

0147

BOX:

347

FOLDER:

3267

DESCRIPTION:

McAllister, Rosa

DATE:

03/22/89



3267

0148

Witnesses:

L. Jones
off Reed

Counsel,
Filed *20/11/88* Day of *April* 1889
Pleads *C. H. P. C. 20/11/88*

OK

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

THE PEOPLE

vs.

P
Rosa McAllister

JOHN R. FELLOWS,
Publ. April 1891. District Attorney.
ind and convicted about 3 days
with recommendation to mercy.

Pen 2 months
A True Bill.

Chas Scott Foreman.

March 24 1891
My commission expires
IX

0149

Police Court— 2^d District.

City and County } ss.:
of New York,

of No. 146 West 27th Street, aged 20 years,
occupation Domestic being duly sworn
deposes and says, that on the 13th day of March 1889 at the City of New
York, in the County of New York,

she was violently and feloniously ASSAULTED and BEATEN by Rosa
McAllister (now here) who cut
and stabbed deponent a number
of times on the head with a
pair of Shears thru and thru held
in her, said defendant's, hands,
cutting and grievously wounding
deponent's face and head
and said assault was committed

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

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

Sworn to before me, this 14th day
of March 1889 } Laura Jones

Sam'l O'Reilly Police Justice.

0150

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Rosa McAllister*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Richmond, Virginia*

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

Answer. *N^o 140 West 27th Street & about 3 months*

Question. What is your business or profession?

Answer. *Room-keeper*

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

Answer. *I did not have anything in my hand except a piece of pie, I struck her with my fist when she told me she had my husband and would keep him.*

Rosa^{her} McAllister
marks

Taken before me this

day of

March 188*9*

J. J. [Signature]

Police Justice.

0151

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

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

Dated Mar 14 1889 Donald C. Hill Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0152

Police Court--- 2 409 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Laura Jones
146 West 27 St
Rosa Madliska

Offence Assault
Return

2
3
4

Dated March 14 1889
S O'Reilly Magistrate
Reid Officer
19 Precinct.

Witnesses
No. Street.
No. Street.
No. Street.



\$ 1000

Handwritten signature

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

0153

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Rosa Mc Allister

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

Rosa Mc Allister

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

The said Rosa Mc Allister

late of the City of New York, in the County of New York aforesaid, on the thirteenth day of March in the year of our Lord one thousand eight hundred and eighty-nine, with force and arms, at the City and County aforesaid, in and upon the body of one Laura Jones in the peace of the said People then and there being, feloniously did make an assault, and her the said Laura Jones with a certain pair of shears

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

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

SECOND COUNT—

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

Rosa Mc Allister

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

The said Rosa Mc Allister

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Laura Jones in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and her the said Laura Jones with a certain pair of shears

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

0154

THIRD COUNT—

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

— *Rosa Mc Allister* —

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

The said

Rosa Mc Allister —

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

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

her the said *Laura Jones* —

with a certain

pair of shears —

which *she* the said

Rosa Mc Allister

in

her

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

head

of

her

the said

Laura Jones

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

Laura Jones —

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

JOHN R. FELLOWS,

District Attorney.

0155

BOX:

347

FOLDER:

3267

DESCRIPTION:

McAvoy, John J.

DATE:

03/28/89



3267

0156

Witnesses:

Augusta L. Decker

A & J w

Counsel

Filed *28* day of *March* 188*9*

Pleads *Guilty*

THE PEOPLE

vs.

John J. McAvoy

J. H. Hannon

Magistry in the Third degree.
2nd degree.
[Section 498.52 & 52.845 B7-1.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. Scott Foreman.
copy 1/19
Printed & issued of
Wm. H. H. H. H. H.
D. C. 2, 1/15 & 6 m. P. H.

0157

MA 189

The People
vs.
John J. McAvoy. { Court of General Sessions, Part I.
Before Judge Martine.

Monday, April 1, 1889.

Indictment for burglary in the third degree and grand larceny in the second degree.

Auguste L. Sevestre sworn and examined.

I live at 121 East 53rd Street and am a builder, I know the premises 207 East 22nd Street, the building was completed by myself and partner Mr. Cusack, I believe the premises are in the 18th Ward of this city, it is an apartment house, four families on a floor; on the 15th of March some apartments were occupied and some unoccupied, the building is five stories high and a basement, a quadruple flat, two families on either side in the front and two in the rear. On the 15th of March I had property in that building, fixtures and plumbing work in the house faucets, lead pipe, etc. About nine o'clock in the morning of the 15th one of the tenants called my attention to one of the water-closets having been robbed of lead pipe on the fourth floor rear. I did not do anything but an hour or two afterwards I had occasion to show one of the unoccupied apartments to some gentleman and I inserted a key in the kitchen door which opens on to the hall and found the key would not go in, there was an obstruction of some kind; that was on the second floor rear on the west side, I then went to the sitting-room door of the same apartment, it has two doors, one from the kitchen and one from the sitting-room, I tried the sitting-room door and opened it and as soon as I got in I saw a man rush out of the kitchen door into the hall, I

0158

gave chase and followed him to the corner of 20th Street and Gramercy Park; this was about eleven o'clock in the morning; there was a very bright light all through the rooms so that I could distinguish features perfectly, I saw him come out of the kitchen door, I was about thirty feet from him when I first got sight of him, I followed him out of the front door to the street, he went to Third Avenue, these premises were between Second and Third Avenues, I followed him, he turned the corner of 20th St and then disappeared down stairs of the apartment house I believe it is called the Gramercy Park Flats. I went into the hall and by that time he was entirely out of sight; when I was satisfied that he could not very well get out I went in search of a policeman, I found one on the corner of Third Avenue, Officer Cullen. When I was showing these apartments and entered the sitting-room Mr. Reinhart was with me, he is in Court, I believe he followed the man, he is very stout and could not run as fast as I could. I saw the face of the man whom I chased, it was the Defendant, I have no doubt whatever about it.

I was present when he was brought out of the cellar, I did not hear him say anything at the time. On the way to the Station House the officer told him to take his hands out of his pockets. When I first saw him in my apartments I did not see anything in his hands, I saw that the plumbing work was disturbed, I did not examine it that moment but I did half an hour after his arrest. I was in the apartments the evening before at five o'clock and I believe the plumbing was intact, the apartments are always kept closed. We have lead safes put in to take

0159

any leakage from the stationary wash-tubs or sines, the sheets are made in the shape of a large can and spread under the wash-tubs and the sinks; that had been all cut up into strips and made up into a bundle. In another apartment on the same floor front those safes had been entirely stripped off and carried away. The front apartment was locked when I went out. I suppose those lead safes are worth in the neighborhood of fifteen dollars apiece including the labor; the traps under the safes were not disturbed, I suppose they are worth about \$1.50 apiece. I was present when the defendant was examined at the Police Station, I believe there was found on him a knife, some matches and a laundry ticket, I understood there was a knife found but I did not see it. When I got the officer he went into the Gramercy Park Flats and I remained outside perhaps three minutes and the officer brought the Defendant out and we went to the Station House.

Cross Examined. I saw the Defendant dash out of the room sideways, I had an instantaneous look at him, he had a coat on and I think a derby hat, I made an outcry of stop thief or something like that, I did not see him carry any lead when I was running after him nor did I see him drop anything. I should judge that the value of the lead which I saw cut in strips on the second floor was somewhere in the neighborhood of fifteen dollars, I could not replace it with the labor for less than that, I don't know what the lead is worth a pound. Micheal Cusack my partner was there that day. There was nothing disturbed in the room where I found the defendant but the lead safe.

0160

William C. Reinhart sworn and examined.

