

0147

**BOX:**

347

**FOLDER:**

3267

**DESCRIPTION:**

McAllister, Rosa

**DATE:**

03/22/89



3267

Witnesses:

L. Jones  
off Reed

Counsel,

Filed

22<sup>nd</sup> day of April 1889

Pleads

THE PEOPLE

vs.

P

Rosa McAllister

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

JOHN R. FELLOWS,

Prob. Atty. District Attorney.  
ind and convicted about 3 days  
with recommendation to mercy.

Pen 2 months

A True Bill.

Chas. Scott Foreman.

March 24<sup>th</sup> 1889

My commission expires

X

0148

0149

Police Court—2<sup>nd</sup> District.City and County { ss.:  
of New York,

of No. 146 West 27<sup>th</sup> Street, aged 20 years,  
 occupation Domestic being duly sworn  
 deposes and says, that on the 13<sup>th</sup> 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 there and then held  
 in her, said defendants, 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 14<sup>th</sup> day  
 of March 1889 } Laura Jones

Sam'l O. Kelly Police Justice.

0150

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss.

*Rosa McAllister* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is *h<sup>er</sup>* right to  
make a statement in relation to the charge against *h<sup>er</sup>* that the statement is designed to  
enable *h<sup>er</sup>* if *h<sup>er</sup>* see fit to answer the charge and explain the facts alleged against *h<sup>er</sup>*  
that *h<sup>er</sup>* is at liberty to waive making a statement, and that *h<sup>er</sup>* waiver cannot be used  
against *h<sup>er</sup>* 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<sup>o</sup> 140 West 27<sup>th</sup> 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<sup>her</sup> McAllister*  
*mark*

Taken before me this

day of

1889

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 Frank C. [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.

0152

Police Court---

2

409

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Laura Jones

146 West 27 St

Rosa McDullish

2

3

4

Offence Assault

Return

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

March 14

188

D O'Reilly

Magistrate.

Reid

Officer.

19

Precinct.

Witnesses

No.

Street.

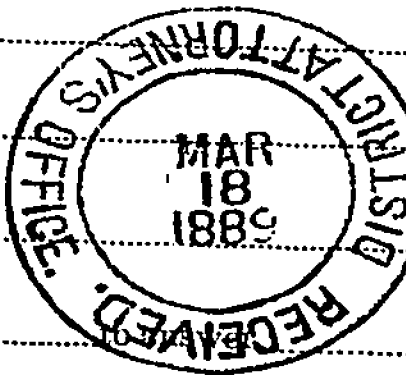
No.

Street.

No.

Street.

\$1000



COMMITTED

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

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

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

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:**

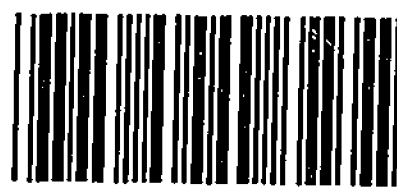
3267

**DESCRIPTION:**

McAvoy, John J.

**DATE:**

03/28/89



3267

Witnesses;

Augusta L. Decker

Counsel

Filed

28<sup>th</sup> day of March 1889

Pleads

Guilty

THE PEOPLE

vs.

John J. McAvoy

J. McAvoy

Burglary in the Third degree.  
in degree.  
[Section 498, 526, 528, 545 B.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Charles Scott Foreman.  
Copied 1/79.  
Specimen mounted of  
any thing else  
D.C. 12, 115 & 6 m. B.H.



0157

2-11-19

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 com-  
pleted 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 unoccu-  
pied, 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 in-  
serted a key in the kitchen door which opens on to the  
hall and found the key would not go in, there was an ob-  
struction 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 sinks, 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 supposed 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, 1839, 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

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 Marion 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 recieved was from Rhode Island or Mass..

0167

Testimony case  
of  
John J. McHenry  
pled  
March  
1889

10-01



0168

Police Court—Fourth District.

