant may be executed on Sunday or at night.

..... *Police Justice.*

REMARKS.

Time of Arrest.

Native of Ireland

Age. 39

Sex.

Complexion.

Color. white

Profession. Clerk

Married. M

Single. —

Read. Yes

Write. Yes

167 Mott St

0134

City and County of New York, ss:

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

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

Proof by affidavit having been this day made before me, by Anthony Comstock & John R. Collard of 41 Park Row Street, New York City, that there is probable cause for believing that Samuel Doe, whose real name is unknown but who can be identified by John R. Collard aforesaid

has in his possession, at, in and upon certain premises occupied by him and situated and known number 122 Mott street in said City of New York, certain and divers device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings, papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, black-boards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day or night time to make immediate search on the person of the said Samuel Doe,

and in the building situate and known as number 122 Mott street aforesaid, for the following property, to wit: all Faro layouts, ——— Roulette Wheels and layouts, ——— Rouge et Noir, or Red and Black layouts, ——— gaming tables, ——— chips, ——— packs of cards, ——— dice, ——— deal boxes, ——— lottery policies, ——— lottery tickets, ——— circulars, ——— writings, ——— papers, ——— documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, ——— books ——— documents for the purpose of enabling others to gamble or sell lottery policies, ——— black-boards, ——— slips or drawn numbers of a lottery, ——— money to gamble with, and all device, establishment, apparatus and articles suitable for gambling purposes.

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

Dated at the City of New York, the 30th day of January 1891

Charles N Lanton

POLICE JUSTICE.

0135

Inventory of property taken by Patrick English the Peace Officer by whom this warrant was executed:

~~Faro~~ layouts, Roulette ~~Wheels~~, ~~Roulette~~ layouts, ~~Rouge~~ et ~~Noir~~ layouts, ~~gaming~~ tables, ~~chips~~, ~~packs of cards~~, ~~dice~~, ~~deal~~ boxes, ~~deal trays for holding chips~~, ~~cue boxes~~, ~~markers~~, or ~~tally cards~~, ~~ivory balls~~, 200 lottery policies, ~~lottery tickets~~, ~~circulars~~, writings, ~~papers~~, ~~black boards~~, ~~slips, or drawn numbers in policy~~, ~~money~~, ~~manifold books~~, ~~slates~~, one box of numbers, two dream books, seven packages of drawings, one package policy slips, five ass't pencils, 3 zinc, one Roll Blank Manifold, 208 Sheets Containing record of Bets, 8 manifold Books, all of the above having been found in premises 122 Mott St. this the 30th of Jan 1891

City of New York and County of New York ss:

I, Patrick English the Officer by whom this warrant was executed, do swear that the above Inventory contains a true and detailed account of all the property taken by me in this warrant.

Sworn to before me, this 30 day of January 1891

Patrick Englishe

Charles N Tomlin Police Justice.

Police Court — 14th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Anthony Comstock
vs.
Samuel Dr.

Search Warrant.

Dated 188

Justice.

English Officer.

0136

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John McCarthy

Question. How old are you?

Answer. 59 Ireland

Question. Where were you born?

Answer. Ireland

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

Answer. 167 Mott St.

Question. What is your business or profession?

Answer. Clerk

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

Answer. I am not guilty

John McCarthy
Mark

Taken before me this 20 *day of* January 188[illegible]

Charles A. Smith *Police Justice.*

0137

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 A. Lafundane

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 Jan 30 18 91 ..... Police Justice.

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

Dated Jan 30 18 91 Charles N Tarrito 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.

0138

140

Police Court--- 7 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Anthony Comstock
vs.
1 John McCarthy
2
3
4

Offence Sam Stag

BAILED,
No. 1, by Hyman Harris
Residence 62 Bowery Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street

Dated Jan 30 1891
Sandom Magistrate.
English Officer.
Canal Precinct.

Witnesses
No. Street.
No. Street.
No. Street.
$ 500 to answer
Bailed

0139

POLICE COURT, FOURTH DISTRICT.

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

Anthony Comstock

of No. 41 Park Row Street, being duly sworn, deposes and says, that John McCarty (now present) is the person of ~~that~~ the name mentioned in deponent's affidavit of the 30th day of January 1891 hereunto annexed, as Samuel Doe,

Anthony Comstock

Sworn to before me, this 30th day of Jan 1891

Charles N Tomlinson Police Justice.

0 140

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 Carthy

The Grand Jury of the City and County of New York, by this indictment, accuse John Mc Carthy of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said John Mc Carthy

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

SECOND COUNT.—

And the Grand Jury aforesaid, by this indictment further accuse the said John Mc Carthy of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said John Mc Carthy

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

THIRD COUNT.—

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

— John Mc Carthy —

of the CRIME OF SELLING TO ANOTHER WHAT IS COMMONLY KNOWN AS A LOTTERY POLICY, committed as follows:

The said — John Mc Carthy —

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

— John R. Collord —

a certain paper, instrument and writing, commonly called a Lottery Policy, which said paper, instrument and writing, called a Lottery Policy, is as follows, that is to say:

B E 1527
6-11-17
14-76-63
9-11-18
13-43-54
75
6-14-19-25-50
10481
46-49

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

FOURTH COUNT.—

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

— John Mc Carthy —

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

The said — John Mc Carthy —

late of the Ward, City and County aforesaid, afterward, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

— John R. Collord —

a certain paper and writing, in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more par-

0142

ticular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper and writing is as follows, that is to say:

Rex 527
6—11—17
14—16—63
9—11—18
13—43—54
75
6—14—13—25—50
10781
46—45

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

FIFTH COUNT.—

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

— John McCarthy —

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

The said — John McCarthy —

late of the Ward, City and County aforesaid, afterward, to wit: On the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

— John R. Collord —

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

Rex 527
16—11—17
14—16—73
9—11—18
13—43—54
75
6—14—13—25—50
10781
46—45

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

De Lancey Nicoll
~~JOHN R. FELLOWS,~~

District Attorney.

0143

BOX:
428

FOLDER:
3946

DESCRIPTION:
Feely, John

DATE:
02/02/91

3946

0144

BOX:
428

FOLDER:
3946

DESCRIPTION:
Feely, Martin

DATE:
02/02/91

3946

0145

BOX:
428

FOLDER:
3946

DESCRIPTION:
McCormack, Frank

DATE:
02/02/91

3946

MURDER IN THE FIRST DEGREE,
(Section 183, Penal Code.)

THE PEOPLE
vs.
Frank A. McCormack
John Feely and
Martin Feely

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~
District Attorney.

A True Bill.

Ordered to the Court of General Sessions of the City and County of New York for trial May 1891

The within named defendants were indicted for murder in the first degree. The defendant Frank A. McCormack was tried and a verdict of guilty of manslaughter in the first degree was rendered by the jury on the 18th day of May 1891 in this Court. The defendants Martin Feely and John Feely have not been tried. I have examined the evidence very carefully and am of the opinion that there is not nor have I since the trial of the said McCormack been able to obtain any new or additional evidence against them that would warrant me in bringing them to trial, and I believe that a conviction cannot be obtained against them as principals or accessories on the evidence in possession of the People and I do therefore respectfully recommend that the within [illegible] the defendants Martin Feely and John Feely be discharged on their own recognizance.

Dated May 28th 1891

Respectfully submitted
Wauhope Lynn
Deputy Asst Dist Atty

Having been associated with Mr Lynn in the prosecution of the defendant Frank A. McCormack, and knowing the evidence in possession of the People in the case I concur in the opinion and recommendation expressed above as to the defendants Martin and John Feely.

Dated May 28/1891

Chas E. Simms Jr
Deputy Asst Dist Atty

In view of the opinion of Mr. Justice Lynn Sherman upholding the case & recognizance that the defendants Feely be discharged on their own recognizance

Witnesses;

Edward Mary
Delancey Nicoll Dist Atty
Lillian Carmichael
John Robb
Mamie Mahoney
Henry Ledwen
Offe C C Schneider
Offe M C Coffey
Lewis Lefrean

Filed Feb 2/94

(732)

Schiller
120 Bway

Counsel,

Filed day of Feb 189

Pleads, Not guilty 3.

THE PEOPLE

vs.

Frank McCormack
John Feely,
Martin Feely

MURDER IN THE FIRST DEGREE.
(Section 183, Penal Code.)

DELANCEY NICOLL,
~~JOHN R. FELLOWS~~
District Attorney.

A True Bill.

Foreman.

The within named defendants were indicted for murder in the first degree & the Commonwealth [illegible] trial and [illegible] degree was [illegible] in this case [illegible] have not been [illegible] counsel [illegible] to obtain [illegible] What [illegible] I believe [illegible] the witness [illegible] what the [illegible]

[illegible] the opinion of Mr. Justice Martin [illegible] Deputy District Atty

COURT OF GENERAL SESSIONS,

PART I.

The People of the State of New York against Frank McCormick impleaded with Martin Feely and John Feely.	Before Hon. Frederick Smyth and a Jury.

Indictment filed , 1891.

Indicted for Murder in the First Degree.

New York, May 11th, 1891.

APPEARANCES.

For the People Assistant District Attorney Wanhope Lynn and Mr. Chas. E. Simms, Jr.

For the Defendant Mr. Andrew D. Parker and Mr. Seaman Miller.

F R A N K E. T O A L, a witness for the People, sworn, testified:

I am a City Surveyor at No. 25 Chambers Street. I produce a map of the corner of 38th Street and 2nd Avenue. It correctly shows the location of the various buildings, with reference to the streets and avenue.

E D W A R D M A Y, a witness for the People, sworn, testified:

I work for William J. Buzby at No. 230 East 38th Street. I live at No. 214 East 38th Street. On the night of November 22nd, 1890, I was at the stable of Mr. Buzby attending to my business. I left that stable at 20 minutes

of 12 o'clock. I proceeded as far as the barber shop when my attention was attracted by a flash. I heard a pistol shot. I kept my eyes in front of me and there was a man passing at the time. I continued walking down 2nd Avenue on my errand. The man who passed me made a remark. I still kept my eyes direct on the corner where I heard the pistol shot and I saw four men there. They were standing at the cellar way of the butcher shop and three came to the corner. When I got to the corner I saw an object lying on the sidewalk. Three men came towards me and came to the corner of 38th Street and 2nd Avenue. When they got to the northeast corner they dispersed. One went up town towards 39th Street, two went to 37th Street, in the direction of 37th Street. I went over to the corner and I saw on the ground the young fellow who had been shot. I raised the cry of murder and stop thief. The two men that had walked down 2nd Avenue went on an ordinary walk as far as the hat store. When I raised the cry they took on a run. I saw one cross 2nd Avenue, where the other went I don't know. I noticed the appearance of these men; the two that went to 37th Street were kind of small stature, and the one that went up towards 39th Street was about 5 feet 9. After I raised the cry of police I went into the liquor store on the corner. I got a can of beer and when I came out I saw on the corner a little girl and a group of men. I did not know Gillespie. He was alive when I came up to the corner. I saw the body taken to the drug store. While lying upon the sidewalk the body lay with its head towards the curb.

CROSS-EXAMINATION.

I have worked for Mr. Buzby nearly a year. On the night in question my little child was sick. I think it was about half past 9 or 10 o'clock when I first went out that evening. I went out for beer. I am employed in this stable in the night time. At the present time I will not be certain that I saw the flash of the pistol. My memory is quite indistinct about this matter. I did not have any conversation with the man who ran past me. The remark which the man made to me induced me to continue on walking. I did not think anything of the pistol shot because of the remark which the man made. I did not see anybody else but these three men on the avenue at that time. The man who went up the avenue had a derby hat on. There was a light on the northeast corner of 38th Street and 2nd Avenue and I could see these persons plainly. I did not follow the form of the man who went up 2nd Avenue, but went over to the body. As far as I know, the men on the corner were silent. At the Coroner's inquest I said that I thought the object on the sidewalk was water until I got up to it. It appeared to me like a dark object. I saw a hole in the forehead of the man who was laying on the sidewalk when I reached him. I was present when the defendant was brought to the body by Officer Schneider. He said "Eddie, wake up, who done it?" I saw no other man than these three in the vicinity.

W I L L I A M O. L O N G, a witness for the People, sworn, testified as follows:

I am a photographer by profession, doing business at No. 222 West 33rd Street. I have been practicing that profession for 18 years. I made the photograph which I now produce of the northeast corner of 38th Street and 2nd Avenue. It is correct.

L I L L I A N C A R M I C H A E L, a witness for the People, sworn, testified as follows:

I live at No. 313 East 39th Street. I remember the night of November 22nd of last year. I was working in Truesdales, 24th Street and 8th Avenue, as cash girl. I left my place of employment about a quarter past 11 or 20 minutes past 11. The superintendent gave me a parcel to deliver to his sister, 23rd Street and 3rd Avenue. I delivered the package, came down through 23rd Street to 2nd Avenue and walked up 2nd Avenue to 38th Street. When I was right between the crossing I saw a pistol flash, and as I was walking up on the corner, I saw three men running, one ran up and the other two ran down. I stopped. When I stopped I saw four men standing in a bunch. I saw one man fall just after I heard the pistol shot. When one man had fallen the three others walked slowly to the corner; one tall man ran up towards 39th Street and two ran down. I walked back to the crossing and I watched the two men that ran down and saw them cross to the west side of the avenue. Two men who were about to go into Boylan's liquor

store turned around and shouted to the men on 37th Street to stop the men that were running; they turned around and walked over towards the dead body. One of these men had a tin pail in his hand. I stayed there until twompolicemen came and they took the body in the drug store. When the body was in the drug store there was a young lady there who told me I had better go home. I noticed she had a red knit shawl on. I met another lady near the butcher store and she spoke to me. I went home and arrived there about 5 minutes past 12.

