

0403

BOX:

3

FOLDER:

41

DESCRIPTION:

Fera, Charles

DATE:

01/16/80



41

0404

BOX:

3

FOLDER:

41

DESCRIPTION:

Havell, George

DATE:

01/16/80



41

0405

BOX:

3

FOLDER:

41

DESCRIPTION:

Gilligan, Andrew

DATE:

01/16/80



41

0406

BOX:

3

FOLDER:

41

DESCRIPTION:

Williams, Thomas

DATE:

01/16/80



41

0407

BOX:

3

FOLDER:

41

DESCRIPTION:

Ogle, Williams

DATE:

01/16/80



41

0408

1278 130

Counsel,

Filed *14* day of *July* 18*70*

Pleas *Not Guilty (20)*

THE PEOPLE

- 1 Charles ^{vs.} Brockway
- 2 Charles Ferrel
- 3 alia Big Duke
- 4 George Havell
- 5 Andrew Gilligan
- 6 Thomas Williams
- 7 William Ople

INDICTMENT.
FORGERY in the Third Degree

BENJ. K. PHELPS,

142 Grand Jury 21/70
District Attorney.

Part 2nd. May - 28. 1880.

N^o. 6. Trial 3 convicted 2 bonds
C.P. 5 years. June 1880

A True Bill

W. King

Foreman.

None present entered in
this indictment as to *J. H.*
Williams May 28. 1880
A. Russell
ADA

See other in
indictment

0409

At a General Term of the Supreme Court
of the State of New York, in and for
the First Department in the County
Court House in the City of New York,
on the 21st day of October 1880.

Present:

Honorable Noah Davis P. J.
" John R. Brady, J.
" Geo. C. Barrett, J.

William Ogle
Plaintiff in Error

^{vs}
The People of the State of New York
Defendants in Error.

The argument on the Writ of Error
heretofore allowed by this Court and
directed to the Court of General Sessions
of the Peace holden in and for the County
of New York, and the return thereto coming
on to be heard, and after hearing
Daniel G. Rollins, District Attorney for
the Defendants in Error, and no one
appearing in behalf of the Plaintiff
in Error;

It is Ordered that the Judgment

0410

of the said Court of General Sessions,
heretofore pronounced upon and
against the said Plaintiff in error,
the and the same is hereby in
all things affirmed, and the same
is hereby directed to be executed,
enforced, and carried into effect.

W. J. G.

A copy
to W. J. Butts
Clerk.

1

0411

N.Y. Supreme Court
General Term
First Department

William Dyle
Clerk in Court

The People of the
State of New York
Sept. 1887

Order of affirmance
D. S. Rollins
Dist. Atty.

- filed Jan 27. 1887

0412

CITY AND COUNTY }
OF NEW YORK, } ss.:

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

That Charles Parckway, Charles Fox otherwise called
the Big Duke George Favell William Cyle, Thomas
William and Andrew Billigan each —

late of the First Ward of the City of New York, in the County of New York, afore-
said on the *seventh* day of *January* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty* with force and arms, at the Ward,
City, and County aforesaid, feloniously did falsely make, forge, and counterfeit, and
cause and procure to be falsely made, forged and counterfeited, and willingly act and
assist in the false making, forging and counterfeiting a certain instrument and writing
to wit an order for the payment of money of the
kind commonly called a Bank check

which said false, forged and counterfeited *Bank check*
is as follows, that is to say:

Specie & Banking House of *Puro & Young*
No 2232 *40 Wall St. New York Jan 7th 1880*
The Phenix National Bank
Pay to the order of *E. Morrison*
Eighteen hundred & twenty *25/100* *Dollars*
\$1821^{25/100} *Puro & Young*

with intent to injure and defraud *The Phenix National Bank,*
David K. Young

and divers other persons; to the jurors aforesaid unknown
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity

0413

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

THAT the said Charles Brockway, Charles Fox otherwise called the Big Duke, George Havell, William Ogle, Thomas Williams and Andrew Billigan each —

late of the Ward, City, and County aforesaid, afterwards, to wit, on the day and year last aforesaid, with force and arms, at the Ward, City and County aforesaid, feloniously and falsely did utter and publish as true, with intent to injure and defraud the said

The Phoenix National Bank David K Young

and divers other persons, to the jurors aforesaid unknown, a certain false, forged, and counterfeited instrument and writing. to wit an order for the payment of money of the kind commonly called a Bank Check

which said last-mentioned false, forged and counterfeited is as follows, that is to say :

Specie Banking House of Patrick Young
No 2232 40 Wall St. New York Jan 7th 1880

The Phoenix National Bank
Pay to the order of E. Morrison —
Eighteen hundred & twenty 7/100 Dollars —
\$1821 7/100 — Patrick Young

the said Charles Brockway, Charles Fox otherwise called the Big Duke, George Havell, William Ogle, Thomas Williams and Andrew Billigan

at the same time they so uttered and published the last-mentioned false, forged, and counterfeited Bank Check

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

BENJ. K. PHELPS, District Attorney.

0414

179
Counsel,

Filed *11th* day of *May* 187*0*

Pleads *not guilty*

THE PEOPLE

vs.

- 1 Charles Brockway
- 2 Charles *John* *Smith*
 aka "Big Duke"
- 3 George Howell
- 4 William Cole
- 5 James Williams
- 6 Andrew Gilligan

INDICTMENT.
FORGERY in the Third Degree.

BENJ. K. PHELPS,

District Attorney.

A True Bill

W. King

Foreman.

See also indictment.

0415

CITY AND COUNTY }
OF NEW YORK, } ss.:

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

That Charles Isra otherwise called Big Duke
Charles Brockway, Andrew Gilligan,
Thomas Williams, William Ogle and
George Russell Esq

late of the First Ward of the City of New York, in the County of New York, afore-
said on the Sixth day of January in the year of our Lord
one thousand eight hundred and ~~seventy~~ eighty with force and arms, at the Ward,
City, and County aforesaid, feloniously did falsely make, forge, and counterfeit, and
cause and procure to be falsely made, forged and counterfeited, and willingly act and
assist in the false making, forging and counterfeiting a certain instrument and writing

to wit: An order for the payment of money
of the kind commonly called a Bank Check

which said false, forged and counterfeited Bank Check
is as follows, that is to say:

Specie Banking House of Peter & Young
No 2229 40 Wall St New York Jan 6th 1880
The Phoenix National Bank
Pay to the order of J. C. Murdoch
Fifteen hundred & twelve 75/100 — Dollars
\$ 1512 75/100 Peter & Young

with intent to injure and defraud The Phoenix National Bank
David K Young

and divers other persons; to the jurors aforesaid unknown
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity

0416

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

THAT the said Charles Fera, otherwise called Big Duke Charles Brockway, Andrew Gilligan, Thomas Williams, William Ogle and George Howell each late of the Ward, City, and County aforesaid, afterwards, to wit, on the day and year last aforesaid, with force and arms, at the Ward, City and County aforesaid, feloniously and falsely did utter and publish as true, with intent to injure and defraud the said *The Phoenix National Bank David K Young*

and divers other persons, to the jurors aforesaid unknown, a certain false, forged, and counterfeited instrument and writing. *to wit: an order for the pay- ment of money of the kind commonly called a Bank Check*

which said last-mentioned false, forged and counterfeited is as follows, that is to say :

Bank Check

*Specie & Banking House of Puts & Young
No 2229 40 Wall St New York Jan 6th 1880
The Phoenix National Bank
Pay to the order of J. O. Murdock —
Fifteen hundred & twelve 7,100 — Dollars
\$ 1512⁷/₁₀₀ Puts & Young*

the said *Charles Fera, otherwise called Big Duke Charles Brockway, Andrew Gilligan, Thomas Williams, William Ogle and George Howell* at the same time *they* so uttered and published the last-mentioned false, forged, and counterfeited *Bank Check*

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

BENJ. K. PHELPS, District Attorney.

0417

W. H. [unclear]

Counsel,
Filed *17th* day of *Sept* 1880
Pleads *1st* *2d* *3d* *4th* *5th* *6th*

INDICTMENT.
FORGERY in the Third Degree.
THE PEOPLE
vs.
1 Charles Fera
alias Big Duke
2 Charles Brockway
3 Andrew Gilligan
4 Thomas Williams
5 William Oyle
6 George Atwell

BENJ. K. PHELPS,
July 26/80
District Attorney.
Paid fees by Court, *in full*
Chas. F. L. of 20.00 each

A True Bill.
W. H. [unclear]
Foreman.

Part im: April 9, 1880
nos 1 + 2 Recharged by the Court
on their verbal recognizances.
Re other nos. [unclear]

*Bail fixed by Court onto
Charles Fera alias Big Duke,
at 5000 on each of the 4 indictments
and Charles Brockway at 5000
on each of the 4 indictments.
July 26/80*

0419

that it would be useless to go to trial in his case. I am also of the same opinion. In this matter there is confined in the House of Detention one Jas. Williams, and Mr. McJ. Tosh says you may take such action in regard him as you think proper; that he would say to you however that Williams ~~has~~ lived up to his agreement as a witness and gave testimony which no doubt resulted in the conviction of Ogle. Williams has been in the House of Detention almost a year. Mr. Russell fully understands the services Williams rendered in the conviction of Ogle.

Yours very truly,

Robt C. Linderton,
Supt

0420

Police Court—First District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Andrew Gilligan

Question. How old are you?

Answer.

33 years

Question. Where were you born?

Answer.

New York

Question. Where do you live?

Answer.

356 10th Ave

Question. What is your occupation?

Answer.

Cooper

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

Answer.

I am not guilty

his
Andrew Gilligan
mark

Taken before me, this

13
day of *June*

187*8*

Peace Justice.

Richard M. [Signature]

0421

Police Court—First District.

