

0197

BOX:

246

FOLDER:

2388

DESCRIPTION:

Minton, Joseph

DATE:

01/07/87



2388

Witnesses:

Wm. McCutcheon
John Kelly

68

Counsel,

Filed,

Pleads,

7 day of May 1888

THE PEOPLE

vs.

Joseph Minton

vs.
Back

INJURY TO PROPERTY.
[Sec. 651, Penal Code.]

RANDOLPH B. MARTINE,

District Attorney.

Pleads guilty.

A True Bill.

Chas. B. Folsom

Foreman.

Wm. McCutcheon

0198

0199

Sec. 198-200.

2nd

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Joseph Min'lon 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

Joseph Min'lon

Question. How old are you?

Answer

40 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

no home

Question What is your business or profession?

Answer

Blacksmith

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 was starving, I am out of employment and broke the glass to be locked up
J. Min'lon

Taken before me this

9th

day of *March* 1886

Thos. J. Min'lon Police Justice.

0200

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

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

Dated December 2 188.....
.....
..... Police Justice.

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

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

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

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

0201

Police Court

1905
2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Opus McCarter

243 vs. W-11

1 *Joseph Munter*

2

3

4

Office *Mat. Winters*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Dec 20* 188

Orman Magistrate.

Kelly Officer.

9 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ *1000* to answer *G.S.*

Alms



0202

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

William S. McCotter.

of No. 243 West 11. Street, aged 26 years,
occupation Real Estate being duly sworn deposes and says
that on the 19 day of December 188

at the City of New York, in the County of New York, Dependant is informed
by Robert Kelly of the 9th Precinct Police
that Joseph Martin (nowhere)
did unlawfully, wilfully and maliciously
break and destroy personal property,
to wit: that he wilfully with his foot
kicked at the plate window of the store
363 Bleecker Street and breaking the
same, doing damage to the amount
of seventy dollars, the property of
Mary Blair and in case and charge
of dependant Wm. S. McCotter

Sworn to before me, this
18th day of December 188

Joseph M. Mason Police Justice.

0203

CITY AND COUNTY }
OF NEW YORK, } ss.

Robert Kelly
aged *50* years, occupation *Police officer* of No.

9th Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *James W. Carter*

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

Sworn to before me, this *20*
day of *Dec* 188*8*

Robert Kelly

John Thomas
Police Justice.

0204

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

Joseph Minton

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

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

The said *Joseph Minton*, —
late of the *Tenth* Ward of the City of New York, in the County of New York
aforesaid, on the *nineteenth* day of *December*, in the year
of our Lord one thousand eight hundred and eighty- *nine*, at the Ward, City and
County aforesaid, with force and arms, *a certain glass*
windows —

of the value of *seventy dollars*. —
of the goods, chattels and personal property of one *Mary Adams*. —
then and there being, then and there feloniously did unlawfully and wilfully

break and destroy. —

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

SECOND COUNT:

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

The said *Joseph Minton*. —
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year

0205

aforesaid, at the Ward, City and County aforesaid, with force and arms, a *certain*
glass window, —

of the value of *twenty dollars, —*
in, and forming part and parcel of the realty of a certain building of one

many claim, —
there situate, of the real property of the said *many claim, —*

then and there feloniously did unlawfully and wilfully *break and*
destroy, —

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

RANDOLPH B. MARTINE,

District Attorney.

0206

BOX:

246

FOLDER:

2388

DESCRIPTION:

Mohr, Charles

DATE:

01/25/87



2388

Witnesses:

Sam A. Dooly

\$276 &
Hobbs & Co.

Counsel,

Filed 20 day of Decr 1887

Pleads

Nashville, Tenn.

THE PEOPLE

vs.

Charles Mohr

Violation of Excise Law.

(Sunday).
[III Rev. Stat., (7th Edition), page 1083 Sec. 21, and
page 1080, Sec. 5].

RANDOLPH B. MARTINE,

Attorney

District Attorney.

A True Bill.

Chas. S. Seward

Foreman.

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

Part 2... Dec. 24... 1887.

0207

0208

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Mader

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

Charles Mader

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

The said

Charles Mader

late of the First Ward of the City of New York, in the County of New York aforesaid, on the ~~second~~ day of ~~January~~, in the year of our Lord one thousand eight hundred and eighty-~~seven~~, at the Ward, 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 whisky, 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

James A. Dodder, 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

Charles Mader

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said

Charles Mader

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, the same being the first day of the week

0209

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 whisky, 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 give away as a beverage to

James A. Dooley 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.

THIRD COUNT:

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

— Charles Martin —

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 *Charles Martin.*

late of the Ward, 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 certain premises ~~at number~~

in the City and County aforesaid, which said place 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.

RANDOLPH B. MARTINE,
District Attorney.

0210

BOX:

246

FOLDER:

2388

DESCRIPTION:

Mueller, Emil

DATE:

01/17/87



2388

Witnesses:

J. M. Doherty

\$189

Counsel,
Filed, *17* day of *May* 188*7*
Pleads, *Guilty*

THE PEOPLE

vs.

B

Emil Mueller

MISDEMEANOR.
(AMUSEMENT LAW.)
[Section 1908, Consolidation Act of 1882.]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Chas. B. Goodrich

Foreman.

Part III June 14/87.

Complaint sent to Special Agents

0211

0212

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Ernest Mueller

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

Ernest Mueller —

of a MISDEMEANOR, committed as follows:

The said *Ernest Mueller*,

late of the *South* Ward of the City of New York, in the County of New York aforesaid, on the *21st* day of *October*, in the year of our Lord one thousand eight hundred and eighty-*six*, at the Ward, City and County aforesaid, did unlawfully exhibit to the public, in a certain _____ building and place there situate, a certain entertainment of the stage,

no license for the said place of such exhibition for such purpose, having been first had and obtained as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

RANDOLPH B. MARTINE,

District Attorney.

0213

BOX:

246

FOLDER:

2388

DESCRIPTION:

Mueller, Franz A.

DATE:

01/13/87



2388

Witnesses:

William Brown

Upon the affidavits of the defendant
set up the corner for the medical as-
sault of the County of San Diego that it
appeared on the defendant should not
pay for examination for admission to the
practice of medicine in this state, he should
thoroughly locate; upon the statement
of the Council of said Society that the
defendant had failed such examination,
I testified for said defendant, receiving
a regular diploma therefor, and after the
statement being read and read, I
admonished that the defendant to
comply.

Randolph B. Martine

Dist. Atty.

\$148

Counsel

Filed 13 Jan 1887

Pleads

Mich. 17/87

THE PEOPLE

vs.

Franz A. Mueller

Unlawfully Practicing Medicine,
[Sections 356, Penal Code, and Chap. 518,
Laws of 1880.]

RANDOLPH B. MARTINE,

Dist. Atty.

for

A True Bill.

Chas. B. Roberts

March 7th

Foreman

March 17/87

1887

0215

People
is
Franz Mueller

Memorandum

In July 1885 Defendant was practicing medicine at 101 First street.

Dillon Swinn, Agent for the Medical Society of the County of New York, understanding that defendant had no authority to practice physic called upon him and said that he, Swinn, was suffering from piles and asked advice

- (1) the sign Dr. F. A. Mueller was on the door
- (2) Swinn asked for Dr. Mueller
- (3) Deft said that he was Dr. Mueller
- (4) Deft questioned Swinn as to the nature of his malady; asked if the piles were bleeding, asked if he drank; advised the use of tar and oakum, with cold lotions, and Carlsbad salts, charged \$1.00 which was paid.

The above is the People's Case.

Further Facts for Examination
and Rebuttal.

On August 5th 1885, Mueller called on Mr.

02 16

Pennington Council of Med. Society and
said he had not graduated because of
sickness.

He was given a letter to Dr. Donke Secretary
of the Board of Censors, and opportunity
was given him to comply with the
law. He failed to do so.

He has been given several argu-
-ments since his last arrest and is
to go before an examining board
on Feb 26th

If he fails to pass he will plead guilty

People's

Ray A. Matthews

Memorandum of
facts - for People's

case

0217

The People

against

Franz A. Mueller

Illegal practice of physic

LL 1880. ch. 513 LL 1884 ch. 411

Penal Code § 356.

The Medical Society of the County of New York
Complain of Franz A. Mueller that he has practiced
and is practicing physic or Surgery or both in the
said County contrary to the Statutes in such cases
provided, that he has no lawful authority so to practice
and that he has not registered his lawful authority
if he has any with the Clerk of said County. So
informing they present in support of their information
the following affidavits—

Counsel of the Medical Society of County of New York

City and County of
New York

ss.

William A. Punnett being
duly sworn says that he is a Counselor at Law
residing in the University Building on Washington
Square and having an office at Number 63 Wall
Street in said City. That he is the duly retained
Counsel of the Medical Society of the County of
New York in whose behalf he lays this information
and upon information and belief says.

First, That Franz A. Mueller who resides at
number East 72nd Street in said City is practicing
and for some time has been practicing physic

0218

and Surgery in this County and that
Second, while so ~~practising~~ ^{practising} doing, he practiced
physic upon William Brown on or about
the 11th day of July 1885 and between the
1st day of July 1885 and the 30th day of
September 1886.

Third, That said Mueller has no lawful
authority to practice physic or Surgery or Either
in said County

Fourth, That the said Mueller having lawful
authority to practice physic and Surgery in this
State has not registered the same in the office
of the Clerk of this County

Sworn to before me

the 2nd day of October
1886

W. A. Murray to

P. G. Luff

Police Justice

City and County of New York } ss

William Brown being
only sworn says that he resides at number
117 East 88th Street in said City. That on or
about the 11th day of July 1886 and between
the 1st day of July 1886 and the 30th day of
September 1886. he consulted as a physician and

0219

at Number 100 First Street in said City
 one Franz A. Mueller who thereupon as
 a physician gave dependent medical advice
 and treatment and prescribed remedies
 for the cure and alleviation of the disease
 from which dependent was suffering and that
 said Mueller demanded and received for
 such medical advice and treatment the
 sum of One Dollar, And dependent further
~~Says~~ states that he has examined the registers
 of Physicians and Surgeons kept by law in
 the office of the Clerk of said County for
 the registration of said Mueller but that up to
 the 1st day of October 1886 he has been unable
 to find any lawful authority of said Mueller
 to practice ~~med~~ physic or surgery registered
 therein.

Sworn to before me
 the 2nd day of October 1886 William E. Egan

J. H. Jeffers

Peace Justice

0220

W

Police Court
M. A. Cunningham
The People
against
Frank A. Mueller

0221

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Frank A. Mueller 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

Frank A. Mueller

Question. How old are you?

Answer

22 years

Question. Where were you born?

Answer.

Germany

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

Answer.

347 E 72nd St. 5 months

Question What is your business or profession?

Answer

Physician

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 F. A. Mueller.

Taken before me this

day of

Police Justice.

0222

Sec. 151.

Police Court 1st District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York, GREETING :*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by *The Medical Society of the County of New York by its Counsel William A. Cunningham*
of No. 63 *Wall* Street, that on the 11th day of July
and between the 1st day of July 1885 and the 30th of September 1886
1885 at the City of New York, in the County of New York,

Frank A. Mueller ~~do~~ *practiced* *physic or surgery or*
both upon William Brown in said County without lawful
authority so to practice and without having registered with the
Clark of said County his lawful authority so to practice
Contrary to the provisions of Laws 1880 Ch 513, Laws 1884 Ch 411
and § 356 Penal Code

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring *him*
forthwith before me, at the 1st District Police Court, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 2nd day of October 1886
[Signature]
POLICE JUSTICE.

0223

Police Court 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*The Medical Society of the County
of New York by William
H. Pennington.*

vs

Franz A. Mueller

347 E. 72nd St.

Dated *October 2nd* 188*6*

Crane Magistrate.

Gratch Officer.

The Defendant *Franz A. Mueller*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Gratch Officer.

Dated *Oct 5* 188*6*

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, *9 45 am*

Native of *Cumma*

Age, *42*

Sex, _____

Complexion, _____

Color, *W*

Profession, *Physician*

Married, *Yes*

Single, _____

Read, *Yes*

Write, *Yes*

347 E. 72nd St

0224

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 Franz

A. Mueller
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 Oct 5th 1888 [Signature] Police Justice.

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

Dated Oct 5th 1888 [Signature] 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.

QUALITY
FINAL

0225

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

At this time
10 o'clock

Police Court

1304 District.

THE PEOPLE &c.,

THE COMPLAINT OF

Wm. Cunningham
1763 27th
Frank A. Mueller

2

3

4

Dated

188

Magistrate.

Officer.

Preinct.

Witnesses

No.

Street.

No.

Street.

No.

\$

to answer

Bailed

0226

W. A. Harrington

R. C. Shannon

Offices of
Harrington & Shannon,
Counsellors at Law,
63 Wall Street

People
vs
Fang Muller

New York, March 14 1887

Randolph D. Martine Esq.
District Attorney

Dear Sir: Since proceedings were begun against the above named defendant some years ago, he has been offered the opportunity of qualifying himself to practice medicine legally. This he has done at last after many delays due as he declares to illness. In view of the fact that since his arrest he has passed his examinations and received a diploma I am instructed by the Medical Society of the County of New York on whose complaint he was indicted to inform you that with your approval they are willing that the pending indictment be dismissed.

Very truly Yours W. A. Harrington
Counsel. Inc. Co. N. Y.

0227

The People

VS

Frank Miller

~ 6-1-2018

0228

Court of General Sessions

The People

vs

Frank A. Mueller

whereas it appears that at the present time this defendant is ill, as certified to by his physicians, and

whereas although the defendant admits that he has practiced physic contrary to the form of the statute as charged in the indictment, it also appears that he has studied medicine and has obtained papers authorizing him to submit himself to examination before the Medical Department of the University of the City of New York on February 22^d 1887.

It is agreed by the Medical Society of this County of New York with the assent of the District Attorney that the trial of Def^t. be set down for the 1st Monday in March or until the result of his examination is known, and if he fail to pass said examination defendant will enter his plea of guilty as charged.

New York Feb 10, 1887

M. L. Marks

Atty for Def^t

W. A. Burroughs

Counsel Med. Dep. Co. N. Y.

0229

Paper

7 C. Mueller

Specification for
admission to Ple.
of family

0230

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against

Franz A. Mueller

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

Franz A. Mueller

(Sec. 356
Penal Code)

of a MISDEMEANOR, committed as follows:

The said *Franz A. Mueller*,

late of the City of New York, in the County of New York aforesaid, on the *seventh*
day of *July*, — in the year of our Lord one thousand eight hundred and
eighty-*six*, at the City and County aforesaid, without being authorized by a license
or diploma from any chartered school, State board of medical examiners, or medical society,
did unlawfully practice medicine, and did then and there, without being so authorized as
as aforesaid, unlawfully examine, treat and prescribe for one

Dillon Davis,

as a physician, 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 (Chap. 513, Laws of 1880, § 1).

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

Franz A. Mueller

of a Misdemeanor, committed as follows:

The said *Franz A. Mueller*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the City and County aforesaid, did unlawfully practice physic, without being lawfully
authorized so to do, and without such lawful authority, did then and there unlawfully
examine, treat and prescribe for one *Dillon Davis*.

as a physician, 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.

0231

THIRD COUNT (Laws of 1880, Chap. 513, § 2).

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

Frank A. Mueller -

of a Misdemeanor, committed as follows:

The said

Frank A. Mueller.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid. being then and there a person duly authorized to practice physic, did unlawfully practice physic without having first registered in the Clerks office of the said County, in the manner and form required by law, his name, residence and place of birth, together with his authority to practice physic, and did then and there, without having so registered as aforesaid, unlawfully examine, treat and prescribe for one

Dillon Smith.

as a physician, 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.

RANDOLPH B. MARTINE,

District Attorney.

0232

BOX:

246

FOLDER:

2388

DESCRIPTION:

Mulhern, John

DATE:

01/10/87



2388

Witnesses:

Michael Murphy
Joseph Morrell

#9013. a
Counsel,
Filed, 10 Aug 1887
Pleads, *Christy*

THE PEOPLE

vs.

R

John Mulhern

Grand Larceny, 2nd degree
(From the Person).
[Sections 528, 58, 1, Penal Code]

RANDOLPH B. MARTINE,

District Attorney.

Aug 12/87

Frederick & Co. Limited

A True Bill.

John D. Mulhern

Foreman,

[Signature]

Pen 2 months.

0233

0234

The People
vs.
John Mulhern.

Court of general Sessions, Part I.
Before Judge Cowing.

January 12, 1887.

Indictment for grand larceny.

Micheal Murphy sworn and examined. On the morning of the 30th of December I had about five dollars and fifty cents in my pockets, I drank in several saloons perhaps I had half a dozen glasses of beer, I know I drank nothing but beer, I smoke considerable, I have a very bad head, I could not really say that the prisoner put his hand in my pocket or who done it, I did not know anything about this case until the next morning. You were so drunk you did not know anything about what happened? Yes sir. Did you have any money in your pocket at three o'clock in the afternoon when you were in Morrell's bar-room 54 Thompson Street? I could not really say whether I did or not, I know I should have money in my pocket. If any money was taken from you did that money belong to you? Yes sir. I walked out with \$5.80 about ten o'clock in my pocket. Will you swear to this jury you had three dollars? I tell the jury I cannot swear who took the money or whether I lost it previous to three o'clock, I had the money but I do not know what time I lost it.