CROSS-EXAMINATION.

I know Frank McCormick. I did not see him around that night. I do not know the Feely boys. I did not see Frank McCormick go into the drug store. I told my mother of what happened when I got home. I also had a conversation with the District Attorney and with Mr. McCafferty, the detective. I also had a conversation with Mr. Miller, one of the defendant's counsel. I told the same story as I have told to-day. The man who went up 2nd Avenue towards 39th Street had no overcoat on him and had on a derby hat. I followed him with my eyes to about half way between 38th and 39th Street. He was taller than the other two men. I did not pay any attention to the men's faces. I paid more particular attention to the man who ran up than the one who ran down.

J O H N R A H B, a witness for the People, sworn, testified:

I live at No. 300 East 38th Street, on the southeast corner of 2nd Avenue. I lived there on the 22nd of Novem-

ber, 1890. My room is the fourth window from the corner on the floor above the liquor store. I was in bed, and at 15 minutes of 12 o'clock I was awakened by hearing a pistol shot. I jumped out of bed, let the shade up, looked out, and I saw four men standing on the opposite sidewalk. I then left my room and went into the front room on the corner. I alarmed the occupants of the house. When I got in the front room I looked out again and I then saw three men standing looking at one who had fallen down. Then the three men started to walk. They walked to the northeast corner of 2nd Avenue and 38th Street, stopped and had a conversation in a kind of an excited way, looking up and down the avenue. I should say they remained there between 45 and 50 seconds from the time the shot was fired. The first time I looked out I saw only four men. I am positive about that. It was a light moonlight night. I cannot describe the height of any of them except to say that one was taller than the other three, and he was the one that went up 2nd Avenue towards 39th Street. After the men had left I saw a little girl and two men approach the body. One of the men had a can in his hand. A crowd then collected.

CROSS-EXAMINATION.

I went to bed that night between 8 and 9 o'clock. I had not yet fallen asleep at the time I heard the pistol shot. I jumped up immediately upon hearing the shot. I got to the window quicker than I can describe it. I stayed at the window until I saw one man fall and then I went

into the room of Mrs. Carlson. I said to her "This man is shot". She was in bed with her daughter and they both got up and went to their window and looked out. The three men when they left the body walked in a row to the corner and then separated, one going up and one down. They appeared to me to be excited; they kind of looked up and down the avenue and also looked where the body lay. I did not take any notice of any weapon in the hands of either of the men. I noticed no pistol. I am certain as to the direction the men took. I have always been sure of it. I saw a policeman that night and told him what I knew about it; I told him I saw some of the shooting. I never had any visit from officer McCafferty.

L E N A L O F G R E E N, a witness called by the People, sworn testified as follows:

I live at No. 300 East 38th Street in the same house with the last witness. I recognize the picture now shown me as a picture of that house. On the night of the 22nd of November, 1890, at about a quarter of 12 I heard a pistol shot. I was sitting at the window of my room, which is the third from the corner on the second floor. I raised the shade and looked out and I saw three men standing on the corner. They were looking all around. At that time I saw nobody but three men. They seemed to talk together as though they were friends. I looked up and down the street and all over and saw nobody but the three men. One of the men had something white in his hand or around his

hand. I thought I should hear some fight or something, but I didn't hear anything. It looked like as if they were all good friends and stood there talking, and after that they walked away. After that I saw the man who was shot laying on the sidewalk; I did not see him fall. At first I thought it was water that was on the sidewalk, but after the men had moved to the corner I found that it was a man. His head was on the street and his body was on the sidewalk. The men as they stood on the corner looked very much excited. It was a moonlight night, and I could see clearly. Shortly afterwards I saw two men and a little girl come to where the body lay on the sidewalk. I cannot tell what the white object was which was in the hand of one of the three men whom I have spoken of.

CROSS-EXAMINATION.

I did not know any of the three men. I do not know the defendant, nor do I know John or Martin Feely. I told a detective my story at the station house. I was examined as a witness before the Coroner and I told him about this white article in the hands of one of the men. I did not see the man fall. The first person I spoke to about this case was Mr. Rahb. I know nothing about the men who were near the body just after the shooting. When I say they were excited it is because I saw them talking and looking up and down 2nd Avenue and towards the body. They walked down the avenue.

A L I C E C A R L S O N, a witness for the People, sworn, testified:

I live at No. 300 East 38th Street. That is the same house in which Mrs. Lofgreen and Mr. Rahb reside. I occupy the first floor. I remember Saturday evening, November 22nd, 1890. At a quarter to 12 o'clock on that night as I was undressing myself in the front room my attention was attracted by a pistol shot. I pulled the shades up, looked across the street and saw a group of men standing there. I did not think anything happened on that side so I went to the avenue window and looked out there. I saw nothing there. Then Mr. Rahb called my attention to the fact that a man was shot on the corner; I looked again and saw one man lying down and three standing in front of him. They stood there for a few moments, then turned and walked away as far as the corner; they looked quite excited and were turning around and looking in different directions. In a few moments they departed, two walked downwards and one upwards. One of the men was a little taller than the others. I think he went up town; the other two went down. It was a bright,moonlight night, but quite chilly. I saw no one else on that corner but the three men whom I have described.

CROSS-EXAMINATION.

Immediately after the shot I opened the window. I saw one man lying down and the other men standing around him; the man had fallen by the time I reached the open window. How many were in the party at first I could not tell you. It seemed to me that the same party was there

when I looked out the second time as when I looked out the first time. I fixed the number as three; I am positive of that fact. I could not see clearly enough to say that the faces of the men indicated excitement. I do not know Frank McCormick, nor do I know either of the Feelys. When the men reached the corner I saw them separate, one went upwards and the other two downwards. My impression is that the tallest one went toward 39th Street. I remained at the window until the body was taken away. I then went outside and stood at the drug store. I did not see McCormick at the body. I saw a little girl and two gentlemen come and look at the body. One of the men carried a tin pail.

C H A R L E S C. S C H N E I D E R, a witness for the People, sworn, testified:

I am a police officer attached to the 21st precinct. On the evening of the 22nd of last November I was on post No. 11, East 37th Street from 1st Avenue to Park Avenue and to 38th Street. At a quarter of 12 o'clock on that night I was on East 37th Street between 1st and 2nd Avenues, the south side of the street. My attention was attracted by a pistol shot; it appeared to me to come from the direction of 2nd Avenue a little above 37th or 38th Street. When I heard the shot I turned deliberately around and ran diagonally to the north side of the street, right toward 2nd Avenue. It was a bright night. I could readily distinguish objects on 2nd Avenue and along 37th Street. No

person crossed 37th Street on 2nd Avenue at any time before I reached that corner. When I reached the northeast corner of 2nd Avenue and 37th Street I looked down the avenue, and I turned my head and looked up and I saw Frank McCormick and another young man about ten feet behind him come running down the avenue on the east side. I afterwards recognized the other man as John Feely. The defendant McCormick was in advance; I grabbed him; he said to me "There goes a man that shot a man in 38th Street". I let go of him and I ran across the street. He had pointed across the street to a man who was walking leisurely on the west side crossing of 37th Street and 2nd Avenue. When I reached that man Frank McCormick says "That is not the man, he has gone into Hayes's liquor store. That liquor store to which he referred is on the northwest corner of 2nd Avenue and 37th Street. The man was about 50 years of age; he looked like a laboring man; he had his hands in his pockets and was smoking a clay pipe. When the defendant made that remark to me I immediately ran into Hayes's liquor store and looked around the place. I asked the proprietor if a man had come in there, had just come in there, and he said he had not seen a man come in for twenty minutes; I turned to a man named Charles Baker, whom I knew personally, and asked him the same question; he made me the same reply; I asked McCormick if there was anybody there whom he recognized and he said he did not. I then took him out of the saloon to 2nd Avenue and 37th Street; I looked up 37th Street and I saw a man on the north side

of the street; I then said to McCormick "There goes a man, is that the man?" He said yes. I said to him "Run up and I will follow you and keep him in sight." We ran together, and when I reached 3rd Avenue McCormick told me the man had gone into No. 564 across the avenue; we both ran over there and the door was slammed in our face. I tried to push it in but could not, and the man who had entered came down and opened the door. I recognized Mr. Sward, who is now in Court, as the gentleman who opened the door. When Mr. Sward opened the door I asked McCormick if that was the man who just went in and he said yes. I then asked McCormick if that was the man who shot the man in 38th Street and he said at first "I don't know" and afterwards he said no. I brought Sward out under the electric light so that he might have a clear view of him. In the presence of the defendant I asked Sward where he had been and he told me he had been over to buy cigars. When the defendant McCormick failed to identify Sward I said to him "I think you have been fooling me, giving me a wild goose chase". To that he made no reply. I heard a rap of a policeman's club at that moment and I asked the defendant to wait until I would answer the rap. He said "No, I will run up town". I said "No, you will wait for me". I answered the raps and then went with the defendant to the northeast corner of 38th Street and 2nd Avenue. The body of Edward Gillespie was just being picked up to be carried to the drug store by some citizens. I told them to lay the body down until I saw if the dying man could identify

the defendant. I brought McCormick to him and I said "Do you know this man?" I received no reply; I then said "Is this the man that shot you?" and I received no answer; Gillespie was unconscious. McCormick got down and got hold of his head and said "Eddie, Eddie, don't you know me, don't die". The deceased made no reply. The body was then taken into the drug store. In the drug store I turned the defendant over to officer Robinson. At the time I arrested the defendant he and John Feely were running at a fair gait. I grabbed McCormick and Feely turned back. I could not say whether he ran or walked. After we left Sward on 3rd Avenue the defendant made no other statement to me.

CROSS-EXAMINATION.

I have been attached to the police force one year, about. I was not at all sleepy that night. When I heard the shot it sounded to me as coming from the direction of 2nd Avenue above 37th Street. I got to 2nd Avenue as quick as I could. That was the first pistol shot I heard since I was in the Department. I would not be positive whether I put my hand on McCormick's shoulder when I arrested him. As soon as I caught hold of McCormick John Feely turned around and went away.

Q. Officer, were you not leaning up against the liquor store on the corner of 37th Street, and weren't you aroused by this man tapping you on the arm? A. No, sir.

Q. And didn't John Feely stand alongside of him? A. No, sir.

Q. Didn't you rub your eyes? A. No, sir.

Q. Sure of that? A. Positive.

Q. Didn't John Feely follow you and this man across the west side of the avenue? A. Not to my knowledge, he did not.

Q. You regarded the defendant as your prisoner from the outset? A. Yes, sir, I kept my eye on him.

Q. Can't you tell whether or no John Feely followed you to the saloon? A. No, sir, the last I took notice of John Feely was when he turned around, turned back.

Q. You regarded him as gone? A. Yes, sir.

Q. Don't you know that John Feely went into Hayes' liquor store with this man? A. He might have followed me up.

Q. Don't you recollect John Feely joining you in the chase? A. No, sir, I don't recollect it.

Q. Were you sleeping there? A. No, sir, I am pretty positive I was not; I know I was not.

Q. Who had passed, if anybody, immediately prior to them; did you see anybody pass? A. No, sir, I did not.

Q. You are sure McCormick said "He ran into Hayes' liquor store"? A. To the best of my knowledge he said that.

Q. Do you recollect McCormick saying anything to the bar keeper in there? A. I could not say he said anything.

Q. You did not see John Feely in there? A. No, sir; I looked into the closet.

Q. When you got out into the light what was the first thing said? A. I said "There goes a man up near 3rd Avenue, is that the man?" and McCormick said "Yes, sir". He said "That is the man" or "Perhaps that is the man".

Q. Did you search the defendant? A. No, sir.

Q. Dc you know whether any pistol was ever found upon him? A. No, sir.

H E N R Y L E D E R E R, a witness called by the People, sworn, testified as follows:

I am a barber, doing business at No. 712 2nd Avenue, between 38th and 39th Streets. I kept that barber shop on the 22nd of November, 1890. On that evening Frank McCormick, John Feely, Martin Feely and Edward Gillespie were in my place. Martin Feely came in to get his hair cut; he just sat down in the chair for a little while and I did not take much notice of the others coming in after him. Martin Feely got sick in the chair and told me to hurry up. I finished cutting it and let him go at about a quarter to 11 or 11 o'clock. The men left my place together. I saw Martin Feely go up towards 39th Street; I did not watch the others. I saw that the men were on good terms on that night. I did not see anything wrong with any of them. I did not take notice whether McCormick was sober or not.

A L B E R T R. R O B I N S O N, called by the People, sworn, testified as follows:

I am a police officer attached to the 21st precinct. On the night of the 22nd of November, 1890, I was going through 38th Street, and when I arrived at 3rd Avenue I heard a pistol shot; I stopped on the corner of 3rd Avenue and 38th Street, and waited there four or five minutes. I heard a succession of raps from 2nd Avenue. I ran towards 2nd Avenue and there met officer Philbin coming across the street. He told me a man had been shot. I went to the corner and there saw Edward Gillespie. I knelt down and found he was unconscious. I saw I could not do anything

for him there and I started to disperse the crowd, and we removed the body to the drug store. The defendant came in the place in charge of officer Schneider. I did not hear what the defendant said.