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

David S. Young
of No. 140 Wall Street,
being duly sworn, deposes and says, that on the 12th
day of January 1880, at the City and County of
New York,

a certain false forged and
counterfeit instrument in writing was
made to wit the check hereto
annexed on the Phenix National
Bank of New York City for the
sum of eighteen hundred and
twenty one dollars and seventy five
cents and purporting to be the
act of this deponents firm
Dubs and Young was uttered by
Andrew Gillan purporting to be an
order for money to the amount of
eighteen hundred and seventy
five cents upon the aforesaid Bank
and that said Gillan did then and
there forge and write the names of this
deponents firm to and upon said order
with the felonious intent to cheat
and defraud said Bank without the
knowledge consent or authority of this
deponents firm that the signature
to said order was not made by
this deponent or by said Dubs
deponents partner or with their consent
or knowledge and that said signature
to said order is false and counterfeit

David S. Young
Sworn to before me this
12th day of January 1880
J. W. McKim Police Justice

0422

City and County of New York

Thomas J. MacKintosh of Phoenix National Bank
Wall Street being sworn says
that on the 7th day of January
1880 Andrew Gillan now present
as deponent truly believes did
present to this deponent the
annexed check and demanded
payment on the same that
deponent believing said check to
be good and genuine paid to
said Gillan the amount named
and inscribed on the face of the annexed
check

at New York

Sworn to before me this
12th day of January 1880
J. Kilbuck Police Justice

0423

COUNSEL FOR COMPLAINANT.

Name
Address

COUNSEL FOR DEFENDANT.

Name
Address

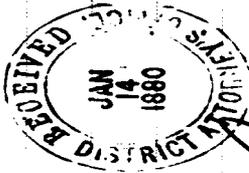
Police Court - First District.

THE PEOPLE, &c.,

ON THE COMPLAINT

David H. Young
to *Wm. Gilligan*

90 *Misses*



Offence.

RAILED,

No. 1 by

Residence

No. 2 by

Residence

No. 3 by

Residence

No. 4 by

Residence

No. 5 by

Residence

No. 6 by

Residence

James 12-19

Magistrate.

Officer.

J. Kibbuth
Chief and Constable
at Robert Dinkerton

Witness

Tele Exchange Place
Boys in Care of Younger.

to answer

Session

Received in Dist. Atty's Office.

4 Jan 13 at 4 P.m.

Om

0424

CITY AND COUNTY }
OF NEW YORK, } ss.:

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

That Charles Brockway, Charles Fera others named
called the Big Duke, George Havell, Andrew
Gilligan, William Ogle and Thomas
Mellius each -

late of the First Ward of the City of New York, in the County of New York, afore-
said on the ~~seventh~~ day of ~~January~~ in the year of our Lord
one thousand eight hundred and ~~eighty~~ ~~eighty~~ ~~eighty~~ with force and arms, at the Ward,
City, and County aforesaid, feloniously did falsely make, forge, and counterfeit, and
cause and procure to be falsely made, forged and counterfeited, and willingly act and
assist in the false making, forging and counterfeiting a certain instrument and writing
to wit: an order for the payment of money of the
kind commonly called a Bank check -

which said false, forged and counterfeited Bank check -
is as follows, that is to say:

Specie & Banking House of Fisco & Young -
No 2233 40 Wall St New York Aug 7th 1880
The Phoenix National Bank
Pay to the order of Cha: J. Burns -
Twenty five hundred forty Dollars
\$2540. # Fisco & Young

with intent to injure and defraud The Phoenix National Bank
David K Young.

and divers other persons; to the jurors aforesaid unknown
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity

0425

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

THAT the said Charles Brockway, Charles Fera otherwise called the Big Duke, George Havell, Andrew Gilligan, William Ogle, and Thomas Williams each

late of the Ward, City, and County aforesaid, afterwards, to wit, on the day and year last aforesaid, with force and arms, at the Ward, City and County aforesaid, feloniously and falsely did utter and publish as true, with intent to injure and defraud the said The Phenix National Bank, David K. Young

and divers other persons, to the jurors aforesaid unknown, a certain false, forged, and counterfeited instrument and writing. to wit: an order, for the payment of money of the kind commonly called a Bank Check

which said last-mentioned false, forged and counterfeited Bank Check is as follows, that is to say:

Special Banking House of Duro & Young
 No 22 33 40 Wall St New York Aug 7 1880
 The Phenix National Bank
 Pay to the order of Chas. J. Burns \$2540
 Twenty five hundred forty Dollars
 \$2540 Duro & Young

the said Charles Brockway, Charles Fera, otherwise called the Big Duke, George Havell, Andrew Gilligan, William Ogle, and Thomas Williams at the same time they so uttered and published the last-mentioned false, forged, and counterfeited Bank Check

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

BENJ. K. PHELPS, District Attorney.

0426

There is no evidence on which Giligan could be convicted
D.G.R.

My leave of Court the Dist Atty enters a nol pros on the within, and the other indictments of even date herewith as to Anew Giligan and Thomas William

See memorandum within

D.G.R.
William has been used as witness.

780
Counsel,
Filed 10th day of Jan 1880
Pleads Not Guilty (26)

INDICTMENT.
FORGERY in the Third Degree.
THE PEOPLE
vs.
Charles Brockway
Charles Fera
alias Big Duke
George Maxwell
Andrew Gilligan &
Thomas Williams &
William Ogden

BENJ. K. PHELPS,
District Attorney.

A True Bill.
W. H. Tracy
Foreman.
John W. [unclear]
Chas. [unclear]
Wm. [unclear]
Thomas [unclear]
(See endorsement)

0427

SPECIE & BANKING HOUSE OF

No. 2555

Purs & Young
40 Wall St. New York. May 7 1880

THE Pheenix National Bank

Pay to the order of *Charles J. Burns*
Twenty five hundred for that — Dollars
\$2,540. *Sweet Young*

Thomas & Egerton Wall St. N.Y.

0428

Whitcomb

County

Mississippi

55

2 ref
- 221

0429

SPECIE & BANKING HOUSE OF

No. 2224

Parriss & Young
40 Wall St. New York. July 6 1880

THE Phoenix National Bank

Pay to the order of C. M. Bradley
Twelve hundred & forty 50/100 Dollars
\$1,240.00/100
Parriss & Young

Thomas A. Hazard & Wall St. N.Y.

0430

Ms A 24
5114

C. M. Bradley
Conest
Pine Bluff

0431

SPECIE & BANKING HOUSE OF

No. 2237

Buss & Young,
40 Wall St. New York.

187

THE PHENIX NATIONAL BANK

Pay to the order of

Dollars

8

Thomas & Bagar 28 Wall St NY

0432

Ex B
87m 15

0433

SPECIAL RESERVE HOUSE OF

Pay to the order of *Miss Mary*
in full \$1,000.00 *July 7th 1880*

Phoenix National Bank

Pay to the order of *E. Morrison*
Eighteen hundred & twenty five Dollars
\$1,821.75/100th *Sweet Springs*

0434

60 No 3
87K

E. Morrison.
Cove at
Pine Springs

0435

SPECIE & BANKING HOUSE OF

No. 2229

Pearce & Young
40 Wall St. New York. May 15 1880

Phenix National Bank

Pay to the order of J. O. Wierdock
Fifteen hundred & twelve 7/100 Dollars
\$1,512 ⁷⁵/₁₀₀ &
Pearce & Young

Twenty & eight

0436

J O Muddock
Convent
Sweet Springs

0437

2 ()
F.M.H.

David Young

is

George Havell -

Charles Fera

alias

The Big Duke

Charles Broadway

Andrew Gilligan

Thomas McLean

William Ogle

0438

Police Court—First District.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK,) ss.

David K Young

of No. 40 Wall

Street,
6th

being duly sworn, deposes and says, that on the
day of January 1880, at the City and County of
New York, a certain false forged fraudulent
and counterfeit instrument in writing was
made to wit the check hereto annexed on the
Phoenix National Bank of the city of New York
for the sum of twelve hundred and forty $\frac{00}{100}$
dollars and purporting to be the act of this
deponents firm Purss and Young was forged
and uttered by ~~some~~ William Ogle (now here)
purporting to be an order for monies to the
amount of twelve hundred and forty $\frac{00}{100}$ dollars
upon the aforesaid Bank and that said
Ogle did then and there write and forge
the names of this deponents firm to and
upon said order with the felonious intent
to cheat and defraud said Bank without
the knowledge consent or authority of this
deponents firm. That deponent is a member
of said firm and is familiar with the hand-
writing of said Purss of the aforesaid firm
That the signature to said order was not made
by any or either of said firm or with their
knowledge or consent and said signature
is false and counterfeit

David K Young

Sworn to before me this
12 day of January 1880

J. M. Smith
Police Justice

0439

City and County of
New York ss

Aneas F Mackintosh of the
Phoenix National Bank of No 45 Wall Street
being duly sworn says that on the 6th day of
January 1880 deponent was Paying Teller
of the Phoenix National Bank and paid
the ^{amount of the} annexed check to the person giving the
name of William Ogle now present. as deponent
verily believes he having presented the same
for payment

Sworn to before me this
12 day of January 1880

J. H. Hill
Police Justice

0440

Police Court—First District.

CITY AND COUNTY OF NEW YORK,) ss.
William Ogle

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

Question. What is your name?

William Ogle

Answer.

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

New York

Question. Where do you live?

Answer.

330 W 25th

Question. What is your occupation?

Answer.

Agent.

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

Answer.

I am not guilty

Taken before me, this

12 day of February

1888

Police Justice.

W. M. ...

0441

COUNSEL FOR COMPLAINANT.

Name
Address

COUNSEL FOR DEFENDANT.

Name
Address

Police Court - First District.

THE PEOPLE, & CO.,

ON THE COMPLAINT OF

David K. Young
400 W. 1st St.

William Cagle



12 January 1880

J. J. Kibbelle Magistrate

W. J. Rogers Officer
City of St. Paul

Witnesses:
Oscar J. Mackintosh
45 Wall Street

Wilbur P. Martin

with J. J. Young & Young
40 Wall St

\$10.000

In answer
at General Sessions Committee

Received in Dist. Atty's Office

36
In brief
Office

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

0442



City of New York Board of Aldermen

117 BROADWAY.

New York

187

Profr.
H.
Cunningham } }

Since this petition was made
I have been informed by, & on
Horace Russell, who has the
charge of the prosecution of this
case, that he was prepared to try
the indictment against the persons
at the same time & place as usual.

In consequence however of
a misunderstanding between him
& the persons accused, the
indictment was not brought & tried
at that time.

0443

2



The New York Board of Charities

117 311 BROADWAY.

New York

1877

The record of any, information that the time of the Court, during July & August, was, commonly occupied with the trial of other cases, & that, when was it ordinarily, during the period, to trial during the July & August term.