I live at 531 Third Avenue and am a real estate agent. I know Mr. Sevestre and know the premises 207 East 22nd Street, I was there on the 15th of March, 1889, I was there with a client of mine named Deinst about nine o'clock in the morning, I was in the second floor back on the west side, it was near eleven o'clock when I went into those apartments, we did not go into them at all, Mr. Sevestre tried the keys to the kitchen door and found there was some obstruction in the lock, then we went to the rear room and opened the door. The first I heard was Mr. Sevestre saying "there he comes," I did not see the kitchen door opened but I saw the thief disappearing down the stairs, I was at the end of the hall, within six or seven feet from the dining room door, I called down from the banisters to Mr. Cusack to head him off, I would not know the man if I saw him again, I did not see his face at all, I followed about a block and a half and lost my wind, I saw Mr. Sevestre running after him, I saw the lead pipe -- rather, sheet lead rolled up -- at the Station House. I was asked by the Sergeant or Captain whether I saw the Defendant coming out of there and I told him I did not. I saw the Defendant search and some matches and a laundry ticket were found on him. I suppose there must have been ten or fifteen pounds of this lead, I do not know the value of it.

Micheal F. Cusack sworn and examined.

I live 293 Hoyt Street, Brooklyn, and am a builder and a partner of Mr. Sevestre, I know the premises 207 E. 22nd St and was in the premises on the 15th of March, I saw Mr. Sevestre and Mr. Reinhart there that morning, I saw the

0161

defendant in the hall about eleven o'clock in the morning, I heard Mr. Sevestre call me, I was at the foot of the cellar stairway, I ran upstairs and saw Mr. Sevestre chasing the defendant through the hall and I followed in the chase, the hall was lighted so that I could distinguish faces, I saw the defendant's side face as he was going down the stoop, I am positive that the defendant is the man, I followed him to the basement of this flat, I was about fifteen feet behind Mr. Sevestre, I saw the defendant disappear down the basement, I took the same route that Mr. Sevestre described, I returned to the premises after that and went into the room where it is said Mr. Sevestre saw the defendant which was the second floor rear on the west side.

I saw the Defendant enter the Gramercy Park Apartment house. Mr. Sevestre told me to stay at the door, he went for an officer, I remained in the cellar and saw a grocery boy coming out carrying a basket from the passageway into the street, I saw a young man there who runs the elevator,

I saw the defendant enter that part of the cellar where he was afterward found, I remained there I think for about ten minutes before the officer came back with Mr. Sevestre, I told the officer to go in where this man was, he went in there and in two or three seconds brought the defendant out with him; there was no accusation made against the defendant in my presence, I think Mr. Sevestre said, "that is the man." I saw the lead sheeting which had been cut up, I should judge it was from ten to twenty pounds, I carried it to the Station House, I suppose it was worth three or four cents a pound in that condition. I have had nothing to say to the defendant since he was arrested.

0162

Cross Examined .

Mr. Sevestre, myself

and I think a few others joined in the chase, I heard the cry of, stop thief, I made no outcry myself. I only saw one person run into this cellar, I never saw the prisoner before, he did not dash by me, he was out ahead of me and Mr. Sevestre after him and I followed in the chase. I did not see the face of the defendant until he turned on the stoop in the street, I have no doubt that he is the man I saw coming out of the premises. I was at those premises afterward with the officer, he went to see the apartments where the lead was taken from and he had a key with him, he tried the key to see whether it would fit the door of the apartments, the kitchen door, I do not think it did, he tried it in the water-closet door of the fourth floor and it fitted there. I heard Mr. Sevestre's testimony about the property that was missing from the water-closet I never saw the key now shown me before, it does not belong to me, I mean I never saw it before I saw it in the hands of the officer, it is the key that I saw with the officer.

John R. Cullen sworn and examined.

I am an officer of the 18th precinct and arrested the Defendant on the 15th of March, 1889 about five minutes after eleven o'clock in the morning upon the complaint of Mr. Sevestre, he came to me and told me there was a thief up in Third Avenue and I went to the cellar of the Gramercy Flats in 20th Street; as I entered the cellar I met the engineer, there was a couple of servant girls there too and they said there was a thief in the wood-shed, in

0163

consequence of what I heard I went down into the cellar which was dark, the cellar was divided off with wooden partitions, in the back part of this apartment was coal and in the front was wood, the wood was piled up about six foot high and there was a passage of about two feet to enter between the wood and the partition, I entered there and felt my way in with my stick and as I got to the end of the wood pile I felt something soft in the corner and I says, "Get up , what are you doing there?" With that a man stood up, I took him out and got him to light the gas and stood him against the partition, I said to Mr. Sevestre. "is this the man", and he said yes. I gave him a rough feeling all over to see if he had anything on him and I then took him to the Station House. I asked him what he was doing in there and he said nothing, I asked him what brought him in there and he said that the crowd was running and he run with the crowd, that was all he said, he was taken to the Station House and his pedigree taken and he was locked up, I returned to the cellar of the Gramercy Flats where I found the defendant, I lit a candle and searched through the coal and wood and there found a key and a knife right near where he was sitting. (The witness produced the key and knife which were offered in evidence.) The key was stuck down between the coal, I put the key and knife in my pocket and when I returned to the Station House at one o'clock and the sergeant told me to take it to Court. I know that the premises 207 East 22nd Street are in the 18th ward. After I returned from Court and took the prisoner to the Yorkville Police Court, I went to the

0164

premises 207 East 22nd street and tried the key in the doors of the partment that the lead had been cut out of, it did not fit any of those doors but it fitted the water-closets in the hall, I looked in those water-closets, two of them were in perfect order, another one was cut away and the screws were taken out of the plate of another one against the wall. On the way up to Court in the train I asked the defendant what was his idea of doing an act like that and he said he never did anything like that, that all he did was to run with the crowd. I says, "you were very foolish to run with the crowd, what did you run in there for?" He said he did not know, I asked him if he was arrested before and he said he was arrested a couple of weeks before that but did not tell me what for. I remember going to a certain place where he directed me, I asked him if he had any relatives in the city and he said he had an uncle named Jackson who lived at 331 East 21st Street. I went there and made inquiries and did not find anybody of that name.

Cross Examined. I have kept the knife ever since, I saw the bundle of lead that was cut up, I tried the knife in the lead to see if it could cut it. I asked the defendant about the knife and the key and he said he did not know anything about them.

John J. McAvoy sworn and examined in his own Defence.

I have never been in trouble before only that I was arrested once for being drunk, I have never been charged with breaking in any place or with stealing anything, I remember the day that I was arrested on this charge.

0165

I did not go into MR. Sevestre's house at 207 East 22nd Street on this day or any other day, I am not the man that he says he saw dashing out of the kitchen as he entered towards the sitting-room, I was not at any time in that building, I am sure of it, I remember seeing a crowd running down the street, I was standing on the corner of 22nd Street and Third Avenue and I was facing so I could see down the street towards where this gentleman ran out, and as he ran out he halloed "stop thief"; I saw no one running and as he got nearer to me I took fright and ran myself because he was pointing exactly at me, I turned the corner and ran down Third Avenue till I reached 21st Street to this little street that runs between Gramercy Park and the Flat, I then turned down 20th Street towards Third Avenue and ran into this basement. I ran because I was frightened lest I should be arrested because he was pointing exactly at me. I have seen the knife and key that have been shown here, I saw them in the other court but they are not my property. I tell this Court and Jury that I did not take any of that led or cut it off, I am sure I was not in the place, I never was convicted of any crime, I am a wood sawyer by trade, I worked for John Caro & Son in Baxter Street.

Cross Examined. I went to work for them a year ago last September and worked about eight months, I left them last May or June, I have been doing nothing in particular since except selling chairs for my uncle. Harry Jackson, he is not in Court to-day and does not know of my arrest, I could not tell exactly the number where he lives in 21st Street but I think it is No. 331 between

0166

First and Second Avenues. During that time I was living at 630 Hudson Street with my other uncle George Jackson, he is not in Court, I lived there for three months and before that I lived with him at 2103 Second Avenue and before that I lived in 62 Marston Street, I had a furnished room there. I paid my uncle no board, my mother sent me money from wherever she was, she travels a good deal because she is an actress, she travels under the name of Emma Rogers, my right name is John J. Rogers. I consider myself as having a pretty fair character. As I stated before it was fright that caused me to run, I did not break into this man's building and yet I run away when he was running..