City and County of New York, ss.:

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

occupation Bricklayer, being duly sworn

deposes and says, that the premises No. 207 East 22nd Street, 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 13th 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  
Tapes together of the value of about  
Forty Dollarsthe 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 byJohn McAvoy  
nowherefor the reasons following, to wit: deponent securely locked  
and fastened the doors in said apartment  
at about the hour of five o'clock on said  
date and at about the hour of eleven o'clock  
A.M. on the 13th 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 present of this department  
Department purchased the defendant  
and caused the defendant's arrest  
Department positively identifies the defendant  
as the person he saw run out of this department

Sworn to before me

this 18<sup>th</sup> day of March 1899  
J. H. Munford  
Police Justice

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

Police Court, District,

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.

0170

Sec. 193-200.

CITY AND COUNTY OF NEW YORK, ss.

11th District Police Court.

*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 8 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,*

Taken before me this

day of

188

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. Thompson 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.

0172

~~307~~  
Police Court---

406  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Augustus L. Sweetser*  
*207 East 92<sup>nd</sup> St*  
*John H. Tracy*  
2  
3  
4  
Offence *Complaint*

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated *March 10* 188

Magistrate.

*John R. Cullen* Officer.

Precinct.

Witnesses *John R. Cullen 531 3<sup>rd</sup> Ave,*

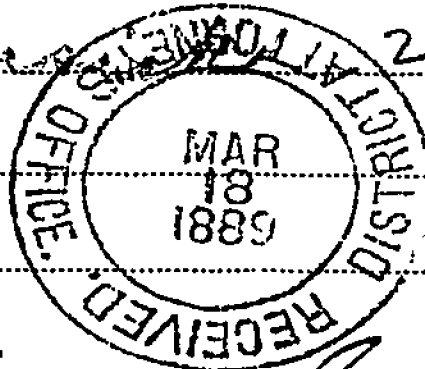
No. \_\_\_\_\_ Street.

*Michael Cullen* 207 E 22<sup>nd</sup> Street.

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

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

\$ *500* to answer.



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



0177

Police Court— District.

City and County } ss.:  
of New York,

of No. 423 East 2<sup>d</sup> Street, aged 46 years,  
 occupation Cabinet maker being duly sworn  
 deposes and says, that the premises No. aforesaid 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 dwelling  
 and in which there was at the time a human being, by name

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

on the 9<sup>th</sup> 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  
shirt together of the value of thirteen  
dollars & 10 cents

the property of John M. Case  
 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

for the reasons following, to wit: That defendant occupying  
the rear part of deponent's flat located  
upon the west side first floor of the  
above numbered premises, that all  
said property was located in deponent's  
bedroom adjoining defendant's apart-  
ments, that at about 9 o'clock on  
of the above date deponent securely  
locked the doors and fastening the

0178

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

Defendant is informed by Barbara Wolf of No 1123 East 72<sup>nd</sup> street that she took the Hat herein mentioned from defendants head at 72<sup>nd</sup> street and Eastern Boulevard at about 10 O'clock P.M. of said date which defendant full and possibly identical is his property.

Defendant is informed by Officer Walter G. Bray of the 25<sup>th</sup> 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 9<sup>th</sup> day of Oct 1889 Joseph Landgraf

J. Murphy D.M.  
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 to bail to answer by the undertaking hereto annexed.

I have admitted the above named Police Justice.

Dated 1889 of the City of New York, until he give such bail.

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Offence—BURGLARY.

THE PEOPLE, &c.,  
on the complaint of

vs.

1.  
2.  
3.  
4.

Dated

1889

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

to answer General Sessions.

Police Court, District,

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

Sworn to before me this

day of

188

Walter F. Bray  
Police Justice.



0180

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John M. Cate* 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 have nothing to say  
at present*

*John M. Cate*

Taken before me this

day of *Sept* 188*9*

*John M. Cate*  
Police Justice.