CROSS-EXAMINATION.

I did not say at the Coroner's inquest that I took McCormick to the station house. McCormick unbuttoned the shirt of Gillespie when he knelt down by his side. I did not hear him make any remark whatever.

H E N R Y L E D E R E R, re-called.

Q. You have mentioned four people in that barber shop, the two Feelys, McCormick and Gillespie on that night? A. Yes, sir.

Q. Do you know if there was anybody else with them? A. No, sir.

Q. Do you know a boy named Michael Mahoney? A. No, sir.

M A M I E M A H O N E Y, a witness for the People, sworn, testified:

I live at No. 697 1st Avenue. In the month of November I lived at 312 East 39th Street. I have known Frank McCormick about five months by eyesight, but not by name. I know the two Feely boys and I knew Edward Gillespie. I frequently saw Frank McCormick in that neighborhood. On Saturday night, November 22nd, 1890, I was at a ball at 34th Street and 3rd Avenue. I had company with me that night. I left the ball at half past 11; I walked up 3rd Avenue to 36th Street, down to 36th Street to 2nd Aven-

ue and along 2nd Avenue to 38th Street and 2nd Avenue. My company had left me at 36th Street and 2nd Avenue; I had a little quarrel with him. I stood on the corner of 38th Street and 2nd Avenue on the east side. I saw four young men a little way off the corner in 38th Street. I heard them talking. Those four men were Frank McCormick, Eddie Gillespie, Martin Feely and John Feely. Frank McCormick was talking in an excited manner, talking loud. I could see the men plainly. I heard a shot, and when I heard it I turned around quickly, looked towards the four men and the four were still standing there in the same position. Frank McCormick was standing nearest 2nd Avenue facing 1st Avenue; Edward Gillespie was facing towards 3rd Avenue; Martin Feely had his back toward 39th Street and was facing me; John Feely had his back to me and was facing toward 39th Street. After I heard the shot I turned quickly around and saw one of the men falling; it was Edward Gillespie. I walked over to the body, looked at it, and I saw Frank McCormick with one knee on the ground and one foot on the curb; I heard him say "Eddie, Eddie, don't die". I looked at McCormick and he looked up at me. He then left the body and walked past me; he pulled his hat down over his eyes and held his head side ways from me. He then left the body and walked to Johnnie Feely and Johnnie Feely and he walked down 2nd Avenue, and Martin Feely walked up toward 39th Street. There were no other persons present only a little girl. I recognize Lillian Carmichael as the little girl who was there. It was a clear, bright

night. The men made no noise after they left the body.

CROSS-EXAMINATION.

I know this neighborhood pretty well, as I lived in 39th Street. I could not tell you the name of the ball I was at because I left it before it commenced; I took a toothache and I left the ball. It was at the Lyceum Opera House, 34th Street and Lexington Avenue. Jimmie Hunt took me there. I am 19 years old. My stepfather is commonly known as Bull Bradley. I am a tobacco stripper by occupation. I am now in the House of Detention. I did not tell anybody of this occurrence on the night when I witnessed it. It was a week after the shooting occurred that an officer came to my house and took me to Captain Ryan. I saw no flash from the pistol. All I have told of this affair is the truth and is remembered by me positively. I was not called as a witness before the Coroner, nor was my testimony taken in the Police Court. Captain Ryan asked me what I knew about the case and I told him that I saw four men on the corner, that I heard the shot, that I did not know where it came from, that I saw the man fall, that I walked over to the body, and that I heard Frank McCormick say "Eddie, Eddie, don't die". Also that I saw John Feely and McCormick walk down 2nd Avenue and Martin Feely walk up 2nd Avenue. I did not want to get into trouble and that is the reason I did not come forward as a witness. Captain Ryan said Inwas a liar and that he would put me in the House of Detention. My mother was with me during this interview before the Captain. At first I told the Captain I

was home; that was an untruth. I had no talk with Detective McCafferty about the case. I last saw Jimmie Hunt three months ago yesterday. The quarrel I had with him was quite serious. As soon as I heard the shot I went straight up to the body and I saw Frank McCormick laying over the body and saying "Eddie, Eddie, don't die". McCormick pulled his hat over his eyes when he saw me. When the men were talking I recognized one voice. It was the voice of Frank McCormick.

T H O M A S M. R Y A N, a witness for the People, sworn, testified:

I am the Captain of the 21st precinct. I was present in my station house on November 22nd when McCormick was brought there. I asked McCormick to give me a description of the man whom he said did the shooting. He told me he was in company with John Feely and Edward Gillespie; that they came down from 39th Street through 2nd Avenue ton38th Street, and that they were on their way to a beer saloon in 38th Street when a man crossed from the south side to the north side and asked Gillespie what he was looking at. Gillespie said he was not looking at him. With that another man came over and struck Gillespie on the head with his fist and then shot him. He said the smallest of the two was the one did the shooting. I asked him to give me a description of the man and he said "I haven't seen his face, I could not tell. I don't know what kind of a coat he had on, nor what kind of a hat he had on." I asked him

"Did he have a head on him?" He said "I don't know" and I dropped the conversation.

CROSS-EXAMINATION.

I had an interview with John Feely on the same night. He made statements something similar to the statement made to me by McCormick. McCormick and he did not converse in the station house. I took John Feely, Frank McCormick and some others to Bellevue Hospital, but Gillespie was unconscious and could not identify them. When the Mahoney girl was brought to the station house I said "I know you are not telling the truth, and I can bring a person here whom you told that you knew who shot Gillespie and that you know all about the case". I told her that the District Attorney might send her to the House of Detention. My purpose in telling her that was to have her tell the truth. I did not call her a little hussy.

J O S E P H B E I L M E Y E R, a witness for the People, sworn, testified:

I have a saloon at No. 334 East 39th Street. I saw Frank McCormick about two months before the 22nd of November last. Edward Gillespie, McCormick and two other fellows were in my place. On Sunday morning, two weeks before the shooting, between 10 and 11 o'clock McCormick and Gillespie were in the back yard of the building where my saloon is. Somebody knocked at the door and called me out and said there was a fight in the yard. They said "Frank McCormick and Gillespie is fighting". I went out and told

them I would have no fighting in the yard, and I separated them. I identify Frank McCormick who is now here as one of the parties who was in the yard at that time. The fight was on account of some money, I think it was a dollar or a dollar and a half. I heard Frank McCormick say "I will get square on you. I could not say who started the fight. I did not see the men after that up to the time of the shooting.

A N N I E G I L L E S P I E, a witness for the People, sworn, testified:

I am a sister of Edward Gillespie, the deceased. He died on the 24th of November at 20 minutes to 9. He was 19 years and 3 months old. I attended his funeral. He was buried in Calvary Cemetery.

W I L L I A M T. J E N K I N S, a witness for the People, sworn, testified:

I am a Coroner's physician. On November 24th at 11 o'clock I visited the Morgue and found the body of Edward Gillespie on the dissecting table. External examination showed a gun shot wound in the forehead, and a slight laceration on the back of the head. Upon opening the skull it was found that the bullet passed directly through the right hemisphere of the brain and was found in a cavity in the skull; it dropped out on opening the skull. The autopsy showed the other organs were in a normal state comparatively, and his death was due to a penetrating pistol shot wound in the brain. The direction of the bullet was

right straight backwards.

M A M I E M A H O N E Y, re-called.

My mother's name now is Mary Ann Bradley. Captain Ryan did not call me a little hussy. I remember the interview between Captain Ryan and myself. He said he had a man in the station house who knew that I knew all about this shooting. He did not tell me to stick to what he said.

T H O M A S M. R Y A N, re-called.

I did not say to Mamie Mahoney "You lie, you little hussy; you know you were there.. Didn't you see a little girl that night? Weren't you on the corner of 38th Street at the time of the shooting"? I did tell her that she was lying, and I said I had a man there to whom she made a statement saying that she was there. I did not call her a street walker, I might have said she was out very late at night.

D E F E N S E.

F R A N C I S A. M c C O R M I C K, the defendant, sworn, testified:

I live at No. 733 2nd Avenue with my parents. I am 22 years old. I have been employed at the printing business and also as a clerk with Cox, Buckley & Co., ecclesiastical outfitters. I was also employed with Mr. Lucien H. Niles, No. 9 East 66th Street, a member of the present

Grand Jury. I knew Edward Gillespie during his lifetime and have known him for ten years. We were closer companions than brothers. Six or seven months previous to the shooting we had a little quarrel in the yard of the saloon, as testified to, but as to making that remark to which one of the witnesses testified, I never did. I had no ill feeling against Gillespie. On the night of the 22nd of November I met Gillespie on the corner of 39th Street and 2nd Avenue at about 7 o'clock; we stood there about half an hour and we went down as far as 310 East 39th Street, where John Feely lived. We then went around to a liquor store and got a glass of beer each; we stayed in that saloon about a half an hour. John Feely and Michael Lyons came in and we had more beer to drink in there. Lyons treated. He did not know Gillespie and did not treat him. We stayed there until 11 o'clock. At that hour we went out and went with Martin Feely to Lederer's barber shop. We remained in there while he was getting his hair cut. Martin said he was feeling sick and went up stairs in the house. ~~John Feely~~, Gillespie, Michael Mahoney and a boy named Wellington remained at the door of Feely's house and John Feely and I went down to a liquor store and went to go in; Gillespie came and joined us. We stood on the corner and while standing there a tall man about 5 feet 10 inches or so, wearing a sort of a yellow overcoat and a dark derby hat accompanied by another man came along. I heard a voice saying "Who are you looking at?" Gillespie walked two steps, turned around, and went back towards where the

man was standing. John Feely and I walked on. I assumed that Gillespie would give the man an invitation to drink with us. We had walked about 30 feet down 38th Street when I looked to see if Gillespie was following us and I saw the man in the act of striking Gillespie. I thought they were fooling, I didn't know they were fighting. At that moment I saw another man step up the gutter; he was a stout man, a little bit taller than I am and stouter. Gillespie looked at him and I looked at him and then the shot went off. He was about 5 feet away from Gillespie at the time he fired the shot. It was the short stout man who shot Gillespie. I was 15 feet behind Gillespie at the time the shot was fired. I ran up to where Gillespie lay. I saw the men run towards 2nd Avenue -- they did not run, they walked. There was a remark passed "Don't" when the shot went off. The man with the light coat made that remark. The short man who did the shooting went up 2nd Avenue towards 39th Street. When I reached Gillespie and saw the blood I said "John, what will we do?" John said "There is a policeman at 37th Street and 2nd Avenue". Then we walked down about 20 feet and I kept my eye on the man with the light coat. On the west side of 2nd Avenue I saw a policeman and I immediately ran up to him and pulled the arm of his coat. I told him what happened and the policeman said "Where is he?" I pointed across the street and said "There goes a man that was with a man that shot a man in 38th Street". When I looked over the man had vanished. Then I said "Probably he has run into the liquor store." The officer

ran in and John Feely and I followed him. We did not find the man in there. When we came out the policeman looked up 37th Street and said "There goes a man". He told me to run up and that he would follow me. I did as I was directed to do. As I reached the corner of 3rd Avenue I saw a man enter a hallway of No. 564. When the officer came up I pointed the hallway out to him. We both went over and the Swede, Hans Sward, came out. The officer asked me if he was the man and I said "I don't know". We then went to the body and I saw it carried into the drug store. I knelt down by Gillespie in the drug store and I said "Eddie, wake up, don't die, who shot you?" I told officer Philbin that it was a short man that shot him. That was the first statement I made to anybody. When arraigned before the Sergeant he asked me who did the shooting and I told him I did not know. Captain Ryan said to me "Who was with you?" I said "John Feely was with me, Captain Feely's son, No. 310 East 3[illegible]th Street." Detective Mullarkey went out and in a few moments returned with John Feely. I was taken before Gillespie in the hospital but he was unconscious. Captain Ryan said "What kind of a man was it that fired the shot?" I said "He seemed to be a short stout man, I don't think I would know him if I saw him." In another conversation Captain Ryan said to me "You done that shooting" and I said "I didn't do the shooting." I had still another conversation with Captain Ryan in which he said to me "You know who done this shooting, don't you?" I says "No, sir, I do not." He says "Why don't you tell me now

and get yourself out of trouble?" I says "I know nothing about it only what I have told, I can't tell anything else". I had no further talk with Captain Ryan. The Feelys got out on bail, and when they got out Captain Ryan came to me while I was in the cell and said "I told you Feely would get out and you would be held". I do not recollect any occasion when he told me I was a murderer. I know Mr. McCafferty the detective in that precinct. I have had a talk with him, several talks, I believe, since I have been released on bail. I have never told any story concerning the facts of this shooting other than the one I told to Captain Ryan and the officers I have spoken of. The story which I have told here is the truth. I was taken to the Police Court and remanded back to the station house until the following morning. I made a statement in the Police Court on Monday morning and that was the same statement that I have heard here to-day. I have heard the testimony of Mamie Mahoney. I did not kneel down at the body and say anything right after the shot was fired as she has stated. I did not see Mamie Mahoney there on that night at all. It is not a fact, as she has stated, that when I saw her I pulled my hat over my brows. I did not have any necessity for doing it. I was searched in the police station, I think by Mr. Philbin. No pistol was found upon me. I did not carry any pistol with me on that night.

CROSS-EXAMINATION.