Joseph Morrell sworn and examined. You keep a restaurant or a saloon in this city at 54 Thompson Street? Yes sir, a saloon. The complainant who just left the witness box visited your saloon on the 30th of December about three o'clock in the afternoon? Yes sir. The man now on trial, the prisoner at the bar was also in

0235

your saloon? Yes sir. The complainant was very drunk was he not? Yes sir. Tell his Honor and this jury what you saw the defendant do to this drunken man if anything? This John Mulheron knocked him down on the floor, this drunken man here. What next did you see the defendant do to him? He took the money out of his right pants pocket, I do not know how much he took. When he took his hand out of the drunken man's pocket did you see the money in his hand? Yes sir. Then what did the prisoner do after he had the drunken man's money in his hands? He wanted to try to run away but I held him in the bar-room and I sent for a cop, for an officer. Did the officer come? The officer came and I told him to arrest this man, he did arrest him, he wanted to try to run away. Are you positive what you have sworn to is the truth, that you saw this man put his hand in the complainant's pocket and take out the money? Yes sir. You cannot be mistaken? No sir. You are the proprietor of this liquor saloon? Yes sir. This boy is one of the frequenters of this saloon? No, he comes there once in a while. Is the complainant one of the frequenters of your saloon, is one of your customers? He came there the same as anybody else once in a while, that man was drunk when he came there. You have told all that you have seen about it, all that you know? That is all I know

Cross Examined. There was about fifteen or twenty people in that saloon that afternoon at the time this man was knocked down, I was right behind the bar and the drunken man was in front of the bar, I was serving them with drinks. I saw this man knock him down and while he was down put his hand in his pocket.

0236

Theodore T. Schneider sworn. You arrested the defendant? Yes sir. In Mr Morrell's bar-room 54 Thompson Street? I did not arrest him in the place, I arrested him in the yard. Who was present at the time you arrested him in the place? There was fifteen or twenty people in the place, men and women. Was Mr Morrell there? Yes sir, behind the bar. What charge if any did he make in the hearing and presence of the defendant? He accused the prisoner of knocking down the complainant and robbing him. When I went down stairs Morrell told me the circumstances of the case, I asked him where the prisoner was and he said he had gone out, I went after him and found him in the yard and brought him back; the prisoner said, this is wrong, he was not the one that done it. I took him to the Station House, I searched him and found two silver dollars on him. Did he tell you where he got it? No sir, he did not.. How long after they say he knocked him down did you arrest him? About five minutes. Had he any chance to run away? He had a possible chance to run away, I do not know how he got into the yard of my own knowledge but I was told.

John Mulhern sworn and examined in his own behalf: I live 127 Varick Street and have never been arrested before. The complainant treated me at the bar and he got up and staggered and fell down to the floor, his money dropped out of his pocket, I went over and put my foot on the money and dragged it to me and picked it up, Morrell told me to give it to him or he would get me arrested, I would not give it to him, I went out into the yard and the officer arrested me.

The Jury rendered a verdict of guilty of petty larceny.

0237

Testimony in the
Case of
John Miller

filed Jan
1887.

0238

Police Court—

2

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Michael Murphy

of No. 62. Watt

Street, aged 42 years,

occupation Longshman being duly sworn

deposes and says, that on the 30th day of December 1886 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession of

Prison

of deponent, in the day time, the following property viz:

Good and Lawful money of
the United States to the amount of
about Two Dollars
(\$2.00)

the property of Deponent

and that this deponent
has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen,
and carried away by John Mulhearn (nowhere)

from the fact that deponent left
his house at about the hour of 11 o'clock
on said date, and at that time
deponent had five dollars in the pockets
of his clothing. Deponent visited two or
three saloons and bought several drinks.
And deponent is informed by Joseph
Morrell the proprietor of the saloon
No 54 Thompson St. that at about
the hour of 3 o'clock PM said date
he deponent came into said saloon
in a state of intoxication and bought
several drinks for himself. And that
while deponent was in said saloon he

Sworn to before me, this
day
188

Police Justice.

0239

Morrell saw the said defendant thrust his hand into the right hand pocket of defendant's pantalon, and when he the defendant with over his hand from defendant's pantalon's pocket, he Morrell saw some money in the defendant's hand and saw him drop a counterfeit twenty five cent piece on the floor which he Morrell picked up. the defendant then placed the money which he had taken from defendant's pocket into his the defendant's pocket and started to leave said saloon. When he Morrell detained him and caused his arrest. And defendant is further informed by Theodore F. Snyder Police Officer of the 8th Precinct Police that when he searched the defendant he found in his the defendant's possession two silver dollars. Wherefore defendant charges the said defendant with feloniously taking stealing and carrying away said property from the right hand pocket of the pantalon then and there worn by defendant as a portion of his body clothing. And prays he may be held and dealt with as the law directs.

Police Justice

188

Dated

Sworn to before me
this 11th day of Dec 1886.

Police Justice

I have admitted the above named

to bail to answer by the undertaking hereunto annexed.

188

Dated

Police Justice

188

Dated

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

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

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

1
2
3
4

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street.

No.

Street.

No.

Street.

to answer

Sessions.

0240

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 31 years, occupation Saloon Keeper of No. 54 Thompson Street, being duly sworn deposes and

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

Sworn to before me, this 31st
day of Dec 1886

Joseph H. Morrell
Mark

John Patterson
Police Justice.

0241

CITY AND COUNTY }
OF NEW YORK, } ss.

Theodore F. Snyder
aged *25* years, occupation *Police Officer* of No. *5th Precinct*
Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Michael Murphy*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this *31st*
day of *Dec* 188*6* } *Theodore F. Snyder.*

J. M. Patterson
Police Justice.

0242

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY
OF NEW YORK,

John Mulhearn 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'm; that the statement is designed to
enable h'm if he see fit to answer the charge and explain the facts alleged against h'm
that he is at liberty to waive making a statement, and that h's waiver cannot be used
against h'm on the trial.

Question. What is your name?

Answer.

John Mulhearn

Question. How old are you?

Answer.

22 years old

Question. Where were you born?

Answer.

New York city

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

Answer.

137. Varick St.

Question. What is your business or profession?

Answer.

Red die

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 Mulhern

Taken before me this

31

day of

1886

John Mulhern
Police Justice.

0243

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

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

Dated *Dec 21* 188*6* _____ *J. M. Patterson* 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.

0244

Police Court 21 District. (3)

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael Murphy
by John Mulhearn
2 _____
3 _____
4 _____
Offender Larney
(Henry)

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated December 31 188 6

Patterson Magistrate.

Thos F Snyder Officer.

Witnesses Joseph Morillo Precinct.

No. 154 Thompson Street.

Off F. F. Snyder.

No. 10th West Street.

No. _____ Street.

No. _____ Street.

\$ 1000. to answer Gentle

Comd

0245

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 Mulhern

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

John Mulhern —

of the CRIME OF GRAND LARCENY IN THE ~~second~~ DEGREE, committed
as follows :

The said *John Mulhern*,

late of the City of New York, in the County of New York aforesaid, on the
thirtieth day of *December*, in the year of our Lord
one thousand eight hundred and eighty-*six*, at the City and County aforesaid, in the
day time of the same day, with force and arms,

Two silver coins, to the said
called dollars, to the value
of one dollar each,

of the goods, chattels, and personal property of one *Michael Murphy*,
on the person of the said *Michael Murphy* then and there being
found, from the person of the said *Michael Murphy* 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.

David H. Smith
District Attorney.

0246

BOX:

246

FOLDER:

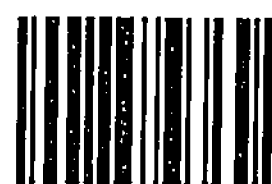
2388

DESCRIPTION:

Mullen, Nellie

DATE:

01/24/87



2388

Witnesses:

M. J. Lawrence

No. 1268
Section 2

Counsel,
Filed *27th* day of *Aug.* 188*7*
Pleads *Not Guilty*

19 THE PEOPLE
vs.
Stellie Miller
Jan 27/19
Charles H. Miller

RANDOLPH B. MARTINE,
District Attorney.
Per bond,

A True Bill.

Chas. D. Roberts
Foreman.
Feb 1st *Jan 27th*
1887 *1887*

0247

The People } Court of General Sessions. Part 1
 Nellie Mullen } Before Judge Cowing

Thursday, January 27, 1887.

Indictment for grand larceny in the ^{second} ^{degree}.

James H. Cassidy, sworn and examined testified: Where do you live? I live in 427 West Thirty fifth street in this city. What is your occupation? Carpenter. On the night of the 8th of January you were in the city were you not in the city. And met this woman? I met her. Where did you meet her and at what hour on the 8th of January? It was on the Eighth Avenue between the hours of ten and eleven o'clock at night. Did you first speak to her or did not she first speak to you? She solicited me. What did she say, if anything? She asked me if I ^{was} ~~would~~ going home and I told her 'yes'; going that way we had a conversation all of; she asked me to go to this house in Seventh Avenue and Forty First Street did you go? I did. When you entered the house whom did you see if anybody? Prior to going to the house we went into a liquor store and had some drink. I had ale and she had whiskey; and then after that she and I went to this house. A colored servant opened the door. He made arrangements for the

0249

room. I went to the room, second story back room with her. I locked or bolted the door and nobody else could come in. How much property did you have after you bolted that door with nobody in the room but the prisoner. I had a gold watch and chain worth \$165 and about fifteen dollars in money. I lost the gold watch; the chain, which was nearly as valuable as the watch was left and the money was gone. Did you see the watch, chain and money after the door was bolted. I went to bed and went to sleep. When you awakened who was in that room beside yourself? No one; the colored servant pushed in the door in the morning. It may be seven or eight o'clock. I was asleep. The bolt was shot back. I did not shoot it back. I swear I fastened it securely before I went to bed; when I was awakened the woman (the defendant) was gone; the colored servant came in and told me it was time to get up. I jumped up and examined my clothes and found the woman was gone and found the watch was detached from the chain and gone too; the money was gone also and the chain was left. I thought it was a strange thing to leave the chain; it was all my property.

Emma Nicholas, sworn and examined.
 Where do you live? No 572 Seventh Avenue.
 Were you in this house on the night in question?
 I was. Are you the domestic that opened that
 door in the morning? Yes, I did. When you
 pushed against the door did it make any
 resistance? No sir, it did not. What is there
 on that door? It is a big lock. Was it
 bolted? No sir, the bolt was not fastened.
 Was there a bolt on that door? Yes sir, there
 was a bolt on the door. This was between
 seven and eight o'clock in the morning.
 I found no one in the room when I
 pushed the door open, but the gentleman—
 the complainant. He got up and looked for
 his watch and chain. Cross Examined.
 I am a chambermaid at 572 Seventh
 Avenue, it is not a hotel, it is something
 like a boarding house I guess. I have been
 there three months. I never lived in New
 York before. Rooms are rented out to men
 and women. I suppose it is a bed house.
 They give meals too if they want them.
 The room that this gentleman was sleep-
 ing in had but one entrance; it was
 situated on the second floor back, it was
 not a hall bed room. There was folding
 doors in the room, but they were fastened

on the inside and outside with the hooks, - but no locks or bolts. Some people go in out of the house during the night; I could not tell you how many. Did you open the door that night and did you see the prisoner? I did; she entered with the same gentleman I saw on the stand. Did you make an arrangement about the back room? I did. Who went in that room? No one went in but the one couple - the prisoner and the complainant. I saw them go in that night, and the next morning I entered the room without resistance and found the man alone. The gentleman asked me if they could get a room there and I said they could. He asked me how much, and I told him one dollar. The folding doors were hooked. I looked at them the morning I went to call the gentlemen up; I am sure the first thing I did was to look at them. The gentleman was asleep and I knocked at the door. In the morning the folding doors were latched in the inside.

Michael P. Sweeney was sworn but not examined. The prisoner pleaded guilty to an attempt at grand larceny.

0252

Testimony in the
case of
Allie Miller

filed Jan.
1889.

0253

Police Court— District.

Affidavit—Larceny.

City and County }
of New York, } ss.James P. Cassidy
of No. 24 1/2 West 12th Street, aged 42 years,
occupation Carpenter being duly sworndeposes and says, that on the 8 day of January 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property viz:

Good & lawful money of the
United States of the value
of fifteen dollars & a gold
watch of the value of one
hundred dollars & all of
the value of one hundred
& fifteen dollars \$115.00

the property of

Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Nellie Muller (nowhere)

from the following facts
to wit: That at the time
mentioned deponent & defendant
were together in a room in
a house in Seventh Avenue near forty-
first street; while deponent's
clothing containing the afore-
said property was on a chair
in said room. That while
deponent was asleep defendant
left said room. That shortly
thereafter deponent missed said
property. That between the times when
deponent & defendant entered said

Sworn to before me, this

188

day

Police Justice.

0254

room & when department missed
said money ^{& watch} for other person
entered said room; nor had
an opportunity to take & steal
said money & watch.

Jeff Cassidy

Sworn to before me
this 15th day of December 1887
Solomon B. Smith
Police Justice

0255

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss

X District Police Court.

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

Question. What is your name?

Answer.

Nellie Mullen

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

W.S.

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

Answer.

513 West 39th Street. 2 months

Question. What is your business or profession?

Answer.

Employed in a factory

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.

Not guilty.

Nellie Mullen

Taken before me this

15

1888

John J. ...
Justice.

0256

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

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

Dated January 15 188

Solomon B. 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.

0257

Police Court 62 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James C. Baxley
242 1/2 W. 37th St.
Mellie Muller

2 _____
3 _____
4 _____

*Offence: Grand
Larceny*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *January 15* 188 *7*

S. J. K. K. Magistrate.

W. J. K. K. Officer.

Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer *G. S.*

Coll



0258

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Nellie Mullen

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

Nellie Mullen —

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

The said *Nellie Mullen*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
eight day of *January*, in the year of our Lord
one thousand eight hundred and eighty-*seven*, at the City and County aforesaid,
with force and arms,

*one watch of the value of one
hundred dollars, and the sum
of fifteen dollars in money,
lawful money of the United
States, and of the value of
fifteen dollars.*

of the goods, chattels and personal property of one *James H. Kennedy*

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

Randolph B. Smith

District Attorney.

0259

BOX:

246

FOLDER:

2388

DESCRIPTION:

Muller, Henry

DATE:

01/04/87



2388

0260

Witnesses:

August A. Lawrence
William Pratt

Counsel,
Filed, *H.* day of *May* 1887.
Pleads, *Not guilty*

THE PEOPLE

vs.

Henry Miller
H.P.
Grand Larceny,
(From the Person),
degree *X*
[Sections 628, 68 0, Penal Code].

RANDOLPH B. MARTINE,
District Attorney,
Dr May 6/87.
Ind requested.

A True Bill.

Chas. B. Rodaschi

Foreman.

0261

Police Court—

District.

Affidavit—Larceny.

City and County
of New York, ss.

August Blabann
 of No. *Donaco* Street, aged *45* years,
 occupation *Labourer* being duly sworn

deposes and says, that on the *22* day of *December* 188*8* at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession

And person
 of deponent, in the *Night* time, the following property viz :

*A Silver Watch and plated
 chain and a pocket book containing
 two dollars lawful money, all
 of the value of about fifteen dollars.*

the property of *deponent who was under the
 influence of liquor at the time*

and that this deponent
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
 and carried away by *Harry Muller* now prisoner

that deponent is informed by Officer
William Stull that he saw the defendant
 bending over deponent who had fallen
 down in ~~the~~ street, and rummaging about
 his clothing. That he further informs this
 deponent that he arrested the defendant
 after witnessing such riffling & rummaging
 of deponent's clothing, and found in the
 defendant's possession the above described
 property which deponent identifies as his,
 and which was taken from the pockets
 of the clothing then worn upon deponent's
 person

August Blabann

Sworn to before me, this
22 day of
December 188*8*

John W. [Signature]
 Police Justice.

0262

CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation William Stett Police Officer of No. the 10th Precinct Street, being duly sworn deposes and

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

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

Sworn to before me, this

day of December 1888

J. Henry Ford
Police Justice.

0263

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

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

Question What is your name?

Answer

Henry Muller

Question How old are you?

Answer

46 Years

Question. Where were you born?

Answer.

Germany

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

Answer.

430 West 29 Street

Question What is your business or profession?

Answer.

Baker

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 of the charge. The complainant and I were in company together, and got drunk. On our way home he fell down and I took his watch for safe keeping. I told the Officer I had his watch. The pocket book is my own and the money it contains belongs to me. I was doing the complainant a service in bringing him to a lodging house at the time he fell down in the street.

*His
Henry Muller*

Taken before me this

day of December 188

Edmund J. [Signature]

Police Justice.

0264

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

Henry Muller

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

Dated

Dec 24 188

J. H. 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.

0265

Police Court

1932 District.

THE PEOPLE, &c.,
OF THE COMPLAINANT OF

August Blabum
House of Detention
Henry Muller

1

2

3

4

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated December 11 188

Magistrate.

Officer.

Precinct.

Witnesses William Stute

No. Street.

No. Street.

No. Street.

\$ 300 to answer

& Com

(Complainant sent to House
of Detention in default of
\$100 bail, to appear when wanted)

0266

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

POLICE COURT, DISTRICT.

William Stott
of the *10th Precinct* Street, being duly sworn, deposes and says,
that on the *22nd* day of *December* 188*8*

at the City of New York, in the County of New York, *A Watch & Chain*

was stolen from the possession and person of one August Glaubmann by Henry Miller, in Hester Street. That said August Glaubmann is a material and competent witness for the people in such case and deponent has good reason to believe that said Glaubmann will not appear to prosecute ~~himself~~ *himself* completed as to do by due process of law.

Sworn to before me, this *24th* day of *December* 188*8*

William Stott
Police Justice.

0267

POLICE COURT—3—DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Stuh
August Hanbaum

AFFIDAVIT.
James W. Jones

Dated *Dec 24* 188*8*

Ford Magistrate.

Stuh Officer.