I have looked into the testimony taken before the examining Magistrate, & I am satisfied that the ends of justice require that the person should be brought to trial & that his application should be denied.

The person, is entitled to have the charges against him, disposed of, & under the circumstances of this case I have concurred to require the District Attorney to bring the indictment to trial at the September term of the Court, under default of his so doing the application to discharge the person may be renewed.

Respectfully,
Wm. H. Miller

John L. Lee

0444

Seabee 105
v.
Gunguis }

Memo. during
Mr. K. Archer's
stay

0445

Court of General Sessions
of the Peace, in and for the
City and County of New York.

The People
vs
Andrew Gilligan.

City and County of New York, ss.
Peter Mitchell being duly
sworn deposes and says, that he is
an Attorney and Counsellor at Law,
and keeps his office at No. 234
Broadway, in said City; that he was
retained as attorney for Andrew
Gilligan, the defendant herein, that he
has been such attorney for said Gilligan
for the last past four months; that dur-
ing said period of four months, said
Gilligan has been confined as a pris-
oner, in the City Prison, and was
confined as such prisoner for two
months, prior to the date of the retain-
ing deponent as his attorney; that the
term of said Gilligan's imprisonment
in the City Prison, of which he now
complains, through deponent, is in
the aggregate, more than six months.

0446

Deponent further says, that said Gilligan was indicted on several charges of Forgery in the third degree, that said indictments were filed in said Court, on the 16th day of January 1880, as the records of said Court will more clearly show, that said Gilligan, has made several applications, through this deponent, for a trial upon said indictments, and notwithstanding such applications, said Gilligan, has not been brought to trial.

Deponent further says, that the trial on said indictments has not been delayed or postponed at the request either of said Gilligan, or this deponent.

Deponent further says, that he served a notice, in writing, upon the District Attorney by leaving the same with Mr. Marsac, in the month of July last past, to the effect, that deponent would move for the discharge of said Gilligan, before the Hon: Frederick Smyth, Recorder, on the last day of the July term last past.

Deponent further says that

0447

pursuant to said notice, he made such motion, which motion was opposed by Assistant District Attorney Rollins, who failed to show any satisfactory cause, why said Gilligan, should not be discharged, under the provisions of Sections 28, 29, & 30 p. p. 76, 762 of 2 R. S. (Edmonds) 2 ed.

Therefore deponent prays, that said motion, for the discharge of Gilligan may be granted.

Sworn to before me this 6 P. M. Mitchell
12 day of August 1890

J. C. Denny
Notary Public
N.Y.C.

0448

*Court of
General Sessions*

The People

—vs—

Andrew Gilligan

*Affidavit of Peter
Mitchell on motion
to discharge defendant*

*Peter Mitchell
Attorney for the
defendant Gilligan.*

Motion denied

see record.

P.M.

0449

Court of General Sessions
of the Peace in and for the City and Coun-
ty of New York.

The People

vs.

Charles Brockway and
Charles Tera. Sir:

You will please take notice that I will make a motion for the discharge of the above named defendants before Hon. Rufus B. Bowring Judge in Part I of said Court on the last day of the present term, or on the 26th day of March 1880. at 11 O'clock in the forenoon, or as soon thereafter as counsel can be heard.

Yours.

Peter Mitchell
Atty for Defendants.

March 22nd 1880.

To

Hon. B. H. Phelps
District Atty.

0450

Court of General
Sessions Part I.

The People }
- agt. - }
Charles Brockway }
and }
Charles Fera. }

Notice of motion.

Peter Mitchell
Atty. for the motion
287 Broadway.

Recd. March 22. 1880.

[Signature]

0451

Court of General Sessions
of the Peace in and for the City and Coun-
ty of New York.

The People

Wm Ogle^{vs} and.

Andrew Gilligan
vs.
Sir:

You will please take notice that I will make a motion for the discharge of the above named defendants before Hon. Frederick Smith in Part II of said Court on the last day of the present term or on the 29th day of April 1880. at 11 O'clock in the forenoon or as soon thereafter as Counsel can be heard

Yours.

Peter Mitchell
Of Counsel.

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Court of General
Sessions of the City of
New York

The People.

Wm^{vs} Ogle and
Andrew Gelligan

Notice of Motion.

Peter Mitchell
of Council.

To.
Benj. K. Phelps Esq.
District Attorney

0453

Arrives F. McIn to be being
drummed by Dept. Council
Days,

Have been Paying Teller
of the Bank about 3 or 4 years.
Can't tell how many checks I
paid -- Jan 7. Shouldn't
think it was 400. Probably
200. Can't tell how many
I certified. It might be
100 or 600, by rough guess.
Don't recollect changing any
large notes that day -- might
have done so. There was nothing
peculiar about the appearance
of this check which attracted
my attention. The window
of my desk is large enough
for me to see all of a man's
face. Whenever I pay a check
of that size I always look
at the man's face. It is
my invariable practice
with a check payable to any
one's order. I won't even
think it was a tall or a

0454

short man, a dark or light
Complexioned man to whom
I paid this check.

* Re-Direct. I paid the checks
to some body. I believe that
I saw the prisoner in the
bank and that I paid him
a check drawn or purporting
to be drawn by Pures &
Young. A check of Pures &
Young was presented for
payment upon which the
endorsement was not
guaranteed and I requested
the party presenting it to
have it guaranteed. He
went out and in about
5 minutes returned with
the guarantee upon it,
and I then paid it. I
am of the impression
very strongly that the prisoner
is the person to whom I
paid one of the checks
of Pures & Young which
I sent out to be guaranteed

0455

as to the enclosures. There were four of those checks altogether.

Yesterday I saw the prisoner at the 14th Precinct Station House. He was among a number of other persons there, I suppose a dozen. I saw them all and concluded in my mind which of the men I had some recollection of. I concluded that these three men (meaning the prisoner & two others) partly from my memory & partly from the conversation in our office as to the men that came, that they were the men that presented forged checks of Pass & Yong upon the Phoenix Bank. I would have put my hand upon them if I had been asked, but was not asked to do so.

I have an impression that the prisoner is the man, but I may be mistaken. When I went into the room

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to identify the men to whom
I paid the forged checks &
my impression is that
there was no one else there
who looked like the
prisoner. In the conversation
we had before I first
described a tall man with
dark hair & mustache to Mr
Young & to Mr Pinkerton.
When I went in I went
to identify them I

expected to identify a
man with dark hair
& mustache. If the
conversation between myself &
Young & Pinkerton had not
taken place I doubt if
I would have picked out
this man. My identification
of the prisoner was influenced
in a measure by these
conversations. I will
not swear without
hesitation that I ever saw
the prisoner before yesterday

I saw before me

This 17 day of Jan'y 1880

J. Mitchell
Police

W. M. Mitchell

0457

David K. Young, the
Compliments being recalled
says. I think I saw the
prisoner on January 6 in
my office. He told me
\$100 in 4 per cent certificates
I gave him a check for
\$105 - on the Phoenix National
Bank signed by David
Young. It was to the order
of Mr. Ellis and was number
2229. ~~He paid no check~~
~~that day to the order of~~
E. Morrison.

By reference to my check book
I find check no 2233 was
for \$37.50 payable to order of
George Sumner, Jan 7.

Check no 2224 was dated
Jan 6 + payable to C. J. Burns
for 104.

Check no 2231 was to
order of [unclear] for 1500.

Check 2232 was to order
of George Sumner for \$105 -

0458

dated 10/10/50

✓ The conversations that I had upon the matter of the description of the prisoner no doubt helped me by making my impression of his identity more thorough. Without such conversations I think I would have identified the prisoner. I would have had some misgivings. I saw the prisoner on Sunday last between this place & Canal St. He was walking with two others. I noticed that they were handcuffed when my attention was called to them by Mr. Martin who was with me at the time. He is a broker. If I had seen him in the street without being handcuffed I think I would have had the impression that he was the man to whom I paid the check. I don't remember how he was

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dressed. Since I have been
in the Court today I have
conversed with Mr Pinkerton
about the prisoner, saying
that I could not know
positively that this is the
man.

I came into Court
on Monday after the
prisoner. I did not
say to any body at that
time that I thought the
prisoner was the man
I had ^{I said to Mr Pinkerton on Monday that I} had a ^{had a} ^{strong} ^{impression} ^{that} ^{he} ^{was} ^{the} ^{man}
was in Court also yesterday
and did not then say
so to any one.

Re-Direct - Yesterday my partner
asked me if I recognized
the prisoner & I said to
him that I had a strong
impression that he was the
man.

Given before me
this 17 day of Jan 1880
David Young
Justice

0460

James Williams, a witness
for the prosecution being sworn says
I am acquainted
with the prisoner.

(Check attached to complaint
shown to witness)

I have seen this check before
at the corner of 3rd St &
Broadway. Mr Brockway
had it when I first
saw it. I saw it signed.
There was a duplicate to
of this check there also,
except that the duplicate
had the endorsement of
Morrison without the
firm's endorsement. The
prisoner took the one which
had on it the simple
endorsement of Morrison.

There were seven or eight
of us there. Gellan the
prisoner, and another man
named Fuller left, Fuller
taking the check with the
firm's endorsement on it,

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and follow the other one,
Gillon is the prisoners
now present. This was
on Tuesday or Wednesday
last - Jan 6 or 7. I am
positive it was Wednesday
Jan 7. Gillon signed the
name of E. Morrison
on the back. Brokeway
did the same.

Q. I have had the name
of James Williams about
59 years. I have been called
by other names. I have
gone by the name of James
Clark. I never went by
the name of Clark except
when I was asked for it
once I gave my name
as James Clark and people
may have called me by
that name since. Every
body who knows me
knows what my name is.
Q. Have you ever in State
prison?

A. I decline to answer on

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the ground that it would
tend to degrade him.

I decline to answer how
many times I have been
arrested on the same
ground.

I have gone by the
name of "Big Kentucky", ever
since I came from
Kentucky 30 or 40 years
ago. I have not had
any promise made me.
I talked with the officers
while I was in custody.
I told them about my
connection with the case.
It was not an innocent
connection. My reason
for telling it all is that
they swindled me out of
my money and intended
to run away and leave
me here to bear the brunt,
and I didn't intend they
should do it.