I did carry a pistol once, but only on one night down in Chatham Square. My counsel has that pistol. I know Mamie Fay. I have no recollection of having had any quarrel with Gillespie except the one I have stated. Gillespie and I had been going to Mamie Fay's house for about three years. I got my position with Cox & Company through the Holy Trinity Mission at 39th Street and 1st Avenue. I recollect the day I had the fight with Gillespie in Beilmeyer's. I know we were punching each other in there. I was sober on that day. I made no threat against Gillespie on that occasion. I have never been convicted of any crime. I did not tell officer Philbin that the man who shot Gillespie had a ten days growth of beard on his face. It seemed very dark to me when we stood on Boylan's corner on that night. I saw no light in Boylan's saloon; the shades were pulled down. When I heard the man's voice speak to Gillespie I looked around and I saw a man with a yellow coat standing next to John Feely; his back was to me as I turned around. I walked two steps further when Gillespie turned back and I walked ahead with John Feely. I said in my own mind "I wonder if he is going to give him an invitation to drink." I thought Gillespie knew him. I heard nothing else said but "Who are you looking at?" It was after that that I heard the shot. I did not see the shot fired. There was light enough on the corner for me to see the color of the man's coat; he had no moustache or beard. I did not see the flash of the pistol, I simply

heard the report. I ran up to where Gillespie lay after the shot was fired, and the man that fired the shot ran towards 39th Street. We immediately went to look for a policeman. I saw no little girl on the crosswalk. The policeman was leaning up against a railing in front of the liquor store; I think there was a light in front of that store; the policeman was not attracted at all by our approach; I am positive it was officer Schneider. I did not say to the officer that the man had gone into the liquor store; I suggested that perhaps he might have gone into the liquor store. I did not speak to anybody in the store; the officer did. I do not know whether Sward was the man who fired the shot or not; I am not sure.

M A M I E F A Y, a witness for the People, sworn, testified:

I live at No. 234 East 70th Street. I know Frank McCormick about four or five years. I knew Edward Gillespie three years prior to his death. I met him frequently in my mother's house, and in my aunt's. During that time Frank McCormick occasionally saw me home. After I became acquainted with Gillespie, on the introduction of McCormick, he saw me home once or twice. McCormick said to me that I thought a good deal of Gillespie; I told him I did; then he said "I will get hunk".

CROSS-EXAMINATION.

I do not recollect of anything more being said.

CROSS-EXAMINATION of the defendant McCormick continued.

I said nothing to officer Schneider at any time as to who the person was that was shot. The officer is not correct in his statement of a conversation with me. He left me free to run wherever I pleased. I knelt down and opened Gillespie's shirt but I did not speak the words that the officer says I did. I was arrested as a witness and was taken before the Coroner; I have no recollection of having made any statement before the Coroner. It was the tall man who said "don't" just before the shot was fired. It was only three or four seconds after the men got up on the sidewalk that the shot was fired. At the time it was fired the tall man was facing towards me; I was 15 feet away from him; I only saw the side of his face. I did not see the pistol, nor did I see the man raise his hand to fire the shot. After the shot had been fired both of the men walked quietly to the corner. Mamie Mahoney is not mistaken when she says I was at the body of Gillespie that night. I avoided the man who fired the shot because I was afraid of being shot myself. Gillespie fell backwards after he was shot. Immediately before the shooting or immediately after the shot I did not see the men standing on the corner. It is a fact that in the month of September, 1890, two months prior to the shooting, in a saloon known as the Manhattan in Chatham Square I drew a pistol on two disreputable women and threatened to shoot them. The bar-tender said to me "drop that pistol or I will blow your brains out". Five minutes elapsed from the time the shot

was fired until I took hold of the arm of officer Schneider. When I reached the body of Gillespie his head seemed to lay near the gutter, and his feet were facing toward 2nd Avenue. It was half an hour from the time of the shooting until I reached the station house. I said nothing at all in the drug store about Feely having been with me at the time of the shooting. (The witness then illustrated tonthe jury the exact position of all the persons present at the time the shot was fired.) The reason why I have not thought about this case since I have been in prison is because I was innocent.

J O H N F E E L Y, a witness for the defendant, sworn, testified:

I am one of the defendants under this indictment. I know Frank McCormick, and I knew Edward Gillespie during his lifetime. On the night of November 22nd, 1890, I left the house at half past eight. I went down stairs and there met a friend named Michael Mahoney. I walked with him to a saloon in 38th Street. When I got inside the saloon I met Edward Gillespie and Frank McCormick and my brother; they were standing there at the bar and I called them up to have a drink; so they came over and the five of us had a drink, Michael Mahoney, Frank McCormick, Edward Gillespie, myself and my brother.

By advice of his counsel the witness withdraws from the stand and refuses to testify.

M A R T I N F E E L Y, a witness for the defendant, sworn, testified:

I am the brother of the last witness and am jointly indicted with this defendant. Upon the night of November 22nd, 1890, I left my house at 7 o'clock. When I got down on the street I met a boy named Mike Lyons and went with him to buy a pair of shoes. After purchasing a pair of shoes we went into Healy's saloon on 38th Street. There we met ~~Mikxxxxxxxx~~, Frank McCormick, and Gillespie. At a quarter of 11 we left the store and went around on the southeast corner at 39th Street and 2nd Avenue. From there I went to the barber shop to have my hair cut. While I was sitting in the chair Gillespie, McCormick, Mike Mahoney and my brother came in. I was taken sick in the barber shop and left there about a quarter past 11. I went up stairs in my house, leaving the three I have named down in the street. When I got in the house I found my father, my mother, Mrs. Gavin, Patrick Connelly and Timothy Dunn in the kitchen. I stayed in that room until about half past 11 and then went to bed. While in the room I heard the shot down in the street.

CROSS-EXAMINATION.

It was a clear night. I might have stayed in the kitchen twenty or twenty-five minutes before I went to bed. The shot which I heard sounded like a pistol shot. I was in the barber shop about ten or fifteen minutes. I did not hear any talk between the three men who followed me in. After I had retired my slumbers continued undisturbed

until the following morning.

P A T R I C K C O N W A Y, a witness for the defendant, sworn, testified:

I live at No. 313 East 38th Street. I am the janitor of the Tombs Police Court. On the 22nd of November, 1890, I was in Mr. Feely's house. I was sitting in the kitchen with his father and his mother, Mr. Dunn and Mrs. Gavin at 25 minutes past 11. At that time Martin came into the room. When he came in his father asked him where his brother John was and he said down at the door. A short time after he came in I heard a noise like a pistol shot or a fire cracker or something of that kind. I am positive that it was after Martin came in the house that the shot went off.

CROSS-EXAMINATION.

I left Mr. Feely's house at 12 o'clock that night. I know the time that Martin came in because I looked at the clock. I do not know whether the clock was correct or not., I could not tell whether Martin had retired or not before the shot went off.

T I M O T H Y D U N N, a witness for the defendant, sworn, testified:

I reside at No. 317 East 38th Street. I am acquainted with Martin Feely and his family. I was present in the kitchen of Mr. Feely's house on November 22nd, 1890. Martin Feely entered that room around twenty or

twenty-five minutes past 11. Martin complained of being sick and he went to bed. After he had retired I heard a sound like that of a pistol shot. I left that house at 12 o'clock in company with Mr. Conway.

CROSS-EXAMINATION.

I have talked to Mr. Feely about this case. The reason I know the time is that I looked at the clock. I have a habit of looking at the clock every half hour or so.

T H O M A S F E E L Y, a witness for the defendant, sworn, testified:

I am the father of John and Martin Feely, co-defendants. I am a clerk in the Police Department. On the night of the 22nd of November, 1890, between 11 and 12 o'clock I was in the kitchen of my house playing cards with Mr. Conway and Mr. Dunn. Martin came in at about 15 or 20 minutes past 11 o'clock. He stayed in the kitchen about three or four minutes and thennwent to bed in the front room While Martin was in the kitchen I heard a noise like the report of a fire cracker pistol in the street. I am positive that that shot went off after Martin Feely was in the house.

CROSS-EXAMINATION.

We keep the front door of our apartments locked. I remember officer Mullarkey coming to my house at about 2 o'clock in the morning. I woke John up and they took him to the station house. I am positive that the clock indi-

cated about 15 minutes after 11 when Martin came in the house. After Martin had retired I walked through the room and I saw him in bed.

A N N I E F E E L Y, a witness for the defendant, sworn, testified:

I am the wife of Thomas Feely. On the 22nd of November, 1890, my son Martin came in the house at a quarter or 20 minutes past 11. He told me he was sick. He stayed in the kitchen about five or ten minutes and then went into the front room and went to bed. At about twenty minutes to 12 o'clock I heard a shot down in the street. I was in and out of the room in which Martin was lying from the time he came in until I went to bed.

CROSS-EXAMINATION.

Martin did not get up until the next morning at half past 8; he did not know that anybody was hurt. I saw Martin asleep after John had been taken to the station house.

C A T H A R I N E G A V I N, a witness for the defendant, sworn, testified:

I live at No. 310 East 39th Street. I was in the house of Mr. Feely on the night of the 22nd of November last. I saw Martin Feely come into the kitchen at about 20 minutes past 11. I did not hear him say anything when he came in. I went to bed about 12 o'clock, and when I did I saw Martin in bed. After Martin had retired, and

while sitting in the kitchen I heard a sound of something like a fire cracker. Martin was in bed at the time I heard the shot.

CROSS-EXAMINATION.

I looked at the clock when Martin came in. It indicated something between 15 or 20 minutes past.

M I C H A E L M A H O N E Y, a witness for the defendant, sworn, testified.

I am a newsdealer and live at No. 125 Borden Avenue, Long Island City. I know the defendant, and I knew Edward Gillespie in his lifetime. I have seen the defendant and Gillespie together and have never noticed any ill feeling between them. On the evening of November 22nd 1890, I met John Feely at a quarter of 8 at his house. We went into a liquor store and there met Frank McCormick, Martin Feely and Edward Gillespie. At 11 o'clock we followed Martin Feely into Lederer's barber shop. We came out with him, he complained of feeling ill and we all walked together to his house; he went up stairs and the rest of us went up toward 2nd Avenue. I remained at No. 310 and Joseph Wellington came over and joined in conversation with me. I remained talking with him for three quarters of an hour and during that time we heard a noise; it sounded like a penny fire cracker and came from the direction of 38th Street. Up to that time Martin Feely had not come out of his house. A half a minute after I heard the report a man ran past us towards 1st Avenue; he had on light

clothes and was walking fast. I saw something in the man's hand, but could not say what it was. We went to the corner of 38th Street and there saw Eddie Gillespie lying on the sidewalk. I went with Wellington for the priest. I saw Frank McCormick standing beside Edward Gillespie, leaning over him and saying "Eddie, Eddie".

CROSS-EXAMINATION.

I had two beers that night in Healy's saloon in the 38th Street. I was in company of John Feely for about two hours. I did not go into a store with him that night and buy a pair of shoes. I did not hear anything said by any of these men about working the growler. It was three-quarters of an hour after the others had left Wellington and I that I heard the shot. Wellington said to me "Didn't that sound like a shot?" and I said "Maybe the people think it is the 4th of July and they are setting off fire crackers". It was a pretty cold night. When the man passed me I did not follow him any distance at all.

J O S E P H W E L L I N G T O N, a witness for the defendant, sworn, testified:

I live at No. 305 East 39th Street. I knew Edward Gillespie during his lifetime. I have known McCormick about ten or eleven years. On the night of the 22nd of November last about 11 o'clock I was in 39th Street standing against a railing with Michael Mahoney. As I came up to Mahoney I saw John Feely, Frank McCormick and Edward Gillespie leaving him and going towards 2nd Avenue.

While I was talking with Mahoney I heard something that sounded like a fire cracker; it appeared to come from 2nd Avenue. I said to Mahoney "Didn't that sound like a shot? He laughed and said "Maybe it is a fire cracker, somebody thinks it is the 4th of July". About seven minutes after that a man ran through the block on the down town side towards 1st Avenue. He was dressed in dark clothes. As soon as he got twenty feet past us we paid no further attention to him. We then went to the corner of 38th Street and saw Gillespie being carried into the drug store. cWhen the man ran past us we saw something in his hand which looked like a pistol.

CROSS-EXAMINATION.

On that evening I was visiting Mamie Fay in 48th Street. I saw a clock in a store on my way down and that enables me to fix the time. I did not tell Officer McCafferty about seeing a man running because I did not want to get myself into trouble. McCormick was at the body when we arrived there. I did not speak to McCormick at that time.

A N N I E F I T Z P A T R I C K, a witness for the defendant, being sworn, testified:

I live at 310 East 39th Street. I know all the parties connected with this case. I know Mamie Mahoney by eyesight. On the night of November 22nd, 1890, I was at home between the hours of 11 and 12. I was sitting in the front window and I saw Mamie Mahoney walking up and

down from 314 to the corner. Between 11 and 12 o'clock I heard a shot, and I looked out and I saw Mamie Mahoney at No. 304 East 39th Street. I heard her make a remark to a woman that came out of a house with a picture. After I heard the shot I saw a short stout man run around the corner towards the river.

CROSS-EXAMINATION.

I live in the same house with Mr. Feely. This night in November was very cold but was not so dark. I live one flight of stairs up. I remained at that open window until after 12 o'clock. Early in the evening Mamie Mahoney had a young man with her. I saw the two Feely boys, McCormick, Gillespie and Michael Mahoney come to the door between a quarter and twenty minutes of 11 o'clock. Martin Feely went up in the house and the others, with the exception of Mahoney walked away. Joe Wellington came over and stood with Mahoney at the door for about an hour. I could not describe the man who ran by except that he wore a derby hat which was pulled down over his face somewhat. I did not hear Joe Wellington or Mahoney say anything. It was Mr. Feely who told me I was to be examined as a witness.