Witness, _____

Disposition *Commit to the*

House of Detention

0268

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Henry Muller

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

Henry Muller

of the CRIME OF GRAND LARCENY IN THE *First* DEGREE, committed
as follows:

The said *Henry Muller*

late of the City of New York, in the County of New York aforesaid, on the
Twenty second day of *December*, in the year of our Lord
one thousand eight hundred and eighty-*six*, at the City and County aforesaid, in the
night time of the same day, with force and arms,

one watch of the value of twelve
dollars, and one watch of the value of
the value of one dollar.

of the goods, chattels, and personal property of one *August Abraham*
on the person of the said *August Abraham*, then and there being
found, from the person of the said *August Abraham*, 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.

Richard B. Smith
District Attorney.

0269

BOX:

246

FOLDER:

2388

DESCRIPTION:

Mulligan, Richard

DATE:

01/10/87



2388

0270

Witnesses:

Frank Odenheimer

#92

Counsel,

Filed

10 day of May 1887

Pleads, Not guilty

THE PEOPLE

vs.

Richard Mulligan

Burglary in the Third Degree.

Section 498. Penal Code.

RANDOLPH B. MARTINE,

Attorney at Law.

Filed & requested

A True Bill.

Chas. D. Richards

Notary

Jan 1887

0271

Police Court—2 District.City and County } ss.:
of New York,of No. 517 - 11th av Street, aged 25 years,occupation Butcher being duly sworndeposes and says, that the premises No 517 - 11th av Street,in the City and County aforesaid, the said being a One storyframe buildingand which was occupied by deponent as a Butcher Shopand in which there was at the time no human being, by namewas BURGLARIOUSLY entered by means of forcibly breakingup panes of glass in thestore windowand entering thesaid storeon the 31 day of Dec 1886 in the night time, and the

following property feloniously taken, stolen, and carried away, viz:

a quantityof Livers, Hearts, & Kidneys andtwo sets of Harness, of thetotalvalue of One hundredand fifty dollars. (\$150.)the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Richard Mulligan(now here)for the reasons following to wit: Deponent left hisshop No 517 - 11th av, at8 o'clock P.M. on the nightof said date; Deponent lockedbolts and effectually closedsaid shop; at about halfpast eight o'clock this a.m.Jan 1st 1887 when Deponentwent to his shop he found

0272

The window broken and the
Defendant lying asleep on
a bed in a rear room of
said Shop, Wherefore Defendant
Charges said Defendant with
Intentionally entering said
Shop and attempting to take
steal, and carry away said
property and says that he
be dealt with as the Law
directs,

Given before me
this 1st day of Jan 1887

J. C. C. C. C. C.

J. M. D. C. C. C.

Police Justice

Police Court District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Degree.

os.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0273

Sec. 108-200.

CITY AND COUNTY
OF NEW YORK,

2 District Police Court.

Richard Mulligan 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.

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 was drunk; the side
door was open, I went
in and threw myself on
the bed and fell asleep
R. Mulligan*

Taken before me this

188

Police Justice.

0274

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 Alfred

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of \$500 Hundred Dollars, — and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Jan 4 188 7 J. M. Patterson 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.

0275

Police Court 2 District 5

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richd. M. Sullivan

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Jan 1st 188*6*

Dated _____ 188*6*

Patterson Magistrate.

Smith Officer.

16 Precinct.

Witnesses _____

No. _____ Street.

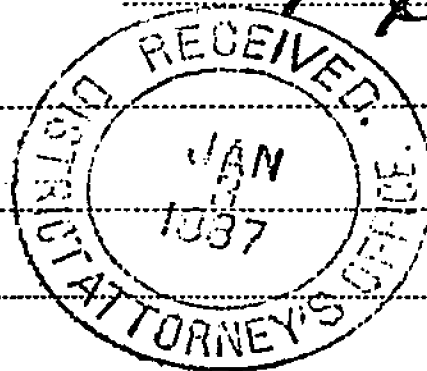
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1000.* to answer *G. S.*

Cmd



0276

Wool Factory,
525 West 38th St.

Office of

Telephone Call,
375--39.

David Shannon,

Wholesale Dealer in Mutton, Lamb & Veal,
611 West 40th Street.

New York,

Jan 11th 1887.

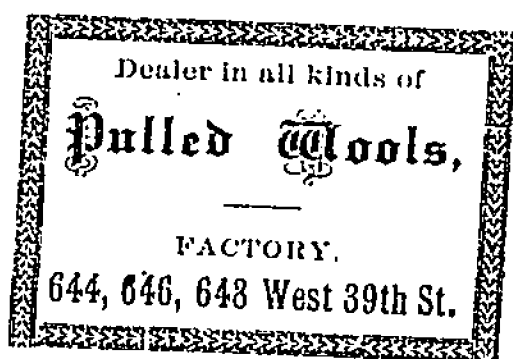
To all whom it may concern

This is to certify
that Richard Mulligan worked
for me twice and each time
left at his own request.

I found him to
be a faithful and capable man,
and would willingly give him
employment at any time

David Shannon

0277



OFFICE OF

John Shea

Wholesale Butcher in

MUTTON, LAMB & VEAL,

644 to 648 WEST 39th STREET,

New York, January 11th 1887

To Whom it may Concern

*This is to Certify, that Richard
McMigaw was in my employ for
a term of twelve or fourteen months,
and during this time I have found
him to be honest and trustworthy*

*John Shea &
Jr*

0278

—OFFICE OF—
PATRICK MCINTYRE,

Wholesale Butcher,

NO. 604 WEST 40TH STREET,

New York January 1886

To whom it may concern.

This is to certify, that I have known
Richard Mullighan for six or seven years,
that he has been in my employ for
two years or over, that he has hand-
led considerable money for me, and
that I have always found him to
be an honorable and trustworthy man.

Your Obedient Servant
Patrick McIntyre

0279

All claims for reduction must be made within 24 hours after delivery of Goods.

New York, 188

No.....



Bought of **P. HALLEY,**
WHOLESALE DEALER IN
MUTTON, LAMB AND VEAL,

606 West 40th St., below 11th Ave.

Honorable Judge

Jan 11th 1887

Dear Sir.

Richard Mulligan

who you have in custody has been in
my employ about 10 months, and I have
always found him trustworthy and honest

It is therefore with pleasure that I commend
him to the consideration of your Honor

Yours Resp Patrick Halley

0280

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard Mulligan

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

Richard Mulligan —

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

The said *Richard Mulligan*,

late of the *Twenty-second* Ward of the City of New York, in the County of New York, aforesaid, on the *thirty-first* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*six*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *shop* of one

Frank Odenheimer, —

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

Frank Odenheimer, —

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.

Handwritten signature

District Attorney.

0281

BOX:

246

FOLDER:

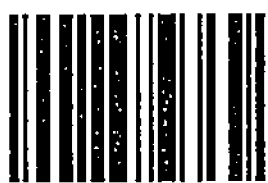
2388

DESCRIPTION:

Mundy, James

DATE:

01/19/87



2388

POOR QUALITY
ORIGINAL

0282

Witnesses:

Maurice Kelly
John A. Sullivan

Counsel,

Filed

19 day of Aug

1887

Pleas,

Citizenship

THE PEOPLE

vs.

James Mundy

July 18/87

Speedy & Delivered

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Chas. B. Belding

Foreman

off for the Term

for motion of

Don't

Call Case off

After one o'clock

POOR QUALITY
ORIGINAL

0283

Second District Court.

No. 1

Page 1 to 100

The People
vs
James & Edward
Mundy

NEW YORK, Dec 15. 1886

BEFORE Mr Justice German
INDEX.

REFEREE.

| WITNESSES. | | Direct-Ex'n. | Cross-Ex'n. |
|-----------------------------|--|--------------|-------------|
| Isaac Metz | | 11 | 13 |
| John Chaplin | | 18 | 20 |
| John L. Sullivan | | 38-60 | 62 |
| Maurice Raff | | 1 | 8. 139 |
| John L. Sullivan | | 38 | |
| Chas A Woodroff | | 86 | |
| Patrick Mundy | | 88 | |
| Mrs Ann Mundy | | 92 | |
| James Mundy | | 95 | 97 |
| | | | |
| | | | |

EDW. B. DICKINSON,

LAW STENOGRAPHER,

Mills Building, 35 Wall Street,

TYPE WRITING OFFICE.

NEW YORK.

0284

JEFFERSON MARKET POLICE COURT.

The People
against
Edward & James Mundy.

BEFORE MR. JUSTICE GORMAN.

Wednesday, December 15, 1886, two oclock P.M.

Appearances of Counsel; For the Plaintiff, Mr. McClellan.

For the defendants, Albert Stickney Esq

MAURICE RAPP, a witness on behalf of the plaintiff; being duly sworn testifies as follows; examined by Mr. McClellan.

Q. How old are you ?

Q. What is your occupation ?

A. Tailor; 702 Broadway, New York.

Q. During the summer of this year was there any burglary committed at your premises ?

A. Three times.

Q. When during the summer ?

A. On the 4th of July, first; on the 15th of August, second; and on the 22nd of August, third.

Q. The last time it was committed in August, 22nd ?

0285

2

A. Yes, sir; all three times on Sunday.

Q. On what premises ?

A. 702 Broadway. Right next door to where they used to live.

Q. You say where they used to live; who do you mean ?

A. The Monday family; Mr. and Mrs. and the two boys.

Q. How was the burglary effected ?

A. I occupied three floor in the building; the second floor I used for business purposes; the third floor I used for dwelling; the other fourth floor for kitchen and bedrooms. On the second floor there is an extension right to the yard where they used to live, I could not say how many feet but easy to reach it. On the 5th of July I discovered the first robbery. Not suspecting any of the neighbors, but thinking that it was done by sneak thieves, not looking at the skylight, and thinking that somebody came in the door; the 5th of July was a holiday and the front door was locked; and that it might be possible when I was inside for a second, that somebody might have come in at the back door; so I went down to the station and reported the same.

Q. Was any property taken from you on that occasion ?

A. Three coats.

Q. On the other occasions what was taken ?

A. On the other occasion it was not on the same floor; they cleared out my wardrobe consisting of my winter overcoat, my wife's

0286

3

silk plush cloak, and a gentleman's coat; a young gentleman who left his overcoat over summer, and I put it in my wardrobe; and my wife's blue cloth jacket, and silk wrap, and opera glass, in the bureau drawer.

Q. What else ?

A. That was all at that time.

Q. How was entry obtained on that occasion ?

A. When I examined it I found a step ladder in their yard leaning against the wall; the ladder was just about a yard, three feet from the extension; from the roof of the extension; about one yard shorter than the height of the extension; when you got up on that step ladder, you got to the roof of my extension, and there is a skylight, and then there are two windows leading to the back rooms where I live; the windows were not fastened only by a little fasten; they were forced open; when they got the window open they got inside and opened the wardrobe.

Q. What was the date of that entry ?

A. The 15th of August; that was the second time.

Q. Had you noticed the fastens on that window before the burglary was committed ?

A. Yes, sir.

Q. How long before did you notice that ?

A. If I noticed what ?

0287

x4

- Q. Had you noticed the window fastens ?
- A. No, I discovered it the day before.
- Q. How long before had you noticed the condition of the window, so as to see whether it was wrong ?
- A. The day I was robbed.
- Q. When was that ?
- A. Half past four, Sunday, the 15th.
- Q. You afterwards examined the window and found that it was closed ?
- A. Yes, sir.
- Q. And you discovered after the larceny that this window had been opened ?
- A. Yes, sir, I found it open. The next Sunday my wife asked me if I closed the windows and I said yes.
- Q. Do I understand you to say that these boys lived next door to you ?
- A. Yes, sir.
- Q. Which one ? The younger and the older ?
- A. Two boys; the younger and the older.
- Q. Have you seen any of your property since ?
- A. Nothing but the opera glass.
- Q. Where did you see the opera glass ?
- A. In a pawn shop I saw it last.
- Q. When was it that you saw it at a pawn shop ?

0288

5

A. About two weeks after the robbery; about a week after the robbery I guess it was.

Q. Did you see the glass in the possession of the pawn broker?

A. Yes, sir.

Q. Did you identify that glass as yours?

A. Yes, sir.

Q. By what means did you identify it?

A. There was one of the screws broken; I bought it as a damaged glass; one side was loose, with a part of the paint scratched off inside. As soon as I saw it, the officer was present, and I unscrewed it on the right hand side, and showed him the screw and told him that there was the mark.

Q. You are sure that it was your property?

A. Yes, sir.

Q. You identified it positively as your property?

A. Yes, sir.

Q. Do you know in whose name that property was pawned?

Objected to as incompetent.

Q. BY MR. STICKNEY. Did you see the entry in the book?

A. I have not.

Q. Who told you anything about it?

A. Officer Sullivan.

Q. Is that all you know about it, what he has told you?

A. The pawn broker told me.

0289

6

Q. Dont state what it was, but all you know was what the pawn broker and the officer told you ?

A. That is all.

Q. Were you present at the time of the arrest of these young men? Were you in company with officer Sullivan ?

A. The last arrest, no, sir.

Q. Were you in company with any officer at any time after the burglary at which you lost this opera glass and other property, when an attempt was made to arrest the two boys ?

A. At one time, I was instructed by the sergeant of my precinct either Mr. Sullivan or the officer that had charge of the case if I saw them first I should take the first man on his beat and ask him to arrest the two boys. About four^xor five or six days after the robbery was done, I stood on the watch, on the instructions of the sergeant that if I saw the boys I should ask the first officer on his beat to arrest the boys; they did not come home for a whole week until about Friday night, at half past twelve in the morning. I stood in a neighbors door, so they should not see me; when I saw them coming in, the two boys, at about half past twelve. They put down a barrel of dirt, and I saw them enter the house; I went to the station house and ask the man there if he was the officer that had charge of it; he told me that he was not in; I went to the place where they told me he went to, but I could not find him

0290

7

It was about one oclock in the morning: I spoke to the officer on my beat; and he said we must go and get another one; he went after another policeman, and they both went to the door. I rapped on the door, and the policeman stood inside so Mr. Monday would not see him. Mr. Monday looked out of the window and said " what do you want ? " I said " come down and open the door and if you come down I will tell you." I believe that the other gentleman who was here came down; I believe it was a brother of Mr. Monday; he came down. He asked me what I wanted to see Mr. Monday's two boys; he said to go up and take them. When I went up the stairs with the two policemen, I was afraid at that hour in the morning in a bad place like that, ... a place that looked like that, and Mr. Monday says " what do you want ? " I says " I did not come for you or your wife; I have been robbed by your two boys, and I want them. I cant afford to lose what I have lost; I saw them come in." He said " go to hell and get them yourself." Those are the very words he used. While the brother kept us down stairs questioning us the two boys escaped through the back yard and broke through a carpenter's shop.

Q. Did you see that ?

A. I saw them go in.

Q. Go in where ?

A. Into the house.

0291

8

Q. That is all that you saw ?

A. Yes, sir.

Q. BY MR. McClellan. You say they broke through a carpenter's shop ?

A. The two policemen watched them

Q. You made search of the premises and did not find them ?

A. Yes, sir.

Q. Whom did you hear say that they broke through that carpenter's shop ?

A. There is a carpenter's shop in the rear of the building where he lived.

Q. As I understand you, you went to these premises and you saw those boys enter the place; you went and told their father that you wanted to arrest them on a charge of robbery; and he told you to go to hell and get them; then you and the officers made a search and could not find them ?

A. Yes, sir.

Q. When was that??

A. That may have been about the 24th or 25th of August; I could not say exactly.

Cross-examination by Mr. Stickney.

Q. On how many different occasions did you miss articles from your house ?

0292

9

- A. Three different occasions.
- Q. What was the date of the first occasion ?
- A. The 4th of July.
- Q. The date of the next ?
- A. The 15th of August.
- Q. The date of the next ?
- A. The 22nd of August.
- Q. What day of the week was the 4th of July ?
- A. All on Sunday.
- Q. July 4th was on Sunday ?
- A. Yes, sir.
- Q. And the 15th and 22nd of August on Sundays ?
- A. Yes, sir.
- Q. What articles did you miss the first time ?
- A. Three coats.
- Q. What articles did you miss the second time ?
- A. My winter overcoat; my wife's silk plush cloak, silk wrap, blue jacket, opera glass and a customer's overcoat.
- Q. What articles did you miss the third time ?
- A. Four overcoats.
- Q. Where did you see the opera glass after you lost it ?
- A. In a pawn shop.
- Q. You saw it there ?
- A. Yes, sir.

0293

10

- Q. You got it ?
- A. Yes, sir. I got it a week ago.
- Q. You say you saw the opera glass two weeks or a week after the robbery, and you went and got it a week ago ?
- A. Yes, I left it there until we reached him; when I saw it comes to nothing, I said I might get the opera glass at any rate.
- Q. When was the last arrest ?
- A. That I know of was last night.
- Q. That is the only one you know of ?
- A. Yes; the one when I tried to arrest them myself they escaped.

Further hearing adjourned to Thursday, December
16, 1886, at two o'clock . P.M.

Hearing of Thursday, December 16, 1886, two oclock P.M.

PRESENT. MR. JUSTICE GORMAN.

Appearances of Counsel : For the Plaintiff, Mr. McClellan.

For the defendants, Mr. Stickney.

I S A A C M E T Z, called on behalf of the plaintiff; being duly sworn testifies as follows: Examined by Mr. McClellan

Q. What is your name ?

A. Isaac Metz.

Q. Where do you reside ?

A. 76 East 7 th street.

Q. What is your business ?

A. Clerk.

Q. What is your age ?

A. 27 years.

Q. In August of this year where were you employed ?

A. At Charles Schlang, 360 Bowery.

Q. What is the business ?

A. Pawn broker.

Q. Have you the record of pledges of August, 1886, here ?

A. Yes, sir.

Q. Please produce it ?

A. (The witness does so.)

Q. What is that that you have there ?

A. The pledge book.

Q.