The Jury rendered a verdict of guilty of burglary in the third degree and the Defendant was sentenced to imprisonment in the State Prison for two years and six months.

(Cross Examination continued. How have you been supporting yourself since last May? Selling chairs for my uncle. I stayed with my uncle, I did not pay him any board. My mother sent me money from wherever she was; she is in a business where she has to travel a good deal. What kind of business? She is an actress. What is her name? I would not like to speak it out in Court. Am I forced to answer that question? Yes. Her name is Emma Rogers - that is the name she travels under. You have not given your right name here, McAvoy? Yes, I am going under my step father's name at his own bidding; his name is Harry McAvoy. I could not tell you where he is at present; the last letter I received was from Rhode Island or Mass.

0167

Testimony Case

John J. McHenry

pled

March

1889

100-01

0168

Police Court— Fourth District.

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

of No. 207 East 22nd Street, aged 35 years,
occupation Builder

deposes and says, that the premises No. 207 East 22nd Street, 1st Ward
in the City and County aforesaid the said being a Dwelling

~~and which was occupied by deponent as a~~ Dwelling
~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly Opening the

door leading into an unoccupied apartment
from the hallway on the 2nd floor and
entering the same by false keys

on the 15th day of March 1889 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of lead pipe and sheet lead
pages together of the value of about
Forty Dollars

the property of Michael Kusack and 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

John W. Brown
now here

for the reasons following, to wit: deponent regularly locked
and fastened the door into said apartment
at about the hour of five o'clock on said
date and at about the hour of eleven o'clock
on the 15th day of March deponent attempted
to enter said apartment and discovered some person
was in said apartment and when deponent
was in the act of entering the front part of said
apartment he saw the said defendant and

0169

one of the agents of the Department
Department purchased the defendant
and caused the defendant's arrest
Department positively identifies the defendant
as the person he saw in one of the Department's

sworn to before me

This 18th day of March 1894
J. H. [Signature]
Police Justice

It appearing to me by the within depositions and statements that the crime herein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated _____ 188____ Police Justice.

I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated _____ 188____ Police Justice.

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

Police Court, _____ District,

THE PEOPLE, &c.,
on the complaint of

vs.

1 _____
2 _____
3 _____
4 _____

Dated _____ 188____

Magistrate.

Officer.

Clerk.

Witness, _____
No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ _____ to answer General Sessions.

0170

Sec. 193-200.

11th District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. John J. McAvoy

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. Detroit

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

Answer. 630 Hudson St 3 months

Question. What is your business or profession?

Answer. Work Day

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

Answer. I am not guilty

I have nothing to say

John J. McAvoy,

821. 821-

Taken before me this 19th day of March 1887
John J. McAvoy
Police Justice.

0171

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

Defendant

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

Dated *March 10* 188 *J. J. [Signature]* Police Justice.

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

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

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

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

0172

~~307~~
Police Court--- 406 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Augustus L. Sewer
207 East 92 St
John M. Gray
Offence
Sewer

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated March 10 1889

Magistrate.

John R. Cullen Officer.

Precinct.

Witnesses John R. Cullen 531 3rd Ave,

No. Street.

Michael Cullen 207 E 22

No. Street.

No. Street.

\$ 500 to answer



Handwritten signature and scribbles at the bottom of the document.

0173

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John J. McAvoy

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

John J. McAvoy

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

The said

John J. McAvoy

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

Augustus L. Sevestre

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

Augustus L. Sevestre

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

21

0174

SECOND COUNT—

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

— *John J. McAvoy* —
of the CRIME OF *Grand* LARCENY *in the second degree* committed as follows:

The said

John J. McAvoy

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

*a quantity of lead pipe and
sheet lead pipes, a more par-
ticular description whereof is
to the Grand Jury aforesaid
unknown, of the value of
forty dollars,*

of the goods, chattels and personal property of one

Augustus L. Sevestre

in the *Building* of the said

Augustus L. Sevestre —

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

John R. Bellows,
District Attorney

0175

BOX:

347

FOLDER:

3267

DESCRIPTION:

McCabe, John

DATE:

03/21/89



3267

0176

Witnesses:

Counsel,
Filed
Pleads,

day of
1887

THE PEOPLE

per 4. 9. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.
Burglary in the THIRD DEGREE
(Section 498.50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100)

vs.
John McCabe

JOHN R. FELLOWS,

District Attorney.

*Pr 6/14 2076
per do 12/13
State Repromatory
A True Bill.*

Charles Sente Foreman.

T

0177

Police Court - District.

City and County of New York, ss.:

of No. 423 East 2^d Street, aged 46 years, Joseph Sandgraber

occupation Cabinet maker being duly sworn

deposes and says, that the premises No. 423 East 2^d Street, 19 Ward

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

building in part dwelling

and which was occupied by deponent as a human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking open a bed room door adjoining deponents apartments and entering therein with intent to commit a felony

on the 9th day of March 1887 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

One Saw, One Coat and one pair of trousers of the value of thirteen dollars & 10 cents

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

John M. Cole New York

for the reasons following, to wit: That defendant occupied the rear part of deponents flat located upon the west side first floor of the above numbered premises, that all of said property was located in deponents bed room adjoining deponents apartments, that at about 9 o'clock A.M. of the above date deponent suddenly locked the doors and fastened the

0178

the windows of his apartment and went away. Deponent did not again return until at about 5 O'clock P.M. of said date when he viewed said property and discovered that the door had been broken open.

Deponent is informed by Barbara Wolf of No 1423 East 72^d street that she took the Hat herein mentioned from defendants head at 72^d street and Eastern Boulevard at about 10 O'clock P.M. of said date which deponent full and positively identifies as his property.

Deponent is informed by Officer Walter G. Bray of the 25th Precinct that he found concealed upon the person of said defendant two fragments one representing a Saw and one representing a Pick.

Sworn to before me this 9th day of Oct 1889 Joseph Landgraf

Police Justice
Dated 1889 guilty of the offence within mentioned, I order he to be discharged.

There being no sufficient cause to believe the within named Police Justice
Dated 1889

I have admitted the above named to bail to answer by the undertaking hereto annexed. Police Justice
Dated 1889

I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail. Police Justice
Dated 1889

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

Police Court, District, Offence—BURGLARY.

THE PEOPLE, &c.,
on the complaint of

vs.

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

Dated _____ 1889

Magistrate.

Officer.

Clerk.

Witness, _____
No. _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____

to answer General Sessions.

0179

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 30 years, occupation Police Officer of No. 20th Avenue Street, being duly sworn deposes and

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

Sworn to before me this 9 day of March 1889 Walter F. Bray

J. Henry Ford
Police Justice.

0180

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *John M. Cate*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No 423 East 72nd St. Crampton*

Question. What is your business or profession?

Answer. *Bookkeeper*

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

Answer.

*I have nothing to say
at present*

John M. Cate

Taken before me this

day of *Sept* 188*9*

J. W. [Signature]

Police Justice.

0181

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

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

Dated Mar 9 1889 J. Murray Bond Police Justice.

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

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

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

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

0182

293 368
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joe Landgraber
423 East 72nd St
Joe M. Cole

Offence *Barry*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *March 9* 1889

Ford Magistrate.

Bray Officer.

705 Precinct.

Witnesses *Callert Officer*

No. Street.

Barbara Wolf

No. *473* Street.

No. Street.

No. Street.