Seen before me
this 13 day of Jan 1880 Jas Williams
J. D. Wilketh
Police Officer

0463

Police Court—First District.

STATE OF NEW YORK
CITY AND COUNTY OF NEW YORK.

David N. Young

of No. 49 Wall Street,
being duly sworn, deposes and says, that on the
day of January 1880, at the City and County of
New York, a certain false forged,
fraudulent and counterfeit in-
strument in writing was made

to wit the check hereto annexed
of the City of New York
for the sum of twenty five hundred
and forty dollars and purporting
to be the act of this deponents
firm Pruss and Young, was forged
and uttered by James Williams
purporting to be an order for money
to the amount of twenty five hundred
and forty dollars upon the aforesaid Bank
and that said Williams did then
and there write and forge the
names of this deponents firm
to and upon said order with the
felonious intent to cheat and
defraud said Bank without the
knowledge consent or authority of this
deponents firm that deponent
is a member of said firm and
is familiar with the handwriting of
said Pruss of deponents the aforesaid
firm that ~~the instrument~~ signature
to said order was not made by any
or either of said firm or with their
knowledge or consent and said
signature is false and counterfeit
David Young

And for
James Williams
this 12th day of January 1880
David N. Young
Pruss and Young

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City and County
of New York } ss

Arneas F Mackintosh of
Phoenix National Bank No 45 Wall Street
being duly sworn says that on the 7th day of
January 1880 deponent was paying Teller
of the Phoenix National Bank and paid the
amount of the annexed check to the person, ^{along the name} of
James Williams (now here) as deponent verily
believes he having presented the same for payment
sworn to before me this

12 day of January 1880

W. M. Mackintosh
Police Justice

0465

Police Court—First District.

CITY AND COUNTY)
(OF NEW YORK,) ss.

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

Question. What is your name?

Answer.

James Williams

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

Kentucky

Question. Where do you live?

Answer.

New York City

Question. What is your occupation?

Answer.

Blacksmith

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

Answer.

*I have no statement to make.
Jas Williams*

Taken before me this

J. H. Miller
17 day of June 1880
Police Justice.

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COUNSEL FOR COMPLAINANT.

Name

Address

COUNSEL FOR DEFENDANT.

Name

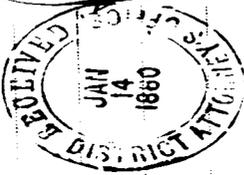
Address

Police Court - First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

David R. Young
40 Wall St
James Williams



Office.

Bailed,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

Date *January 12th 1880*
Magistrate *W. Wilbuth*
Officer *Fields and Corcoran*
Clerk *Robert Dinkerton*

Witness

William J. Martin
with the Deft. and W. H. of D. July 14, 1880

Samuel Street.

sent to H. of A. P. Feb. 4, 1880.

10.000

to answer

at

Session

Received in Dist. Atty's Office.

Com

0940

30th St. near Broadway--it is a German who keeps the place--
 and we drank a good deal of wine.

Q. Who met there?

A. Brockway, Andy Gillen--Ogle was locked up at this time in Chicago. Hen Clary was there at the time, and Bobby Nelson who was in Court while this thing was going on--were at this saloon at this time. They had all been connected with the Bank of the Republic. There were some others there that had no connection with this. It was finally proposed we should go to Chicago that night. George Lockwood helped to do this work at the Bank; it was he who sent Andy Gillen down. So Brockway, Andy Gillen, Clary, Bob Nelson and myself started the next morning for Chicago. We took carriages over to Jersey City that night and waited until the cars started the next morning. We got there, and staid there perhaps a week. In the meantime I went to Milwaukee to do something there, but concluded not to do anything. Then we left Brockway in Chicago and came on to Baltimore. Brockway with Billy Ogle joined us in Baltimore some six or eight days afterwards. This was some time in September--the latter part of September this got to be now.

Q. Who were in Baltimore?

Brockway, Billy Ogle, Bobby Nelson, Hen Clary, Andy Gillen and myself. Andy Gillen, Nelson, Clary and myself stopped up on Greene St. just above Baltimore. I do not know where Brockway stopped. He never lets anybody know where he stops. Q. Do you know who the lady was who kept the house? I do not; she was a widow. We were there over a week.

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Q. What did you do there?

A. We done nothing at all. The copper that told us to come there was running for some other office, and he wanted this thing stopped there at that time. Then we went from there to Washington. Bobby Nelson and Billy Ogle came to New York. And Hen Clary, Johnny Leonard-- I omitted his name from the start, he is now in the Tombs for shooting a nigger. It was Billy Ogle shot the nigger instead of him, but Johnny Leonard wont tell on him.

Q. Did Brockway go to Washington?

A. He did.

Q. Then the party who went to Washington from Baltimore were Brockway, yourself, Hen. Clary, Johnny Leonard and Andy Gil-
lien ?

A. Yes, sir.

Q. Any one else?

A. no.

Q. Where did you go?

A. When we first got to Washington we stopped at Pennsylvan-
ia Ave., at the upper end, near the Capitol, at a German ho-
tel.

Q. Who kept it?

A. I don't know. We all stopped there that night. Jimmy
Morgan was with us, but he didn't do anything. He was with
us at Chicago-- I forgot that.

Q. What did you do in Washington?

A. Then we got some private checks from some of the grocers.
We didn't touch anybody there but big grocers. We had to go

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to the Bank—we had to buy a book because they had a stamp on them—each case we had to go to the Bank to buy a book. There was two checks put down at that time—Ben. Clary put down one, and Andy Gillien put down another on Riggs Bank. I do not recollect the amount. There was another check put down, in Georgetown, that Johnny Leonard put down. I forget the name of the Bank that was on. That was the only three checks put down there at that time. The whole amount that was put was \$1800. Then we came away from there. There was nobody arrested at that time.

Q. Who drew those checks?

A. Brockway. He invariably drew the checks.

Q. What did you have to do with this Washington matter?

A. Well, I would go in the evening to grocers and say to the man at the desk, "Will you accommodate me with a check; paid the man the money; he would give the check, and from that check the others would be made. That is what I did there.

Q. They didn't know you?

A. No. A grocery keeper as a general thing if you make a statement to that effect, will take your money and give you a check to send to a country town—some grocery keepers wont do it and some will. That is all we did in Washington at that time.

Q. Then what?

A. We came from there on here to New York—all of us. There was nothing done there for some time. The next thing Brockway got a check manufactured on Fitch, Hatch & Co.

Q. Who manufactured it?

A. I don't know the name of the party. It was done in Trenton—I know the name of the party, but I never saw him.

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CORRECTION

0473

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30th St. near Broadway--it is a German who keeps the place-- and we drank a good deal of wine.

Q. Who met there?

A. Brockway, Andy Gillien--Ogle was locked up at this time in Chicago. Hen Clary was there at the time, and Bobby Nelson who was in Court while this thing was going on--were at this saloon at this time. They had all been connected with the Bank of the Republic. There were some others there that had no connection with this. It was finally proposed we should go to Chicago that night. George Lockwood helped to do this work at the Bank; it was he who sent Andy Gillien down. So Brockway, Andy Gillien, Clary, Bob Nelson and myself started the next morning for Chicago. We took carriages over to Jersey City that night and waited until the cars started the next morning. We got there, and staid there perhaps a week. In the meantime I went to Milwaukee to do something there, but concluded not to do anything. Then we left Brockway in Chicago and came on to Baltimore. Brockway with Billy Ogle joined us in Baltimore some six or eight days afterwards. This was some time in September-- the latter part of September. this got to be now.

Q. Who were in Baltimore?

A. Brockway, Billy Ogle, Bobby Nelson, Hen Clary, Andy Gillien and myself. Andy Gillien, Nelson, Clary and myself stopped up on Greene St. just above Baltimore. I do not know where Brockway stopped. He never lets anybody know where he stops.

Q. Do you know who the lady was who kept the house?

I do not; she was a widow. We were there over a week.

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Q. What did you do there?

A. We done nothing at all. The copper that told us to come there was running for some other office, and he wanted this thing stopped there at that time. Then we went from there to Washington. Bobby Nelson and Billy Ogle came to New York. And Hen Clary, Johnny Leonard— I omitted his name from the start, he is now in the Tombs for shooting a nigger. It was Billy Ogle shot the nigger instead of him, but Johnny Leonard went tell on him.

Q. Did Brockway go to Washington?

A. He did.

Q. Then the party who went to Washington from Baltimore were Brockway, yourself, Hen. Clary, Johnny Leonard and Andy Gil-
lien ?

A. Yes, sir.

Q. Any one else?

A. no.

Q. Where did you go?

A. When we first got to Washington we stopped at Pennsylvania Ave., at the upper end, near the Capitol, at a German hotel.

Q. Who kept it?

A. I don't know. We all stopped there that night. Jimmy Morgan was with us, but he didn't do anything. He was with us at Chicago— I forgot that.

Q. What did you do in Washington?

A. Then we got some private checks from some of the grocers. We didn't touch anybody there but big grocers. We had to go

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24

to the Bank—we had to buy a book because they had a stamp on them—each case we had to go to the Bank to buy a book. There was two checks put down at that time—Hen. Clary put down one, and Andy Gillien put down another on Ring's Bank. I do not recollect the amount. There was another check put down, in Georgetown, that Johnny Leonard put down. I forget the name of the Bank that was on. That was the only three checks put down there at that time. The whole amount that was put was \$1800. Then we came away from there. There was nobody arrested at that time.

Q. Who drew those checks?

A. Brockway. He invariably drew the checks.

Q. What did you have to do with this Washington matter?

A. Well, I would go in the evening to grocers and say to the man at the desk, "Will you accommodate me with a check; paid the man the money; he would give the check, and from that check the others would be made. That is what I did there.

Q. They didn't know you?

A. No. A grocery keeper as a general thing if you make a statement to that effect, will take your money and give you a check to send to a country town—some grocery keepers wont do it and some will. That is all we did in Washington at that time.

Q. Then what?

A. We came from there on here to New York—all of us. There was nothing done there for some time. The next thing Brockway got a check manufactured on Fitch, Hatch & Co.

Q. Who manufactured it?

A. I don't know the name of the party. It was done in Trenton—I know the name of the party, but I never saw him.

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A. I don't know the name of the party. It was done in Trenton—I know the name of the party but I never saw him, Charley Olrich. I knew that they went there for that purpose. Brockway always done that himself—him and Charley Fera.