0295

12

Q. What does that book contain ?

A. Articles pawned, names addresses and amounts.

Q. I believe that you are compelled by law to keep the name of the pawner, the person who pawns the article, and the address?

A. Exactly.

Q. Under the date of August 15, or 16th 1886, do you find any pledge there for an opera glass ?

A. Yes, sir.

Q. Be kind enough to read the entry ?

A. August 16, 1886; Mundy, (pawned under the name of Mundy) 704 Broadway, opera glass, \$1.62.

Q. Was that opera glass subsequently redeemed ?

A. Yes, sir.

Q. By whom was it taken from pawn ?

A. By the owner as I believe.

Q. By whom ?

A. This gentleman here.

Q. Mr. Rapf ?

A. Yes, sir.

Q. This glass this gentleman identified as his property ?

A. Yes, sir.

Q. It was pawned under the name of Mundy ?

A. Yes, sir.

Q. 704 Broadway ?

A. Yes, sir.

- Q. Of course you are not able to identify any person who pledged them ?
- A. I could not swear; it is a hard matter to do so.
- Q. Cross examination by Mr. Stickney.
- Q. Is that entry made in your handwriting ?
- A. Yes, sir.
- Q. That means that you are the person who received the article from the person who brought it ?
- A. yes, sir.
- Q. You made the entry at the time ?
- A. Exactly.
- Q. In the ordinary course of business ?
- A. Yes, sir.
- Q. All that you know is that some one gave you the name of Mundy and gave that address ?
- A. Yes, sir; 704 Broadway.
- Q. Who it was that gave the name you have no recollection ?
- A. No, sir.
- Q. You don't know whether it was a man, woman, or child ?
- A. I don't really know.
- Q. You haven't the slightest recollection ?
- A. No, sir; I looked over the book and I see 75 different customers on that day.

- Q. It is impossible for you to have any recollection whatever as to who the parties were ?
- A. Yes, sir. I have not the slightest recollection who they were.
- Q. You have had your attention called to it, Haven't you ?
- A. Yes, sir.
- Q. As to whether you had any recollection as to who that person was ?
- A. yes, sir.
- Q. You have thought it over ?
- A. Yes, sir; I could not give the slightest idea.
- Q. You have not the slightest idea whether it was a man, woman or child ?
- A. No, sir; I have not the slightest.
- Q. All you know is that somebody gave that name and address ?
- A. Yes, sir.
- Q. How is it spelled there ?
- A. It is spelled M u n d y ; that is the way it is spelled here.
- Q. Will you please read so that the stenographer can take it the entire entry; just as it is writted there; give the date ?
- A. Monday, August 16, 1886, number of pledge 47,199; pawners name Mundy.
- Q. That is the name given you ?
- A. yes, sir.
- Q. Read it right across ?
- A. 704 Broadway, opera glass, \$1.62.

- Q. What does \$1.62. mean ?
- A. The money got on the article.
- Q. Do you remember the face of the person to whom you gave that opera glass?
- A. This gentleman here, Mr. Rapf.
- Q. Do you remember speaking to me in the other room, or in this room, about who the person was to whom you gave the pledge.
- A. No, sir.
- Q. Didn't you mention officer Sullivan's name ?
- A. I might have made that remark, I believe; I would not say positively whether I did or not.
- Q. Did you not name him ? Isn't that your present recollection ?
- A. I think I did.
- Q. If you did make that remark you intended to tell the fact exactly ?
- A. Exactly; the officer came there with Mr. Rapf ; I believe he did.
- Q. At any rate officer Sullivan came there ?
- A. Yes, sir.
- Q. On what day was that ?
- A. November 20th 1886.
- Q. You remember officer Sullivan ?
- A. Yes, sir.
- Q. And you had to ask him just now whether this Mr. Rapf came with

0299

16

him ?

A. I asked him just now ?

Q. Yes ?

A. I didn't ask him that.

Q. When had any one first come to make any enquiry of you about the opera glass ?

A. That is something I dont recollect.

Q. Have you no recollection on that point ?

A. No, sir; I haven't.

Q. Can you tell who the person was who first made any enquiry about this glass ?

A. I cant say that I could.

Q. Have you any recollection at all ?

A. I cant say that I have.

Q. Was it officer Sullivan ?

A. I cant say.

Q. Did he come sometime after he took the glass and make some enquiry about it ?

A. He may; I wasn't there at the time.

Q. When was the first time you saw officer Sullivan in connection with this glass ?

A. That is something I cant recollect either.

Q. You had seen him before you finally gave it to him ?

A. All I know is that officer Sullivan came with Rapf, I believe;

0300

17

I recollect well the day it was stopped; that I recollect.

Q. That was sometime before you gave it to him ?

A. Yes, sometime.

Q. How long before ?

A. It may have been two or three weeks.

Q. It was some time before you gave it up ?

A. Yes, sir; we had it printed on the ticket, " stopped by officer Sullivan."

Q. Where is that ticket ?

A. It is destroyed; It is a little small slip; we dont keep them.

Q. It was stopped by officer Sullivan, you remember ?

A. Yes, sir.

Q. In whose handwriting was that ?

A. My handwriting.

Q. So you know that officer Sullivan came in and stopped it ?

A. Yes, sir, he had the article stopped from the one that came to pledge it.

Q. Cant you remember at all who there was that spoke to you about this glass before this time ?

A. No, sir.

Q. You haven't the slightest recollection ?

A. I haven't.

Q. Have you had any talk with your employer about it ?

A. No, sir.

Q. Not in any case, at any time?

A. No, sir.

Q. Have you given your entire knowledge and recollection about the whole matter?

A. Yes, sir.

Q. Everything of every kind and description?

A. Yes, sir, everything that I know of.

JOHN CHAPLIN, called on behalf of the plaintiff;
being duly sworn testifies as follows; examined by Mr. McClellan

Q. Where do you reside?

A. 154 east 23rd street.

Q. What is your business?

A. Brass filer.

Q. How old are you?

A. Twenty one.

Q. Do you know the boy Mundy?

A. Yes, sir.

Q. Will you indicate which one you know, or if you know both?

A. I know both of them.

Q. Where are they?

A. (The witness points them out.)

Q. Be certain about it; which two are they?

0302

19

- A. Those two boys sitting alongside the lady.
- Q. Did you know them prior to August last ?
- A. Yes, sir.
- Q. You know them well ?
- A. Yes, sir.
- Q. Did you have any conversation with either of them in reference to pledging any property ?
- A. Yes, sir.
- Q. State which one that was ?
- A. The little one.
- Q. What is his first name ?
- A. I dont know his first name.
- Q. The smaller one of the two will stand up; (the boy does so.)
was that the one ?
- A. Yes, sir.
- Q. TO THE DEFENDANT? What is your name ?
- A. James Mundy.
- Q. TO THE WITNESS. You had a conversation with him in August of this year ?
- A. Yes, sir.
- Q. Where was that conversation had ?
- A. On the corner of Fourth street and the Bowery.
- Q. State the conversation ?
- A. I was standing there some part of August, I dont exactly know

what date it was, but the little boy came along and he got in conversation with another young man, and I stood there, and I got in conversation with him, and I asked him where he was going; he said that his brother sent him round to pawn an opera glass; a pair of opera glasses. I didn't see the opera glass, and I did not see where he pawned them.

Q. That was in August that he said his brother sent him round to pawn a pair of opera glasses?

A. Yes, sir.

Q. That was August last?

A. Yes, sir; I don't know the date.

Q. Do you know where the boy lived?

A. The last place was in Great Jones street, if I remember right.

Q. Do you know where they lived in August last?

A. Broadway, Broadway.

Cross-examination by Mr. Stickney.

Q. You say that you don't know the first name of either of the boys?

A. I don't know their first names.

Q. Do you don't know their first names now?

A. Now I do.

Q. Since you have heard him tell it?

A. I knew his last name; I called him Mundy.

0304

21

Q. Until you saw him stand up and heard him give his name, you did not know the first name of either of them?

A. No, sir.

Q. This is the first time that you knew the first name of either of them?

A. Yes, sir.

Q. When one of them stood up here in court?

A. Yes, sir.

Q. Where did you say it was that you saw this boy and had the conversation?

A. Fourth street and the Bowery.

Q. With some other young man, you say?

A. Yes, sir.

Q. Who was he?

Q. Was he any one you had known before?

A. No, sir.

Q. No one you have seen since?

A. No, sir.

Q. Have you any means of finding out who it was?

A. I haven't.

Q. You joined in the conversation?

A. I was talking with the little Mundy boy, and I did not know

the other young man at all.

Q. You joined in the conversation ?

A. Yes, sir.

Q. He was talking with the other young man when you came up ?

A. yes, sir.

Q. Then you joined in the conversation ?

Q. I stood there just where they were standing; as I knew the little boy.

Q. Do you remember any of the conversation but the part that you have given us here ?

A. Yes.

Q. There was nothing said about this matter of the opera glass except what you have given ?

A. No, sir, that is all.

Q. That is all that you heard said about the opera glass ? What have you told us now ?

A. That is all.

Q. Will you give us the whole conversation about the operaglass; just what you said and what he said ?

A. I asked him where he was going, as I knew him. I spoke to him; he said that his brother sent him round to pawn a pair of opera glasses; I did not ask him what they were or where he was going to pawn them; that is all I heard.

Q. That is all you heard ?

A. Yes, sir.

- Q. That is all you heard and all you saw ?
- A. Yes, sir.
- Q. That is all you know about it ?
- A. Yes, sir.
- Q. Did you ask him any question about it ?
- A. No, sir, I did not.
- Q. Had you asked him no question when he gave you that bit of information ?
- A. No, sir.
- Q. He volunteered it ?
- A. Yes, sir.
- Q. Do you understand my question ? That is, without having put any question at all, he told you he was going to pawn the opera glass ?
- A. I dont know where it was done, I did not see him and dont know anything about it.
- Q. BY THE COURT. Didn't you ask him where he was going ?
- A. Yes, sir; I asked him where he was going, and he told me; that is all.
- Q. BY MR. STICKNEY. What time of the day was this ?
- A. I think it was some part of the day,... it is so long ago that I have no recollection of it; I think it was between ten and four; I cant recollect, it is so long ago.
- Q. That is as near as you can fix it ?

0307

24

- A. Yes, sir.
- Q. Can you tell us what you were doing yourself?
- A. I was standing there; I was out of a position; I went to work at Coney Island the next month afterwards.
- Q. You can't tell where you were going or what you were doing?
- A. I was just standing there?
- A. Simply standing still?
- A. Yes, sir.
- Q. You have given me the conversation, every word as far as you can remember it?
- A. Yes, sir.
- Q. Think it over; is there anything else you can recall?
- A. No, sir.
- Q. Are you employed anywhere now?
- Q. With whom?
- A. With my brother-in-law; 154 east 23rd street.
- Q. What is his name?
- A. G. L. Blake.
- Q. Where do you live?
- A. At the same residence where he has his business.
- Q. You live with him in his family?
- A. Yes, sir.
- Q. He married your sister?

0308

25

- A. Yes, sir.
- Q. How long have you been in his employ ?
- A. I have been there since November last.
- Q. Whose employ were you in before then ?
- A. At Coney Island; Manhattan Beach hotel.
- Q. Who was the proprietor of that?
- A. J. Pollack.
- Q. How long were you in his employ ?
- A. A month and a half.
- Q. In whose employ were you after that ?
- A. I was peddling.
- Q. Where were you peddling ?
- A. I sold cutlery; I bought my stuff at Charles Broadway Rouse,
corner of Broadway and Grand street; buy it for so much money
and sold it for so much more.
- Q. What was his name ?
- A. Rouse; Charles Broadway Rouse.
- Q. Is that the man's name ?
- A. Yes, sir, the man's name; the owner of the property.
- Q. What is his place of business ?
- A. Grand street and Broadway.
- Q. On the corner ?
- A. Yes, sir; I go there still sometimes now.

Q. Which corner is it on ?

A. On the north east corner.

Q. How long were you in that business, peddling ?

A. When I would be out of a position I would go and buy this stuff, and then sell it, when I would be out of a position just to earn an honest living.

Q. Were you in any business at all, peddling or any other business, in the month of August ?

A. No, sir, I wasn't; I wasn't doing anything.

Q. How long was it before that that you had been in any regular situation ?

A. I was peddling before the summer four months; before that I worked for the United States Ventilating company for some months; 60 east Fourth street.

Q. For how long ?

A. I could not tell you that; it was some months, six or seven I think; I got laid off; they had no more work.

Q. How long have you known the Mundy boys ?

A. For about nine or ten months.

Q. You mean nine or ten months ago ?

A. From that time until now.

Q. Nine or ten months ago it was when you first knew them ?

A. Yes, sir; I had seen them before that time; but I never spoke to them before that time.

03 10

27

Q. How many times have you spoken to them ?

A. Often; quite often.

Q. The only acquaintance you have had with them has been in the last nine or ten months ?

A. That is it.

Q. Have you had any difficulty with either of them ?

A. No, sir.

Q. Have you ever been arrested ?

A. Yes, sir.

Q. How many times ?

A. Twice.

Q. When was the last time ?

A. By officer Sullivan.

Q. When was the last time ?

Q. For what ?

A. For grand larceny.

Q. Were you tried ?

A. Yes, sir.

Q. Convicted ?

A. No, sir; the man said I was the wrong man and I got discharged

Q. When were you arrested before that ?

A. Officer Sullivan had me arrested first; then I was arrested after that.

- Q. Did he arrest you both times ?
- A. No, sir; I got arrested for fighting; street fighting, some boys.
- Q. When was that ?
- A. That was quite a little while ago; I got right out then; it wasn't two hours.
- Q. Those are the only times ?
- Q. When you were arrested on the charge of grand larceny, where was the complaint made against you ?
- A. The complaint ?
- Q. Yes, in what court ?
- A. Jefferson Market court; right here.
- Q. What name did you give ?
- A. My right name.
- Q. Where were you tried ?
- A. I got acquitted here; I was remanded; I went to the station house; I was arrested Sunday and I was remanded, and then I got discharged; the man was here to identify me; they all came and the man said I was the wrong man; and I got acquitted.
- Q. Before what judge ?
- A. Before Judge Duffy.
- Q. Have you ever heard the name of the Home Gang ?
- A. I don't know any such name.
- Q. You have never heard the name of it ?

03 12

29

A. No, sir.

Q. In the part of the city where you live do you know the name of any gang of boys ?

A. No, sir, I don't go with any gang.

Q. Have you ever been in jail except these times you spoke of ?

A. No, sir.

Q. Have you not been arrested for stealing or for some offence of that sort more than these two times you have spoken of ?

A. No, sir.

Q. You never have served any term ?

A. No, sir.

Q. Did you ever hear the name of Gander ? Did you ever hear it ?

A. Yes, sir.

Q. Do you know any one of that name ?

A. Yes, sir.

Q. Who is he ?

A. A young friend of mine, by the name of Edward Gander.

Q. Where does he live ?

A. 139 east 8th street.

Q. He is a friend of yours ?

A. Yes, sir; his father keeps a lager beer saloon.

Q. Did he serve a term ?

A. Yes, sir, thirty days.

Q. Are you sure you did not give that name ?

0313

30

- A. No, sir, I never gave the name of Gander.
- Q. You never served under that name?
- A. No, sir, I never served any time, or anything.
- Q. Did you tell anybody of this conversation with Mundy?
- A. No,.... yes, sir.
- Q. What made you say no?
- A. I didn't hear you; I didn't understand you.
- Q. You heard me well enough to answer me?
- A. I didn't understand you.
- Q. What made you say no?
- A. I thought you meant to tell anybody at the time; I didn't think it was the matter it is now.
- Q. I didn't ask that did I?
- A. No, sir.
- Q. From whom was it that you told?
- A. I told officer Sullivan.
- Q. When did you tell him that?
- A. I told him that I think it was October, if I am not mistaken, when I came from Coney Island.
- Q. Did you go and find him?
- A. No, sir.
- Q. How did you happen to meet him?
- A. He came to me.
- Q. What did he say?

A. He heard through another boy, who that other boy was I dont know who he was; he heard through him that I knew about it; how ever it came to reach him I dont know, that is his own business; he came to me and threatened to arrest me.

Q. What did he say to you ?

A. He asked me " you tell me about that now or I will fix you;" so I told the gentleman what I knew.

Q. About what ?

A. About that opera glass.

Q. Give your words ?

A. He says to me " you tell me about those opera glasses or I will fix you;" that is all he says.

Q. Had he ever spoken to you about the opera glasses before ?

A. No, sir.

Q. Did he ever speak to him ?

A. No, sir.

Q. The first thing he said was " you tell me about the opera glasses or I will fix you " ?

A. Yes, sir.

Q. What did you understand him to mean ?

A. I dont know.

Q. You haven't the slightest idea ?

A. No, sir.

Q. You knew he was a policeman ?

03 15

82

- A. Yes, sir, I knew he was a policeman, he arrested me.
- Q. Didn't you have some idea of what he meant by saying that he would fix you ?
- A. No, sir, I could not look into it as to what the sentence meant; there were three or four different ways he could fix me by hurting me or doing something different. I told him I did not want to get into no trouble at the time; for I had a position at the time working and I didn't want to get into no trouble, so I told him.
- Q. Where was it that he came to you and said this ?
- A. On Broadway and Washington Place.
- Q. At the corner of Broadway and Washington Place ?
- A. yes, sir, Washington Place or Waverly Place. I cant say which.
- Q. When was this ?
- A. In October .
- Q. How do you fix it in October ?
- A. Because I came back to the city some part of October.
- Q. Do you know what day of the week it was ?
- A. No, sir.
- Q. What time of the day was it ?
- A. In the evening.
- Q. What was there on the corner ? Was there a bier saloon of anything of that kind ?
- A. No, sir.