\$ *1000* to answer



Handwritten signatures and notes

0183

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Mc Cabe

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

John Mc Cabe

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

The said

John Mc Cabe

late of the *nineteenth* Ward of the City of New York, in the County of New York aforesaid, on the *eightth* day of *March* in the year of our Lord one thousand eight hundred and eighty-*nine* - , with force and arms, in the *day* - time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Joseph Landgraber

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

Joseph Landgraber

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

0184

SECOND COUNT—

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

John McCabe

of the CRIME OF *Peter* LARCENY _____, committed as follows:

The said

John McCabe

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

one saw of the value of two dollars, one coat of the value of eight dollars and one hat of the value of three dollars,

of the goods, chattels, and personal property of one

Joseph Landgraber

in the dwelling house of the said

Joseph Landgraber

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

0185

THIRD COUNT.

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

John Mc Cabe

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

The said

John Mc Cabe

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 saw of the value of two dollars, one coat of the value of eight dollars, and one hat of the value of three dollars

of the goods, chattels and personal property of

Joseph Landgraber

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

Joseph Landgraber

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

John Mc Cabe

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.

JOHN R. FELLOWS,
District Attorney.

0186

BOX:

347

FOLDER:

3267

DESCRIPTION:

McCarthy, John

DATE:

03/29/89



3267

0187

BOX:

347

FOLDER:

3267

DESCRIPTION:

McVey, Francis

DATE:

03/29/89



3267

0188

Witnesses;

A. Bush

Counsel,
Filed
Pleads,

Day of March 1889

THE PEOPLE

John McCarthys
Francis McVey

Burglary in the third degree.
and Peter Lawrence

JOHN R. FELLOWS,

District Attorney.

A True Bill.

April 17th

Chas. H. ... Foreman.

Booth tried and convicted

May 13/89 ...

2/5 State ...

T.

0189

Police Court _____ District.

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

of No. 457 West 27th Street, aged 29 years,
occupation Butcher.

deposes and says, that the premises No 457 West 27th Street,
in the City and County aforesaid, the said being a three story frame
building with a brick front
and which was occupied by deponent as a butcher shop
and in which there was at the time no human being, ~~by name~~

were BURGLARIOUSLY entered by means of forcibly prying the
catch off of the window leading from the
rear yard into deponents shop.

on the 22nd day of March 1889 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

Three hams and sixty pounds of
Chicken. Together of the value of twenty
dollars. (\$20.00)

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
John W. Carthy and Francis W. Key.
(both names here)

for the reasons following, to wit: that at the hour of 8 o'clock
P.M. said date, deponent locked and
securely fastened the doors and windows
of his shop, and left said shop leaving
it alone, and in good condition and said
property in said shop. And deponent is
informed by Officer Thomas Dorney of
the 20th Precinct Police that at about the
hour of 1 o'clock on March 23rd he the

0190

Officer found the said defendants together and in company with each other standing near defendant's shop close beside the alley way leading into the yard of defendant's premises and also found three hams partly concealed behind a stoop near where the said defendants were standing. He the Officer then placed the defendants under arrest and notified defendant

Defendant then examined his shop and discovered that it had been entered as aforesaid and said property taken stolen and carried away and defendant identified the three hams which the officer found near the defendants as his property.

Wherefore defendant charges the said defendants with being together and acting in concert with each other and burglariously entering said premises as aforesaid and feloniously taking, stealing and carrying away said property.

Sworn to before me } August Bush
this 27th day of March 1899

Saml C. Kelly
Police Justice

Police Court District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary
Degree

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0191

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Downey
Police Officer

aged _____ years, occupation _____ of No. _____

20th Precinct Preci Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *August Busch*

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

Sworn to before me, this

23rd
March 188*9*

Thomas Downey

day of _____ 188*9*

James H. Kelly

Police Justice.

0192

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty

~~*John Mc Carthy*~~

John Mc Carthy

Taken before me this
day of *March* 188*9*

J. J. Kelly
Police Justice.

0193

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Francis McVey

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

Question. What is your name?

Answer. *Francis McVey*

Question. How old are you?

Answer. *21 years old*

Question. Where were you born?

Answer. *New York*

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

Answer. *No home.*

Question. What is your business or profession?

Answer. *Truck Driver*

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

Answer.

*I am not guilty
Francis McVey*

Taken before me this 20
day of March 1888

James J. [Signature]
Police Justice.

0194

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

John McBurney and Francis McBurney

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

Dated *March 23* 188*9* *John W. Smith* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0195

Police Court--- 2442 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

August Busch
457 vs. No. 25
John W. Contry
Francis Wilkey

Offence
Busch

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated March 2/3 1889

Keilly Magistrate.

Thomas Dorney Officer.

20 Precinct.

Witnesses Thomas Dorney

No. 20 Precinct Street.

Off. Engelhausen 16th

No. 20
Magister Blum Street.

No. 102 Ave.
James Woods 440 N. 27th Street.

\$1500.00 to answer

COMMITTED.
Committed



0197

2

I examined my property and found three hams missing. They weighed from 12 to 14 pounds and were worth fourteen cents a pound . . . The officer afterwards showed me three hams and I identified them as my property. They were the same hams which I had left in my store and which were gone .

CROSS EXAMINATION:

- Q. Who did you purchase those hams from ? A. Mr. Harper.
- Q Did you carry them home yourself ? A. No sir . A man brought them to my shop that morning .
- Q Did you have any covers on them ? A. No sir .
- Q These were ordinary every day hams ? A. Yes sir .
- Q There are various kinds of hams, are there not ? A. Yes .
- Q There are hams which are cured in Philadelphia ? A. Yes.
- Q How could you tell these were your hams ? A. I knew the cords; and the way the man fixes his goods .
- Q Does this man from whom you bought the hams carry on a large establishment ? A. Yes sir .
- Q He sells hams to other butchers ? A. Yes sir .
- Q What was there about these three particular hams that you could identify them as the particular hams which were in your store on that evening ? A?. Because my store was broken into and three hams were gone; they could not be any body's but mine .
- Q Because nobody else in New York lost three hams ?
- A I say they were my hams .
- Q You had no private mark on them ? A. No sir .
- Q This dealer sells to every body in New York ?
- A Yes sir .
- Q And still you say to this jury that you know absolutely

that these were your hams ? A. A. I took them for my hams and they were my hams .

HENRY ENGELHAUSER, a witness for the People, sworn, testified:

I am an officer of the Municipal Police in this city. At about half past twelve o'clock on the morning of the 23rd of March I saw the defendant McVey on the corner of 10th Avenue and 27th Street about two hundred feet from the butcher shop of Busch . When he saw me he started up the street and I then saw two others fellow one of ^{McCarthy} was McCarthy come out of the alley way. They went behind a stoop about twenty feet below the alley to the west . Then one of them came back--and I went over to them and asked them where they were going and they said "Home"; "Where have you been"; "to the theatre"; "Where do you live?"; "Down in 30th Street" . Officer Conklin and another policeman came along then and we went up and looked behind this stoop where I had seen two of the men and we saw three hams there . Officer Conklin ^o smelled of McCarthy's hands and they smelled of ham strings . We then went and examined the butcher shop and found the rear window open. McVey lived upstairs over the butcher shop. I did not have any further conversation with the defendants . . Officer Conklin is on his vacation .

CROSS EXAMINATION:

- Q You say that Officer Conklin smelled of McCarthy's hands ? A . Yes sir .
- Q And they smelled of tar or ham ? A. Ham strings .
- Q Did you smell of the ham strings ? A. I did not .
- Q You dont know how ham strings smell ? A. I do .

0199

4

Q You did not smell these particular ham strings ?

A No sir .

Q ~~Mou~~ McCarthy come out of the alley way with another man ?

A. UYes sir .

Q McVey went back with them and they went behind a stoop .

AA McVey walked up the street and McCarthy and the other ~~man~~ went behind the stoop. When McVey got to the stoop the other two walked up the street .