M A R Y B R A D L E Y, a witness for the defendant, sworn, testified:

I am the mother of Mamie Mahoney. I remember the night of the 22nd of November last. My daughter came in at about half past 12 on that night and said "There is a man shot on the avenue". I said "Do you know who it is?"

and she says "No, I don't know". She was going out and I asked "Where are you going now?" and she says "I am going to a ball". I didn't see her until the next day. She told me that at the time of the shooting she was in 39th Street. I was present in the station house when the Captain had a conversation with her. He said "I want to know what you know about this case". She told him she knew nothing".. Then the Captain said "The best thing we can do with you is to put you away for awhile and then you will have to tell." Then he said "Didn't you see a little girl across the street that night?" and she said no. He told her he had a man there who could tell what she knew about it and she said "no, sir". He said "You lie, you little hussy, you know you know it and you won't tell." The man was brought in. The Captain kept threatening her every two or three minutes saying that ~~xhexpuk~~ he would put her away if she didn't tell. The Captain frightened her into saying that she was in 38th Street at the time of the shooting. She told him that she had seen this little girl and heard the defendant say "Eddie, don't die".

CROSS-EXAMINATION.

This girl Mamie Mahoney works hard and brings home her wages to me. I was present when Mamie made her statement at the District Attorney's office. I have talked to nobody about this case. I did not know that Mr. Feely ever got my husband out of any trouble.

M A M I E M A H O N E Y, re-called.

On the night of the 22nd of November James Hunt wore a light overcoat, a brown derby hat and striped pants. I saw James Hunt on the Sunday night after November 22nd. I do not know where he was at a quarter to 12 on the evening of the 22nd. I went in the house and went to bed at half past 12 on the evening of the 22nd. My statement in the District Attorney's office was taken down in the presence of Captain Ryan and Detective Mullarkey.

J O H N D O Y L E, a witness for the defendant, sworn, testified:

I am a butcher and live at 561 1st Avenue. I know Mamie Mahoney. I was present at a conversation between herself and Mr. Bradley after the 22nd of November. Her father asked her if she knew anything about the McCormick case and she said that she did not know anything about it at all, that she was in 39th Street at the time.

A N N A F A Y, a witness for the defendant, sworn, testified:

I am a dressmaker by occupation. I live at 234 East 70th Street. I know Frank four or five years and I knew Edward Gillespie in his lifetime. I have never seen anything unfriendly between the two of them.

CROSS-EXAMINATION.

Gillespie, McCormick, John and Martin Feely and other boys frequented my house. Occasionally they would send out for a pint of beer.

A N N M A L O N E, a witness for the defendant, sworn, testified

I live at No. 130 West 59th Street. I know Frank McCormick and I knew Edward Gillespie in his lifetime. I have seen them together. They always appeared to me to be friendly.

M A R Y S H I E L D S, a witness for the defendant, sworn, testified:

I live at No. 37 West 67th Street. I knew Edward Gillespie before he died about two years. I have known Frank McCormick nearly five years. I have frequently seen Gillespie and McCormick together and have always seen them friendly.

E D G A R B A R R E T T, of No. 431 East 51st Street, Mary C. Barrett, of the same number, Harry V. Ransom, of No. 8 East 15th Street and Lucien H. Niles, of No. 9 East 66th Street all testified to the good character of the defendant.

F R A N K M c C O R M I C K, re-called.

After I wiped the blood from the forehead of Gillespie, I said "Wellington, run down for the priest." On the night of the shooting I told Officer Philbin that the short man did the shooting and ran up the avenue. I was carefully searched when I arrived at the station house.

M A R Y B R A D L E Y, re-called.

I saw Officer McCafferty a day or two following the time when Mamie Mahoney was examined at the District

Attorney's office. He gave me a dollar and a half for the time that Mamie had lost.

M A R T I N P H I L B I N, a witness for the People in rebuttal, sworn, testified:

I took charge of the defendant in No. 700 2nd Avenue on the night of the homicide. I brought him to the station house. I do not know who searched him. McCormick asked me if Gillespie was going to die; I told him I did not know and he then answered back to me "it is tough". "Johnny Feely, Gillespie and I were standing on the north side of 38th St. a little off 2nd Avenue. There was a tall man and a short man on the south side of 38th Street and 2nd Avenue; the short man started from the south side of 38th Street to the north side of 38th Street and shot Gillespie. The two of them started down 2nd Avenue; and I ran after them.

L I L I A N C A R M I C H A E L, re-called.

The girl that I saw present on the night of the homicide wore a green dress, a sailor hat and amuff. I did not notice the sacque. I recognize Mamie Mahoney as the girl whom I saw on that night.

M A M I E M A H O N E Y, re-called.

On the night of this shooting I left Hunt at 36th Street and 2nd Avenue. I did not walk up and down 39th Street for two hours as one witness has testified. I was not in 39th Street on that night after nine o'clock.

C H A R L E S C. S C H N E I D E R, re-called.

I was not leaning up against a railing asleep as the defendant has testified. The defendant did not pull my arm and arouse me on that night.

B E R N A R D M U L L A R K E Y, a witness for the People, in rebuttal, testified:

I am a detective attached to the 21st precinct. I could not tell who searched the defendant when he was brought to the station house. I was present at the station house when Mrs. Bradley and her daughter Mamie Mahoney were there. I said to Mamie Mahoney "If you don't tell the truth the Captain can send you to the House of Detention". I do not remember him calling the girl a liar.

J A M E S M c C A F F E R T Y, a witness for the People, in rebuttal, testified:

I called on Mrs. Bradley about the 25th of December and told her that Captain Ryan would like to see her daughter. She told me that if what Mamie had told the District Attorney came to the ears of Bull Bradley their lives would not be worth a straw. I paid the woman $1.25 for the time whichshe said her daughter had lost.

The jury returned a verdict convicting the defendant of manslaughter in the first degree.

Indictment filed 1891

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

Frank McCormick, impleaded with John Feely and Martin Feely.

Abstract of testimony on trial New York, May 11th, 12th, 13th, 14th, 15th and 16th 1891.

Coroners Office, New York County.

Inquest into the death - of - Edward Gillespie,	Before HON. FERDINAND LEVY and a Jury.

New York, February 5th, 1891,
2 o'clock, p. m.

APPEARANCES: Captain Coleman appears for Martin and John Feely; Mr. House appears for Frank T. McCormack; Mr. Seaman Miller, appears for Frank McCormack; and Mr. Wanhope Lynn, appears for the People representing the District Attorneys office.

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OFFICER JAMES MCCAFFERTY, of the 21st Precint, duly sworn:

I am a special officer in that precinct.

By The Coroner:

Q Tell the jury all that you know about this Gillespie case? A. I know nothing of the case from personal knowledge, only from investigation.

Q What was the first intimation you had? A. The first intimation I had of the affair was by walking down Third Avenue at 38th Street, about 5 minutes to 12 on the 22nd of November, I met another officer named Crossett, he told me there had been a man shot.

Q Is the officer here? A. No, sir. He told me a man had been shot on the corner of 38th Street and Third Avenue;

he told me the shooting had occurred at 38th Street and 2nd Avenue at 10 or fifteen minutes before I met him; the two of us hurried there to Third Avenue and corner of 38th Street and 2nd Avenue, and when we got there the man had been carried into a drug store. I believe it is 700 2nd Avenue; I am not sure. I mingled in among the crowd on the outside and waited around until the ambulance had taken the man away in the meantime I heard that the name of the person that had been shot was Edward Gillespie; after the man was taken away in the ambulance, I went to the station house and waited there for some time, probably an hour and a half and then I went with detective Mullarky to 312 East 39th Street and arrested John Feely; after we came back with Feely, I cannot state the exact time, but I should judge it was around 2 o'clock Feely and the others that had been arrested were taken down to Bellevue hospital to see if Gillespie could identify any of them.

Q You went there? A. We got there. I had John Feely in charge; when we got down there we found that Gillespie was unconscious and the doctor told us that he was dying fast; not being conscious and unable to identify anybody the prisoners were brought back to the station house; after the lapse of several days I was detailed by captain Ryan to see what I could do in the case and investigate it. That is all I know about the case outside of my investigation.

THE CORONER: Any questions on the part of the Distroct Attorney or on the part of counsel for the prisoners?

(No response.)

OFFICER CHARLES C. SNYDER, of the 21st Precinct duly sworn.

By The Coroner:

Q Tell the jury all that you know about this case?

A On the evening of November 22nd, while patroling my post on east 37th Street, between first and Second Avenues, my attention was attracted by a pistol shot about quarter to 12 which from the sound I took it to be in the direction of 38th Street and 2nd Avenue; I immediately ran for 2nd Avenue, and turned the corner of 2nd Avenue and met Frank McCormack and another young man about the same height running down; I caught McCormack and he said to me "There goes the man that shot a man in 38th Street and 2nd Avenue."

Q Which McCormack? A. This man here.

Q You identify Frank A. McCormack? A. Yes, sir.

By Mr. House:

Q This McCormack is not the one? A. No, sir. He said "There goes the man that shot a man at 38th Street and 2nd Avenue." I went down to go and catch him, he ran into a liqor store, I brought McCormack into the liquor store with me and the proprietor and the watchman of Gigg & Radley's said that nobody had entered the premises inside of twenty minutes; I brought him to the corner of 37th S treet and 2nd Avenue and there was a man just about turning the corner of Third Avenue he said there goes the man. He said "Run ahead and I will follow you. And then he said he ran into that hallway across the street, that was in 564 Third Avenue; I ran over and rang a bell and the man in

the hallway came down and he appeared to be a German by the name of Sward.

Q Is he here? A. Yes.

Q Is that the man (Indicating to the man) A. Yes.

THE CORONER: (To the man pointed out by the officer) What is your name (the man pointed out) Hans Sward. (Witness continuing) I brought him out to the door where McCormack could look at him and he failed to identyfy him; he said that is not the man. The bartender in the house I knew him quite well, told me he sent that man out for segars and he was just after coming in.

Mr. HOUSE: This man Sward?

WITNESS: Yes, sir.

(Witness continuing) I took his word for it; I did'nt arrest him at that time. I heard rapping then I brought McCormack up 3rd Avenue and 38th Street and answered the raps and took him down to have him identified and found - I took him to the 2nd Avenue and 38th Street where the body laid; I found he was unconscious and could'nt identify him. I brought the body into the drug store and brought McCormack in with me and held him under arrest there until after the body went to Beellvue hospital; afterwards I went out and arrested this German man by the name of Sward.

Q Those are the only two arrests you made? A. I brought in two witnesses for officer Fillbin, they were two Swedes I think.

Q Are they here? A. I believe one of them is.

Q Is he here in the court room? A. He was that young man there, I don't know his name.

Q Is this the man? (Indicating to John Rahb?)

A Yes, sir.

THE CORONER: (To John Rahb) Is that your name - what is your name?

(The man pointed out by the witness)

John Rahb,

Q Were they held? A. Yes, sir; they were held at that time they we redischarged afterwards.

By Mr. Coleman:

Q Did you testify before the Grand Jury, Mr. Snyder?

Objected to by Mr. Lynn.

Mr. COLEMAN: I am not asking as to the facts.

THE CORONER: I think I will have to sustain the objection.

By Mr. Miller:

Q Wou have told all you know about this affair?

A Yes, sir.

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ELBERT M. ROBERSON, of the 21st Precintt, duly sworn

By The Coroner:

Tell the jury all you know in reference to this matter?

A About one quarter to 12 on that night I was patroling my post on 38th Street from 1st Avenue to Park Avenue and going

across I heard a pistol shot; I stood on the northeast corner of Third Avenue and I heard a rap, it sounded in the direction of 2nd Avenue, I ran in that direction and got there and I saw officer Fillbin, there were a few people around there and I saw Gillespie around there wounded; I told him, officer Fillman, to go around and report it and he left me in charge of the body; I saw Frank McCormack over the body opening his shirt,

Mr. HOUSE: Which one? A. Frank A. McCormack.

By Mr. House:

Q Not this McCormack here? A. No, sir; not this one.

By The Coroner:

Q Go on? A. Then I had the body removed to the drug store No. 700 2nd Avenue, and we also detained Frank McCormack, and after the ambulance surgeon came and dressed the wound, and removed the body, officer Fillman, I took Mr. McCormack to the station house and I also took another witness.

By Mr. Coleman:

Q What is your name? A Elbert A. Roberson.

Q Who was the witness you brought in? A. I forget his name, there he is.

THE CORONER: (To the man pointed out by the witness) What is your name, young man?

(The man pointed out by the witness) My name is Edward May.

Q Is that correct? A. Yes, sir.

By Mr. Miller:

Q You have told all you know about this affair?

A Yes, sir; all that I know of that night

Q That is all you know about it in any way? A. Yes, sir.

The Coroner:

Any questions by the District Attorney?

Mr. Lynn:

No questions.

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EDWARD MAY, duly sworn:

By The Coroner:

Q Where do you live? A. "14 East 38th Street.

Q Your occupation? A. Stableman.

Q Where? A. In William J. Busby's, in 38th Street;; between 2nd and 3rd Avenues; it is his own stable, he keeps horses and wagons and carts there.

