

0096

BOX:

301

FOLDER:

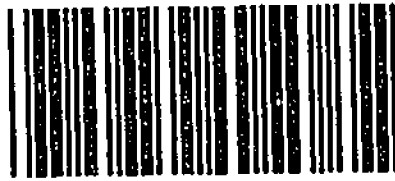
2863

DESCRIPTION:

Murphy, Michael

DATE:

03/28/88



2863

0097

BOX:

301

FOLDER:

2863

DESCRIPTION:

Donovan, James

DATE:

03/28/88



2863

No. 1 / No. 1

Wm. H. Miller
J. F. Peto

0099

Police Court, 1st District.

City and County } ss.
of New York,

John W. Gardner

of No. 100 E. 22nd Street, aged 22 years,

occupation Officer being duly sworn, deposes and says,

that on the 11 day of March 1884, at the City of New

York, in the County of New York, a certain children

both here present, called Mary and Carrie Brecher being actually and apparently under the age of sixteen years, to wit of the age fifteen and thirteen years, are necessary witnesses on behalf of the People of the State of New York in a certain criminal action now pending in the Court of the First District of, in and for the City and County of New York, entitled the People of the State of New York vs Michael Murphy and James W. Brown, wherein the said Brown and Murphy are charged with rape under Section 278 of the Penal Code of said State, in that they the said Murphy and Brown are charged with committing sexual intercourse with one Margaret Micher a minor child actually and apparently under the age of sixteen years, to wit of the age of fourteen years, against her will, and that the said Mary and Carrie are all as defendant verily believes, under duty held to appear on the trial thereof, and giving testimony at the instance of the People. Wherefore defendant prays that the said Mary and Carrie Brecher may be temporarily committed to

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suitable institution ~~has~~ ~~been~~ as a witness, to appear on the trial of the above said criminal case, in pursuance of the statutes in such case made and provided, and especially of section 291 of the Penal Code.

Done before me, this } Charles W. Gardner.
12th day of March 1888. }
at New York
Police Justice

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

Dated _____ 1888 Police Justice.

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

Dated _____ 1888 Police Justice.

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

Dated _____ 1888 Police Justice.

Police Court-- / District.

THE PEOPLE & CO.,
ON THE COMPLAINT OF

Charles W. Gardner

1. Mary Grehan
2. Annie Grehan
3.
4.

Offence, _____

Dated _____ 1888

Magistrate.
Officer.
Clerk.

Witnesses,
No. _____ Street,
_____ of the N.Y.C. P.C. Co.
No. _____ Street,
as witnesses
over offered before in 15 min
No. _____ Street.
and committed to the
to answer Sessions
with protesting as
witnesses

0101

Police Court, 13th District.

City and County } ss.
of New York,

Charles W. Gardner,

of No. 100 East 23 Street, aged 22 years,

occupation Officer being duly sworn, deposes and says,

that on the 11 day of March 1888, at the City of New York, in the County of New York, certain children

both here present female children actually and apparently under the age of sixteen years called Mary and Carrie Breher aged respectively fifteen and thirteen years, are necessary and material witnesses on behalf of the People of the State of New York vs. Michael Murphy and James Barran in a certain action now pending in the Police Court of the First District of, in and for the City and County of New York, entitled the People of the State of New York vs. Michael Murphy and James Barran are charged with the crime of Rape under Section 278 of the Penal Code of said State, in that they the said Murphy and Barran did have sexual intercourse with one Margaret Meher, ~~the~~ ^{was} against her will and by force, and that the said Mary and Carrie Breher will, as deponent verily believes, under duly legal to appear on trial thereof, and giving their testimony at the instance of the People. Wherefore deponent prays that the said children Mary and Carrie Breher

0102

may be temporarily committed to a
suitable institution as a witness
to appear on the trial of the afore-
said criminal case, in pursuance
of the statute in such case made
and provided and especially
of Section 291 of the Penal Code.