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

I am an officer of the municipal police in this city. On the morning of the 23rd of March I saw the defendants in the custody of Officer Englehauser. They told me to look around and see if there was a break. I went to the rear of the butcher shop and I found a window open. I went across and woke up the butcher . Conklin smelled of McCarthy's hands and said they smelled of ham. McCarthy told me that he lived in 26th St. and McVey said he had no home . I had no further conversation with the men .

CROSS EXAMINATION:

I did not smell of the hands . I smelled the hands of one of the men and it smelled of tar rope . Each of the hams had a string on the m.

MAGGIE BLUNKER, a witness for the People, sworn, testified:

I live at 522 W. 21st Street . On the early morning of the 23rd of March I was at my sisters in 27th Street near 10th Avenue . I was looking out of the window and I saw these two men come down 27th St. and cross over 10th Avenue. I saw McCarthy leave McVey on the ~~but-~~ ~~the~~ store corner and cross over towards the butcher

0200

5

store. Then I saw him come back and went into an alley way. I watched them closely. They came out of the alley again and went up the street together and turned around and came back to the drug store corner when the Officer spoke to them. I told the officer where they could find the hams *. I saw them putting something under a stoop.

The defence offers no evidence .

Counsel for the defendant asks the Court to advise the jury to acquit the defendants on the ground that there is no evidence in the case to connect the defendants with the alleged burglary; and that the property has not been sufficiently identified by the complainant .

Motion denied .

the Jury found the defendants GUILTY of Burglary in the Third degree. .

Indictment filed Mar.29-1889.

COURT OF GENERAL SESSIONS.

Part III.

THE PEOPLE &c.

against

JOHN MCCARTHY and FRANCIS

MCVEY.

Abstract of testimony on

trial New York, May 13th

1889.

Indictment filed Mar. 29-1889.

COURT OF GENERAL SESSIONS.

Part III.

THE PEOPLE &c.

against

JOHN MCCARTHY and FRANCIS

McVY.

Abstract of testimony on

trial New York, May 13th

1889.

0202

0203

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
John Mc Carthy
and Francis Mc Vey

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

John Mc Carthy and Francis Mc Vey
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

John Mc Carthy and
Francis Mc Vey, both

late of the Twentieth Ward of the City of New York, in the County of
New York, aforesaid, on the twenty-second day of March in the year of
our Lord one thousand eight hundred and eighty-nine, with force and arms, at the Ward,
City and County aforesaid, a certain building there situate, to wit: the Shop of one

August Busch

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

August Busch

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

0204

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said
John Mc Carthy and Francis Mc Vey
of the CRIME OF *Retiv* LARCENY committed as follows:

The said *John Mc Carthy and Francis Mc Vey*, both—
late of the Ward, City and County aforesaid, afterwards, to wit (on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the ~~right~~ time of the said day, with force and arms,
three hams of the value of three dollars each, and sixty pounds of chicken of the value of twenty cents each pound

of the goods, chattels and personal property of one

in the *shop* of the said

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

John R. Fellows,
District Attorney.

0205

BOX:

347

FOLDER:

3267

DESCRIPTION:

McCarthy, Michael

DATE:

03/06/89



3267

0207

COURT OF GENERAL SESSIONS

New York County

The People

- vs -

MICHAEL MCCARTHY.

City and County of New York SS:

Paul Jorg

being duly sworn deposes and says that he resides at

No. *10* *Strikers Lane* in the

City of New York, and is engaged in the *Mineral*

business at No. *10* *Strikers Lane* in said

City: that he has known the defendant herein for

5 years last past: that deponent knows that the

character of said defendant for honesty is excellent.

Subscribed and sworn to before me

this day of March 1939.

Paul Jorg

0208

COURT OF GENERAL SESSIONS

New York County

The People

- agst -

MICHAEL McCARTHY.

City and County of New York SS:

Edward Doyle

being duly sworn deposes and says that he resides at

No. *441 West 54th St* in the

City of New York, and is engaged in the
business at No. *441 West 54th St* in said

City: that he has known the defendant herein for

5 years last past: that deponent knows that the
character of said defendant for honesty is excellent.

Subscribed and sworn to before me
this day of March 1939.

Edward Doyle

0209

COURT OF GENERAL SESSIONS

New York County

.....X
 :
 T h e P e o p l e :
 :
 - a g s t - :
 :
 M I C H A E L M C C A R T H Y . :
 :
X

City and County of New York SS:

being duly sworn deposes and says that he resides at
 No. *125 W. 11th St.* in the
 City of New York, and is engaged in the *real estate*
 business at No. *125 W. 11th St.* in said
 City: that he has known the defendant herein for
10 years last past: that deponent knows that the
 character of said defendant for honesty is excellent.

Subscribed and sworn to before me t

[Signature]
 Notary Public

0210

Court of General Sessions

The People
agent
Michael McCarthy

City & County
of New York ss.

Edward J. Kelly
being duly sworn deposes and says: that he resides
at No 604 West 55 street New York City: that he
engaged in the flour and feed business at No 620
West 55 street in said City: that he is personally
acquainted with the defendant herein, that he
has known him for about one year last past: that
deponent and said defendant reside in the same
house as aforesaid: that deponent knows that the
character of said defendant for honesty is excellent.
And deponent further says that he is acquainted
with other persons who know said defendant: that
from what he has heard said persons says that said
defendant's said character for honesty is good.

Sworn and subscribed to

before me this 5th Mar. 1889

Wm. A. Reed
Notary Public (57)
N.Y.C.

Edward J. Kelly

Part 1

Court of General Sessions

The People

against

Michael McCarthy

Affidavits as to Character &

Candy M Loughlin

Atty for def

200 Broadway

N.Y.

0212

Police Court - 1st District.

City and County of New York, ss.:

of No. 26 Coenties Slip Street, aged 44 years, occupation Liquor Dealer being duly sworn

William Van Bergen

deposes and says, that the premises No 26 Coenties Slip Street, in the City and County aforesaid, the said being a five story brick building in the 1st Ward and which was occupied by deponent as a liquor store and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly prying open the fan light over the front door and entering the said liquor store

on the 22nd day of February 1889 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

Good and lawful and lawful money of the United States and some English coins of the value of about two dollars

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

Michael Mc Carthy
now here

for the reasons following, to wit: Deponent regularly locked and fastened the doors and fan lights in said store at about the hour of eight o'clock and at about the hour of one o'clock A.M. on the 23rd of Feb 1889 Deponent discovered said premises had been burglarized Deponent is informed by Officer Christian Meeckle of the 1st Precinct Police that

0213

at about the hour of nine o'clock PM
on the 22nd of Febry. I saw the said defendant
enter said store through the fan light over
the front door of said store and said Officer
Subsequently found the defendant in the
store behind the counter and took the
defendant into custody

Sworn to before me this

23rd February 1889

W. W. Bergen

G. W. [Signature]

Police Justice

Police Court _____ District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs.

Burglary _____ Degree.

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street.

0214

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 40 years, occupation Police Officer of No. 1st Avenue Street, being duly sworn deposes and

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

Sworn to before me, this 23 day of July 1889 } Christian M. Mable

G. Murray Wood
Police Justice.

0215

J.C.

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Michael McBarth*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Brooklyn*

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

Answer. *604 West 95th St - 6 Months*

Question. What is your business or profession?

Answer. *Longshoreman*

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

Answer. *I am not guilty - I was intoxicated
and did not know what I was doing
Michael McBarth*

Taken before me this

day of

1888

J. McQuinn

Police Justice.

0216

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

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

Dated *July 19* 188..... *J. H. ...* Police Justice.

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

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

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

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

0217

301 R
SR

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Van Bergen
26 Counties J.P. 1/2
Michael McCarthy

2

3

4

Offence

Van Bergen

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated February 23 1889

Magistrate.