Q. Where were you ?

A. At Broadway, corner of Washington Place or Waverly place; I
sant say which block it was.

Q. You were on the sidewalk ?

A. yes, sir, on the sidewalk.

Q. How did he happen to find you there ?

A. He came across me there.

Q. Then what did you tell him ?

A. I told him what I have said here.

Q. Give me your words as near as you can.

Q. He came to me and told me I should tell him about them glasses
or he would fix me; and I told him.

Q. What did you say ?

A. I said I was standing on the corner of Fourth street and the
lower end the younger boy Mundy and another boy had a conver-
sation there and I was there and joined in; and I asked him
where he was going and he said his brother sent him round with
a pair of opera glasses to pawn.

Q. Was that the whole of the conversation ?

A. That is all.

Q. How many times has officer Sullivan seen you since ?
but

A. I dont believe he has seen me ^{once} since.

Q. When was this time ?

A. That is the time he told me to come over to court.

Q. When was that ?

A. The other evening.?

Q. What evening ?

A. Day before yesterday.

Q. Where did he find you then ?

A. On the corner of Greene and West Third street; I go down to see friends every evening.

Q. What did he say to you then ?

A. He stopped me and asked me if I would come to court and testify; if I would not he would have to haul me up; whereupon I told him I would. He threatened,.....

Q. Had you ever seen Mr. Rapf here before ?

A. No, sir, I never saw him before.

Q. Did officer Sullivan tell you what opera glasses they were ?

A. No, sir. I knew nothing about that opera glass at all; all I know is what he came to me and said what I have related here.

Q. He said that if you did not tell about these opera glasses he would fix you ?

A. Yes, sir.

Q. He never had mentioned any opera glasses before ?

A. No, sir.

Q. You never had had any conversation with him before ?

A. Yes, sir.

Q. When ?

0318

35

A. Often.

Q. About this matter ?

A. No, sir, nothing at all.

Q. You say you have had conversations with him often ?

A. Yes, he knows me; he knows my mother and my family.

Q. He arrested you once before ?

A. Didn't you talk with Mr. Rapf in the court house here, yesterday ?

A. No, sir.

Q. Not a word ?

A. A few words.

Q. Why did you say you had no conversation with him ?

A. Not to any purpose as to this business.

Q. I asked you if you had any conversation with him; why did you say ---

A. I only said good afternoon.

Q. Why did you say you had had no conversation with him ?

A. I had no conversation; he said good afternoon, as you would say to anybody.

Q. Wont you give me everything that you said to him and he said to you ?

A. That was all; I was sitting on a bench and he was sitting beside me; and he says " good afternoon; how do you feel this afternoon; " I says, " very well." Just then he got called

up to come in here; I followed him; that was all that was said

Q. Do you remember saying to him " all right, I will do it " ?

A. No, sir, I never said no such a thing as that.

Q. Have you had at any time any conversation about this case with Mr. Rapf ?

A. Yes, sir, outside the court, yesterday afternoon.

Q. What was that conversation ?

A. He asked me what I related about Mundy and the opera glasses. That is all he asked me.

Q. When was that ?

A. Yesterday afternoon; yesterday evening.

Q. What time in the evening ?

A. When we got out; about half past four.

Q. Had you had any conversation with him before that ?

A. No, sir.

Q. Not a word of any sort ?

A. No, sir.

Q. Do you say here that you saw the complainant Mr. Rapf ?

A. Yes, sir.

Q. You say that you had some conversation about this case yesterday afternoon after you left the court room ?

A. Yes, sir, when we left.

Q. You never had any before ?

A. Yes, sir, he said good afternoon.

- Q. You did not say anything about the opera glasses then ?
- A. No, sir, I didn't.
- Q. Not a word ?
- A. No, sir.
- Q. You never had said a word to him on any occasion or in any shape about the opera glasses until you left the court room yesterday afternoon at half past four ? Is that true ?
- A. Yes, sir, that is true.
- Q. Didn't you hear this read yesterday "Mr. Rapf being sworn testified under oath that you had informed him",... this is Mr. Rapf's affidavit: "that the plaintiff has been informed by John Chaplin,"... that is you ?
- A. Yes, sir.
- Q. "Has been informed by John Chaplin 154 west 23rd street, that on the above date he met James Mundy, the defendant, at the corner of Fourth street and the Bowery, and that the said James Mundy informed him that he had a pair of opera glasses that his brother had sent him to pawn." You heard that affidavit read ?
- A. Yes, sir.
- Q. You now state that you never told him a word of any sort ?
- A. No, sir, I did not.
- Q. BY THE COURT. Do you mean to say that until yesterday afternoon, you had no conversation with Mr. Rapf of any sort ?

A? No, sir, I never had.

Q You never did ?

A. No, sir, I never did.

JOHN L. SULLIVAN, called on behalf of the plaintiff; having been already sworn, testifies as follows; examined by Mr. McClellan.

Q. Did you go to the pawn shop of Mr. Schlang in company with Mr. Rapf ?

A. I did.

Q. Where is that pawn shop ?

A. 360 Bowery.

Q. Near what street ?

A. The second door from the corner of Fourth street.

Q. Did you at any time have any conversation with Mr. Rapf, upon the subject of the testimony of this young man ?

A. I did.

Q. When was that ?

A. The night the arrest was made.

Defendants' counsel asks that the cross-examination of the witness Rapf may be continued before the testimony of officer Sullivan is continued. This motion was granted.

0322

39

MAURICE RAPP, cross examination continued by Mr. Stickney; testifies as follows;

- Q. You say that the first time you missed any articles from your place was on the 4th or 5th of July, 1886 ?
- A. The 4th day of July.
- Q. That was what day of the week ?
- A. Sunday.
- Q. What were the articles that you then missed ?
- A. Three coats.
- Q. Did you take any steps to find out what had become of them ?
- A. None, but to report to the station house.
- Q. Did you take any steps to ascertain how they had been taken from your house ?
- A. No, sir.
- Q. To whom did you make the report to the station house ?
- A. To the sergeant at the desk.
- Q. On what day ?
- A. On Monday, the 5th of July.
- Q. And then you say the next time you missed any articles was on the 15th of August ?
- A. On the 16th I missed them.
- Q. That was what day of the week ?
- A. On Monday.
- Q. At what time of the day did you miss any of them ?

0323

40

A. About eleven oclock.

Q. Some of the articles belonged to your wife ?

A. To my wife, to myself, and one coat of a customer.

Q. How did you happen first to notice that anything was gone ?

A. Going through the wardrobe.

Q. Who made that examination ?

A. My wife.

Q. She called the matter to your attention ?

A. yes, sir.

Q. She was the first person who noticed that anything was missing at that time ?

A. yes, sir.

Q. Did you then take any steps to ascertain how the articles had disappeared ?

A. I did.

Q. What did you do ?

A. Asked the girl about the clothes; and the workmen down in the shop.

Q. What else ?

A. Go over to the station house and report it again.

Q. you made no personal examination yourself ?

A. No, sir.

Q. All you did was to make a report at the station house, and to make enquiries of your servants ?

0324

41

- A: yes.
- Q. Nothing else in any shape ?
- A. No, sir.
- Q. You made no examination of the premises, outside or in ?
- A. No, sir.
- Q. When did you miss the next articles ?
- A. I missed them on the 23rd.
- Q. The 23rd was what day of the week ?
- A. Monday.
- Q. Did you then take any steps to ascertain how the house had been entered ?
- A. I did.
- Q. What did you do then ?
- A. I went up on the roof to see how it was done; knowing it was done from the inside and not from the outside; going on the roof of the extension and discovering a piece of wood laying there where the skylight rested on, was not as usually done when we put up the skylight for to air the house; and looking over to the next yard and seeing there a step ladder, just as if put there for that purpose; going into the next house, knowing who occupied the upper part, knowing there was a picture store at the lower floor, and that there were offices on the second floor, and I made enquiries who occupied the upper part of the house.

0325

42

Q. That building was occupied by a good many parties ?

A. By two parties.

Q. One floor by a picture dealer ?

A. Yes, sir.

Q. What part of the building did he occupy ?

A. The basement.

Q. Then Mr. Mundy lived in the upper part ?

A. In the attic.

Q. Was there any other person in any other portion of the premises ?

A. A lad who rented it to Mr. Mundy.

Q. You saw this step ladder resting against your building ?

A. Yes, sir.

Q. Was that all you noticed ?

A. That is all I noticed.

Q. Everything ?

A. Yes, sir.

Q. When did you make your report of that to the police office ?

A. The 23rd; a day or two later; I guess the same day.

Q. What report did you make to the police office on the 16th ?

A. All that was missing.

Q. Is that all ?

A. Yes, sir.

Q. You didn't say anything as to how you suspected the theft had

0326

43.

occurred ?

A. On the 16th I dont believe I did.

Q. You did not know on the 16th ?

A. I dont believe I did.

Q. You said you had made no examination on the second time ?

A. I would have to recall my memory.

Q. But you have already said so ?

A. It is six months, and I thought the thing was stopped because these people were away, and I never expected to see them again. It only entered my mind a night or two ago, when he says "the boys are here, will you arrest and prosecute them;" I said of course I will.

Q. I asked you several times whether you made any examination the second time ?

A. I dont know whether it was the 16th or the 22nd.

Q. You dont know which it was ?

A. I could not tell whether it was the second time or the third time.

Q. Had you ever had any communication with the Mundy family ?

A. No, sir, except once.

Q. When was that ?

A. On the advice of officer Sullivan and after finding the ladder in the yard, he advised me to make some excuse to get up in the house, and have a look through to see if I could find any-

0327

44

thing belonging to me. I came to the conclusion that the best excuse I could give was that I lost a canary bird; that was the first time I ever saw the family all together, in the part they occupied.

Q. BY MR. McCLELLAN. When was that ?

A. The 24th or 25th of August.

Q. What number was that ?

A. 704 Broadway.

Q. BY MR. STICKNEY. Had you lost a canary bird ?

A. No, sir.

Q. You told what was not true ?

A. Yes, sir, what was not true.

Q. You did that on the suggestion of officer Sullivan ?

A. Yes, sir.

Q. Wont you give the words of what Sullivan told you to do ?

A. To look round and see if I could not see anything that belonged to me.

Q. What did you say to him that led him to give you that advice ?

A. I said I suspected those people; he said he could not do anything until we found something to point to them; I was to make some excuse and see if I could find anything belonging to me.

Q. Did you find anything ?

A. No, when I looked at the people I was glad to get out.

Q. Was that the first time you spoke to officer Sullivan ?

A. I had spoken to him before; it was the second time I think.

0328

45

Q. When was the first time that you spoke to him ?

A. When I reported to the station house was the first time.

Q. What was the conversation you had ?

A. I told him what I had missed; that was all.

Q. What did he say to you ?

A. He said he would try and hunt it up for me.

Q. That is all ?

A. Yes, sir.

Q. The second conversation was the one you have given; was that after the first, second or last occasion ?

A. After the third.

Q. You told him then that you suspected these people and he told you to make this misrepresentation and try to make an examination of the house, and see if you found anything ?

A. Yes, sir.

Q. You told him you would do it ?

A. I told him I would do it, and I would; I did it.

Q. That was after the third loss ?

A. After the third loss.

Q. What reason did you give him for suspecting these people ?

A. The reason that I found the step ladder in the yard where they lived; the behaviour of the people, from the lady who rented the room; they had notice to leave; that she had no confidence in the people and she had given them notice to leave a month

0329

46

after they moved in. That I reported to Officer Sullivan.

Q. That was the entire ground you had for suspecting that one of the family had robbed your premises?

A. Yes, sir.

Q. That was all?

A. Yes, sir.

Q. Then you went on and made the examination; who went with you, the officer?

A. I had nothing to do with the officer; I left it to him; that is why it took six months.

Q. You didn't leave it to him to go up in the house?

A. No, sir, that I did myself.

Q. When did you next see officer Sullivan about it?

A. The next I saw officer Sullivan was after I had searched through the house and they escaped through the carpenter's shop; they broke a window in the carpenter's shop.

Q. When was that?

A. I will tell you; when I met him after we searched the house; they escaped through the rear building; the next morning, the day I could not tell you what day it was, but the next morning I went to the station house, and told that to Mr. Sullivan; and he said "if you had waited one day longer and given me a chance I would have done it better."

Q. How long ago was that?

0330

47

A. It was round about the 27th or 28th of August; two or three days before they moved; they moved on the first following; it was two or three days before they moved.

Q. The first of September ?

A. The first of September, yes; they moved then.

Q. It was a few days before then that you went there into the house ?

A. Yes, sir.

Q. With an officer ?

A. On the morning it was.

Q. With an officer ?

A. With two officers.

Q. You were examined about that; you said that you knew of your knowledge; that you went in there and did not find the boys.

Q. Yes; that is all I knew and that is all I testify now.

Q. Do you know where the family moved to ?

A. I do.

Q. From that time down to the month of December, 1886, they have been living in Great Jones street; you knew that ?

A. Yes, sir; I have sent my boy for the express wagon that took their things away and found out where they were living.

Q. And somehow or other it happens that there has been no attempt to arrest them until night before last ?

A. There has been an attempt.

Q. By you ?

A. Not by me.

Q. You dont know anything about it. ?

A. Yes, sir.

Q. Was it under your observation ?

A. I have two errand boys, and I have instructed them to go through Great Jones street when they had an errand on the Bowery.

Plaintiffs counsel objects to this whole cross-examination as having been already gone into.

Q. You testified yesterday that you went down to the pawn shop and saw the opera glasses; about what time was that ?

A. About two weeks after the robbery; within a few days, later or sooner.

Q. How did you happen to go there ?

A. I was informed by Mr. Sullivan; he asked me if I missed the opera glass; at that time I hadn't discovered the opera glass was gone. I asked my wife to look for the opera glass; and the opera glass was gone too; then I go down and tell him; I told him the opera glass was gone too.

Q. You had not missed them at that time ?

A. No, sir, an opera glass is not an article that I use in the summer.

Q. He called it to your attention.?

0332

49

A. He called it to my attention, yes, sir.

Q. Then you went with him to the pawn broker's ?

A. Yes, sir, to identify it.?

Q. Who was it that you saw there ?

A. The clerk that was here this afternoon.

Q. What took place ?

A. The officer asked him if there was an opera glass pawned on the 16th day of August, and if I could identify it: I told him the marks before I went there.

Q. You identified it ?

A. Yes, sir.

Q. Is that all substantially that took place then ?

A. That is all that took place then.

Q. You have stated that these two boys, at the time you made your first attempt to arrest them, did not come home for a whole week ?

A. I have not seen them come home; I watched them until one o'clock.

Q. Let me read you your exact words from the minutes: " about four or five or six days after the robbery was done I stood on the watch, on the instruction of the sergeant that if I saw the boys I was to ask the first officer on his beat to arrest the boys. They did not come home for a whole week until about Friday night. "

0333

50

- A. yes, sir.
- Q. You testified to that ?
- A. I testified that they did not come home while I was watching them.
- Q. You did not say so.?
- A. I am not a member of the bar and I cannot speak every word to the point.
- Q. You dont know whether they came home or not ?
- A. I watched until twelve oclock every night; and Friday night I watched until half past twelve, and then I saw them come home.
- Q. Did you watch for them in the day time ?
- A. No, sir.
- Q. You have some business matters besides to attend to ?
- A. yes, sir.
- Q. And you have some matters besides business matters requiring your attention ?
- A. Yes, sir.
- Q. The fact that you did not see them come home is all that you have on which you made that statement ?
- A. yes, sir.
- Q. That is the whole of it ?
- A. yes, sir.
- Q. Having nothing more than that you stated that these boys did

0334

51

not come home for a whole week ?

A. Until twelve oclock that I watched for them.

Q. You did not say that; you said until Friday night ?

A. I correct that now.

Q. This attempt that you say you made to search their house,
were there officers with you then ?

A. Yes, sir.

Q. More than one ?

A. Two.

Q. Who were they ?

A. Officers on the boat on Broadway and Fourth street.

Q. Do you know their names ?

A. One name.

Q. What is his name ?

A. Brooks.

Q. Did you go into the apartments of the Mundy's ?

A. Yes, sir.

Q. Did the officers go there with you ?

A. yes, sir.

Q. Whom did you see there ?

A. The family sitting there; and one more gentleman that was here
yesterday.

Q. Did they offer any violence to you ?

A. They did.

Q. Which one of them ?

A. This man Mundy, here.

Q. What did he say ?

A. He took hold of things laying around and wanted to fight me outside; I told the officers,.....

Q. You were inside ?

A. He asked me what I had a right to come in for; I told him I came in for the boys; he used his profane language,.....

Q. You said yesterday that you considered yourself in danger, or something of that sort ?

A. I did.

Q. You were with two policemen ?

A. yes, sir. The policeman stood between me and the man.

Q. You considered yourself to be in danger from this man and his wife ?

A. Yes, I did; this man, his wife and two boys, and another gentleman, the one who was here yesterday; he was very much intoxicated.

Q. Do you know his name ?

A. I dont know; I heard that it was his brother.

Q. Were the policemen in uniform ?

A. They were.

Q. It was because you thought you were in danger that you wanted to get out; is that it ?

0336

53

A. I got out when I did not find the boys; I wasn't going to sleep there.

Q. You said yesterday that you wanted to get out because you thought you were in danger ?

A. I wanted to get out because I could not find the boys.

Q. Didn't you say you wanted to get out because you thought you were in danger ?

A. I said so, yes.

Q. You say the boys were there ?

A. The boys were not there.

Q. Didn't you say about two minutes ago that when you went in there with the officers you saw the father and mother and two boys and a young man ?