Q. He got a check engraved, of Fitch & Hatch's?

A. Yes, on the 4th National Bank. That miscarried by putting the wrong name on it. The first check put down, Andy Gillien put down—I forget the amount.

Q. Where did he put it down?

A. At the 4th Nat. Bank. When he came back he said the reason why he didn't get the money was, it was all endorsed, identified. In putting these checks down, the man that presents it represents himself as Morrison or Bradley or whatever name the check is drawn for. You write your name on the back of that check. When you lay it down, they will ask you to be identified. Then you say, "I will have to go back to this party again to be identified? They will say yes". He goes out and meets another party with a check, a facsimile of this, and on the check is the identification or endorsement. The check is changed. He goes back again and they pay the money. In this instance Brockway thought he had such a sure thing of it, he puts the endorsement on it, then he went there, but it was the wrong name, and the man said "What is this name on for?" The bill was wrong, but Andy got away.

Q. This was the 4th Nat. Bank, and in October?

A. Yes. Then we went from here to Boston, Brockway and I, and Fera alone.

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Q. Did you do anything more with Fitch and Hatch?

A. No, we dropped it.

Q. Then who went to Boston?

A. Nobody but I, Brockway and Fera--we only went there to get me identified in the Bank. He had these checks already manufactured on the Boston bank before I knew him.

Q. On what bank in Boston?

A. I do not recollect the name of the bank--there were two banks. He manufactured the firm checks of Tower & Giddings, and M. Bolls. He had their checks already manufactured previous to this. This was to have been worked a long time ago, but this Cannon who got settled in Philadelphia for the Manhattan Bank affair, he and Brockwell fell out and they let it drop. I saw the checks, and you can't tell the difference between them and the genuine checks. I sold bonds to Tower & Giddings and to M. Bolls, and each time they gave me a check, but they only had from \$500 to \$700 to buy bonds with. I would present the check at the bank, and they would tell me to go over and get identified, and they would pay the cash. Then he concluded he would let that drop until he got more money, so that he could get a larger check to be endorsed that they would not pay themselves. He only guessed at the endorsement of those checks and had it correct.

Q. Have you told all that happened in Boston?

A. That is all we done in Boston.

Q. Under what name were you in Boston?

A. Cook, but I forget whether it was Charles or William, I think it was Charles Cook. I had a furnished room in some

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private Street. We used to meet sometimes at the St. James Hotel, sometimes at the Brunswick Hotel and sometimes at a saloon on the Commons, corner of Tremont St. and Bodone. Before we separated we would make another appointment. We did not accomplish anything in Boston.

Q. Who was there beside you and Brockway?

A. Fera; he and I occupied a room together.

Q. When did you come back?

A. I suppose we stayed there a week or eight days. We got back in the latter part of October--it might have been November. There was snow while we were there. I think it was November when we came back.

Q. When you came back here, what was done?

A. There was nothing done then until this thing was got up, this thing was ready before Christmas.

Q. You mean by this thing, the Phoenix Bank?

A. Yes—he had the checks all ready.

Q. Whose checks?

A. Pierce & Young—the check you have got there.

Q. This one dated the 7th of January?

A. There was no date to it. He had a blank for that check.

Q. How did he get that check?

A. In the first place, Ogle went down to Pierce & Young, sold a \$100 bond or certificate, and told him he wanted to send some money to his mother some place off, and asked him to give him a check, and so they gave him a check for \$100 or \$105, and that check was taken to Trenton and that check was

0479

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manufactured from it by Olrich. The first certificate I sold to Pierce & Young was three days before Christmas, \$500 worth.

Q. Where did you get that certificate?

A. I got it from Brockway--they were \$10 certificates. He gave them to me at Eddy Dews.

Q. How many?

A. There were 500 and odd dollars.

Q. When did he give them to you?

A. About three or four days before Christmas, in the day time.

Q. Any one by when he gave them to you?

A. Fera was there, and he sent Fera with me. I went down to Pierce & Youngs and sold them.

Q. How many did you sell first?

A. I know I got a check for \$500 clear, and some \$30 or \$40 that he gave me in money.

Q. Who did you see at Pierce & Youngs'?

A. I do not know one from the other--I saw one of the firm.

Q. What name did you go under there?

A. Charles J. Burns.

Q. What did you do with that check?

A. The next day I took the check to the Phoenix Bank and presented it, signed my name on it Charles J. Burns, and they told me I must be identified. I took the check back to Pierce & Youngs', and they told me it was not necessary, "We have got plenty of bills here now, and we will pay it." I said "Very good", and I took the money. That same day Brockway received a dispatch from Michael Donald in Chicago that

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he must go on at once and attend to his case there. He telegraphed back he would give him \$100 to put it off until after Christmas. The reply came that he could not do it. That stopped it for the time being. He left that night for Chicago. He returned the first Sunday night after New Year's, the 4th. He came to my house that night in 83 3rd St., and told me to meet him at Eddy Dew's the next day at 10. I met him there, and he, I, Billy Ogle and Fera started out in different directions. They were to buy these checks up, and I was to meet them at the Battery Park on Monday. It was pretty late when we got there. They had their certificates, \$530 worth. They didn't get all they intended to buy. Brockway said he couldn't find any where he went. When Billy Ogle handed them to me he said, "There is \$530." They were all in a bunch and wrapped up. I went up to Pierce & Young's with the certificates. I asked him what he was paying for those certificates; he told me. He said, "How many have you got?" I said 530, and he gave them to his boy to count, and his boy called it 530. He gave me a check for 530. I took it up to Brockway at Eddy Dew's. Then Brockway commenced figuring, and he found a deficiency of \$100. I went down again, and asked him to be kind enough to look at those certificates. He said, "It is not necessary, I paid you \$100 too short. So I said, "Give me bills for the \$100." He said, "I have not got the bills, I will have to give you a check" — that is exactly what Brockway wanted. Brockway had two checks filled out for \$1240 each, payable to C. M. Bradley I think it was. That

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was the first check that went down.

Q. Who laid that check down?

A. Billy Ogle. That is the number of the check I got the night before.

Q. 2224?

A. The first was 2223, and this was 2224 for \$105. that was burned up. The next check that went down was by George Havill.

Q. What do you mean by George Havill?

A. George Havill was the man who took it down.

Q. What was the name on the check?

A. I forget.

Q. What was the amount?

A. That was \$1800. That was the one I was to have. We had a kick about that.

Q. Here is one drawn to the order of Murdock, \$1512 ?

A. That was one that Havill put down. The next one for \$2500 was what I put down the next morning. The last one Andy Gillien put down for \$1800 or \$1900—E. Morrison.

Q. Tell me how you got identified at the bank?

A. Now I will explain that to you. The first checks that were laid down, the genuine checks, they would not identify us. The paying-teller said to me, "You can go over and get Pierce & Young to write their names to that and I will pay it." That is the same as getting identified. There is two checks always prepared, the one that is presented first has, for instance, Samuel Bradley on it. The teller says, "You

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must go over and get identified. " And you go out, go around the corner, and Pera is there with a duplicate check, and that is correct and endorsed "Pierce & Young." This is the first time he ever did that without seeing the endorsement, but he happened to strike it correct. Some brokers write the word "Correct", and some do not.

Q. Who put down the first check at the Phoenix Bank of Pierce & Young ?

A. Billy Ogle.

Q. And who the next?

A. George Havill.

Q. And who the next?

A. I did by the name of Burns, and the next was by Andy Gillien.

Q. Did you sell them bonds more than once?

A. I sold them these refunding certificates twice. Andy Gillien sold them to them once, and Billy Ogle two or three times. Billy Ogle got the first check a week or so before that. He didn't want to get identified. He only wanted the check to manufacture checks from it.

Q. Now can you tell the names of any of the persons from whom you bought the certificates?

A. No.

Q. Did you ever buy any?

A. No.

Q. Did you ever go with anybody that bought them?

A. I was with Ogle this last time when he bought these refunding certificates?

0483

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Q. Do you know where he bought them?

A. Right off of Broadway in Wall St., on the upper side of the Street, the first basement.

Q. How much did he buy there?

A. He bought 200 and odd dollars worth.

Q. That was on the 5th of January?

A. Yes.

Q. Did you go in with him?

A. No, I walked down to the cigar store on the corner of Broad and Wall, and waited there until he came.

Q. Do you know that he had ever been in there before?

A. I know he had, because he told me that is where he was going to get them, because he got them there before.

Q. Did he ever tell you where besides that place?

A. No, he did not.

Q. Are these refunding certificates numbered?

A. That I don't know. I think they are. They are only for \$10 apiece.

Q. When he bought these certificates in that place on that day, how did he pay for them?

A. In money.

Q. What time of day was it when he went in there?

A. It was after three o'clock when Brockway and Fera came down there to the Park. They didn't have enough, so Brockway gives Ogle what they had bought and money enough to buy some more, and I went with Ogle up Broadway and we turned into Wall St., and when Ogle went into this place I walked down to the corner of Broad and Wall. He came and handed them to me in a bundle. I sold them for \$530 where there was \$630.

~~Each sold the other what had bought. There were not as~~

0484

Each told the other what he had bought. There was not as many as we required. Then Brockway took all which all persons had bought, gave them to Ogle with some money to go and buy some more, then Ogle and I went up Broadway. He said he would go right back to the same place and buy some more.

Q. Do you know where Gilligan bought bonds?

A. No. Gillien did not buy any that day.

Q. Who did buy besides Ogle?

A. Fera had bought some, but Brockway did not succeed in getting any.

Q. Did Fera ever tell you where he bought his?

A. No.

Q. Do you remember how many he had bought?

A. Something over \$200.

Q. Do you remember how many Ogle bought?

A. Ogle bought about the same. Each of them bought about \$200, and what Ogle bought made \$630. Each one started out to buy the same amount.

Q. Would you know the name of that firm if you heard it?

A. I never even looked at it, but I would know the place if I saw it.

Q. Have you any idea how many Ogle bought at that time?

A. Something over \$200--I think \$210. He said "I can go back to the same place and get as many as I want." Brock says "Take this with you," and Brock gave him the balance of the money that he had, and he said "go back and buy some more, then give them to Kentuck and let him go and sell them. The

0485

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object at this time was to get the endorsement of Pierce & Young. We had not been able to get it up to that time. When you present a check, they require you to have your signature identified. Then you have got to go back to Pierce & Young to get them to write their names on it "Correct". Some firms write their names "Correct", and some do not. What we wanted to ascertain was whether it was the habit of Pierce & Young to write that word or not, or sign their name on the back.