0 18 1

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 May 9 1889 J. Murphy 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 E 8th St  
*Joe M. Cade*

Offence *Barry*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

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

Dated *March 9* 1889

*Gord* Magistrate.

*Bray* Officer.

*205* Precinct.

Witnesses *Callen Office*

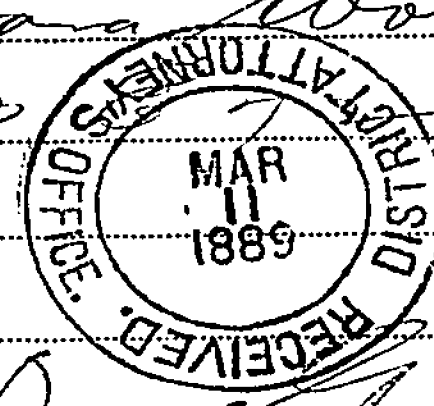
No. .... Street.

*Barbara Wolf*

No. *423* Street.

No. .... Street.

\$ *1000* to answer



*[Handwritten signatures and initials]*

0 183

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~~ <sup>eight</sup> Ward of the City of New York, in the County of New York  
aforesaid, on the ~~day~~ <sup>day</sup> of ~~March~~ <sup>March</sup> in the year of our Lord one  
thousand eight hundred and eighty-~~nine~~ <sup>nine</sup>, with force and arms, in the  
~~day~~ <sup>day</sup> - 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 *Petty* 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 pair 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:**

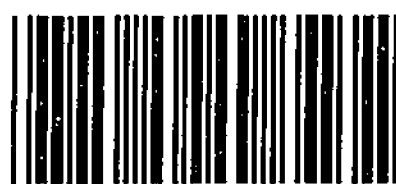
3267

**DESCRIPTION:**

McCarthy, John

**DATE:**

03/29/89



3267



0187

**BOX:**

347

**FOLDER:**

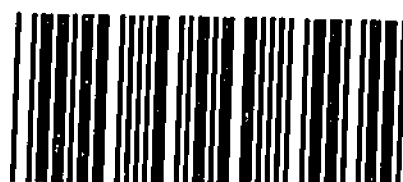
3267

**DESCRIPTION:**

McVey, Francis

**DATE:**

03/29/89



3267

Witnesses;

A. Bush

Burglary in the Third Degree.  
and Peter Lawrence

THE PEOPLE

John McCarthys  
Francis McVey

JOHN R. FELLOWS,

District Attorney.

A True Bill.

April 17<sup>th</sup>

Charles H. Smith Foreman.

Both tried and convicted

May 13/89 Burglary 3<sup>rd</sup> Degree

11/30/89 State Ref. no. 1075

T.

0188

0189

Police Court— District.

City and County } ss.:  
of New York,August Busch  
of No. 457 West 27th Street, aged 29 years,  
occupation Butcher.being duly sworn  
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 <sup>no</sup> human being, ~~by name~~were BURGLARIOUSLY entered by means of forcibly prying the  
Catch off of the window leading from the  
rear yard into deponent's 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 byJohn W. Carthy and Francis W. Vey.  
(both now 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 A.M. 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 27<sup>th</sup> day of March 1899

Samuel Kelly  
Police Justice

Police Court	District
THE PEOPLE, & c., ON THE COMPLAINT OF	
vs.	Burglary
Dated	188
	Magistrate
	Officer
	Clerk
Witnesses:	
Committed in default of \$	Bail
Bailed by	
No.	Street

0 19 1

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas Downey*  
aged \_\_\_\_\_ years, occupation *Police Officer* 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* day of *March* 188*9* *Thomas Downey*

*James H. Kelly*  
Police Justice.



0192

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss.

2 District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty

~~John Mc Carthy~~

John Mc Carthy

Taken before me this  
day of March 1889

J. J. Mc Carthy  
Police Justice.



0193

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Francis McVey*

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.