Christian M. McKee

Officer.

Precinct.

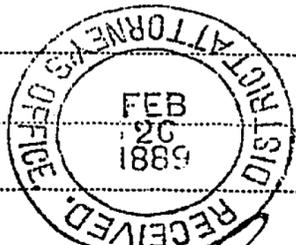
Witnesses Carter Officer

No. Street.

No. Street.

No. Street.

\$ 1000 to answer



Y.S.
Cork

0218

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Mc Carthy

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

Michael Mc Carthy

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

The said

Michael Mc Carthy

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

William Von Bergen

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

William Von Bergen

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

0219

SECOND COUNT—

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

Michael Mc Carthy —

of the CRIME OF *Peter* LARCENY —

committed as follows:

The said

Michael Mc Carthy —

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

*the sum of two dollars in
money, lawful money of the
United States of America, of the
value of two dollars, and
divers coins of the United
Kingdom of Great Britain
and Ireland, of the value of
one dollar*

of the goods, chattels and personal property of one

William Von Bergen

in the *store* of the said

William Von Bergen

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

*John R. Fellows,
District Attorney.*

0220

BOX:

347

FOLDER:

3267

DESCRIPTION:

McCarty, Timothy

DATE:

03/27/89



3267

0221

Witnesses:

J. F. Coyne

Counsel,
Filed by
Pleads

1889

W. H. Clark

THE PEOPLE

vs.

R

INJURY TO PROPERTY.
[Section 634, Penal Code.]

Timothy McCarthy

vs.
John R. Fellows

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. J. Keefe Foreman.
J. J. Keefe
Each guilty - Made
Rec. one month.

0222

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Timothy M. Carthy*

Question. How old are you?

Answer. *Nineteen years.*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *326. Delancey about 3 months.*

Question. What is your business or profession?

Answer. *Trimmer*

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

Answer. *I threw the glass at
deponent and broke the mirror
but I done so because deponent
attempted to assault me and
I was only defending myself*
Timothy M. Carthy

Taken before me this

20th

day of *March*, 188*9*

M. Woodson

Police Justice.

0223

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

Defendant

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

Dated *March 20th* 188*9* *J. M. Platt* Police Justice.

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

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

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

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

0224

Police Court---

3 - 416 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James F. Doyle
323 W. Delaware
1 *Timothy McCarthy*
2
3
4

Offence Malicious
Michael
Stang

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *March 20th* 1889

Patterson Magistrate.

Hensler Officer.

12 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ *500.* to answer



Comet

0225

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3rd DISTRICT.

James J. Boyle
of No. 373 Delancey Street, aged 30 years,
occupation Merchant being duly sworn deposes and says,
that on the 19 day of March 1889
at the City of New York, in the County of New York,

Timothy McCarty (now
here) did enter Depew's
Liquor Store on said day
and date and then and
there threw and fire a
bottle at, and wilfully and
maliciously break and smash
two French Plate Mirrors
of the value of One hundred
Dollars; ^{the property of Depew} therefore Depew
prays that said Defendant be
dealt with as the law directs Jas. J. Boyle

Sworn to before me, this
19th day of March 1889

John R. Williams
Police Justice.

0226

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Timothy McRae

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

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

The said *Timothy McRae*,
late of the *East* Ward of the City of New York, in the County of New York
aforesaid, on the *fourteenth* day of *March*, in the year
of our Lord one thousand eight hundred and eighty-*nine*, at the Ward, City and
County aforesaid, with force and arms, *two murions,*

of the value of *twenty dollars each*,
of the goods, chattels and personal property of one *James F. Rouse*.
then and there being, then and there feloniously did unlawfully and wilfully *break*
and destruy;

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

John D. Sellers,
Attorney

0227

BOX:

347

FOLDER:

3267

DESCRIPTION:

McDermott, Dillon

DATE:

03/28/89



3267

0228

WITNESSES:

Off M. Dermott

Counsel,

Filed

day of

March 1889

Pleas

Charging

THE PEOPLE,

vs.

B

Dillon Mc Dermott

[Signature]

JOHN R. FELLOWS,

District Attorney.

VIOLATION OF EXCISE LAW

(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and
page 1089, Sec. 5.]

A True Bill.

Chauffeur Scott Foreman.

[Signature]

Leah O'Grady

Fine \$39.

0229

Sec. 198-200.

45

District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question. What is your name?

Answer. *Gillon McDermott*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *259 West 35th Street New York*

Question. What is your business or profession?

Answer. *Bar tender*

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

Answer. *I am not guilty I demand a trial by jury*

Gillon McDermott

Taken before me this

189

[Signature]

Police Justice.

0230

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

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

Dated *July 20* 188..... *W. J. Hendon* Police Justice.

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

Dated *Sept 25* 188..... *W. J. Hendon* Police Justice.

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

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

0231

270 3/5
Police Court--- District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Michael W. Dermott
Dillon W. Dermott

1

2

3

4

1000
1000
1000

BAILIFF

No. 1, by

Residence

W. H. Carr
75-77-38 Street

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

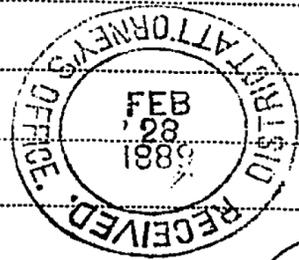
Street.

No.

Street.

\$

to answer



Bailed

0232

Excise Violation—Selling on Sunday.

POLICE COURT— 4 DISTRICT.

City and County } ss.
of New York, }

of No. The Central Office Michael W. Dermott Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 27 day

of July 1888 in the City of New York, in the County of New York, at

premises No. 612 1/2 South Street Street,

William W. Dermott (now here) did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

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

Sworn to before me, this 28 day of July 1888 Michael W. Dermott
M. J. [Signature] Police Justice.

0233

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Dillon Mc Dermott

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

Dillon Mc Dermott
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

Dillon Mc Dermott

late of the City of New York, in the County of New York aforesaid, on the twenty-fourth day of February in the year of our Lord one thousand eight hundred and eighty-nine, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Michael Mc Dermott

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

SECOND COUNT—

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

Dillon Mc Dermott

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Dillon Mc Dermott

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0234

BOX:

347

FOLDER:

3267

DESCRIPTION:

McDermott, James

DATE:

03/27/89



3267

Witnesses:

*W. H. Leeves,
off Lake*

*In my opinion there
can be no conviction
in this case. I have
examined the evidence &
it will not warrant
a verdict for the People.
I think the defendant
should be discharged
upon his own recognizance.*

Apr. 16/89 *Samuel M. Davis,*

*Asst. Secy.
Recommend dismissal
of writ of indictment
S. J. H. A. G. C.*

Counsel,

Filed

Pleads,

1889

City of

THE PEOPLE

vs.

James Mc Dermott

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. H. Scott Foreman.

*On recom. of District Atty
indict. dis. & bill
dischgd. R. B. M.*

Apr. 16/89

0235

0236

STATE OF NEW YORK.
CITY AND COUNTY OF NEW YORK, } ss. POLICE COURT— 4 — DISTRICT.

a Police officer William H. Lake aged 42
of the 29th Precinct Police Street, being duly sworn, deposes and

says that on the 4 day of February 1889

at the City of New York, in the County of New York, one James Kivelin

and Police officer of the 21st Precinct Police
was violently and feloniously assaulted
and beaten by James McCherrett
(now here)

That said officer was
on duty on the 1st Avenue between 36 &
37th Street and while in Company
William B. Deere of the 21st Precinct Police
said defendant threw a stone
pitcher from the window of his
residence on the 2nd floor of premises
641. 1st Avenue at said officer Kivelin
striking him on the head, seriously
injuring him from the effect of the
injuries said officer is now confined
to the Bellevue Hospital.