Q. Were there not some similar transactions going on with some other banks at the same time this Phoenix Bank case was going on.

A. Not by our party, but by the Wilks' party on the Bank of the State of New York. I only know the persons who got some money out of it. Men Clary got some money, and a boy named Kid Lyman, who was sent to the Reformatory-- he didn't get any but presented the check and got arrested.

Q. Have you told me all about this Phoenix Bank business?

A. I think I have.

Q. Did you always meet Brockway at this Dew saloon?

A. He would frequently come to see me at my house, and sometimes at the Linwood House corner of 25th St. & 8th Ave.

Q. Who keeps it?

A. Jimmy Barker-- he knew nothing about this.

Q. Does he know you?

A. He knew me as a customer. Q. Does he know Brockway?

A. I think he does, and the bar-keeper knows him.

Q. Would the bar-keeper remember seeing him there with you?

0486

A. He remember seeing us there time after time, he and I and Ogle and Andy and all of us there.

Q. Do you know the name of the bar-keeper?

A. His name is George--that is all I remember--he is a pretty bld man.

Q. Where besides at that place did you meet?

A. He used to frequently come to my house.

Q. Could they get into your house without ringing the bell?

A. No.

Q. Who keeps that house?

A. Charles Williams. He is a square man. Q. Is his wife square?

A. Yes. He keeps furnished rooms and a few boarders.

Q. Who attends to the door?

A. Sometimes servants, sometimes Mrs. Williams, and sometimes a little girl. They know Brockway pretty well, they know all the party.

Q. Whose little girl?

A. That is an adopted child, 13 or 14.

Q. Bright child?

A. Yes.

Q. Have you named all the persons?

A. No, I have not. The principal person that introduced me to Brockway I left out, Billy Moorey. Mr. Pinkerton has his description. He hangs out at Eddy Dews'.

Q. Has Moorey ever been sentenced for anything?

A. Not since 1849. That year he had done seven years in

0487

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Connecticut. The first day I ever saw him was the day he came home.

Q. What did he get convicted of in Connecticut?

A. Passing counterfeit money.

Q. How old a man is he now?

A. He is a man of my age.

Q. How did you happen to see him?

A. At that time there was a faro bank back of the New York Hospital, in Church St. He came there and I was introduced to him.

Q. What were you doing there?

A. I came on from the West at that time, and was playing faro bank, and broker, and everything.

Q. Have you ever done any time?

A. Yes.

Q. Where and when?

A. Sing Sing.

Q. When?

A. I went up there in 1862, I came out in 1864.

Q. Under what name were you there then?

A. William Mason.

Q. Where sent from?

A. New York.

Q. For what?

A. Burglary in the third degree.

Q. Do you remember what judge?

A. Judge Hoffman.

0488

- Q. Was that the only time?
- A. The only time here. I have been on the Island once.
- Q. What for?
- A. Petit larceny.
- Q. From what Court?
- A. Special Sessions.
- Q. Under what name?
- A. Clark.
- Q. What was the first name?
- A. I don't know— it was James or George or John.
- Q. You were convicted outside of this State once?
- A. Yes.
- Q. What State?
- A. New Jersey?
- Q. When?
- A. In 1862.
- Q. Where?
- A. Atlantic City.
- Q. What for?
- A. Some hotel work. I don't think there is any one in New York knows anything about that.
- Q. Are those the only times you were ever convicted?
- A. That is all.
- Q. Never in Kentucky?
- A. Oh no, I stand as square as a die out there.
- Q. Where were you born?
- A. In Kentucky in a little country town called Paris.

0489

18

Q. In what grade of life were you born— father a farmer, merchant, or what?

A. My father was a hatter, and I went to Louisville as an apprentice to a tailor. My father died when I was 14.

Q. Is Williams your right name?

A. Yes.

Q. What name were you under in New Jersey.

A. I forget—I believe it was Clark, or Wilson, something of that kind.— no, I was under the name of McKune.

About the arrest in Washington:—We were all arrested there. After we came back from Washington, about two or three weeks, we were not satisfied with what we done there—it was so easy—Brockway sent for me one morning to the house to come up to the corner. He said, "How would you like to go back to Washington?" I told him I was willing to go back. He said, "We will go to-night. How soon will you get ready." He said, "I have not got money enough to go", and told me to go soak my watch. Charley Williams was with me at the time. I pulled off my watch and handed it to Charley and told him to go and get some money on it. He came back with \$35. Brock said, "Go right down, and we will start right away. Be ready in half an hour". I went down, and by the time I got back up, Pera was at my house—he said, "Come on". He took me down to the depot and we crossed to Jersey City. There we met Brockway, Billy Ogle, Andy Gillien and Jimmy Morgan. The next morning we were in Washing on.

Q. Did you take a sleeping car?

0490

A. Yes. The next morning he started us out to buy some checks. He always furnished the money to buy checks himself. Well, we had four or five different checks on different firms there, and had also the books. These checks were what the banks sell.

Q. When did you get to Washington this time?

A. It was sometime in October.

Q. Do you remember the persons whose checks you got?

A. No.

Q. Do you remember the persons whose checks you individually got?

A. No. I got one out of a wholesale grocery, and one out of a wholesale toy store. We got I think, six altogether.

Q. How did you get those checks?

A. By going in after banking hours. We gave them to Brockway, and the next day he occupied in getting his checks ready. He had them all ready the next morning. We were to meet corner of Michigan Ave. and 11th St—I think it is that neighborhood. The first thing we were to do was to run in a genuine check and get the money on it—the checks that we had bought. Then we were to put in the forged checks that day.

Q. Did you get the money on the checks you had bought?

A. No, not until afterwards—we did afterwards. We had some \$10,000 worth of forged checks ready on the six different firms and three or four different banks. The Bank of Washington was one. I forget the names of the different banks. Just as we all met in this saloon on Michigan Ave. and 11th

0491

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St., or somewhere in that neighborhood,—as soon as we all took a drink,—we had to go down so that Brock could pass us these checks. The arrangement was to meet in the Smithsonian Park as soon as we had run the genuine checks in. As soon as we came out of the saloon, McDevitt and some other coppers arrested us and locked us up. They got the whole party—Brock—way, Ogle, myself, Andy Gillien and Jimmy Morgan.

Q. Did they get the checks on Brockway?

A. The genuine ones—yes.

Q. Where were the forged checks?

A. He didn't have them with him. Fera had those ready to produce them whenever we wanted them. At the Smithsonian Park was where he was to have met us.

Q. So that they only found on Brockway's person the genuine checks?

A. That is all.

Q. You were all discharged?

A. We were held about three days, and it cost about \$800 before we got out of it.

Q. What for?

A. They could have given us about three months as suspected characters, and McDevitt would not let us go unless the money was put up. He talked to Brock and me, both.

Q. Did you have a lawyer?

A. No. We were taken before a judge to be discharged after being there three days. McDevitt went with us, and told the Judge that he could not make any case. We were discharged the

0492

morning of the opening of the fair there.

Q. What became of these genuine checks?

A. One of them I got cashed, but the rest of the checks the officers themselves got the cash for.

Q. How much was the amount of the check?

A. Only \$22 to \$25.

Q. Then you quit Washington and came home?

A. Yes. Brockway paid the money, and we paid our share afterwards.

Q. Did any party see you in Washington besides the detective? Did Col. Wood go in there?

A. He came in and talked with Brockway—in fact, he was a friend of Brock—so Brock said. The only part that Fera ever took was to buy bonds for us to sell. He never laid down any, always carried the paper. He always, when there is a check to be manufactured, sat alongside of the man while he was doing it. This Charley Orlich is a man you cannot trust out of your sight—he is a man that gets drunk. When there is any work to do, Fera does it. He gets ten percent.

How old is Andy Gillien?

A. 25 or 26. Last Summer he came out from doing a bit in Philadelphia. He tried to open a safe, his tools gave way and he could not do it, and coming out Andy was arrested and he got two or three years.

Q. Do you know under what name?

A. I do not. ^{Q.} In what Street was that?

A. In Market St.

Q. Was he ever arrested before that?

0493

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A. I was told he was but I don't know where. These two boys at Court to-day told me that he had been arrested. Hauck was one of them, and the other was Downsey. They have been in the Penitentiary. Ogle has been up the river.

Q. Do you know when?

A. I do not. It can't be very long ago. Ogle has been sentenced under the name of Odell from Orange for attempting to break into the safe of the Gas Light Company there. He was arrested in Chicago with Brockway, and gave the name of Odell, and he is under bail there now for \$500 or \$600.

Q. Has Brockway ever been sentenced?

A. Three or four times.

Q. Tell me what you know about Brockway?

A. I never saw Brockway until I was introduced to him here in September. He told me that he had been settled three or four times. He made the remark coming from Chicago or Washington, "I never am going to do any more."

Q. What kind of a looking man is Brockway?

A. He is about 45, full whiskers, mixed with gray; about your highth, not so tall; not as stout as you; black hair and black whiskers; wears full beard; straight nose, nothing extraordinary about it.

Q. Where does he live?

A. That is what I don't know.

Q. What countryman is Fera?

A. I think he was a yankee; he talks and looks yankee. Fera was arrested here about two months ago. He got a check from some firm down town, and that check was used for some

0494

forgeries some time before I knew this party, but after he came back from Boston Billy Moorey told me they were after Fera, and all Fera wanted was to get Billy Moorey to get the coppers to let Fera alone. He was arrested the next day. He was arrested the next day. He acknowledged giving this check and there was no proof that that check was used for the forgeries—so he was discharged.

Q. Do you know who arrested him?

A. I do not.

Q. What precinct?

A. I think it was at Headquarters.

Q. Did he go before a judge?

A. I do not know even that.

Q. When was this?

A. This was about two months ago when we came back from Boston.

Q. Was it in the papers at all?

A. Yes it was in the evening paper, I do not know which one. It just mentioned about his being arrested, supposed to be connected with a forged check, and they could trace from this check to where the forgery was accomplished—something of that kind in the paper.