A. I expected to see them.

Q. Didn't you say you saw them, the two boys, there, a moment ago ?

A. No, sir.

(It was conceded that he did make use of the words)

Q. When did you first have any interview with this boy Chaplin, about the affair of this operglass ?

A. Last night at court.

Q. That was the first time ?

A. No, at the clerk's desk.

Q. What did you say to him there ?

A. I said nothing to him.

Q. What did he say to you ?

A. The clerk said " did you hear this boy say that ? " I said I did; the clerk said " that is sufficient. "

Q. BY MR. McCLELLAN. Is this the clerk here ?

A. yes, sir.

Q. BY MR. STICKNEY. Where did you first see the boy Chaplin ?

A. When he was first called up to give his testimony.

Q. Had you been told that there was such a boy ?

A. I had.

Q. By whom ?

A. By officer Sullivan.

Q. When were you told that ?

A. When he arrested him, or the morning before; I could not say positively.

Q. What did he tell you ?

A. That he knows a boy who spoke to Mundy the day he pawned the glass.

Q. Did he tell you what his name was ?

A. No, sir.

Q. Did he say anything more than you have just stated now ?

A. No, sir.

Q. Have you paid officer Sullivan ?

0338

55

A. No, sir.

Q. Have you paid any officer any money ?

A. No, sir.

Q. Have you paid any one any money ?

A. I pay the workmen working for me.

Q. Did you understand me to ask that ? Did you think I meant that

A. I did not know what you thought.

Q. I ask you what you thought; have you ever paid any money to
any one connected with this case ?

A. No, sir.

Q. Nor had any conversation with any one about it ?

A. No, sir.

Q. Did you speak to Chaplin in the court room at all about the
case ?

A. No, sir.

Q. Didn't Chaplin sit with you on a bench in the court room yes-
terday ?

A. I believe he did.

Q. Dont you know about that perfectly well, when you say you be-
lieve so ? Dont you remember it perfectly well ?

A. I remember it perfectly well.

Q. Who was sitting there with you ?

A. Nobody.

Q. Who was this man sitting nodding a few minutes ago ?

A. Mr. Cantor.

Q. Was he sitting there with you ?

A. I believe so.

Q. You remember it perfectly well, dont you ?

A. I do.

Q. Where was Chaplin sitting ?

A. I could not tell you whether to my right or my left.

Q. Wasn't he between you two ?

A. I could not tell you.

Q. Think a moment ?

A. I could not think of it; I took no notice.

Q. Didn't Mrs. Mundy speak to you about your conversation with the boy ?

A. No, sir.

Q. Did she say anything to you about your conversation ?

A. No, sir, she didn't speak to me.

Q. Didn't she speak to you about the boy ?

A. No, sir.

Q. Did you say anything to her about the boy ?

A. No, sir.

Q. Didn't you have any conversation with Mrs. Mundy ? Didn't a word pass between you ?

A. No, sir; she spoke something to my friend, but I dont know what she said to him. She said nothing to me.

0340

57

Q. Did he say anything to her ?

A. No, sir.

Q. Didn't she say anything to you about what you were saying to the boy Chaplin, or doing with him ?

A. No, sir, not a word.

Q. Did you hear the words blue monday ?

A. I said that myself.

Q. To whom ?

A. To the man that came in; their brother, or whoever it was.

Q. Wasn't it to her ?

A. No, sir. It was the last one who was called as witness, that it was a blue monday.

Q. Think a moment ?

A. This was only yesterday afternoon.

Q. Wont you try and call to mind whether Mrs. Mundy did not say something to you about your conversation with the boy Chaplin as to your training him, or something of that kind ?

A. No, sir, not a word.

Q. You dont mean that you dont remember it ?

A. No, sir, I am positive.

Q. When you made the remark about blue monday, was she directly behind you ?

A. There was another gentleman sitting between us.

Q. How long were you sitting there with him ?

- A. I dont believe I was sitting a second on the bench in court until I came in here.
- Q. You said that you were sitting on the bench in the other court room with this boy, the witness Chaplin ?
- A. It was in the morning before I gave my testimony.
- Q. How long.
- Q. I didn't sit two seconds on the bench in the inside court room
- Q. You did sit with him?
- A. I did sit there when I was told to sit down; I sat down with my friend.
- Q. You think not a longer time than two seconds ?
- A. No, sir.
- Q. There was no time during the day when you were sitting there with Chaplin for more than two seconds on the bench in the large court room ?
- A. I dont believe there was.

K N O X M c A F E E , called on behalf of the plaintiff;

being duly sworn testifies as follows; examined by Mr. McClellan

- Q. What is your name ?
- A. Knox McAfee.
- Q. Where do you reside ?
- A. 347 west 28 street.

0342

59

Q. What is your business ?

A. General clerk Second District Police Court.

Q. How old are you ?

A. Forty three.

Q. Will you examine that complaint, if you please ? (Handing witness paper.)

A. (The witness does so.)

Q. In whose handwriting is it ?

A. The handwriting of the complaint is mine.

Q. Did you take the deposition of Mr. Rapf who appears as complainant here ?

A. I drew the affidavit; the deposition was taken by the Judge.

Q. You drew the affidavit ?

A. Yes, sir.

Q. Is the body of the affidavit of Chaplin in your handwriting ?

A. yes, sir.

Q. I call your attention to a statement made by the plaintiff that Chaplin had told him something about the opera glass; do you notice that ?

A. yes, sir.

Q. Will you be kind enough to read it ?

A. That deponent has been informed by John Chaplin, of 154 East 23rd street, that on or about the above date he saw the boy James Mundy on the corner of Fourth street and the Bowery, and

0343

60

that the said Mundy informed him that he had a pair of opera glasses that his brother had sent him to pawn.

Q. May I enquire of you whether Chaplin was there in when Mr. Kapf made that affidavit ?

A. Yes, he was.

Q. Did you hear Mr. Chaplin make the statements in the presence of Mr. Rapf ?

A. Yes, I did.

Q. You drew the affidavit up there ?

A. I drew it at the time.

Q. What did Chaplin state ?

A. He stated the facts as here recited .

Q. In the hearing and presence of Mr. Rapf ?

A. Yes, sir.

Q. That was when Mr. Rapf made the statement ?

A. Yes, sir.

Q. It was then that he made the affidavit ?

A. yes, sir.

C r o s s - e x a m i n a t i o n by Mr. Stickney.

Q. You have noticed that the name was James Mundy ?

A. I did not notice what the name was. (Examines the paper.)

Yes, James Mundy.

Q. Who gave you that name ?

A. The officer I believe; officer Sullivan.

- Q. As I understand you, you got your information as to that portion of the affidavit from Chaplin, while he was standing by you ?
- A. Yes, sir.
- Q. You read it to him, didn't you ?
- A. Chaplin made his statement, and I took it down as briefly as possible, so as to state the facts.
- Q. You took it down as he gave it ?
- A. Yes, sir.
- Q. Substantially from his lips ?
- A. yes, sir.
- Q. Then he must have given you the name, as you have it there ?
- A. Whether he gave the name as James Mundy or not, I don't know.
- Q. You have no knowledge ?
- A. I recollect these circumstances; that I asked him which of the defendants it was that he met at this time who told him that he had a pair of opera glasses, that his brother had given him to pawn; and he designated him as the smaller or larger whichever it was; and I asked the officer which one it was; the larger or the smaller, what his name was.
- Q. Have you any recollection whether Chaplin mentioned the name of the boy or not ?
- A. I think not.
- Q. You are not positive about that ?

A. I am positive that I asked him to identify the boy, which boy it was; and he identified him by saying that it was the smaller or larger boy; I asked the officer which boy it was, and he said it was James.

J O H N L . S U L L I V A N, cross-examination continued by Mr. Stickney.

Q. When was it that you first had your attention called to this case at all ?

A. On the 4th day of July, this year.

Q. Which day of the week was that ?

A. I cant say.

Q. How do you fix it as the 4th of July ?

A. Because the complainant came in on July 4th and made the complaint to the sergeant at the desk.

Q. I asked you what day it was that your attention was called to this case ?

A. The day the complainant came to the station house and reported the robbery; I was there.

Q. I asked you how you fixed the date on which your attention was called to the case; not the day of the robbery; what day was that ?

A. The day the robbery occurred was the fourth day of July.

Q. Have you any recollection what day of the week it was ?

A. No, sir.

Q. Will you give us all that took place on that occasion ?

A. I went round with the gentleman and I told him that I thought it was the work of a sneak thief. I went to the nearest pawn offices in his vicinity; he gave me a description of the various clothes etc. but I could not find them;

Q. This was on the first occasion ?

A. This was the first occasion.

Q. When was it that you went with him to the premises ? On the same day that he made the report ?

A. Yes, sir, on the same day.

Q. You went to his house ?

A. Yes, sir, to his house.

Q. You made an examination of the premises with him ?

A. Yes, sir.

Q. You came to the conclusion that the work was the work of a sneak thief ?

A. Yes, sir.

Q. You mean by that, I suppose, some one who was in the premises BY THE COURT. Explain what you mean by a sneak thief ?

A. A sneak thief is a thief who sneaks into the hall way or into a room and picks up a coat or the first thing he gets his hand on and sneaks out with it.

0347

64

Q. BY MR. STICKNEY. When was the next occasion when you had any interview with him, or with any one else about it.?

A. I dont remember the date the second robbery occurred.

Q. Did you have any conversation with him immediately after the second robbery ?

A. yes, sir.

Q. When and where was that ?

A. I told him that it was somebody who understood the house well; in fact I thought it was somebody in his house; his workmen, that second robbery.

Q. That was after the second time of the robbery, that this conversation came about ?

A. yes, sir.

Q. Can you fix how soon after the second robbery it was ?

A. I think it was a day afterwards, although I am not positive.

Q. Did he go to the station house ?

A. yes, sir.

Q. And saw you there ?

A. Yes, sir; he reported the second robbery there also.

Q. Did you go with him there at once ?

A. No, sir, not on the second robbery.

Q. How soon afterwards ?

A. About an hour or two afterwards.

Q. On the same day it was ?

0348

65

- A. Yes, sir.
- Q. On the same day as the second robbery, he came down to the station house and you went with him and made a second examination of the premises ?
- A. Yes, sir,..... no, I did not go outside; I went into the rooms but I didn't go outside.
- Q. You made an examination of the inside of the house ?
- A. Yes, sir.
- Q. You gave him then your opinion to what effect ?
- A. That it was somebody connected with the house; somebody that knew the house pretty well.
- Q. Did he give you any reason at all for any other belief ?
- A. He spoke about the skylight.
- Q. What did he say about that ?
- A. He said he thought the thing was done from the rear of the house.
- Q. You did not make an examination from the outside ?
- A. No, sir.
- Q. Would you give all that he told you ?
- A. I don't remember exactly the conversation that passed on the second robbery, any more than that I thought it was somebody connected with the house; somebody that knew pretty well about the house.
- Q. What did he say to you as to his ground for thinking it was

done from the outside ?

A. On the second robbery he had kind of come to the same conclusion that I had myself, that somebody who knew the house pretty well had been robbing it.

Q. You didn't make any examination of the sky-light ?

A. No, not on the second robbery.

Q. Are you quite clear that he said anything about the sky-light at that time ?

A. I think he called my attention to it.

Q. You are positive, are you ?

A. Yes, sir.

Q. This is your regular line of business ?

A. Yes, sir.

Q. Would you not in the regular course of your business if he had told you that somebody had come through the sky-light, make an examination of it ?

A. Yes, I had that idea in mind.

Q. You say you didn't make an examination of it ?

A. Yes, sir.

Q. You did go and make an examination on a later day ?

A. On the third robbery I did.

Q. That was about what date ?

A. I can't tell you that; I don't remember.

Q. Will you tell what examination you did make ?

A.. I went all through his house from the shop right up to the attic.

Q. What else ?

A. I then went out through the open window on to the extension. I examined the skylight and saw that it would require the efforts of at least two men or two boys to lift the skylight from its place, as it was a very long one; while we were standing there on the extension, he called my attention to a step-ladder that was leaning from the next yard against the extension. I looked there and saw the step-ladder and I made the remark to him then "Who lives in the next house?" I think he told me there were some offices there. I asked if there was nobody living in the house; he said there was a family lived there. I asked who they were, and he told me there were two boys living in the house.

Q. BY MR. MCCLELLAN: What names ?

A. I think he gave the name of Mundy. I then suggested to him that that was where the robbers came from; and I told him to go into the next house into Mr. Mundy's apartment on the pretence that he was looking for a canary bird and see if he could find any clothes hanging in those rooms. A day or two afterwards he came to the station-house and told me that he had gone through, but thought that the people looked at him as though they suspected his motive, and didn't appear to

wish or to be disposed to let him see anything inside the house

I then made inquiries myself in my own way with relation to these two Mundy boys.

Q. As to your examination of the premises, that examination was of the windows inside of this building and of the step-ladder outside, and the skylight?

A. Yes,, sir.

Q. What was the only examination you made of the premises ?

A. Yes; I made an examination from the extension of the yard.

Q. You asked him as to who lived in the next house ?

A. Yes, sir,

Q. And then he told you of the name of Mundy ?

A. He told me there was a family living there and I think he said the name was Mundy, but I am not positive.

Q. Is that all he told you as to the inhabitants of the house ?

A. I think he told me there were gentlemen had offices in the building.

Q. Was that all ?

A. I think that was all at that time.

Q. Was that the entire ground on which you advised him to make the statement to go in and make the search ?

A. Yes, sir.

Q. You also advised him to go in and make a statement that was not true ?

A. I didn't advise him to go in and make an examination of the house, by asking for a canary bird; but a day or two afterwards I suggested it to him.

Q. In the meantime you made some inquiries as to the two boys?

A. Yes, sir.

Q. When did you first go to the pawn-shop?

A. After the third robbery was reported at the station.

Q. You found the clerk there, I suppose?

A. Yes, sir, I found the clerk there.

Q. You looked over the books?

A. Yes, sir.

Q. You found that name?

A. Yes, sir.

Q. What other information did you get aside from the reports you got as to the boys; that I don't ask about now?

A. Do you wish to know the report about the boys?

Q. No, I don't wish you to tell that. You got some information from the pawn-shop?

A. Yes, sir.

Q. You heard the witness testify as to that, didn't you; the pawn-broker?

A. Yes, sir, I heard his testimony.

Q. All the information you got from the pawn-broker's shop was what was there in the book?

0353

70

A. Yes, sir.

Q. So that aside from that information you got as to the character of the two boys, that was all you had ?

A. Yes, sir.

Q. Did you in the course of all your inquiries get any other information or knowledge, except as to the character of the boys?

A. I got other information.

Q. What ?

A. I met this boy Chaplin and I asked him if he knew anything about the opera-glasses. He was standing ,..... I dont know exactly where I did meet him; he said that he had seen a boy who told him that he was going to pawn a pair of opera glasses; I asked him who the boy was, and he told me his name was Mundy. I then came to the conclusion that they were just the parties I wanted.

Q. Will you please give the place where this conversation with Chaplin took place ?

A. I could not exactly say.

Q. Can you give me the time of the day ?

A. I think it was noon time.

Q. Can you give me the month; I dont ask the day of the month ?

A. I think it was the latter part of August; I am not positive.

I know it was very warm weather, and I was wearing a straw hat

Q. How soon after the third robbery, or after the first or second

0354

71

robbery ?

A. I should think it was ten days; a week or ten days, I should judge.

Q. After which ?

A. After the last robbery.

Q. Will you please give me once more the entire conversation between yourself and Chaplin at that time ?

A. I told him he would confer a great favor on me if he could find out, or if he knew anything about any boy pawning the opera-glass.

Q. About any boy pawning the opera-glass ?

A. Yes, sir. Then he told me about meeting a boy and the boy told him that he was going to pawn a pair of opera-glasses. I asked him if he saw the opera-glasses, if he could identify them; and he told me that he did not see the glasses.

Q. Was that the whole of the conversation ?

A. With Chaplin, yes.

Q. I notice that you used the words "You told him he would confer a favor on, you" if he told you anything about a boy pawning the opera-glass ?

A. Yes, sir.

Q. Was that your language ?

A. Yes, sir.

Q. Are you sure that that was your language ?

0355

72

- A. I think so; I may have said that it would be a benefit; I might have said that; but the meaning I meant to infer to it was that he would lose nothing by it if he gave me the information; I don't know the exact words I used; I meant that he would get my friendship if he could tell me anything about it.
- Q. There is a difference between conferring a favor upon you,....
- A. I don't remember exactly the words; I would not be pinned down.
- Q. Did you do anything in the nature of making a threat to him?
- A. No, sir.
- Q. Not in any way or shape?
- A. No, sir.
- Q. You didn't say that you would fix him?
- A. No, sir.
- Q. You testify on your oath that you used no such expression?
- A. I used no threat.
- Q. You did not say "I will fix you"?
- A. I might have said I would fix him; I meant by that that I would give him my friendship; very often we say we will fix a man who is hard up, we give the man a dollar to help him out.
- Q. Did you say anything of that sort?
- A. I might; I don't remember.
- Q. You might have said to this boy that if he didn't tell you about the boy pawning the opera glasses, that you would fix him?

- A. Yes, sir, in the hot weather; in about the neighborhood of August.
- Q. What did you next do about this case?
- A. After I found out that the opera glass was pawned, I went to Mr. Rapf and notified him about it; he accompanied me to the pawn-broker's and looked over the books; and I put a stop on the opera glass right away. After he went to the pawn-broker's he identified the glass. He showed me the screw was broken. He told me about the screw before he went there.
- Q. He identified them? that is the long and short of that?
- A. Yes, sir.
- Q. What was your next step?
- A. I told him to keep a sharp lookout for the boys, and I told him if he saw them to get an officer to arrest them on the street wherever he might meet them.
- Q. You learned of their return and that they had not been arrested?
- A. I ascertained that he had made an attempt to have them arrested.
- Q. And that it had failed?
- A. Yes, sir.
- Q. You knew the family had moved to Great Jones Street?
- A. I had heard they had moved; I did not know at that moment; not until some time afterwards.