That while said officer Deere, near
to said premises, defendant again
saw a doornail thrown from
said window at a passing Rail
Road Car, that then defendant in
Company of said Deere, near
in the premises of said defendant,
and the wife of said defendant,
informed defendant that she
had a great deal of trouble
to keep said defendant from
the window, Defendant prays
that said defendant be committed
to await the pleasure of said

0237

injuries and be dealt with
as the law directs

Sworn to before me this }
4th day of Feb'y 1889 } William H. Lake

John J. Johnson
Peace Officer

Police Court, District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

ARFIDAVIT.

vs.

Dated _____ 188

Magistrate.

Officer.

Witness,

Disposition,

0238

Exmng Feby 29

Wm N. Lake - Cross Exam - by
Thos. Murray - Dfts Counsel.

It was about 2.40 P.M. that this officer was struck - he was standing in front of 641 - 1st Av. the residence of defendant. It is a tenement house & I don't know how many families occupy the different floors fronting on the Avenue - Officer Deever was standing with Officer Keolin in front of 641 at the time. I was looking North & saw something descending to the sidewalk and saw it strike Officer Keolin on the hat. Then I went to him and saw it was a pitcher. My best knowledge is it came from one flight of stairs up from the South window of the north flat. There was no other window of the house open at the time. I saw the side face at the window of Mr. Bernott. He was standing at the window when it was thrown. I don't know day from which window the pitcher was thrown.

0239

By The Court

I subsequently learned the defendant lived in the apartment which had the only window open I've testified to when the pitcher was thrown out.

Re Crof - Exm

I say that that was the only window that was open at the time the pitcher was thrown.

Wm B Deers - a roundsman of Police of the 21st Precinct for the People testified as follows:

Officer Keulin & I were both standing in front of 641 - 1st Av. & the pitcher came down and struck him on the head and I looked up and couldn't see anybody & I ran to the rear in 637 ~~St.~~ & went on the top of the roof and looked at 643 and I couldn't see anybody. I came down stairs and met

0240

7

Officer Lake in front of 643 or
641 and he said it was out of
that window the pitcher came
and we went in the middle
of the track to investigate it and
the defendant appeared in the
window with his wife and she
put her hands against him
as if asking him to come
from the window. He was talking
as if at us. I saw Officer Lake
and I went up stairs and stood
at the rear door of his house
at the head of the stairs in the
back and he and his wife were
at the window and they saw
us and came ^{out of} the back door
and we put some questions to
them about who fired the pitcher
and they denied it. He was
intoxicated at the time. We said
if we knew who did it they
would suffer for it. We went
down stairs and had another "Chin"
the three of us together, ^{across the way} and Lake
said that was the house 641.

3

0241

7

and that McDermott was the fellow who threw the pitcher and he said the door knob was thrown out of that house and I asked him if he saw anything thrown out of that window and he said he remembered the jacket. I told him to ^{come} go up stairs and we arrested him. The second time there was a man & a woman came out of his room and he & his wife were in the room at the time. On our way ^{from} the Station House to Court she said she did all she could to keep her husband away from the window and I told Officer Lake to hear what she said. We were all together. I asked her if that was so and she said "yes". Officer Lake was there at the time.

Cop ~~from~~ by - M. Murray

She didn't say why she was trying to keep him away from the
H

0242

7

window. I was standing with Keolin when the pitcher was thrown & Officer Lake was down the block further maybe at 36th St. It may have been five minutes after the pitcher was thrown that Officer Lake called my attention to it. When I came from the roof I spoke to Lake & he told me it was thrown from the window. When I went in there room no one was there except Mr. Dermott & his wife. When I first went there I made no arrests. I went there about three minutes after that I heard about the knob being thrown & arrested him for throwing the knob & the pitcher. It seemed to be one of those stone pitchers that Germans use for getting beer in. It was brown. Both times I went up stairs they were both there. It was five or six minutes after the pitcher was thrown that I entered these furnished & other would have had plenty of time to leave

5

0243

7
the room in the meantime.

James Keelin, policeman of the
21st Precinct, sworn for The People
(testified).

I was standing in front
of 641-1st Av. talking to the
groundsman at about 2.40 P.M.
and this pitcher struck me. I
was stunned at first and I looked
up & saw that all Dermott's windows
were the only ones open and I
went up-stairs & tried his door & it
was locked & I couldn't see any-
body in the house. I met the grounds-
man downstairs and this man threw
his head out of the window and
his wife was trying to pull him in.
I was in the street. He had a torn
jacket on & he was pointing and
laughing at us.

Officer Deever & I were together before
the pitcher was thrown and Officer
6

0244

Lake was 25 or 30 feet away. The first thing I knew was the blow & after I came down stairs Officer Lake told me where the pitcher came from - from this window. I don't know where it came from. I wasn't present at the time of the arrest. It was after we came down stairs that I noticed this was the only window open. I didn't look up before that.

Defendant's Counsel, moved for the discharge of the defendant on the ground that neither of the witnesses have identified him as the person who threw the pitcher.

Motion Denied

(The People here rested)

12

0245

Defence

Ann M^c Dermott, wife of the defend-
ant of No. 641 - 1st Av. Duross
testified as follows:

Direct Exⁿ by - Mr Murray

I live one flight up in front
immediately before the officers came to my
rooms nobody was there but my
husband & myself. I was lying
on the lounge and got up and
stood at the window to smoke his
pipe. The window was shut. It
was five minutes or so after my
husband got up that I heard the
pitcher was thrown & before the of-
ficer came. There was a noise
on the sidewalk. The pitcher was
not thrown from my rooms and
I had no stone pitcher in my
house. My husband went to the
window and I had the baby and there
was excitement in the house - run-
ning through it and my husband
went to look out of the window

0246

and I told him there was no need to do so, that something was thrown off the roof and a kind of a noise was made. Then he said to raise the window to see what was the matter and I told him not to and I told him that as he had some drink taken and not to go near the window and the people were speaking and he said "a whattas that to do with me?" I knew the policemen were very angry through the street and I told him not to look out. So then I went to the door and heard a crowd running through the house. When the officers came I had the door locked because I was afraid my husband would go out & that was before I tried to prevent him from going to the window.

Crop from - by The Court
I knew the pitcher was thrown because I heard it was thrown

from the roof. I heard the voices of the people shouting there was things thrown down

- 2 The officers swear that you said you had endeavored to keep your husband from the window and that you had some trouble about it. Did you say anything of that kind re the presence of your husband or the officers?

A - No sir.

Re-Direct Exam - by Mr. Murray

- 3 Did you at any time tell that to the officers?

A - No sir.

James McDermott the defendant sworn in his own behalf testified as follows:
 My wife ^{child} and I live at 641-1st St. I worked for Mr. Cimmmins, the contractor last summer and the summer a year ago and at

0248

the present time. I was never arrested before or in Court before. While in my room on that day I never took anything heavier in my hand than my pipe and the pitcher was not thrown by me or by anybody in my room. There never was any such pitcher in my house belonging to me or brought there. I was lying on the lounge smoking and I heard the noise and talk going on up stairs and I said I rushed look out of the window and my wife said there was some trouble and it was best not to go to the window and I said there was no harm to look out of the window. I heard talk about a pitcher being thrown from the roof or somewhere else. I never saw the pitcher or door knob.

A correct transcript of the evidence taken by me.

J. J. [unclear] 20/89

11

W. H. [unclear]
Official Stenographer
H. D. [unclear] Police Court

0249

Sec. 198-200.

4⁵

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

James McChernatt

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

641. 1st Avenue, 12 years

Question. What is your business or profession?

Answer.

Laborer.

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

Answer.

I am not guilty, I threw nothing out of my window. I know nothing about it until the officer came in the room and arrested me.

James McChernatt
James McChernatt
301st Ave

Taken before me this

5

day of

February 1889

John J. ...

Police Justice.

0250

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

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

Dated *July 6* 188*9* *John J. [Signature]* Police Justice.