Q. Did Fera tell you about that check?

A. No, I don't think he did.

Q. Ever hear him say anything about it?

A. I don't think I did.

Q. Who did talk to you about it?

0495

24

A. Brock talked to me about it, and so did Moorey. Brock told me he was arrested for a check which he had got; it amounted to nothing for the check had passed through three or four hands before it reached the bank, and it had been gone so long that that was what caused the suspicion that that was the check that had been used to get this forgery on. The party he got the check from was acquainted with him—the reason he gave it to him. It was on some of the down town banks, on some produce dealer. That is all I can recollect about it now.

Q. Do you know whether Fera has ever been sentenced?

A. I do not think he ever has.

Q. How old a man was he?

A. He was 30 or 35; very large; very stout; I suppose he would weigh 210 or 220; pretty near as tall as I am, in the neighborhood of six feet; black hair and mustache; no whiskers; dark eyes; round full face, looks like a butcher or a saloon keeper; very good looking; dresses genteel, but not flashy; a black suit; I never saw him in a frock coat, he always had an overcoat on; he is very straight, erect; his voice is rather fine for a big man; eyes ordinary size; pretty high forehead; short neck; full face, and red—he looked like a man that drank a good deal of beer; I think his hair lay down, he lisps in speaking, talks as if he had something in his mouth; does not talk a great deal— is rather a dry customer to be out with; I would take him to be a man that knows his business pretty well; he talks about business, and very little about anything else. I met him five or six times every week.

0496

When we went to Boston, Brock took one road, and Pera and I took the Stonington line, and took a room together. He knew where Brock was, but I didn't. He was the only one that ever did know where Brock stopped anywhere we went to.

R o b e r t P i n k e r t o n Detective.

Ogle was arrested in Chicago, and turned State's evidence in that case against a detective named Fletcher, together with Brockway. He was arrested in Chicago under the name of Odell. He pleaded guilty in Jersey. His companion got five years, and he got only six months. He was arrested in Orange— the County seat is in Newark.

Brockway has done time in this State, I think in Auburn; from this City, I think. I do not know the name. I do not know of any place else. I heard that he had done time in Massachusetts once. I am inclined to think that his right name is Seymour.

Kentuck was originally a burglar. Years ago, here in New York, he was a man which nearly everybody feared; he was on the shoot and cut. But of late years he has got to be old, and has not the nerve that he had at former times. I understand he served time three times, but where I don't know. He has abused himself a great deal drinking, and is a heavy drinker now whenever he gets a chance. They intended to strike Pithe & Hatch for \$50,000 at that time.

0497

26

Lyman was sent to the House of Detention at Elmira. It turns out since that he has been in prison three times. His name was Wyman.

0498

the People

William C. C.

W. C. C.

James M. M.

Robert F. F.

0499

CITY AND COUNTY }
OF NEW YORK, } ss.:

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

That *Charles Brockway, Charles Fera otherwise called Big Duke, George Howell, Andrew Gilligan, Thomas Williams and William Ogden each*

late of the First Ward of the City of New York, in the County of New York, aforesaid on the *Sixth* — day of *January* in the year of our Lord one thousand eight hundred and ~~seventy~~ *Eighty* with force and arms, at the Ward, City, and County aforesaid, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged and counterfeited, and willingly act and assist in the false making, forging and counterfeiting a certain instrument and writing *to wit: an order for the payment of money of the kind commonly called a Bank check*

which said false, forged and counterfeited *Bank check* is as follows, that is to say:

Specie & Banking House of Purso & Young
No 2224 *40 Wall St New York Jan 6th 1880*
The Phoenix National Bank
Pay to the order of M. Bradley _____
Twelve hundred & forty 50/100 _____ *Dollars*
\$ 1240 50/100 *Purso & Young*

with intent to injure and defraud *The Phoenix National Bank*
David K Young

and divers other persons; to the jurors aforesaid unknown against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity

0500

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

THAT the said *Charles Brockway, Charles Fava otherwise called Big Duke, George Hawell, Andrew Gilligan, Thomas Williams and William Ogle each* - late of the Ward, City, and County aforesaid, afterwards, to wit, on the day and year last aforesaid, with force and arms, at the Ward, City and County aforesaid, feloniously and falsely did utter and publish as true, with intent to injure and defraud the said *The Phenix National Bank, David & Young*

and divers other persons, to the jurors aforesaid unknown, a certain false, forged, and counterfeited instrument and writing, *to wit: an order for the payment of money of the said County - which only called a Bank Check*

which said last-mentioned false, forged and counterfeited *Bank Check* is as follows, that is to say :

Specie Banking House of Puts & Young
No 2224 40 Wall St New York Jan 6th 1880
The Phenix National Bank
Pay to the order of M. Bradley
Twelve hundred & forty 50/100 Dollars
\$ 1240⁰⁰/100 Puts & Young

the said *Charles Brockway, Charles Fava otherwise called Big Duke, George Hawell, Andrew Gilligan, Thomas Williams and William Ogle* at the same time *so* uttered and published the last-mentioned false, forged, and counterfeited *Bank Check* -

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

BENJ. K. PHELPS, District Attorney.

0501

BOX:

3

FOLDER:

41

DESCRIPTION:

Bray, John

DATE:

01/22/80



41

0502

Officer O. Connor
11th Precinct

Officer Andrew Kelly
11th Precinct

250

P. Mitchell

Filed *23* day of *Jan* 187*8*

Pleas *Not Guilty* 23

THE PEOPLE

vs.

881

John Dray

3 cases

Assault and Battery, - Felony,
Firearm.

BENJ. K. PHELPS.

District Attorney.

A TRUE BILL

W. Kelly

Foreman.

Part No 2 Aug 26. 1880
tried & acquitted.

0503

Form 15.

Police Court—Third District.

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

Ananias Kelly

of *the 10th Prec. Police*

Street

on *Friday* the *26th* day of *December*
in the year 18*79* at the City of New York, in the County of New York,

being duly sworn, deposes and says, that

he was violently and feloniously ASSAULTED and BEATEN by

John Bray (own here)

who willfully and feloniously aimed and pointed a Revolving Pistol at the body of deponent saying at the time you son of a bitch, if you more I will shoot you deponent was at the time in the discharge of his duty said assault was committed

with the felonious intent to take the life of deponent, or do him 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, &c., and be dealt with according to law.

Sworn before me, this *28* day
of *December* 187*9*

[Signature]
Police Justice.

0504

Police Court—Third District.

CITY AND COUNTY }
OF NEW YORK. } =

John Bray being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was
at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—John Bray

Question.—How old are you?

Answer.—28 years

Question.—Where were you born?

Answer.—New York City

Question.—Where do you live?

Answer.—East Br

Question.—What is your occupation?

Answer.—Dom Letter

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

Answer.—I am not guilty

John Bray

[Handwritten signature and notes on the left margin]
Police Court

0505

Form 115.

POLICE COURT--THIRD DISTRICT.

THE PEOPLE, & C.,
ON THE COMPLAINT OF

Clammer Kelly
11 E. Precinct

John May

St. Louis

has been in 10 days
2 cases

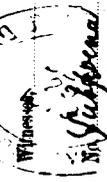
St. Louis
Offence

Dated *Dec 28* 187*9*

Duffy Magistrate.

Kelly Officer.

Clammer # 10 Clerk.



Witness: *Inspector M. Stewart* Street.

Officer *Kelly* Street.

J. B. Police Court Street.

No. *1000* to answer Committed

Received in Dist. Atty's Office.

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0506

CITY AND COUNTY }
OF NEW YORK. } SR.

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

That *John Bray*

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

on the *twenty sixth* day of *December* in the year of our Lord
one thousand eight hundred and seventy-*nine* with force and arms, at the City and
County aforesaid, in and upon the body of *Andrew Kelly*
in the peace of the said people then and there being, feloniously did make an assault
and to, at and against *him* the said *Andrew Kelly*
a certain *pistol* then and there loaded and charged with gunpowder and one
leadен bullet, which the said *John Bray*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge,
with intent *him* the said *Andrew Kelly*,
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 Jurors aforesaid, upon their Oath aforesaid, do further present : That
afterwards, to wit, on the day and in the year aforesaid, at the City and County
aforesaid, the said *John Bray*

with force and arms, in and upon the body of the said *Andrew Kelly*
in the peace of the said people then and there being, wilfully and feloniously did make
an assault and to, at and against *him* the said *Andrew Kelly*
a certain *pistol* then and there loaded and charged with gunpowder and one
leadен bullet, which the said *John Bray*

in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously, did then and there attempt to discharge,
with intent *him* the said *Andrew Kelly*,

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.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said *John Bray*

with force and arms, in and upon the body of the said *Andrew Kelly* then and there being, wilfully and feloniously, did make an assault and to, at and against *him* the said *Andrew Kelly* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which *pistol* the said *John Bray* in *his* right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there shoot off and discharge, with intent, then and there, thereby *him* the said *Andrew Kelly*.

wilfully and feloniously then and there to injure, 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 Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said *John Bray*

with force and arms, in and upon the body of the said *Andrew Kelly* then and there being, wilfully and feloniously, did make an assault and to, at and against *him* the said *Andrew Kelly* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which *pistol* the said *John Bray* in *his* right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there attempt to shoot off and discharge, with intent, then and there, thereby *him* the said *Andrew Kelly* -

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

BENJ. K. PHELPS, District Attorney.

0508

No.

20

P. Mitchell.

Filed 8 day of May 1870

Plends Not Guilty (8)

THE PEOPLE

vs.

John Bray.

Served before

16 years. 2 cases

Assault and Battery—Felonious.
Firearms.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

W. K. Kiecy

Foreman.

0509

CITY AND COUNTY }
OF NEW YORK.

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

That

John Bray.

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

on the *twenty Eighth* day of *December* in the year of our Lord one thousand eight hundred and seventy-nine with force and arms, at the City and County aforesaid, in and upon the body of *Andrew Kelly* in the peace of the said people then and there being, feloniously did make an assault and to, at and against *him* the said *Andrew Kelly* a certain *pistol* — then and there loaded and charged with gunpowder and one leaden bullet, which the said *John Bray* in *his* — right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge, with intent *him* the said *Andrew Kelly* 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 Jurors aforesaid, upon their Oath aforesaid, do further present : That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

John Bray

with force and arms, in and upon the body of the said *Andrew Kelly* in the peace of the said people then and there being, wilfully and feloniously did make an assault and to, at and against *him*, the said *Andrew Kelly* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which the said *John Bray*

in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously, did then and there attempt to discharge, with intent *him* the said *Andrew Kelly*

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.