A. Yes, sir; if I did, I meant that I would extend him my friendship if he would give me the information.

Q. Do you understand that a boy of that sort is somewhat afraid of a policeman?

A. As a general thing my experience with boys is that some way they have a disposition to get out of the way of a policeman.

Q. You had arrested this boy before?

A. Yes, I did.

Q. Do you mean to tell the Court that if you used the words that you would fix him, that you meant to extend your friendship to him?

A. Yes, sir, that is what I meant, if I used the word fix; I suppose that is what I meant by it.

Q. Then I must ask a little more closely, did you use the word fix?

A. I can't say positively, but what I meant to infer to him was that I would give him my friendship if he gave me any information.

Q. Had you had any conversation with him before this about this matter?

A. I met him several times, and had several conversations.

Q. Had you had any conversation with him before this time on this point?

A. I can't say positively.

0358

74

Q. Dont you know ?

A. I dont know.

Q. Have you no recollection ?

A. I have on some points.

Q. I am asking you about this matter. ?

A. I have had several conversations with him; I cant say I spoke a second time to him until the night I made the arrest.

Q. I am not asking about anything except the robbery of Mr. Raps premises ?

A. Yes, sir, I had another conversation with him.

Q. Before this one ?

A. After this one.

Q. Was that the very first one ?

A. The first conversation I told him I had information about the opera glass.

Q. Was that the first one ?

A. That was the first conversation I had with relation to the glass.

Q. That was the very first time you had spoken to him about the opera glasses; who had told you about the opera glasses then?

A. I went to the pawn office and found they had been pawned there

Q. You found this name Mundy ?

A. Yes, sir.

Q. How did you happen to ask this boy Chaplin about it ?

A. I met him and spoke to him about it.

Q. Why did you suppose that he knew anything about it ?

A. He was born and brought up around that neighborhood and knows all the boys, and I presume that he could give me a little information.

Q. Was that the only reason you had for speaking to him about it

A. That is all.

Q. You knew the boy had been arrested by you ?

A. Yes, sir.

Q. What is his character and reputation ?

A. I know nothing against his character whatsoever.

Q. Do you know of any band of boys or young men called the Homo-gang ?

A. No, sir.

Q. You never heard of them ?

A. No, sir, I never heard of them.

Q. You believe him to be a perfectly good boy ?

A. I do, as a general run.

Q. And did then ?

A. As a general run; I know nothing about the boy's character, although I arrested him.

Q. You think he has a good-looking face, don't you ?

A. A man isn't entirely guided by the face.?

Q. That was, you say, way back in the month of August or thereabouts ?

0360

77

Q. You knew they had moved ?

A. Yes, sir.

Q. Did you make an effort to ascertain where they had moved to ?

A. Yes, sir.

Q. Did you find out ?

A. Yes, sir.

Q. That they had moved to Great Jones Street ?

A. Yes, sir.

Q. When did you learn that ?

A. About a week or ten days afterwards.

Q. You knew that that was the first of September ?

A. I guess it was the first of September.

Q. You knew early in September that they had moved to Great Jones Street ?

A. Yes, sir.

Q. You had directed this man to make an attempt to arrest the boys and he reported to you that he had failed ?

A. Yes, sir.

Q. What was your next step in the case ?

A. Then I received information that the older boy had left the City.

Q. Had left the City ?

A. Yes, sir.

Q. Who told you that ?

- A I dont know where I got that information; I cant say who the party was that told me.
- Q. When did you get it ?
- A. Right after they moved away from Broadway.
- Q. What did you do then ??
- A. I then came to the conclusion that I would wait until I found that he was in the city and arrest him.
- Q. What was your next step ?
- A. I waited until I got information that he was in the house, both of them together; and I went in and arrested them.
- Q. When did you get that information ?
- A. The night I arrested them.
- Q. You had then allowed the matter to rest from September, October, November, until night before last ?
- A. Yes, sir, until I got both of them together; I did not want to arrest one and fail to arrest the other; I wanted to make a sure thing of it.
- Q. Have you given every step that you have taken ?
- A. Yes, sir.
- Q. Who informed you that the boys were both at home ?
- A. I dont know.
- Q. When was it that you got the information ?
- A. The same night I made the arrest.
- Q. Do you mean to say that you cannot tell who gave you that in-

into the character of the boys. We assume that the boys' ~~character~~ character is good.

MRS. STICKNEY. Your Honor puts your ruling on the ground that you presume the character of the boys to be good, and for that reason do not allow me to cross-examine the witness on that subject?

THE COURT. Yes, put it on the record so; I take the character of the boys to be good, and exclude the testimony on that ground.

Defendant's counsel duly excepts.

Q. Aside from the character of the boys which you see the Court assumes to be good, and aside from that, have you given all the knowledge and information that you have acquired as to any fact showing that this act has been committed by these two boys or either of them?

A. Yes, sir, I have some other information.

Q. What is it?

A. Immediately after the last robbery the step-ladder leaning up against the extension was removed.

Q. Have you given all you learned as to that?

A. I learned that after they moved the ladder was taken away altogether.

Q. It disappeared when they disappeared?

0363

79

formation ?

A. No, sir, I can't tell.

Q. And that was only night before last ?

A. Yes, sir.

Q. Only two nights ago ?

A. Yes, sir.

Q. And you mean to tell the Justice here that you don't know who gave you the information about those two boys then ?

A. No, I don't know who was the man that gave me the information.

Q. You have no idea ?

A. No.

Q. Was it a man you had ever seen before ?

A. I could not say that.

Q. Then you can't tell whether it was a man you knew or didn't know ?

A. A party of men were standing together and the word was said in my hearing "the two Mundy's are up in the house". I don't know what man said it.

Q. Who were the men standing together ?

A. There were half a dozen.

Q. Who were they ?

A. I don't know them.

Q. You don't know one of them ?

A. No, sir.

0364

80

Q Had you asked them any questions ?

A. I had not asked them for any information.

Q Did they know you ?

A. I suppose they did know me.

Q. You did not ask them for that information ?

A. I asked none of them for information.

Q. Did you ask any one for information at that time and place when you got this information ? When you met these men ?

A No, sir.

Q. You hadn't said a word ?

A. No, sir.

Q. Then although you hadn't said a word and hadn't mentioned the names of these boys, some one in a crowd of men that you did not know any one of whom, no one of whom you can name volunteered the information that the two Mundy boys were in the house then ?

A. Yes, this party of men was standing about the sidewalk and they made the remark that the two Mundy boys were in the house

Q. Do you often have such good luck in your experience as a detective ?

A. Question not answered.

Q. Have you given us all the knowledge that you have and all the information that you have acquired as to this offence ?

A. I had other information too ?

0365

81

Q. What is it ? Give it all ?

A. The question of character.

Q. Is that all then ?

A. That with the information I gave you.

Q. That makes all ? A. Yes, sir.

Q. Let me have what information you got as to character and the parties you got it from ?

Excluded by the Court; defendant's counsel duly excepts.

Q. You have no knowledge of the boys yourself ?

A. Yes, sir.

Q. Will you tell what it is ?

A. I know that the older boy is in the company of thieves; I saw him myself in company with thieves.

Q. When ?

A. Several times last winter.

Q. Where ?

A. At the corner of First street and the Bowery.

Plaintiff's counsel objects to this testimony as immaterial and irrelevant. The law presumes the character of the boys to be good. Objection sustained.

MR. STICKNEY. Does your Honor so rule ?

THE COURT. I see no reason why we should go

0366

83

A. yes, sir.

Q. Have you now given all that you have ?

A. Yes, sir, all the information I have.

Q. Aside from the information you last gave, and aside from the information you have given here, you have given every bit of knowledge or information that you ever had connected with this robbery which would tend in any way to show who were the parties that committed it ?

A. That is all.

Q. Do you remember how possible it is to enter this yard where you saw the ladder, from the street ?

A. Yes, you enter the yard from the house.

Q. How else ?

A. Climb up the ladder and get on the extension.

Q. I mean the yard where you saw the ladder ? How else can you get in there ?

A. Go through Lafayette Place, climb over a cottage house and drop on to the ground a distance of 50 feet.

Q. Would you have to climb over the house ?

A. I think so.

Q. Are you sure of that ?

A. I know there is a house there.

Q. Isn't there some other way of getting into the yard where you saw the ladder ?

A. I don't know of any except through the basement or hall door.

Q. You won't say there isn't ?

A. I wont say there isn't.

Q. There is a way to get into that yard from the first story or the basement of the adjoining house ?

A. You can go through the hall way right from the street and back into the yard, or you can go from the basement into the yard.

Q. There was some other tenant in that house besides the Mundys ?

A. I believe there was a lady living in the house.

Q. Were there not some other tenants living in other portions of it ?

A. I have understood that there were gentlemen there that had offices there in the building.

Q. Isn't there a way of getting into the yard from the side street ?

A. No, not that I am aware of.

Q. Into the Rapf's yard ?

A. There is an extension built on his yard.

Q. No, in the yard where you saw the ladder, isn't there a way to get in there from Fourth street ?

A. Not that I am aware of.

Q. You wont say that it was not so.

A. I would not say positively.

PLAINTIFFS REST.

0368

86

Hearing of Saturday, December 18, 1886 at two oclock P.M.

PRESENT. MR. JUSTICE GORMAN.

Same appearances of counsel.

CHARLES A. WOODRUFF, called on behalf of the defendant; being duly sworn testifies as follows; examined by Mr. Stickney.

Q. Where do you reside ?

A. 123 west 42nd street.

Q. What is your business ?

A. Clothing, and merchant tailor.

Q. What is your age ?

A. Thirty eight.

Q. Your place of business is where ?

A. 658 Broadway.

Q. Do you know the defendant, James Mundy ?

A. Yes, sir.

W. How long have you known him ?

A. Four or five years.

Q. Is that the boy (Indicating the defendant) ?

A. Yes, sir.

Q. Has he at any time been in your employ ?

A. He has.

Q. Do you know his family, his father and mother ?

A. I do; as workmen for myself.

0369

85

Defendant's counsel moves that the defendants be discharged for want of evidence.

The motion was granted as to the elder boy, Edward Mundy; and denied as to the younger boy, James Mundy, who was held in one thousand dollars bail.

Defendants' counsel duly excepts.

Further hearing adjourned to Saturday, December 18, 1886, at two o'clock P.M.

Q. When was the boy in your employ ?

A. He came the latter part of May, this year.

Q. Did you find him to be a faithful honest boy, so far as your observations went ?

A. So far as I saw, in every respect.

Q. Did you have entire confidence in him ?

A. I did.

Q. Did you ever find him to betray your confidence in any respect ?

A. Not the slightest

Q. When he left your employ, was he discharged for any cause ?

A. No, sir, not for any fault; simply because I wanted more competent help; an older person.

Q. While he was with you he faithfully discharged his duties in every respect ?

A. Yes, sir.

Q. His father and mother, are they temperate and industrious people ?

A. I never knew anything to the contrary; I have given them a great deal of work within the last four or five years. I always found them to be reliable honest people.

Q. Thoroughly respectable people ?

A. Yes, sir.

No Cross examination.

PATRICK MUNDY, called on behalf of the defendant
Being duly sworn testifies as follows; examined by Mr. Stickney

Q. Where do you reside ?

A. 45 great Jones street.

Q. What is your business ?

A. Tailor.

Q. What is your age ?

A. That I cant tell exactly; about forty five or over.

Q. James Mundy, the defendant here, is your son ?

A. Yes, sir.

Q. has he been living with you at home all the time since he was

born, or for the last two or three years at least. ?

A. Yes, sir.

Q. Did you live in the premises 704 Broadway at any time ?

A. Yes, sir.

Q. When ?

A. We moved away from there,... I forget what month it was.

Q. When did you move away ?

A. My wife can tell the date.

Q. Was it about the first of September ?

A. September; I think about the first of September.

Q. Then you moved away from 704 Broadway to your present home ?

A. Yes, sir.

Q. Was there any concealment about it ?

0372

89

A. No concealment at all.

Q. Were the two boys living at home with you all the time ?

A. Yes, sir.

Q. During the months of July and August were they at home every night ?

A. Yes, sir, every night.

Q. During the period of July and August while you lived at 704 Broadway were they absent from home at any of the time ?

A. None of the time.

Q. Was there any change in their habits ?

A. Not That I could see.

Q. You were all the time at home ?

A. I was.

Q. You worked at home ?

A. Yes, sir.

Q. You did then ?

A. Yes, sir.

Q. Do you know anything about a stepladder ?

A. Yes, sir, I have seen a step ladder in the yard.

Q. When did you see one ?

A. In the yard of that house that I lived in.

Q. Did it belong to you ?

A. No, sir.

Q. Did you have anything to do with it ?

0373

90

A. I had nothing to do with it; my boys took it once to put a big nail in a tree that was there to hang the clothes on.

Q. Did you carry it away with you, or remove it when you went away?

A. I never took the ladder out of there.

Q. Was it removed so far as you know when you left the premises?

A. No, sir.

Q. The yard next door, 702 Broadway, how possible was it to get into that yard from either of the streets, without going through the house in which you lived?

A. You could get in at the street; there is a wall I suppose about five feet high.

Q. Easy to get over it?

A. I should think so.

Q. So it was perfectly possible for anybody to get over the wall?

A. Yes, sir; and there is a door in the wall for anybody if they had a mind to go through the door; they could.

Q. There is a door from Fourth street through the wall into the yard which adjoins Mr. Rapf's premises?

A. Yes, sir; I believe that Rapf has no yard; the house runs way back.

Q. The yard of 704 Broadway where you lived joins his house?

A. Yes, sir.

Q. And into the yard of 704 you say there is an entrance from

the street ?

A. No, not into 704 from Fourth street; they could get in there from Fourth street, as far as Rapf's place.

Q. Into his yard from Fourth street ?

A. Yes, sir, if there is a yard there; the house runs out the length of the yard.

Q. There is an entrance into the yard from the first floor and basement of 704 ?

A. Yes, sir.

Q. Did you ever see any of the property that is charged to have been stolen, in or about your premises anywhere ?

A. I never saw any property in my life; any of the stolen property, I mean.

Q. You were at home day and night ?

A. Yes, sir.

Q. They were at home every night ?

A. Yes, sir.

Q. Was this boy James been a steady, well-behaved boy, always ?

A. I never saw anything wrong with him; sometimes boys carry on.

Q. He has been a steady boy, and stayed at home all the time ?

A. Yes, sir.

Q. BY THE COURT. Do you know whether your son, the defendant here, committed the burglary that is charged against him or not ?

A. No, sir, I do not.

0375

92

Q. BY MR. STICKNEY. Did you see any indication of irregular conduct on his part ?

A. I never saw any; I took notice of none.

Q. Did you ever see or know anything of a pair of opera glasses being in the possession of either of the boys ?

A. No, sir, not until I heard it here in Court.

No cross examination.

M r s A N N M U N D Y, called on behalf of the defendant
Being duly sworn testifies as follows; examined by Mr. Stickney

Q. Where do you live ?

A. 45 Great Jones street .

Q. What is your age ?

A. Between forty three and forty four.

Q. Your business is that of a housekeeper ?

A. I keep house and assist my husband.

Q. You lived in the premises 704 Broadway, through the summer ?

A. Yes, sir.

Q. What time did you move away from there to 45 Great Jones st. ?

A. We moved the first of september, I believe.

Q. Was there any secrecy about your moving ?

A. No, sir.

Q. You have lived at Great Jones street ever since ?

A. Yes, sir.

Q. Where you could easily be found ?

A. Yes, sir.

Q. Did the boys live there last summer ?

A. All through, from when we went to Broadway until we went to Great Jones street, they never slept away a night.

Q. Were they indoors in the evening ?

A. Indoors by evening, except in the warm weather, they did not like to come in, but they played just outside; the policeman said they did not like to go to bed; I slept right by the window and I said " boys go up to bed, I cant sleep, cant get to sleep until you go to bed, for the noise.

Q. Was there a single night in which they were not in the house ?

A. No, sir, not a single night while we lived in that house.

Q. Had James always been a good boy ?

A. Always good and honest; I could always trust him with the smallest change.

Q. Did you ever see any of the clothing, said to have been taken from 702 Broadway, in your house ?

A. No, sir, I never did; I never heard of it until I heard of it from other parties; One day this Mr. Rapf came to my house; and my little girl says, " there is a man in the room,....."

Q. You never heard anything about it ?

A. No, sir.

Q. Did you ever see any opera glasses in their possession ?

0377

94

A. Never in my life, only a pair of glasses that the boys have to put pictures behind, that the boys have now.

Q. You know what opera glasses are ?

A. Yes, sir.

Q. Did they ever have a pair of those in their possession ?

A. Never to my knowing or knowledge.

Q. The boy James worked for Mr. Woodruff ?

A. Yes, sir; their father often said " I would put him at work on the bench by me, for I believe after the busy time Mr. Woodruff will not want him."

Q. Since you went to live at Great Jones street to live has the boy James been perfectly regular and steady ?

A. Perfectly regular; only a few times he went down to his aunts.

Q. He has always been a well-behaved boy ?

A. He has always been, so far as I have ever seen.

Q. He has been a good son ?

A. A good son, yes, sir; an affectionate child.

Q. What do you know about the step ladder ?

A. I know that that ladder is made of black walnut, some hard substance that looks black; it is such a ladder as they have in houses where they have skylights; it is thick on each side. That ladder stood in the back yard; one day the boys took it to put up a clothes line on a tree which stands on the side of the yard; they had it to play theatre and put pictures on.

Afterwards I believe Mrs. Finnegan took the ladder inside the house; it seems about eight feet high.

Q. Did it go away with you ?

A. No, sir, never; there were some things we did not move away; we never took anything except some of Mr. Woodruff's property that we had in our possession.