*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* 188*8*

*James J. Sullivan*  
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 27* 188*9* *Samuel H. 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 West 25  
John W. Conthy  
Francis W. Key

Offence

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

McKillop Magistrate.

Thomas Dorney Officer.

20 Precinct.

Witnesses Thomas Dorney

No. 20 Precinct Street.

Off. Engelhausen 16

No. 20 Precinct Street.

James Woods 440 N. 27 Street.

\$1500 to answer

COMMITTED.

Committed

COURT OF GENERAL SESSIONS-Part III.

The People of the State of New York,  
against  
JOHN McCARTHY and FRANCIS McVEY.

:  
: Before Hon. Henry  
:  
: A. Gildersleeve,  
:  
: and a Jury.

Indictment filed March 29th 1889 .

Indicted for Burglary in the 3rd  
degree and petit larceny .

New York , May 13th 1889.

APPEARANCES: For The People, Asst. Dist. Atty. W.  
T. Jerome.

For the defendant Mr. A. H. Purdy.

AUGUST BUSCH, a witness for the People, sworn, testified:

I am a butcher and carry on my business at No. 457 W. 27th street in this city . On the night of Friday the 22nd of March I left my butcher shop at eight o'clock in the evening and locked all the doors . I visited the store again the following morning when a man came and woke me up . I live across the street from the store. It was between twelve and one when I ~~was~~ awakened. I went to my store found that the window leading from the yard into the back of the store had been opened. I am certain that I had closed that window before I left the store . There is an alley way from the street to the yard and from the yard through this window which was opened a person could get into the store . When I first saw the defendants they were in the custody of an officer

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

0198

3

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 follow one of ~~McVey~~ 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 <sup>o</sup>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 don't know how ham strings smell ? A. I do .



0199

4

Q You did not smell these particular ham strings ?

A No sir .

Q Mous~~sw~~ 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 BLUMKER, 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-  
cher 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

McVEY.

Abstract of testimony on

trial New York, May 13th

1889.

0203

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*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 McCarthy and Francis Mc Vey*  
of the CRIME OF  *Petit* LARCENY committed as follows:

The said *John McCarthy 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 *night* 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

0206

Witnesses ;

Counsel,

Filed

Pleads,

Day of

1889

THE PEOPLE

vs.

Michael McCarthy

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. V. Gent Foreman.

March 10/89

George W. Perry  
State of California  
County of San Diego  
Grand Juror

Burglary in the Third degree.  
[Section 498, 506, 528 & 532.]

0207

COURT OF GENERAL SESSIONS

New York County

The People

- vs -

MICHAEL MCCARTHY.

City and County of New York SS:

*Paul Sorg*

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 Sorg*

0208

COURT OF GENERAL SESSIONS

New York County

The People

- vs -

MICHAEL MCCARTHY.

City and County of New York SS:

*Edward Doyle*  
being duly sworn deposes and says that he resides at  
No. *441 West 54<sup>th</sup> St* in the  
City of New York, and is engaged in the  
business at No. *441 West 54<sup>th</sup> 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  
The People  
- agst -  
MICHAEL MCCARTHY.  
.....X

City and County of New York SS:

being duly sworn deposes and says that he resides at  
No. 1115 1st Ave. in the  
City of New York, and is engaged in the  
business at No. 1115 1st Ave. 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 this

11th day of June 1938

*[Signature]*

02 10

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 6<sup>th</sup> Mar. 1889

Wm. H. Reed

Notary Public (37)  
N.Y.C.

Edward J. Kelly



Part 1

Court of General Sessions

The People

against

Michael McCarthy

Affidavits as to Character &c

Curdy M Loughlin

Atty for def

200 Broadway

N.Y.