Sworn to before me this } Charles W. Gardner.
15 day of March 1888.

Solon B. Smith

Police Justice

Dated _____ 1888
Police Justice.

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

Dated _____ 1888
Police Justice.

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

Dated _____ 1888
Police Justice.

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.

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

Police Court- District.

THE PEOPLE, &c.,
OF THE COMPLAINANT OF

Charles W. Gardner

1. Mary Parker

2. Charles Parker

3.

4.

Dated

Mar 15

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

to answer Sessions.

Committed to the
Criminal Prison
as witness

5000 for by
Mavis / 188
B. G. M.
March 28 - 10 am
on motion of respondent

Police Court District.

THE PEOPLE, &c.,
OF THE COMPLAINT OF

Margaret Maher
Michael Murphy
James Hanrahan

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

188

Magistrate.

Jersey Officer.

Precedent.

Witnesses

Louise Farrell

No. *28* Street.

Carrie Larkin

No. *28* Street.

Carrie Larkin

No. *28* Street.

Mary Brennan

No. *28* Street.

Mary Brennan

No. *28* Street.

Mary Brennan

No. *28* Street.

Mary Brennan

No. *28* Street.

Mary Brennan

No. *28* Street.

Mary Brennan

No. *28* Street.

Mary Brennan

No. *28* Street.

Mary Brennan

Police Justice.

188

Dated

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

Police Justice.

188

Dated

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

Police Justice.

188

Dated

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

31 Washington

Residence.....

17 Residence Street.

And South

100623
100623

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

Dated *March 21st* 188*7* *W. D. Connelley* Police Justice.

First District
Police Court

The People ^{and}
Margaret Maber
vs
Michael Murphy ^{Ed}
James Donovan

Charged with Rape
Before Hon
Maurice J. Power
Police Justice
March 21st 1888

Appearances.

Mr Storing. agent for the Society
for the prevention of Cruelty to
Children for the people;

Edmund E. Price for the Defendants.

All parties present, the
examination proceeded.

Margaret Maber the complaining
witness being duly sworn deposes

Q. W. says

By the Court

Q. Where do you reside?

A. 31 Washington Street

Q. How old are you?

A. I will be 15 years old on the 9th day of July 1888.

Q. What do you work at?

A. Burlap bags.

Case Examined by

Mr Price's Depts. Council

Q. What time was it that you went down on this dock?

A. About three (3) o'clock in the afternoon.

Q. When was it, a Sunday?

A. Yes Sir.

Q. Who went with you?

A. I was with Mary Dreher and Corrie Dreher and Annie Farrell.

Q. Were there plenty of people on the pier when you went down?

A. No Sir. There were only three boys there when we went down.

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1

Q were they with you?

A No sir they were there before we went down

Q and you met them down there did you
A yes sir

Q what time did you meet these boys.

A when we went down there they were sitting there ^{and} we had a rope to jump.

Q were they jumping with you

A They were turning the rope.

Q what was the name of these boys?

A Jimmy King

Q who were the others?

A Pfeffer I don't know his other name.

Q ^{and} the other was Willie O'Donnell wasn't it?

A I guess so.

Q were they turning the rope when these other girls who were with you ^{and} the one fell ^{and} hurt her nose?

A They were turning the rope ^{and} she was jumping ^{and} she fell ^{and}

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cut her nose?

What time was this?

A Jini (5) o'clock.

Did you have beer on the dock?

A Nosi: we didn't drink any beer.

Did you go for any?

A Nosi: I did not.

Did any of the girls go for any?

A Nosi:

Any of the boys?

A Nosi:

What boys went for it?

A Pfeffer

How many times did he go for beer?

A Jini: 2

And you saw or you didn't drink any of it?

A Nosi:

Did any of the other girls drink any of it?

A Nosi: not that I saw. I think Mary Dreher and Carrie Dreher took a little?