Q Tell the juty all that you know with reference to this case? A. As far as I know, as far as I can remember it was on the night of the 22nd, I was delayed at the stable a little later that night than any night previous to it on account of a horse being out and I had to wait there to see it in and previous to that I had been up to my own house and got the can and I was going for a pint of beer as I generally do before I go to bed of a night, and I went to the stable and put my horse in and was proceeding down 2nd

Avenue and I got within probably 50 or 60 feet of 2nd Avenue on 38th Street and I heard the pistol shot and there was a man opposite me at the time/ right by me he was going in an opposite direction from 2nd Avenue; I said hello, there is a pistol shot.

Q Who made that remark? A. The man that passed me by on the sidewalk he was a stranger to me I don't know who he was, and with that I proceeded on the way and I see three men or young fellows whatever they were at the time, I could'nt tell, come towards 2nd Avenue, and one went to 39th Street and two went to 37th Street, but who they were at the time I could'nt tell, and I see a form lying on the sidewalk, I thought in the dark, it was a kind of dark there, I thought it looked like some flowing water at first, and I seen it was a young fellow lying on the sidewalk and I turned around and shouted 'stop thief, , murder, there is a man shot,' and I went into a saloon and I asked the bartender of the saloon where the nearest telephone was to telephone for an ambulance; I did'nt see an officer in sight but when I came outside again there was quite a gathering around the body and I stood around there and I seen the young fellow taken into the drug store and while in the drug store this young man McCormack, I did'nt know him at the time --

Q This young man there, Frank? A. Yes, sir; I seen him kneeling down undoing his shirt and he asked him if he could speak.

Q What was he doing? A. Unbottoning his collar in the drug store; after the young fellow was taken in the ambulance I was taken to the station house and detained there until after 3 o'clock that morning.

Q You say you saw three men? A. Yes, sir.

Q Were they running? A. They walked to the corner of 2nd Avenue and 38th Street and one took a deliberate run to 39th Street and the others walked across on 2nd Avenue for two or three stores and then ran to 37th but what direction I could'nt tell.

Q Could you identify those men? A. No, sir, I could not at the station house.

Q Could you to-day? A. I was shown McCormack in the station house,

Q McCormack was in the drug store trying to unbutton his shirt? A. Yes, sir.

Q He was kneeling and trying to unbotton the shirt of Hillespie? A. Yes, sir.

Q You identified him as one of the three men running up the street? A. No, sir; the light was in my eyes and I was coming across in the dark -

Q What time was this you say? A. Somewhat in the neighborhood of twenty minutes or a quarter to 12, something about that way.

Q Can you give us any more details as to that conversation you said you had with somebody in the street in reference

to the shooting? A. Nothing more than I was passing at the time a man said hello there is a pistol shot; he said "That is nothing, I was coming along First Avenue a week ago and I heard a shot and it was only fooling," and I went away and past no more remark; he went away - he went his way or whether he was there after the body was discovered, I don't know.

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MISS LENA LOFGREN, duly sworn:

By The Coroner:

Q Where do you live? A. 38th Street, the corner house.

Q Tell the jury what you know about the case? A. It was quarter to 12, I heard a shot and I looked about half a minute after I heard the shot -

Q What floor were you on? A. On the third floor; I was sitting right near the window, I opened the shade and looked out and it was a bright moonlight, and I saw three men standing on the corner and looking around and they talked and looked like as if they were good friends together and looking around there was nobody around there, only them three men.

Q Can you tell us who they were? A. No, I cannot tell you;

Q Were they well dressed? A. They seemed to be nicely dressed.

Q Can you identify any of them here in the court-room?

A No, sir.

Q Did you know them? A. No, sir.

Q Did you look at their faces? A. Yes, sir, but I could'nt see very well from the window, this was the third floor.

Q Is it a tenement house? A. Yes, sir; a tenement house I guess.

Q On the same side of the street where you live?

A On the other side.

Q It was a moonlight night? A. Yes, sir; very light.

Q You could not identify them now? A. No, sir and I don't see that other man after they were gone, and it looked like as if there was a pail of water there.

Q How did they go away - walk or run away? A. They walked away but they walked quick, though.

Q Can you describe them at all? A. No, sir; I cannot describe them.

Q Well dressed men? A. They looked all as if they were nice dressed.

Q Old or young men? A. I could'nt tell, but they did'nt look as if they were old, though.

Q Did you go down stairs at all that night? A. No, sir, I did'nt go down stairs.

Q You told us all that you saw on that occasion? A. Yes.

By a Juror:

Q If you could not see their faces how about the heights

of them, could you identify them in that way? A. I cannot tell you exactly; I was very excited at the time; I did'nt hear any fight at all, I only heard the report of a pistol shot and everything was quiet; no elevated and nothing, only those three men I saw there.

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JOHN RAHB, duly sworn:

By The Coroner:

Q Where do you live? A. No. 300 East 38th Street.

Q You live in the same house? A. Yes.

Q What floor? A. The second floor above the beer saloon.

Q Now, Mr. Rahb, tell the jury all that you know in reference to the case? A. On the night of November - I was to bed about half past 11, and I laid awake for quite a while and about quarter of 12 I was atracted by a pistol shot and my bed is close to the window, I went out of bed as quick as I could and I left the shade up and I looked out and I saw four fellows standing together.

Q Four? A. Yes, sir, and just about a second or so after that I saw one of them falling backwards - the outside one.

Q The outside one? A. Yes.

Q Fell backwards? A. Yes; I left my bedroom and went through the kitchen and went into the front room and woke up the folks I am living with to call their attention to it I then looked out again and I saw them walking up to the

corner.

Q Who? A. These three fellows - the other three; they walked there slow - they did'nt seem to be in any hurry and walked up to the corner and stood there for a while.

Q What corner? A. The northeast corner of 38th Street and 2nd Avenue; I am living on the southeast corner; they stopped at the corner and had a conversation there in a kind of an excited way looking up and down the avenue and down 38th Street, and after that it seems to me all three went over the the southeast corner of 38th Stree and whether they separated there after that I don't know: That is the last I saw o f them.

Q Could you identify those three men? A. No, sir.

Q Did you see any of those men have a pistol in his hand?

A No, sir; I was too excited to take any notice of it.

By a Juror:

Q You say there were four standing there when you first saw them? A. Yes, sir.

Q One of them fell during the time you were looking out of the window? A. Yes, sir.

By The Coroner:

Q Was that the time you heard the pistol shot? A. The same time I looked out of the window - it was not more than a second.

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HANS SWARD, duly sworn:

By The Coroner:

Q Where do you reside? A. 564 Third Avenue.

Q Near where is that? A. Near 37th Street.

Q What is your occupation? A. Tailor.

Q You worked there? A. Yes, sir; I work there.

Q You work for a Fifth Avenue concern? A. Yes, sir.

Q What concern? A. Katy & Linson, Fifth Avenue, betweent 26th and 27th Streets.

Q Tell the jury all that you know about it? A. I cannot tell nothing at all about it; I came from the shop meeting that night.

Q Were was that? A. Between 18th and 19th Streets.

Q What avenue? A. Third Avenue.

Q You mean the employes of a shop? A. Yes, sir; we meet there to ether every Saturday night.

Q What time did you go home? A. About 11 o'clock.

Q Did you hear any shooting that nigh ? A. No, air.

Q How did you come to be arrested as a witness?

A I come home about 11 o'clock, the man I live with had some friend s home and I sat home with them a little time and then they wanted some segars, I went over to the next corner and bought some segars and then I went up again.

Q What family do you live with? A. M. Gustavson.

Q You bought segars? A. Yes,

Q Where? A. Over in the beer saloon at 3rd Avenue and 37th Street; I went home with the segars and just when I came up with the segars the bell was ringing and then I

came down and then the policeman was down.

Q You went back to open the door? A. Yes, sir.

Q What did the officer say to you? A. He had that fellow with him.

Q Frank A. McCormack? A Yes, sir.

Q Then you were arrested? A. No, sir; not at that time.

Q When were you arrested - later on? A. He asked him if it was me and he said I cannot tell truly.

Q Were you arrested later on? A. No; he led me come up stairs and after a little time the same policeman came up and took me to the station house.

Q Did you see the shooting at all? A. No, sir.

Q Do you know any of those young men sitting here? A. I only saw him at that time; I did'nt see him before - I never seen him before.

THE CORONER: Do any of the counsel wish to put their clients on the stand.

(No response.)

Mr. HOUSE: I have a motion to make if the evidence is all in.

Mr. HOUSE: Mr: Coroner, I appear as the counsel of Frank McCormack and I shall also take upon myself the case of Mr. Sward, he appears to be here without counsel and I shall assume the responsibility of representing him. So far as the evidence is concerned in reference to Sward and Frank T. McCormack there

appears to be nothing against them. The officers in endeavoring to discover what they could in reference to the firing of the shot have arrested both these defendants and the case was brought before your Honor and the evidence was of that nature and character you thought it was not sufficient to remand them to the Tombs. They are here to-day under bail and the evidence as far as they are concerned it has been offered before the jury - there is no particle of evidence against them and I don't think the representative of the District Attorney will contend there is anything upon which to hold them; I want to move so far as the defendants McCormack and Sward are concerned that there is but one thing to do and that is to exonerate them from any and all blame in the matter.

Mr. LYNN:

The District Attorney consents to the discharge of Frank T. McCormack and Mr. Sward.

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Mr. COLEMAN: When I was first brought into this case it was the intention to court an investigation and I had an intention of putting my clients on the stand to tell all they knew in reference to this affair; but I was surprised upon learning that indictments

had been found and I shall not put my clients on the stand at this time.

Mr. MILLER: I move that my client be acquitted.

Mr. LYNN: It is the duty of the Coroner to ascertain how, when and where Gillespie was shot on the night in question, so far as the guilt or inocence of the persons indicted by the Grand Jury is concerned - this is neither the time nor place for it; the Grand Jury is an honorable body and they in their wisdom have indicted these people on the evidence presented to them. A brutal murder was committed that night - a man shot down in the flower of life and strength at the corner of 38th Street and 2nd Avenue, and at a later time and at the proper place the People will present their evidence.

THE CORONER:

I want the jury to understand before I pass upon the question submitted to the court the reason of the delay in this investigation - it is simply owing to the fact of the sickness of Captain Ryan who is in command of the 21st Precinct of this City. The case was up for investigation on two different occasions or three, I believe. Captain Ryan claimed at the time that he was in possession of important information which might guide the jury in its deliberation upon the facts in this case. The last time this case was adjourned without date because it

it was ascertained that Captain Ryan was suffering from pneumonia; it was then understood between the District Attorney and counsel for the prisoner and the Court that as soon as Captain Ryan was able to get out the case would proceed, and as soon as the District Attorney, Mr. Lynn, informed the Court a few days ago that Captain Ryan was out the case was at once set down for to-day at 1 o'clock; this was within the last forty-eight hours; so that the reason of the delay has been explained to the Jury.

As to the motion made by Mr. Coleman on behalf of the Feely boys I have this to say, if the motion is made in the Court of General Sessions or Oyer & Terminer and they were now on trial on the indictment found against them the motion would be a proper one for the presiding justice to entertain, but sitting as a Coroner or Magistrate in conjunction with the Jury I cannot entertain such a motion.

The case before you gentlemen, before I proceed any further, I will read the medical testimony as to the cause of death: Death resulted from injuries received from pistol shot wound in the head. A death has occurred. And that death is the matter that we are now looking into, it is that of Edward Gillespie, who at the time of his death was a little over 19 years of age; the time of the shooting and the time of death -- when it occurred has been

explained to you and testified to by several witness es and by the officers in the case and it now becoms your duty to say from the evidence -- you are to deduct from the evidence those facts which concern the cause of death; the code provides that the Coroners Jury in cases of this kind where death has occurred as the result of criminal violence the Jury must say in their verdict or state in their verdict, the time, the place and manner in which death occurred, and if anybody is responsible for that death. In this case as the Jury has learn ed there are now prisoners before us who are indicted by the Grand Jury as having had something to do with the cause of death of Gillespie. This Jury will have no difficulty in stating the time and place of Gillespie's death; the most important question for the Jury to consider is this: whether there is any evidence before the Jury implicating anybody. If the Jury thinks there is it becomes the duty of the Jury to state in their verdict whom they implicate; if they don't think there is sufficient evidence to show that anybody is implicated of course, nothing remains for them to do but to say that death occurred at the hands of the person unknown to them; that is as far as I can go in regard to the motion of counsel for the prisoners. I want the Jury to consider this matter very carefully;

it is important for the people and for the prisoners, and after considering and carefully weighing the evidence presented to them I desire them to return as speedily as possible with a verdict which is strictly in accordance with the evidence and facts presented.

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The Coroner: I think Captain Coleman in behalf of Martin and John Feely you advise them to decline to testify?

Mr. Coleman: On account of the indictment.

The Coroner: Counsellor Miller takes the same course in behalf of his client?

Mr. Miller: I do.

The Coroner: The prisoners need not testify here; it is optional with them; they may do that at some future proceeding in the matter; therefore you will understand why they decline to testify at this present stage of the proceedings.

Mr. Miller: I move your Honor may instruct the Jury that they may draw no conclusions of guilt--

The Coroner: This Jury has nothing to do with that, that belongs to the petty Jury at the General Sessions, or the Court of Oyer & Terminer.

The Coroner: I would also say that the Jury need not say anything with reference to Swards and Frank T.