0212

Police Court—<sup>1st</sup> District.City and County  
of New York, ss.:of No. 26 Coenties Slip William Ten Bergen Street, aged 44 years,  
occupation Liquor Dealer being duly sworn.deposes and says, that the premises No 26 Coenties Slip Street,  
in the City and County aforesaid, the said being a 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 storeon the 22nd day of February 1889 in the light 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 Dollarsthe property of Deponentand 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 byMichael McCarthy  
(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  
about the hour of one 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  
Merkle of the 1st Precinct Police that

0213

at about the hour of Nine o'clock PM  
on the 22<sup>nd</sup> of Febry 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

23<sup>rd</sup> February 1889

W. W. Bergen

Griffiths

Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Degree.

Burglary

vs.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

02 14

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 40 years, occupation Police Officer of No. 151  
Greenwich 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  
James M. Mable  
Police Justice.

02 15

Sec. 198—200.

J. C. District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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 55th 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

188

J. McQuay  
Police Justice.



02 16

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

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

Dated *July 29* 188..... *J. H. Murphy* 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

3012  
SR  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Van Bergen  
26 Counties Jail  
Michael McCarthy

2

3

4

Offence

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street

Dated February 23rd 1889

Magistrate.

Officer.

Precinct.

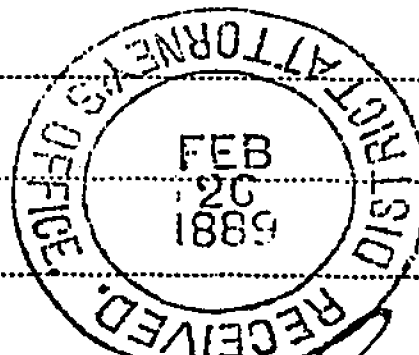
Witnesses

No. .... Street.

No. .... Street.

No. .... Street.

\$ 1000 to answer



Y.S.  
Cork

02 18

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:**

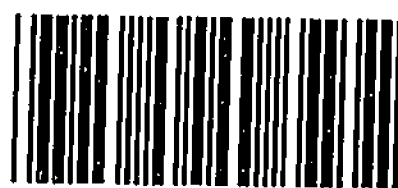
3267

**DESCRIPTION:**

McCarty, Timothy

**DATE:**

03/27/89



3267

Witnesses:

J. F. Coyne

Counsel,

Filed

Pleads

1889

THE PEOPLE

vs.

INJURY TO PROPERTY.  
[Section 631, Penal Code.]

Timothy McCarty

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. J. Kelly Foreman.

Lead Guilty Made  
Per. One month.

0221

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.

*Twenty one 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*

*W. M. Wood*

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 20<sup>th</sup>*..... 188*9*..... *J. M. Blanton*..... 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. Leary*  
*323 Delaney*  
*Timothy McCarthy*

1  
2  
3  
4

Offence *Malicious*

*Michael*  
*Deary*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *March 20<sup>th</sup>* 188*9*

*Patterson* Magistrate.

*Hansen* Officer.

*12* Precinct.

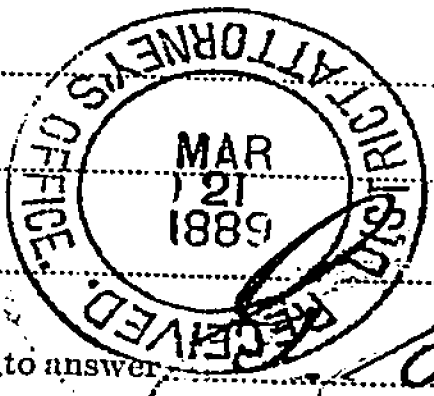
Witnesses.....

No. .... Street.

No. .... Street.

No. .... Street.

\$ *500.* to answer



*Comet*

0225

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3<sup>rd</sup> DISTRICT.

of No. 343 Decatur 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 Dependent  
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 Dependent  
prays that said Defendant be  
dealt with as the law directs Jas. F. Boyle

Sworn to before me, this

of March 1889

day

John W. McCarty

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 *destroying*  
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 *nineteenth* 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 murders*,

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 *murder*  
*and destroy*.