No cross examination.

JAMES MUNDY called on behalf of the defendant;

being duly sworn testifies as follows; examined by Mr. Stickney

Q. BY THE COURT You may answer or refuse to answer any questions which are likely to criminate yourself. Where do you live ?

A. 45 Great Jones street.?

Q. You are the defendant in this case ?

A. Yes, sir.

Q. Have you heard the evidence in this case ?

A. yes, sir.

Q. BY MR. STICKNEY. Did you ever enter the premises of Mr. Rapf and take any property at all ?

A. No, sir.

Q. Did you at any time have a pair of opera glasses in your possession ?

A. No, sir.

Q. Do you know the witness Chaplin ?

A. Yes, sir.

Q. Have you seen him ?

A. I have seen him a few times.

Q. You have seen him in court?

A. That is the first time I saw him in eight or nine months.

Q. You heard his evidence saying that he had a conversation with you in which you said to him that you had a pair of opera glasses in your possession that you had received from your brother, that you were going to a pawn broker's shop with ?

A. Yes, sir.

Q. Did you have any such conversation with him ?

A. No, sir.

Q. Did you ever speak to him on such a subject ?

A. No, sir.

Q. Did you ever go to Schlang's pawn broker's shop with a pair of opera glasses ?

A. No, sir.

Q. Did you ever have at any time in your possession any of the clothing which came from the plaintiff's shop, that was robbed as alleged ?

A. No, sir.

Q. Did your brother ever give you any opera glasses ?

A. No, sir, he never gave me any.

0380

97

Cross-examination by Mr. McClellan.

Q. You know Chaplin ?

A Yes, sir.

Q. You saw him through the summer ?

A. I saw him going in at the Mercer street station house when we lived in Broadway.

Q. You saw him in the summer in August last ?

A. No, sir.

Q. You didn't see him in Fourth street at all ?

A. No, sir.

Q. Do you know where Schaling's place is ?

A. I have heard since I was here, I heard the number 360 Bowery.

Q. You never knew it before then ?

A. I often passed it.

Q. You know where the place is, where it is located on the Bowery dont you ?

A. Yes, sir.

Q. Near what street is it ?

A. It is somewhere near Third or Fourth street.

Q. On which side of the Bowery ?

A. On this side.

Q. When did you visit it last ?

A. I dont know when I visited it^vlast.

Q. You never were in there, I suppose, were you ?

A. No, sir, I never was in there.

Q. I suppose you never heard of any clothes and other property being stolen from Mr. Rapf ?

A. I never heard nothing about it ; I see a little fellow with a ladder, a boy that worked for him a little while; after that we found a man in the room looking for a canary bird.

Q. That is the first knowledge you had ?

A. That is all I knew at that time.

Q. Do you remember that ladder ?

A. Yes, sir.

Q. You have seen that ladder in there ?

A. I have seen the ladder in there.

Q. You have never had any trouble with Chaplín ?

A. No, sir.

Q. You and he were always friendly, were you not ?

Q. We were not much friends. It is very seldom that I saw him.

Q. For all you know you and he were extremely friendly, is that so ?

A. No, sir.

Q. Were you strangers ?

A. We were not strangers.

Q. Then you had spoken sometimes ?

A. I had spoken to him; I never knew his name before.

Q. When did you first get acquainted with him?

A. I never was much acquainted with him.

0382

99

Q. When did you first see him ?

A. I saw him a little while after we moved to Broadway.

Q. When was that ?

A. I think that was in May.

Q. You saw him the first of June; your mother says that is when you moved there. Where did you see him then ?

A. I used to see him when I went round to the grocery store in the morning; I used to see him and a boy named Kearny; I was a messenger.

Q. How often did you see him round at the grocery store ?

A. I went there three or four times in the month.

Q. When was the first time ?

A. The first time I saw him was on the corner of Great Jones and Fourth street.

Q. When was that ?

A. I dont know when it was; but I used to go round there to the grocery store; that was the first time.

Q. When was the next time ?

A. Going into the Mercer street station house.

Q. When was that ?

A. I dont know when it was.

Q. Was that during the summer ?

A. It was in summer.

Q. When was the next time you saw him ?

0383

100

Q. I did not see him for a good while after that.

Q. The next time you saw him was in court ?

A. I saw him in the court room.

Q. You never saw any opera glasses ?

A. I have seen plenty of them.

Q. You did not see any opera glasses in August last ?

A. I did not have any opera glasses in my possession.

Q. Did you ever have any opera glasses in your possession ?

A. I used to work for a broker, 735 Broadway, a good while, and I had plenty of them;

Q. What was his name ?

A. Van Schonck.

Q. You saw opera glasses there ?

A. Yes, sir. He was a dealer in second hand jewelry.

Q. You saw opera glasses there ?

A. Yes, sir.

Q. You know what opera glasses cost ?

A. I believe they are different prices, those I saw.

Testimony closed.

Defendant's counsel moves to dismiss the complaint and discharge the defendant for want of evidence.

Motion denied; the defendant is held in bail for one thousand dollars. Defendant's counsel duly excepts.

0384

No.

Page

to

100

Second District

Court.

The People

vs

Edward & James Murray

Attorney for

Transcript of

STENOGRAPHER'S NOTES

Complete

188 6

WITNESSES:

PAGE.

Raff

1

Webb

11

Chaplin

18

Sullivan

38

McCabe

38

U. Druff

86

Patrick Murray

88

Mrs. Anna Murray

92

James Murray

94

Adjourned to

Close

188

EDW. B. DICKINSON,

STENOGRAPHER,

Mills Building, 35 WALL ST.,

Law Telephone 386.

NEW YORK.

0385

THE PEOPLE, &c.,

ON COMPLAINT OF

Maurice Rapp

vs.

James Murray

District Police Court.

Examination of Surety.

Robert Hughes

James Murray

being duly sworn as to his sufficiency as bail for
in the above entitled proceedings, says in answer to the
following questions, as follows:

Question. What is your name?

Answer. *Robert Hughes*

Question. Where do you reside?

Answer. *327 East 125 Street*

Question. What is your business?

Answer. *Commission Merchant*

Question. Do you own any Real Estate,—if so, where situated, and of what does it consist?

Answer. *House lot No 14 Gay Street
in the City of New York*

Question. When did you purchase, of whom, and what did you pay?

Answer. *I bought it at the Exchange. 30 days ago.
for \$5000.*

Question. Are there any mortgages upon the same—and if so, to what amount?

Answer. *None*

Question. When are they due?

Answer. *—*

Question. Is the property in your own name alone?

Answer. *yes*

Question. Is the Deed or Deeds on record?

Answer. *yes,*

Question. Are you surety for anyone else,—and if so, to what amount, and for what?

Answer. *No*

Question. Do you owe any money,—and if so, how much?

Answer. *No*

Question. Are there any judgments against you?

Answer. *No*

Question. Are there any proceedings in foreclosure now pending against you?

Answer. *No*

Robert Hughes

Sworn to before me, this 22

day of May 1886

John J. [Signature]
District Police Justice.

0386

Police Court— District.

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

of No. 112 Broadway Street, aged 22 years,

occupation Merchant-Tailor being duly sworn

deposes and says, that the premises No. 112 Broadway Street,
in the City and County aforesaid, the said being a first floor and part of second floor,
the 2nd floor which was occupied by deponent as a tailor and a tailor's shop,
and which was occupied by deponent as a tailor
and in which there was at the time no human being, by name

were **BURGLARIOUSLY** entered by means of forcibly raising a plank
on the roof of the building in the rear of the
above described house and entering through the opening
so made

on the 15 day of August 1884 in the evening time, and the
following property feloniously taken, stolen, and carried away, viz:

one ladies silk blouse, value \$10.00
one ladies silk blouse, value \$10.00
one ladies blue cloth jacket, value \$5.00
one suit blue serge, value \$10.00
one ladies' dress, value \$10.00
one pair of Opera glasses, value \$5.00

and the value of the above property is
the ladies silk blouse, value \$10.00, ladies blue cloth
jacket, the blue serge suit, the blue serge dress, and pair of
Opera glasses, the value of the above property is
\$40.00
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
Edward Kennedy and James Kennedy
(both names here)

for the reasons following, to wit: that about the hour of 4 P.M. on the
above date deponent being on duty fastened the
above described premises and went away; that on the
following morning deponent found the above described
property missing and entered the above described property
which had been stolen and taken away; that on examining
the premises deponent found a step ladder in the rear of
the premises in which the defendants were standing against
the wall of the entrance door which the above described

0387

subject was;

Said defendant was seen informed by some person at No 154 East 28th Street; that on or about his arrival at the place met James Sunday Delandone - of the 4th Court and Brown, and that the said James Sunday informed him that he had a pair of Opera glasses that his brother had sent him to pawn -

Defendant further says, that on or about the 15th day of August he went to the pawn office of Charles Leisang at No 850 Broadway, his shop being at the 4th Court, and there saw the above described Opera glasses which he fully identifies as a portion of the property stolen, taken and carried away at the time and in the manner above described, and was informed by Charles Leisang, Pawnbroker that the above described Opera glasses were pawned on the 16th day of August 1886 and that the name given in the papers pawned the same was Sunday of 154 Broadway. Therefore defendant charges the said Edward Sunday and James Sunday with acting together and in concert and with unlawfully entering the above described premises and with unlawfully taking and carrying away the above described property -

sworn to before me this Maurice Rapp

15th day of September 1886

John J. Brown
Deputy

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bailed by

No. Street.

0300

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 21 years, occupation Brass-ier of No.

15 East 28 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Samuel Vah

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

Sworn to before me, this 15

day of November 1884

John Champlin

John H. H. H.
Police Justice.

0389

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

James Standy 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.

Under advice of Counsel I elect to make my statement at present and demand an examination

Refuses to sign my advice of Counsel

Taken before me this

15

day of *November* 188*6*

John J. McNamee

Police Justice.

0390

Sec. 198—200.

CITY AND COUNTY
OF NEW YORK, } ss.

2 District Police Court.

Edward S. Sunday 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. *Edward S. Sunday*

Question. How old are you?

Answer. *Eighteen Years*

Question. Where were you born?

Answer. *Seabrook Westchester Co N.Y.*

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

Answer. *1045 West 106th St, four months*

Question. What is your business or profession?

Answer. *Saddler*

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. *Under advice of counsel I decline to make any statement at present and demand an examination*

Refuses to sign under advice of counsel

Taken before me this *15*

day of *November*

188*6*

John J. McNamee Police Justice.

0391

STENOGRAPHER'S MINUTES.

2

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Maurice Raff
vs.
Wm. W. Wm. Wm.
James Hamby

BEFORE HON.

John J. Gorman
POLICE JUSTICE,
Dec 16 188

APPEARANCES: { For the People,
For the Defence,

188

INDEX.

WITNESSES.

M. Raff

Direct Ex.

1

Cross Ex.

8

Re-Direct.

Re-Cross.

J. J. Gorman
Official Stenographer.

0392

2 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Maurice Raff
agst.
Ed Murray
James Murray

Examination had Dec 15 1886
Before Hon John J. Gorman Police Justice.

I, M. J. Cheney Stenographer of the 2 District Police
Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of Maurice
Raff
as taken by me on the above examination before said Justice.

Dated Dec 15 1886

John J. Gorman
Police Justice.

M. J. Cheney
Stenographer

0393

New York Dec 15th 1886
Second District Police Court
Hon John J. Gorman Presiding

Maurice Rapp } Burglary
vs. } ~~Robbery~~
Edward Manning }
James Manning }

Maurice Rapp being
 duly sworn deposes and
says, that he is 37 years
of age, a tailor by occupa-
tion and does business
at 707 Broadway New York,
that he was robbed three
times this last summer,
on the 4th of May and on
the 16th and 27th of Aug,
at 702 Broadway that he
occupied the third floor
of said premises for a
wheeling, from which there
is an extension leading
into the yard that on

2

The 5th of May he
 discovered the first of the
 robberies, and not suspect-
 ing any of the neighbors
 I thought it was done
 by some one coming in
 the door; I reported it,
 three coats were taken
 on that occasion, on
 the second time they
 cleared out the wardrobe,
 my wife's plush coat
 and another gentleman's
 coat were taken, a
 cloth coat, and an Opera
 Glass was taken off the
 mantle.

2

How was the
 entry made?

A. I found a Step
 Ladder in the other
 yard against the wall
 about a yard or three
 feet from the roof of
 the extension and when

3

You step on the ~~extension~~
ladder you get to the
roof of my extension, and
there is a skylight. The
windows were not fastened,
but closed, the windows
were opened and then they
went in.

Q. Had you noticed
the fastenings on the
windows?

A. Yes Sir; The next
day.

Q. How long before that
had you noticed the
condition of the window?

A. Before I left, about
four o'clock P.M. on the
15th of August, I examined
the window and found
it closed.

Q. Do you say there
two Defendants lived next
door to you?

A. Yes Sir.

0396

H

Q. Have you seen any of the property since?

A. Nothing but the Opera Glasses, I saw the Opera glass in the Pawnbrokers about two weeks after, and identified it as mine, by the screws. The officer was present when I opened the glass, and I am sure it is my property.

Q. Do you know in whose name it was pawned?

A. I do not, I have not seen the entry in the Book. All I know about it, is what the Pawnbroker told me.

Q. Were you present at the time of the arrest of these young men?

A. At the last arrest, No.

Q. Were you present at the time, after the Bungalow

(3)

when an attempt was made to arrest the two Boys?

A. At one time the Sergeant told me if I saw them, to tell the first officer I saw to arrest them, I watched; they were not home for a whole week; One Friday night about half past twelve in the morning, I saw them coming in, then I went to the Station House and asked to see the Officer in Charge of the Case; he was out, then I spoke to an Officer on the post; he went for another Officer, and I went to the door and Mr. Kennedy opened the window; another man came down a Brother of Mr. Kennedy, and opened

(6)

The Door; he asked me
 up stairs, when we went
 up with the Policeman
 Mr Dumbly said what do
 you want I said I was
 robbed by his two sons,
 I saw them go in, and
 I wanted them, he said
 go to Hell and get them,
 and while the Brother
 said, he it and down stairs
 the two Boys escaped by
 the back way, I saw them
 go in through the house
 to the Carpenter Shop; I
 made a search and
 could not find them.

Q.

Cross Examination.
 On how many different
 occasions did you miss
 articles?

A.

Three different
 occasions; the 4th of July
 and August 15 and 27th

6

(4)

Q. What day of the week was the 1st of May?

A. On Sunday, and the other times were Sundays.

Q. What articles did you miss?

A. Three Coats

Q. And the second time?

A. My winter overcoat, my wife's coat and a fine jacket and the opera-glass, and the third time I missed four overcoats, I saw the Opera glass in the Pawnshop about a week ago. I got it.

Q. You say you saw the Opera Glass two weeks after the robbery?

A. Yes Sir, I got it a week ago. I was leaving it there till we could catch them.

Q. You spoke of the last

0400

8

Arrest, when was that?
A Last night, that
is the only one, and the
one I tried.

Sworn to before me }
this 15th day of Dec 1886 }

Police Justice

Adjourned to 7 o'clock
P.M. Dec 16th 1886

J

0401

District Police Court.

Wm. J. Pugh
Ed. Mandy
James Mandy

STENOGRAPHER'S TRANSCRIPT.

Dec 16 188

BEFORE HON.

John J. Gorman

Police Justice.

W. J. Pugh

Official Stenographer.

0402

\$1500 lead for &
L. P.M. Dec 15/86
11 " " " 18/86

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Witnesses

Isaac Metz

77 E 7

Kenneth Metzger

347 76 28

Police Court

District.

THE PEOPLE, &c,
ON THE COMPLAINT OF

702 Broadway

1 Edward Mundy
2 James Mundy
3
4

Dated December 15 1886

Magistrate.

Officer.

Witnesses

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

No. 5, by

Residence

Street.

No. 6, by

Residence

Street.

No. 7, by

Residence

Street.

No. 8, by

Residence

Street.

No. 9, by

Residence

Street.

No. 10, by

Residence

Street.

No. 11, by

Residence

Street.

No. 12, by

Residence

Street.

No. 13, by

Residence

Street.

No. 14, by

Residence

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

and he be committed to the Warden and Keeper of the City Prison

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

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

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

guilty of the offence with mentioned order to be discharged.

guilty of the offence with mentioned order to be discharged.

guilty of the offence with mentioned order to be discharged.

guilty of the offence with mentioned order to be discharged.

guilty of the offence with mentioned order to be discharged.

0403

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 Munday

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

James Munday

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

The said *James Munday*

late of the *Fifteenth* Ward of the City of New York, in the County of New York, aforesaid, on the *Fifteenth* day of *August*, in the year of our Lord one thousand eight hundred and eighty-*six*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *dwelling house* of one

Maurice Barry.

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

Maurice Barry.

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.

0404

SECOND COUNT—

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

James Munday—

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

The said *James Munday*.

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,

*one sash of the value of fifty-five
dollars, one mirror of the value of
twenty dollars, one jacket of the
value of twenty-five dollars, two
overcoats of the value of thirty
dollars each, and one pair of opera
glasses of the value of ten dollars.*

of the goods, chattels and personal property of one *Maurice Raff.*—

in the *dwelling house* of the said *Maurice Raff.*—

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

0405

THIRD COUNT—

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

James Munday

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

The said

James Munday

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, with force and arms,

one satchel of the value of fifty five dollars, one sash of the value of twenty dollars, one jacket of the value of twenty five dollars, two overcoats of the value of sixty dollars each, and one pair of opera glasses of the value of ten dollars,

of the goods, chattels and personal property of one *Maurice Rayff*

by ~~a certain person~~ persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *Maurice Rayff*.

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

James Munday

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

RANDOLPH B. MARTINE,

District Attorney.