McCormick; they have already been discharged upon motion of counsel and with the consent of the District Attorney; those two prisoners are now discharged.

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VERDICT: We, the Coroners Jury do find that Edward Gillespie came to his death by a pistol shot wound of the head on Saturday November 22nd, 1890, at 11.45, P. M. by some person unknown to this Jury, at the northeast corner of 38th Street and Second Avenue.

----------oOo----------

0213

TESTIMONY.

Wm J Lewis M. D., being duly sworn, says; I have made an examination of the body of Edward Gillispie now lying dead at Morgue and from such examination and history of the case, as per testimony, I am of opinion the cause of death is Homicide by penetrating pistol shot wound of chest laceration of brain intracranial hemorrhage

Wm J Lewis M.D.

M. D.

Sworn to before me this 24 day of November 1890

Ferdinand Leon CORONER.

0214

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
19 Years 2 Months 24 Days	New York	Morgue	Nov. 24th/90

for Bellevue Hospital

F. L.

No. 1914

Hth Dist.

189 0

AN INQUISITION

On the VIEW of the BODY of

Unknown Male

whereby it is found that he came to his death by

Drowning

Probable suicide

Homicide

Inquest taken on the 5 day of February 189 1 before

FERDINAND LEVY, Coroner.

F. L.

No. 584

4th Quar. 1890

AN INQUISITION

On the VIEW of the BODY of

Edward Gillispie

whereby it is found that he came to his death by

Penetrating pistol shotwound

Homicide

Inquest taken on the 5th day of February 1891 before

FERDINAND LEVY, Coroner.

5821

552

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
19 Years 2 Months 24 Days	New York	Morgue fr Bellevue Hospital	Nov 24th/90

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
19 Years 2 Months 24 Days	New York	Morgue	Nov. 24th/90

for Bellevue Hospital

F. L.

No. [illegible]

[illegible] Dist. 189

AN INQUISITION

On the VIEW of the BODY of

[illegible]

whereby it is found that he came to his death by

Drowning

Probable shot wound

Inquest taken on the 25 day of November 189 0 before

FERDINAND LEVY, Coroner.

91 20

0217

Coroner's Office. **TESTIMONY.**

~~Officer~~ Edward Hayes ~~21st Precinct~~ being sworn says: I live at 246 East 37th Street. On Saturday night Nov. 22. I was informed a man had been shot at 38th Street & Second avenue.

~~I heard~~ One McCabe came in my store at 37th Street & 2d avenue I heard that he had been speaking to one Frank McCormack &

McCabe ~~said to~~ asked McCormack "What's the matter Frank you seem excited" McCormack replied "I am after shooting a fellow at the corner of 38th Street."

McCabe told me that McCormack lived in 39th Street

Sworn to before me
this 25th day of November 1890

Edward Hayes

Erskine M. Darby
Coroner

Taken before me
this day of 188

CORONER.

0218

Wd 3. [redacted] Dr. Chase [redacted]

From - Bellevue Hospital
New York - Nov. 24th 1890

To Coroner
Sir
Please hold an Inquest on the body of
Name - Edw. Gillespie Residence - 764 - 3d ave
Bet. 47 & 48th St.
Age 30 years 0 months 0 days - Admitted - Sunday
Father - John - 23 th 1890 ad 12 25 o'clock a. m
Nativity. U. S. of
Mother: Catherine By - Ambulance
in U. S. Life - in City - Life - Fifth - 700 - 2d ave
Civil Bond Single Occup. Driver Ex. by Dr. H. F. Stone.
Suffering from symptoms of Pistol-shot wound of head (as paralysis of left side & facial paralysis right side - unconsciousness. &c.
Said injuries said to have been received - pistol shot wound of head.

Death took place - Mon Day Nov. 24th 1890 at 8 40 o'clock a. m
The Autopsy uncovered.

Remarks

~~Taken before me~~
~~this~~ ~~day of~~ ~~1890~~

[redacted]

Wm H. Stone Acting ~~House Surgeon Physician~~

0219

Gillespie

External wound 1¼" above eyebrow over right frontal eminence. small lacerated 1 in above lambdoidal & 1½ in to right of sagittal suture — bullet passed directly through right hemisphere of cerebrum without entering the ventricles — it made a large tract with considerable haemorrhage & striking inner surface of right parietal bone at its posterior superior angle glanced off went downward & forward a depth of 1½ in & lodged in the posterior portion of right hemisphere

Other organs normal — with exception of Aorta which was smaller than normal producing hypertrophy of left ventricle

Cause of death: Penetrating pistol shot wound of head — laceration of brain intracranial haemorrhage —

Wm J Lucas M.D.
Coroner

0220

TORN PAGE

VI.

7/25/91

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

June 7, 1894

Sir:

Application for Executive clemency having been made on behalf of Frank McCormick who was convicted of manslaughter in the county of New York and sentenced May 27, 1891 to imprisonment in the State prison for the term of fifteen years I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, you will forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested [illegible] the Executive Chamber should be separately answered.

Very respectfully yours,

D. S. Williams,
Private Secretary.

Hon. John R. Fellows
New York City.

0221

General Sessions.

The People
agt
Frank a McCormack

City, County & State of N.Y. } SS
John Reilly

Being duly sworn deposes as follows.
I am about 20 years of age and reside at 312 East 39th st. N.Y. City.
I have known Frank a McCormack for 4 or 5 years. and I have been in his company frequently and often during that time, I liked his company for he was pleasing and jovial, His disposition was good; and he was kind and good. I have never known him to fight or quarrel with any one, I know Edward Gillispie and Frank a McCormack to be steadfast friends and affectionate comrades, They were like brothers, and when opportunity permitted they were always together, I never knew them to quarrel they were the best of friends.
Frank a McCormack was Entertaing and His company was much sought after. He was an agreeable companion and was respected by his comrade Edward Gillispie. Frank a McCormack was always known by his companions,

As suite and peaceable

Sworn before me
this 26th day of May
1891.

John Reilly

Felix Lorch Commissioner of Deeds
for the city and county of New York

Court of General Sessions

The People against
Frank A McCormick

City and County of New York } ss

William McGuire

Being duly sworn deposes as follows I am 21 years of age and reside at 341 E 37 St I am an encumberance truck driver for Mr Patrick Corrigan

I have known Frank A McCormick about 10 years I have been in his company very frequently and was on very intimate terms with him. I never knew him to have any quarrels or fights with Edward Gillespie or anybody else. He was always a very amiable young man and good company. He was very cheerfull and pleasant and every one that knew him liked him, his ways, and manners. He was a good singer and musician and had many friends. I knew him to like Edward Gillespie and treated him like a brother. He always bore a good reputation and he had a splendid disposition. He was quiet and peaceable and his companions liked him.

Sworn to before me
this 26th day of May 1891
Arthur Fitch Notary Public New York Co

Signed
William McGuire

General Sessions

The People

v.

Frank A. McCormack

City, County and State of N.Y. } ss

James Rowe

being duly sworn deposes as follows, I reside at 319 East 45th St. N.Y. City and was subpoenaed as a witness by the People in the above entitled cause, but never called to testify. Some questions were asked of McCormack on the trial, I am informed about a pistol affair at 2 Catharine St. Cor Chatham square. I was present on that occasion and was behind the bar of the house and I recollect the occurrence clearly. I was behind the bar when my attention was called by an altercation between two women and McCormack who just came in. They said something to him and he drew something out of his pocket and pointed it at them. I immediately took up a loaded revolver from behind the bar, pointed it at McCormack and told him I would do all the shooting necessary, and ordered him to hand over to me the thing which he had

in his hand. He did so and I saw that it was an old broken and unloaded pistol, perfectly harmless. I gave it back to him and he then left the place at once upon being told so to do by me. I never attached any significance to this act and never thought anything about it again until a detective came to me in regard to it in this case.

Sworn to before me this
20 day of May 1891.

James Rowe

Felix Korch Commissioner of Deeds for the City and County of New York

Court of General Sessions

The People

v

Frank A. McCormack

City, County & State of New York } ss

Joseph Carroll

being duly sworn deposes as follows: I am 17 years of age and reside at 313 East 39th St. N.Y. City, and am an employee of the Westcott Express Co. I have known Frank A. McCormack for about 10 years and at one time lived in the same house with him and Eddie Gillespie. I have always known Frank as good natured boy, and I have associated with him quite intimately and I have never known him to be of a quarrelsome disposition. I have never seen him in any fights or to use any weapons. He was a great singer and played musical instruments, and always bore a good reputation among those who knew him. He was never vicious

Sworn before me this 2nd day May 1891

Joseph Carroll.

Filed Nov 6

Commissioner of Deeds for the City and County of New York

General Sessions

The People
v
Frank A. McCormack

City & County of State of N.Y. ss

Tobias Roche

being duly sworn deposes as follows; I am aged 25 years of age and reside at 312 East 39th St. N.Y. City. I have known Frank A. McCormack 4 or 5 years and have been with him very frequently during that time. He has always been in my presence of a good nature to disposition, not quarrelsome and of a jovial nature. I have never seen him in any fights, never knew him to carry any weapons, and he has the reputation among his companions of being peaceable and quiet. I am a painter by trade.

Sworn to before me this 25 day of May 1891

P. J. Hoke.

Filing Lorch
Commission of Deeds for the City and County of New York

Court of General Sessions

The People

v

Frank A. McGormack.

affidavits

General Sessions

The People
v
Frank A. McCormack

City, County & State of N.Y. } ss

David J. Evans

being duly sworn deposes as follows. I am the Assistant to the Rector of the Church of the Holy Trinity of the City of New York and have known Frank A. McCormack for about two years. During that time I have had many opportunities of observing his character, both in his connection with the Mission on First Avenue of which I had a clerical supervision and also on many occasions when he has been employed at this Church Cor. 42nd St & Madison Ave. My experience with him during this time has been very satisfactory and pleasant. I have always found him honest, industrious, obliging and civil, and believe him to be quite free from all vicious tendencies and of remarkably amiable and kindly disposition. My own opinion, and that of all who have spoken to me about him,

is that he is a young man of thoroughly good nature who would not willingly harm any living creature or thing.

David J Rowe

Sworn to before me this 26th day of May 1891

Wm P. Butler
Notary Public
City & County

New York, May 25th 1891

Frank A. McCormack, having come under my observation during the past two years, during which time I have had charge of the Mission of the Church of the Holy Trinity (39th St & 1st Ave.) and he being a very frequent attendant upon its services I have taken particular pains to ascertain his character, habits &c., from all of which observations he appears to be of quiet, peaceful disposition, never quarrelsome or unruly and having many friends among the better class of his neighbors.

He is not vicious, depraved or hardened and does not associate with such, and undoubtedly can be made a respectable citizen if given an opportunity.

E. E. Barrett.
431 E. 57th St.

Witnessed by
Mrs E. E. Barrett.

On ~~this~~ 26th day of May 1891, personally appeared before me Mrs. E. E. Barrett, ~~the~~ witness ~~to the~~ signature above named, who acknowledged ~~to me that~~ she saw her husband, E. E. Barrett, sign ~~the above statement, & that he~~ swore ~~the above~~ was true.

J. Macvey
Notary Public Kings Co.
Cert. filed in N.Y. Co.

City & County of New York ss.
Mrs. E. E. Barrett being duly sworn, says
I have known Frank A. McCormack for over 2 years, both in and out of the Division of the Holy Trinity 39th St and 1st Ave of which my husband and myself were in charge; during this time it has been necessary for me at different times to come in close contact in many ways, with him. I have always found him to be amiable and easily to be persuaded for the right. I have also, on many occasions placed him in positions of trust and confidence, and always found him honorable in his dealings.
He is considered by the most respectable people in the neighborhood, quiet and inoffensive, and ranks with the best young men in it

Sworn to before me
this 26th day of May 1891
Thos J. Mavey
Notary Public Kings Co
Cert. filed in N.Y. Co.

Wm E. E. Barrett
431 E. 67th St

General Sessions

The People
v
Frank A. McCormack

City & County of New York } ss
John J. Hannin

being duly sworn deposes as follows;
I am 22 years of age and reside
at 300 East 39th St. N.Y. City and am
a train-man on the 6th Ave. Elevated Rail
Road, N.Y. City. I have known Frank
A. McCormack for 8 years and have
been with him very frequently during
that period; I am well acquainted with
his habits and disposition and have
always found him peaceable and jovial,
and have never seen him do a vicious
act, and his general reputation is that
he is good natured and kindly disposed.

Sworn to before me this
25th day of May 1891
Arthur Filch
Notary Public
New York Co

J. J. Hannin

General Sessions

The People
v
Frank A. McCormack

City, County & State of New York } ss:

Frank A. McCormack being duly sworn deposes as follows; I am 22 years of age and resides at 773 Second Ave. N.Y. City. I have always tried to live an honorable, honest and peaceable life and have never knowingly wronged any man. I have never been arrested but twice — once when I was a boy for looking in a horse show at Madison Square Garden, I was placed in the large room at the Station House and dismissed the next morning — Again I was arrested about two years and a half ago on suspicion of stealing a bag of coal which I was carrying home ~~in a bag~~ on my back and which I had worked for, and I was discharged. I have never owned or carried a a loaded pistol or committed any assault upon any person. I have always contributed a portion of my earning to the support of my parents.

Sworn to before me this 26 day of May 1891.
Nicholas Aleinikoff
Notary Public
County of N.Y.