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

*John Q. Tamm*  
*Attorney*

0227

**BOX:**

347

**FOLDER:**

3267

**DESCRIPTION:**

McDermott, Dillon

**DATE:**

03/28/89



3267

WITNESSES:

*Off M. J. Dermott*

Counsel,

Filed

20<sup>th</sup> day of

March 1889

Pleads

*Charging*

THE PEOPLE,

vs.

*B*

*Dillon Mc Dermott*

*[Signature]*

JOHN R. FELLOWS,

District Attorney.

**A True Bill.**

*Chaffee Scott Foreman.*

*Sept 11/89*  
*Charles G. Kelly*

*True \$39.*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1983, Sec. 21 and  
page 1989, Sec. 5.]

0228



0229

Sec. 193-200.

CITY AND COUNTY OF NEW YORK } ss.

45 District Police Court.

*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 W 118 St 350 2 years*

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  
day of

*May 18 1891*

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.....

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

Dated *July 20* 188..... *W. A. White* Police Justice.

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

*Defendant*  
Dated *Sept 25* 188..... *W. A. White* 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 3/5-1  
Police Court--- District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Michael W. Derr  
Dillon W. Derr  
2  
3  
4

100  
100  
100  
100

BAILER.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

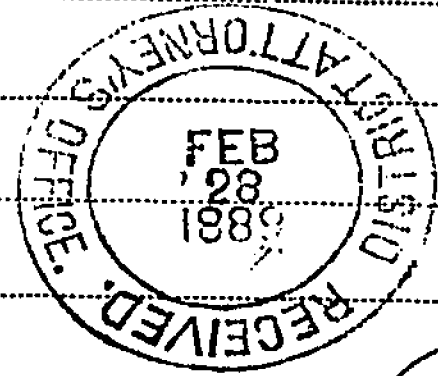
Street.

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 E. 12th 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. Justice 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:**

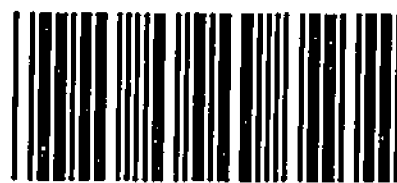
3267

**DESCRIPTION:**

McDermott, James

**DATE:**

03/27/89



3267



Witnesses:

Off. Pleas,  
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 recognition.

Apr. 16/89 Vermon M. Davis,

Asch.  
Recommend dismissal  
of indictment.  
J. J. A. S. A.

Counsel,

Filed

Pleas,

1889

City of

W. J. Kelly

THE PEOPLE

vs.

James M. 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. & fall  
dischd. R. B. M.

to April 16/89  
J. J. A. S. A.

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 29<sup>th</sup> Precinct PoliceStreet, being duly sworn, deposes and  
says that on the 14 day of February 1889at the City of New York, in the County of New York, one James McCherrett

and Police officer of the 21<sup>st</sup> Precinct Police  
was violently and feloniously assaulted  
and beaten by James McCherrett  
(now here) That said officer was  
on duty on the 1<sup>st</sup> Avenue between 36 &  
37<sup>th</sup> Street and while in Company  
William B. Deeres of the 21<sup>st</sup> Precinct Police  
said defendant threw a stone  
pitcher from the Window of his  
residence on the 2<sup>nd</sup> floor of premises  
641. 1<sup>st</sup> Avenue at said officer Kiveli  
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 Kiveli, went  
to said premises, deponent again  
saw a doornail thrown from  
said Window <sup>at</sup> a passing Rail  
Road Car, That then deponent in  
Company of said Kiveli, went  
in the premises of said defendant  
and the Wife of said defendant,  
informed deponent that she  
had a great deal of trouble  
to keep said defendant from  
the Window, Deponent prays  
that said defendant be committed  
to await the pleasure of said

0237

injuries and be dealt with  
as the law directs

Signed before me this } William H. Lake  
4th day of Feb 1889 }  
John Thompson  
Peace Officer

Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFIDAVIT.

vs.