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

Dated *Feb 7th* 188*9* *John J. [Signature]* Police Justice.

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

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

0251

\$3000 bail for
Ex 2 P.M.
Fueh 5th
Wedg July 6. 1889

BAILED,

No. 1, by Michael Reilly
Residence 492-1 Ave Street

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

235 277
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm F Lake

vs.

1 James W Deematt
2 _____
3 _____
4 _____

Offence Assault
Galvanism

Dated July 4 1889

John Lake Magistrate.
Lake Officer.

Witnesses Wm B Keener 29 Precinct.

No. 21 Precinct Police Street.

Off James Keener 21 Precinct
No. _____ Street.

No. _____ Street.

\$ 1000 to answer

Bailed
Call



0252

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Mc Dermott

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

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

The said James Mc Dermott

late of the City of New York, in the County of New York aforesaid, on the fourth day of February in the year of our Lord one thousand eight hundred and eighty-nine, with force and arms, at the City and County aforesaid, in and upon the body of one James Kivelin in the peace of the said People then and there being, feloniously did make an assault, and here the said James Kivelin with a certain stone pitcher

which the said James Mc Dermott in his right hand then and there had and held, the same being a deadly and dangerous weapon then and there wilfully and feloniously did strike, beat, cut, stab and wound, the same being such means and force as were likely to produce the death of the said James Kivelin with intent here the said James Kivelin thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT

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

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

The said James Mc Dermott

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said James Kivelin in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and here the said James Kivelin with a certain stone pitcher

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

0253

THIRD COUNT—

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

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

The said

James Mc Dermott

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said
James Kivelin in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and

with a certain

stone pitcher

which

he the said *James Mc Dermott*
in *his* right hand then and there had and held, in and upon the *head*
of *him* the said *James Kivelin*

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

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

JOHN R. FELLOWS,

District Attorney.

0254

BOX:

347

FOLDER:

3267

DESCRIPTION:

McDonnell, Alexander

DATE:

03/28/89



3267

0255

WITNESSES:

W. Wood

Sufficient proof having been furnished of defendant's death, I recommend the dismissal of this indictment, & release of bond. Proof of death is within.

May 5 1900

A. D. Banker
ASA

Counsel,

Filed

day of

1889

Pleas

in

THE PEOPLE,

vs.

B

Alexander Mc Donnell

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and
page 1089, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. H. Cull
Foreman.

Parish May 5 1900

Not dead but alive

AS

0256

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

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

Question. What is your name?

Answer. *Alexander McDonnell*

Question. How old are you?

Answer. *43 years of age*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *89 Thuis Ave. 18 years.*

Question. What is your business or profession?

Answer. *Bar-keeper*

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

Answer. *I am not guilty. If
need I demand a trial by jury.*

Alex McDonnell

Taken before me this

day of *March* 188*9*

A. M. Putnam
Police Justice.

0257

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

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

Dated March 4th 188 J. M. Platt Police Justice.

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

Dated March 4th 188 J. M. Platt Police Justice.

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

Dated _____ 188 _____ Police Justice.

0258

Police Court--- 2 358 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis M. Board

vs.

Alex. M. Kennell

Offense *Violation of*
Supreme Law

BAILED,

No. 1, by

Bernard H. Dunde

Residence

195 First Av Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Dated

March 4 188*9*

Magistrate.

M. Board Officer.

C. C. Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

100. to answer *G. B.*



Bailed

0259

Excise Violation—Selling on Sunday.

POLICE COURT— 2 DISTRICT.

City and County } ss.
of New York,

Louis McLeod

of No. 300 Mulberry Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 3rd day

of March 1889, in the City of New York, in the County of New York, at

premises No. 87 Third Avenue Street,

Alexander McDonnell (now here) did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN A WAY under his direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

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

Sworn to before me, this 4th day of March 1889

Louis McLeod

John C. Peterson Police Justice.

0260

NEW YORK, *May 5* 18*90*

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK. STATE OF NEW YORK. CITY OF NEW YORK
CERTIFICATE AND RECORD OF DEATH No. of Certificate, *12566*
 OF *Alexander M^cDonnell*

I hereby certify that I attended deceased from *October 1889* to *Apr. 11 1890*, that I last saw *him* alive on the *10* day of *April* 1890, that *he* died on the *11* day of *April* 1890, about *8* o'clock *A. M.* *P. M.*, and that to best of my knowledge and belief, the cause of *his* death was as hereunder written:

Chief Cause, *Pulmonary & Laryngeal Tuberculosis* Duration of Disease, *2*
 Contributing Cause, *Exhaustion*

Sanitary Observations, _____
 Witness my hand this *17* day of *April* 1890
 Place of Burial, *Calvary Cemetery* (SIGNATURE), *Henry J. Kelly* M. D.
 Date of Burial, *April 13, 1890*
 Undertaker, *Macey Brothers* RESIDENCE, *267 Lex. Ave*
 Residence, *506 E. 14th St.*

Burial permits issued at 301 Mott Street, Room 38, Week days, 7 A. M. - 6 P. M. Sundays and Holidays, 8 A. M. - 5 P. M.

Date of Record.	Full Name.	Age in years, mos. and days.	Color.	Single, Married or Widowed.	Occupation.	Birthplace.	How long in U. S. if foreign born.	How long resident in New York City.	Father's Name.	Father's Birthplace.	Mother's Name.	Mother's Birthplace.	Place of Birth.	Last place of Residence.	Class of Dwelling (A tenement being a house occupied by more than two families.)	Direct cause of Death.	Indirect cause of Death.	Date of Record.
<i>April 11, 1890</i>	<i>Alexander M^cDonnell</i>	<i>44 yrs</i>	<i>white</i>	<i>single</i>	<i>clerk</i>	<i>Ireland</i>	<i>27 years</i>	<i>"</i>	<i>Thomas M^cDonnell</i>	<i>Ireland</i>	<i>Julia</i>	<i>Ireland</i>	<i>Ireland</i>	<i>Ireland</i>	<i>3rd Ave</i>	<i>Exhaustion</i>	<i>General Tuberculosis</i>	<i>April 13, 1890</i>

A True Copy.

C. Goldman
 Chief Clerk

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

0261

Court of General Sessions, PART 3

THE PEOPLE

INDICTMENT

For

Alexander M. Donnell

To

M. *Bernard M. Lavade*

No. *195 First ave*

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Trial* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on _____ the *5th* day of _____ instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

JOHN R. FELLOWS,
District Attorney.

0262

Bernard M. Guade
195 1st ave
12ⁿ St

0263

MAXCY BROTHERS,
SEXTON AND UNDERTAKERS,
506 EAST 14TH STREET,

DAVID MAXCY,
THOMAS F. MAXCY.

New York, *May 3rd 1890*

*Alexander McDonnell late of
89 3rd Ave this city - died on
Friday April 11th last - and
was buried by us on Sunday
April 13th do*

Maxcy Brothers

Ed. David Maxcy
24

0264

City and County of New York ss.

James R. Hawley being duly sworn deposes and says that he resides at No 87 3 Ave in said City and that on or about the 11th day of Apr last Alexander McDonald late of No 87 3 Ave whose case is now pending in Part 3 of the Court of General Sessions for a violation of the Excise Law died and was buried by Maxey Bros undertaker of 506 E 14 St. on Apr 13th 1890. as per accompanying certificate

Sworn to before me this
5th day of May 190

Henry Maurer

Commissioner of Deeds

NY City

James R. Hawley

0265

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Alexander Mc Donnell

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

Alexander Mc Donnell
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said *Alexander Mc Donnell*,

late of the City of New York, in the County of New York aforesaid, on the *third* day of *March* in the year of our Lord one thousand eight hundred and eighty-*nine*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Louis Mc Cord

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

SECOND COUNT—

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

Alexander Mc Donnell

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Alexander Mc Donnell*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.