05 10

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

John Bray

with force and arms, in and upon the body of the said *Andrew Kelly* then and there being, wilfully and feloniously, did make an assault and to, at and against *him* the said *Andrew Kelly* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which *pistol* the said

John Bray

in *his* right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there shoot off and discharge, with intent, then and there, thereby *him* the said *Andrew*

Kelly

wilfully and feloniously then and there to injure, 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 Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

John Bray

with force and arms, in and upon the body of the said *Andrew Kelly* then and there being, wilfully and feloniously, did make an assault and to, at and against *him* the said *Andrew Kelly* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which *pistol* the said

John Bray

in *his* right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there attempt to shoot off and discharge, with intent, then and there, thereby *him* the said *Andrew*

Kelly

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

BENJ. K. PHELPS, District Attorney.

0511

BOX:

3

FOLDER:

41

DESCRIPTION:

Braden, William

DATE:

01/13/80



41

05 12

2

Wm. L. ...
Counsel,
Filed *13* day of *July* 1880
Pleads *to ...*

THE PEOPLE

William Braden
vs.
James H. ...

James H. ...
Larceny, and Receiving Stolen Goods.

BENJ. K. PHELPS.
District Attorney.

A TRUE BILL.
Wm. L. ...
James H. ...
James H. ...
James H. ...

0513

22

The People
vs. William Braden
Indictment for larceny from the person and receiving stolen goods. George Lees, sworn and examined, testified. I am the complainant, I have no place to live, I have not had a job since I came in the country, the 8th of December. Here you in New York on the 8th of January, a stranger here, and did you see the prisoner on that day? Yes, sir. I could not tell you where it was, it was not far from the depot. I came to the city on the Providence boat, it may be ten minutes to four in the afternoon when I saw the prisoner, he must have overheard the talk I had with two friends that I was going to Albany; he put his hand on my shoulder and said, if you are going to Albany, I am going by the station and I will take you down. I said, "All right," and I thanked him. I had half an hour to spare, another friend was waiting at the depot who came with me from Pawtucket, R. I. I asked the prisoner if he would have a drink? He said, "yes", but I have no money." I said, "It is no matter, if you will take me to the station I will give you a quarter." I told him I had not got much money.

0514

watch

but I will give you a quarter. We set off together, I thought we were going too far. Along on the road I put my hand in my pocket to feel for my watch, I had none. What kind of a watch was it? An English patent lever, I paid six pound ten for it in Christmas 1874; I had a brass chain to it; when I started to go to the depot I had the watch in my pantaloons pocket. When I found my watch was gone I accused the prisoner of taking it, I caught hold of him and was just going to raise a fight with him and two gentlemen came up and stopped it. I was going to fight with him to get my watch back again. He denied having my watch and said it would be all right when I got to the station. These two gentlemen came up and said to the prisoner, "you have got his watch, I seen you take it, it is in your coat pocket. I took the watch out of his coat pocket, the coat he has got on now. As soon as I got the watch he commenced to run and the two men ran after him and brought him back to the officer. That is all I have got to say. Cross examined this was five minutes to four; I first saw him in the saloon. I had fun a five drinks of lager beer during the day and had one drink of

0515

whiskey. I had not been talking with my friends about this man before I went to the saloon. I did not take out my watch while walking along the street. When for the last time did you take out your watch? In the saloon to show it to this party, he wanted to give me twenty dollars for it and I would not take it. It is not the fact that I was so drunk that the prisoner took hold of my watch and money to take care of it. Is it not the fact that you were walking along the street and this defendant and the watch was just about falling on the ground out of your hands and he took it from you? No sir. I did not. William Braden, sworn and examined, testified in his own behalf. I am a shoe maker by trade, I have never been arrested before in my life. I did not steal this watch from the man. When I first met him it was in that saloon by the depot, he was very drunk. I saw that his watch was hanging out and I pulled it out and gave it to him to put in his pocket. He said, "By God, you are an honest man; come and have a drink, where are you going?" I said, I am going down towards the third avenue. So he went along down with me. Before we got to the third avenue he lost

05 18

Testimony in the case
of
Wm. Braden
filed Jan. 1880.

0519

Police Court, Fourth District.

CITY AND COUNTY }
OF NEW YORK, } ss.

William Braden being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz:

Question. What is your name?

Answer. *William Braden*

Question. How old are you?

Answer. *Twenty two years.*

Question. Where were you born?

Answer. *In New York -*

Question. Where do you live?

Answer. *24 3rd Rowery -*

Question. What is your occupation?

Answer. *Shoemaker -*

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

Answer. *I took the watch to keep it for him until he got to the depot*

William Braden

Taken before me this
9 day of January 1888
Police Justice

0520

District Police Court

CITY AND COUNTY OF NEW YORK } ss.

of No. *Home of Putnam* Street,

being duly sworn, deposes and saith, that on the *5* day of *January* 18*80* at the Ward of the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, *and from his person*

the following property viz.:

One Silver watch of the value of Twenty three Dollars.

the property of

Deponent

and that this deponent has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen and carried away by *William Braden* deponent.

That deponent had said watch in the pocket of the pantaloons upon his person. when said Braden offered to take him to the depot. That deponent missed the watch while in the company of said Braden, and found said watch in his Braden's overcoat pocket.

George Lees

Sworn before me this

9 day of *January* 18*80*

Police Justice

0521



DISTRICT POLICE COURT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George Lees
H of D

William Prater

DATED *9 January* 187

[Signature] MAGISTRATE.

Green

OFFICER.

WITNESSES:

Shubren
21 Precinct Police

1000 to Green
Law

AFFIDAVIT - Larceny. *M. P. [Signature]*

0522

CITY AND COUNTY }
OF NEW YORK. } RR.

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

That

William Braden

late of the First Ward 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 ~~seventy~~ *Eighty* at the Ward, City and County aforesaid,
with force and arms,

*one watch of the value of twenty three dollars
of the goods chattels and personal pro-
perty of one George Lees, on the person
of the said George Lees then and there
being found, from the person of the
said George Lees*

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

0523

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

William Braden

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

*One watch of the value of twenty three
dollars —*

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

George Lee

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

George Lee

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

William Braden

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

BENJAMIN K. PHELPS, District Attorney.

0524

BOX:

3

FOLDER:

41

DESCRIPTION:

Bray, John

DATE:

01/08/80



41

0525

Day of Trial,

Counsel,

Filed

day of

1880

Pleads

Mitchell
Samuel
Not Guilty

THE PEOPLE

vs.

58 22nd
204
P
John Bray

2 cases

BURGLARY—THIRD DEGREE.
NOTHING STOLEN.

just out
BENJ. K. PHELPS,

District Attorney.

A TESTIMONY.

W. H. King

Esq.

Part. Inv. July 20. 1880.

Fried & convicted

Attempt Burg
24.6. M. S. C.

0526

Daniel Buckley
Indicted Oct-21 1868
for Burglary 3^d ly

Feb 11th 73 Felonious
Indictment on Naval
Cutter with attempt
to kill with deadly
Weapon

Feb 25 1873

2 years + 6 months
for Burglary Committed
in 1868

John Hughes and Patrick
Hannigan arrested May 9th 1895
tried found 10th Hannigan sentenced
5 years State Prison

0527

Jan 5 - 1880

Hon Benj Phelps

You have a prisoner
at the Tombs named Bray - one of
the most desperate villains in New York.
he has spent almost all his life in Prison
the last time he got 5 years for shooting
at Police Capt. Murphy and another Officer
a few days since while being arrested
for Burglary he shot at Officer O Connor
of 11th Precinct. I have heard that he is
making application to be admitted to Bail,
to verify above statements. Send for Capt.
Murphy - also. Detective O. Connor of
the 11th Ward. they have both heard
this desperado convicted at different
times.

Citizen

0528

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

Julius Bergener

of No. 179 Avenue C Street, being duly sworn,
deposes and says, that the premises No. 179 Avenue C
Street, 11 Ward, in the City and County aforesaid, the said being a Brick Building
the Stone and which was occupied by deponent as a Butcher Shop
were **BURGLARIOUSLY**
entered by means forcible breaking of a lock on the door
leading to said Butcher Shop.

on the Morning of the 26 day of December 1879
and the following property feloniously taken, stolen and carried away, viz:

Good and lawful money of the issue
of the United States consisting of Silver Coin
of various denominations and value, in all
of the value of about one dollar

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 Julius Bray ^{alleged to be} and another
person not arrested and whose name is unknown to
deponent.
for the reasons following to wit: That deponent is informed
by officer Andrew Kelly of the 11th Precinct
Police that about one o'clock in the
Morning of the 26th day of December, 1879
he saw said Bray and said unknown person
in front of said premises and an said door
leading to said Stone That said Bray and
said unknown person pointed Pistols at said Kelly
preventing him Kelly from making the arrest at

0530

CITY AND COUNTY
OF NEW YORK, 1879

John Bray being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was
at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—John Bray

Question.—How old are you?

Answer.—38 years

Question.—Where were you born?

Answer.—New York City

Question.—Where do you live?

Answer.—Essex St.

Question.—What is your occupation?

Answer.—Stone Cutter

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

Answer.—I am not guilty

H

John Brady

[Handwritten signature]
1879
Police Justice

0532

CITY AND COUNTY }
OF NEW YORK, }

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

That *John Pray* -

late of the *Eleventh* - Ward of the City of New York, in the County of
New York, aforesaid,
on the *twenty sixth* day of *December*, in the year of our Lord
one thousand eight hundred and seventy-*nine* with force and arms,
at the Ward, City and County aforesaid, the *Shop* of

Julius Bergerer
there situate, feloniously and burglariously did break into and enter, the said *Shop*,
being then and there a building in which divers goods, merchandise, and valuable things
were then and there kept for use, sale and deposit; the same being the goods, chattels,
and personal property of

Julius Bergerer

goods, merchandise and valuable things in the said *Shop* with intent the said
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.

BENJ. K. PHELPS, District Attorney.