Dated

188

Magistrate.

Officer.

Witness.

Disposition.

0238

Exmng Feb 6/89

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

It was about 2.40 Pm. that this officer was struck - he was standing in front of 641 - 1<sup>st</sup> 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 of the window of Mr. Bernott. He was standing at the window when it was thrown. I don't know 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 Croft - 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 21<sup>st</sup> Precinct for the People testified as follows:

Officer Kevin & I were both standing in front of 641 - 1<sup>st</sup> 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 ~~Left~~ & went on the top of the roof and looked at 643 and I couldn't see anybody. I came downstairs and met



0240

7

Officer Lake in front of 643 on  
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 <sup>out of</sup> 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 <sup>across the way</sup> 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 <sup>come</sup> 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 <sup>from</sup> 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. Room 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 36<sup>th</sup> 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 McDermott & 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 time I went up stairs they were both there. It was five or six minutes after the pitcher was thrown that I entered these rooms & other would have had plenty of time to leave

5

0243

7

the room in the meantime.

---

James Keohu, policeman of the 21<sup>st</sup> Precinct, sworn for the People (testified).

I was standing in front of 641-1<sup>st</sup> Av. talking to the roundsman at about 2.45 P.M. and this pitcher struck me. I was stunned at first and I looked up & saw that Mr. Dermott's windows were the only ones open and I went up-stairs & tried his door & it was locked & I couldn't see anybody in the house. I met the roundsman 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.

---

Off. Egan by swallowing  
Officer Deever & I were together before  
the pitcher was thrown and Officer

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)

---

22

0245

Defence

Ann McDermott, wife of the defendant of No. 641 - 1<sup>st</sup> Av. Duane testified as follows:

Direct Ex<sup>a</sup> 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. He 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 Ears - 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 in 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 <sup>child</sup> and I live at 641-1<sup>st</sup> Av. 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 would 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.

W. J. July 20/89

11

W. J. Fox  
Official Stenographer  
H. D. Police Court

0249

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

48

District Police Court.

*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. 1<sup>st</sup> Avenue, 12 years*

Question. What is your business or profession?

Answer. *Labourer.*

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*

Taken before me this

5

day of

February 1889

*John H. [Signature]*

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. Brown* Police Justice.

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

Dated *Feb 7<sup>th</sup>* 188*9* *John J. Brown* 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 PM  
Fueh 5<sup>th</sup>  
eddy Feb 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 H Lake

vs.

1 James W McDermott

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Offence Assault

Galvanizing

Dated Feb 4 1889

Forman Magistrate.

Lake Officer.

29 Precinct.

Witnesses Wm B Kleeves

No. 21 Precinct Police Street.

Off James Kleeves

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

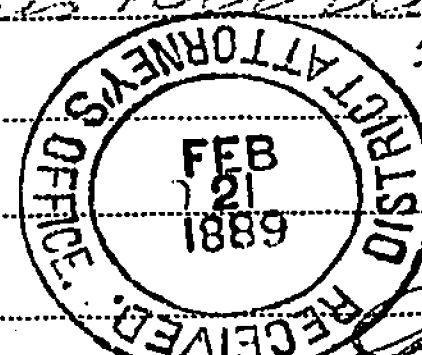
No. \_\_\_\_\_ Street.

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 him 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 him 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  
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 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 him 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

*him* the said *James Kivelin*  
with a certain *stone pitcher*

which

the said

*He* *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:**

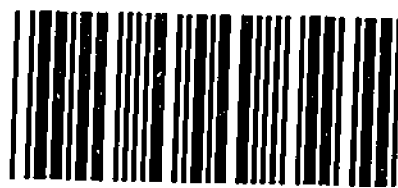
3267

**DESCRIPTION:**

McDonnell, Alexander

**DATE:**

03/28/89



3267

WITNESSES:

*Off record*

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

May 5/90.