Francis A McCormick

0235

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office *No.* 124. 2d Ave *Street, in the* 17th *Ward of the City of New York, in the County of New York, this* 5th *day of* February *in the year of our Lord one thousand eight hundred and* ninety one *before*

FERDINAND LEVY, Coroner,

of the City and County aforesaid, on view of the body of Edward Gillespie *now lying dead at*

Upon the Oaths and Affirmations of Twelve *good and lawful men of the State of New York, duly chosen and sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the said* Edward Gillespie *came to his death do upon their Oaths and Affirmations, say: That the said* Edward Gillespie *came to his death by*

A pistol shotwound of the head on Saturday November 22d 1890, at 11 45 P.M. by some person unknown to this Jury at the north East corner of 38th Street and Second Avenue

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER,** *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

2336 Third Ave
Edward D. Hartley — 27 J. Rheinwalter 125 Walker St
F. A. Blanke 472 Willis Ave. — C. W. Rhodes 214 Summit Ave
Henry Buchmann 152 Willis ave — John Behnken 219 Willis
H. Lipson 347 E. 116 Sts — Hermann Kohn 2190 3d Ave
W. G. Knox 227 E 128 St — A. Proff 90 Ist Ave
F. Langfield Jr 217 Willis ave
H. W. Hitchings — Joachim Ehrich 1291 2d Ave

Ferdinand Levy
Coroner. L. S.

0236

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank McKennada, John Feeley, and Martin Feeley.

The Grand Jury of the City and County of New York, by this indictment, accuse Frank McKennada, John Feeley and Martin Feeley —

of the CRIME OF Murder in the First Degree, committed as follows:

The said Frank McKennada, John Feeley and Martin Feeley, all —

late of the City of New York, in the County of New York aforesaid, on the twenty second day of November, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, at the City and County aforesaid, with force and arms, in and upon one Edward Gillespie, in the peace of the said People then and there being, wilfully, feloniously, and of their malice aforethought, did make an assault, and the said Frank McKennada, John Feeley and Martin Feeley, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said Frank McKennada, John Feeley and Martin Feeley in their right hands then and there had and held, to, at, against, and upon the said Edward Gillespie, — then and there feloniously, wilfully, and of their malice aforethought, did shoot off and discharge, and the said Frank McKennada, John Feeley and Martin Feeley, — with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, him the said Edward Gillespie, in and upon the head of him the said Edward Gillespie, then and there feloniously, wilfully, and of their malice aforethought, did strike, penetrate and wound, giving to him the said Edward Gillespie, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the said Frank McKennada, John Feeley

0237

~~said~~ and Martin Feeley, in and upon the head of the said Edward Gillespie, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound he the said Edward Gillespie, ~~at the City and County aforesaid, from the said day of in the year aforesaid, until the day of in the same year aforesaid, did languish, and languishing did live, on which said day of in the year aforesaid, the said at the City and County aforesaid, of the said mortal wound did die.~~ then and there died.

And so the Grand Jury aforesaid do say: That the said Francis McFarmada, John Feeley and Martin Feeley, in the said Edward Gillespie, in the manner and form, and by the means aforesaid, wilfully, feloniously, and of their malice aforethought, did kill and murder, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Francis McFarmada, John Feeley and Martin Feeley

of the same CRIME OF Murder in the First Degree, committed as follows:

The said Francis McFarmada, John Feeley and Martin Feeley, all

late of the City and County aforesaid, afterwards, to wit: on the said twenty second day of November, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, at the City and County aforesaid, with force and arms, in and upon the said Edward Gillespie, in the peace of the said People then and there being, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said Edward Gillespie, did make an assault, and the said Francis McFarmada, John Feeley and

Martin Feeley, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said Frank McFarrowder, John Feeley and Martin Feeley — in their right hands then and there had and held to, at, against, and upon the said Edward Fitzgerald, — then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Edward Fitzgerald, did shoot off and discharge, and the said Frank McFarrowder, John Feeley and Martin Feeley — with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, ~~him~~ the said ~~Edward Fitzgerald~~, in and upon the ~~head~~ of ~~him~~ the said Edward Fitzgerald, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Edward Fitzgerald, did strike, penetrate, and wound, giving to ~~him~~ the said Edward Fitzgerald, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the ~~said~~ said Frank McFarrowder, John Feeley and Martin Feeley, in and upon the head of the said Edward Fitzgerald, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound ~~he~~ the said Edward Fitzgerald ~~at the City and County aforesaid, from the said day of in the year aforesaid, until the day of in the same year aforesaid, did languish, and languishing did live, on which said day of in the year aforesaid, the said at the City and County aforesaid, of the said mortal wound did die.~~ then and there died.

And so the Grand Jury aforesaid do say: That the said Frank McFarrowder, John Feeley and Martin Feeley, ~~him~~, the said Edward Fitzgerald, in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said Edward Fitzgerald, did kill, and murder, against the form of the Statute in such made and provided, and against the peace of the People of the State of New York and their dignity.

D. Thomas Quigley

~~JOHN R. FELLOWS,~~

District Attorney.

0239

BOX:
428
FOLDER:
3946
DESCRIPTION:
McCrann, John
DATE:
02/10/91

3946

Witnesses;

Joseph Cohen

Effie Germaine

No 73

Rogers

Counsel,

Filed 20 day of Feby 189 1

Pleads, Not guilty

THE PEOPLE

vs.

P

John McCann

Burglary in the Second degree.

[Section 497, Penal Code.]

DE LANCEY NICOLL,

~~JOHN R. FELLOWS,~~

District Attorney.

Feby 17/91.

Tried & Acquitted.

A True Bill.

Chas. B. Roberts

Foreman.

Pl I

Filed 17

0241

Police Court— 5 District.—

City and County of New York, } ss.:

Joseph Cohen

of No. 20 Ridge Street, aged 2 years,

occupation shoemaker being duly sworn

deposes and says, that the premises No 20 Ridge Street, 13th Ward

in the City and County aforesaid the said being a tenement building

the basement of

~~and~~ which was occupied by deponent as a shoemaking business and dwelling apartments

and in which there was at the time no human being, by name deponent Maximilian Polinsky — and Thomas Selowsky

were BURGLARIOUSLY entered by means of forcibly breaking a pane of glass in the front door leading to said basement

on the 1st day of Feby 1869 in the night time, and the following property ~~attempted to be~~ feloniously taken, stolen, and carried away, viz:

A quantity of shoes, of the value of about

Fifty (50) Dollars

the property of deponent

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

John McCann (now here)

for the reasons following, to wit: Deponent says, — said property was in said premises, and deponent is informed by Maximilian Polinsky of 20 Ridge Street, that at about 5 on said day, said Polinsky who had been asleep in said premises, was awakened by hearing the sound of breaking glass and arising, saw defendant in said premises, and seized hold of said de —

fendant, Deponent further says he subsequently caused defendant's arrest by Officer Charles J. Germann of the 12th Precinct in said premises.

Wherefore, deponent charges defendant with burglariously entering said premises, and attempting to take, steal and carry away the aforesaid approximated property from deponent's possession.

Sworn to before me }
this 1st day of Feby 1891 }

Joseph his X Cohen
mark

C W Meade
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named ______ guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ______ Hundred Dollars ______ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated ______ 188 . ______ Police Justice.

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

Dated ______ 188 . ______ Police Justice.

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

Dated ______ 188 . ______ Police Justice.

Police Court, ______ District.

THE PEOPLE, &c.,
on the complaint of ______
vs.
1. ______
2. ______
3. ______
4. ______

Offence—BURGLARY.

Dated ______ 188
______ Magistrate.
______ Officer.
______ Clerk.

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

0243

CITY AND COUNTY OF NEW YORK, } ss.

Charles J. Germann

aged ..... years, occupation Officer of ~~No.~~ 17th Precinct ~~Street~~, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Joseph Cohen and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 1 *day of* July 189~~0~~, } Chas. J. Germann

Police Justice.

(3692)

0244

CITY AND COUNTY OF NEW YORK, } ss.

Maximilian Polusky

aged 20 years, occupation harnessmaker of No. 70 Ridge Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Josephl Cohen and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 1 *day of* Feby 1890, } Maximilian Polusky

C W Meade

Police Justice.

(3692)

0245

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss

3 District Police Court.

John McGrann 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 McGrann

Question How old are you?

Answer 2 years

Question. Where were you born?

Answer. United States

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

Answer. 83 Bowery — 3 mos

Question What is your business or profession?

Answer Glass polisher

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 McGrann

Taken before me this 2 *day of* December 188[illegible]

[illegible] *Police Justice.*

0246

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 [illegible]

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two 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 1 18 91 [illegible] 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.

0247

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

149

Police Court 31 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Joseph Cohen
vs.
John McCrann
2 .....
3 .....
4 .....

Offence Burglary

Dated Feby 1 1891

Meade, Magistrate.

Charles J. Ermann, Officer.

12th Precinct.

Witnesses Said Officer
Maximilian Polinsky
20 Ridge Street
Frank Silowsky
20 Ridge Street

No. ..... Street.

$ 1,000 to answer G S

Committed

1000.54 Feby 2. 2 pm

0248

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 McGraw

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

John McGraw

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

The said John McGraw,

late of the Twenty-fourth Ward of the City of New York, in the County of New York aforesaid, on the first day of February, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety-one, with force and arms, about the hour of nine o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Joseph Cohen,

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: the said Joseph Cohen, and others,

within the said dwelling house, with intent to commit some crime therein, to wit: the goods chattels and personal property of the said Joseph Cohen,

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away;

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

Delancey Nicoll,
District Attorney

0249

BOX:
428

FOLDER:
3946

DESCRIPTION:
McDermott, Thomas

DATE:
02/05/91

3946

No 32.

Witnesses;

Patrick Mahan

Counsel,

Filed 5 day of Feb 1891

Pleads,

THE PEOPLE

vs.

Thomas McDermott

Burglary in the Third degree,
Petit Larceny.

[Section 498, 530 G, 536 P.C.]

1.

17 Feb 91.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. B. Fosdick

Foreman.

Feb 5/91

Sends Dug 3 Dy
Pen one yr

0251

Police Court — 4 — District.

City and County of New York, } ss.:

Patrick Meehan

of No. 556 1st Avenue Street, aged 41 years, occupation Liquor Dealer being duly sworn deposes and says, that the premises No. 555 1st Avenue Street, 21 Ward in the City and County aforesaid the said being a Brick House and Store and which was occupied by deponent as a Liquor Store and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly Bursting open a Cellar door leading to the cellar of said store and then raising a trap door leading into said store on the 1st day of February 1881 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

Good and lawful money of the United States Issue to the amount of Nine Dollars and fifty Cents

$9.50/100

the property of Deponent and brother

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 McDermott

for the reasons following, to wit: That said store was securely closed at the hour of 1 am on said date and deponent is informed by Officer Thomas Mallon of the 21st Precinct Police that he found the said defendant at the hour of 3 P.M. on said date in the said store, with the said money in his possession, and deponent has since discovered that entrance to said store was effected

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated _____ 188

_____ Magistrate.

_____ Officer.

_____ Clerk.

Witnesses, _____

No. _____ Street,

No. _____ Street,

No. _____ Street,

_____ to answer General Sessions.

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 hereto annexed.

Dated _____ 188 . _____ *Police Justice.*

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

Dated _____ 188 . _____ *Police Justice.*

In the matter of the complaint against
the on a charge of burglary
Lodge — Newsboy Home

Given to Detective Mc Cue
Feb 9 1899 } Police Justice
John J. Ryan Police Justice

0253

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas McDermott 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. Thomas McDermott

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. U.S.

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

Answer. 307 E 39th St — 3 years

Question. What is your business or profession?

Answer. Cart 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 McDermott

Taken before me this [illegible] *day of* [illegible] 189[illegible]

[illegible] *Police Justice.*

0254

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

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

Dated Feb 1 *18*91 John Ryan *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.*

0255

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

134

Police Court--- 11 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick Meehan
546 vs. 1st Ave

Thomas McSermott

2 .....

3 .....

4 .....

Offence Burglary

Dated Feb 1st 1891

Ryan Magistrate.

Malone Officer.

11 Precinct.

Witnesses Charles Lett

~~No.~~ 4 John Nielan Street.

of 11 1st Precct

No. ..... Street.

No. ..... Street.

$ 1000 to answer

RECEIVED, FEB 3 1891 DISTRICT ATTORNEY'S OFFICE.

0256

CITY AND COUNTY OF NEW YORK, } ss.

Thomas Malone

aged 32 years, occupation Police Officer of ~~No.~~ 21st Precinct Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Patrick Meehan and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 1 *day of* February 1887 } Thomas Malone

John Ryan *Police Justice.*

0257

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 Mc Dermott

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

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

The said Thomas Mc Dermott

late of the Twenty-first Ward of the City of New York, in the County of New York aforesaid, on the first day of February in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, in the night-time of the same day, at the Ward, City and County aforesaid, ~~the dwelling house of one~~ a certain building, to wit: the store of one Patrick Meehan

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

SECOND COUNT—

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

Thomas McDermott

of the CRIME OF Petit LARCENY, committed as follows:

The said Thomas McDermott

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, the sum of nine dollars and fifty cents in money, lawful money of the United States of America and of the value of nine dollars and fifty cents

of the goods, chattels and personal property of one Patrick Meehan

in the ~~dwelling house~~ store of the said Patrick Meehan

there situate, then and there being found, ~~from the dwelling house~~ 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.

DeLancey Nicoll,
District Attorney.