*A. D. Barker*  
*App.*

Counsel,

Filed

day of

1889

Pleads

THE PEOPLE,

vs.

*B*

*Alexander MacDonnell*

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

*May 11 1890*  
*JOHN R. FELLOWS,*  
*May 6 1890*

District Attorney.

A True Bill.

*Chas. H. Calk*  
*Parish May 5/90*  
*Not dead but alive*

*Foreman.*  
*JS*

0255

0256

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

*Alex McDonald* 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 McDonald*

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 Third 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  
held I demand a trial by jury.*

*Alex McDonald*

Taken before me this

day of *March* 188*9*

*J. M. Sullivan*  
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 4<sup>th</sup> 188 9 J. M. O'Brien Police Justice.

I have admitted the above-named Respondent

to bail to answer by the undertaking hereto annexed.

Dated March 4<sup>th</sup> 188 9 J. M. O'Brien 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 <sup>358</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Louis M. Conrad

VS.

Alex. M. McConnell

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

Offense Violation of  
Supreme Law

BAILED,

No. 1, by

Bernard H. Lunde

Residence

195 Port St Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Dated

March 4

1889

Magistrate.

McConrad

Officer.

C. C.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

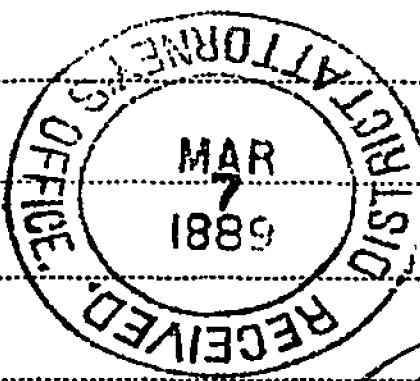
\$

100.

to answer

E. S.

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 3<sup>rd</sup> day  
of March 1889, in the City of New York, in the County of New York, at  
premises No. 87 Third Avenue Street,  
Alexander McDermott (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. McDermott  
may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 4<sup>th</sup> day

of March 1889

McClintock Police Justice.

Louis McLeod

0260

NEW YORK, May 5 1890

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<sup>c</sup>Donnell

I hereby certify that I attended deceased from October 1889 to ap. 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.

Contributing Cause,

Exhaustion

Sanitary Observations,

Witness my hand this 12 day of April 1890Place of Burial, Calvary Cemetery (SIGNATURE),Date of Burial, April 13. 1890.Undertaker, Maley Brothers RESIDENCE,Residence, 506 E. 14<sup>th</sup> St.Henry J. Kelly M. D.  
267. Lex. Ave

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 Death.	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.
<u>April 11. 1890</u>	<u>Alexander M<sup>c</sup>Donnell</u>	<u>44 yrs</u>	<u>white</u>	<u>single</u>	<u>clerk</u>	<u>Ireland</u>	<u>27 years</u>	<u>"</u>	<u>Thomas M<sup>c</sup>Donnell</u>	<u>Ireland</u>	<u>Julia</u>	<u>Ireland</u>	<u>89. 3<sup>rd</sup> Ave</u>	<u>89. 3<sup>rd</sup> Ave</u>	<u>10 families</u>	<u>Exhaustion</u>	<u>General Tuberculosis</u>	<u>April 13. 1890</u>

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 McDonnell*

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* 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  
12<sup>n</sup> St

0263

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

DAVID MAXCY,  
THOMAS F. MAXCY.

New York, *May 3<sup>rd</sup> 1890*

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

*Maxcy Brothers*

*Edw. J. Maxcy*  
*24*

0264

City and County of New York ss.

James R. Haney being duly sworn deposes and says that he resides at No 87 3 Ave in said City and that on or about the 11 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 13 1890. after accompanying certificate

Sworn to before me this

5<sup>th</sup> day of May 190

Henry Maurer

Commissioner of Deeds

City

James R. Haney.



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.