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Q You think that they drank beer?
A Yes Sir

Q This is a public dock isn't it?
A Yes Sir

Q That anybody could go on?
A Yes Sir

Q And you mean to say that you were there from three to five o'clock and that nobody else came on that dock except the three boys that you were playing with?

A Nobody else came on the dock except the three boys we were playing with.

Q Did anybody drive you off of the dock?

A No Sir nobody told us to go off or anything else.

Q What time was it that you say you were told to go in the house?

A Five o'clock just about five o'clock.

Q And how long were you in there?

A It was about half past six.

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when we came out.

Garbo came out?

A They were in there for minutes ^{and}
they came out of the door

If you say they were in there about
half an hour ^{and} a half, who do you
mean by they?

A Corrie Breker Mary Breker ^{and} I
the four (4) of us.

If you were in this party?

A Yes sir

If you were in there an hour ^{and} a half

A Yes sir

If the whole four of you?

A No sir I was only in there an hour
and a half.

If they were in there?

A Yes sir

Garbo do you mean by they?

A Corrie ^{and} Mary they were in there
for five minutes ^{and} they went
to go out.

If so the actors went out ^{and} left
you in there?

Ayesu Howoan hollered out
is the can empty send for some
beer

Who said that Howoan?
Ayesu

Who went for the beer?

Anybody went for it? When
the two girls heard that they went
outside of the door

Was the beer drunk in the place
The first and second pint was

Where was the third pint drunk

They didn't send for the third pint
So the beer was drunk in this
little party?

Ayesu

How there must have been four
girls and four boys in there?

Was the boys didn't go in only

Young King went inside

Only Young King and four girls and
nearly were inside while the
beer was being drunk.

Ayesu

Q you were in there while the beer was
being drawn twice?

A yes sir only once when he sent
for the first pint we were pumping
pumps sent for it?

A I was Murphy

Q what time did you leave your
house that day?

A about a quarter to three I think.

Q Did you go away from your own
house alone?

A yes sir I went out of the house alone

Q where did you meet the other girls

A around standing at their door

Q Did you have any conversation with
either of these defendants in the
shanty or on the dock that day?

A No sir I didn't have anything to say
to them at all

Q Did you call either of their names
that day?

A no sir

Q and you say that you were in there
in this shanty about an hour & a half

Ayes Si

And were the other girls put out?

A No Si they were not put out

Q They were not put out?

A No Si they walked out.

Q And the other girls walked out why didn't you walk out?

A I could not.

Q Why not?

A Louis and had had of me in the corner and he had his two arms around me holding me tight while Murphy went to chase the other out chase the gang away.

Q What gang do you mean?

A Outside of the door.

Q Just outside of the shanty?

A Yes Si

Q What time was this?

A A little after five o'clock.

Q Didn't you say a few minutes ago that nobody else came in the door but you and these

quits?

A I mean when ^{we} were in the Thutty
a man came off a ship.

Q Do you know what ship he came
off of?

A No Sir

Q Whereabouts was the ship lying
A About that much from us
indicating the distance in the
court room from the table to
the window.

Q How far is that?

A A good distance away.

Q How far is it?

A I cannot tell you?

Q Fifty yards? was it from here
to about across the way?

A About as far from here as to the
window (indicating)

Q About eight feet away from the
shanty?

A Yes Sir

Q If you say that one of them put his
arms around you?

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Ayesu

Q The girls said that didn't they?
A Annie Jerrill seen it.

Q How do you know that?

A Because she was in the Thursty when he done it.

Q When she went out?

A When Murphy went out she ran up the dock.

Q Did you see her running up the dock?

Ayesu

Q Then she must have told you that since?

Ayesu she did she told me she ran up the dock.

Q You have stated that she told you that since?

A Yes she told me that once.

Q Where did she tell you that?

A Where we are?

Q Where is it?

A At the headquarters of the society office.

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Q And after the girls were chased out ^{and} the others went out you remained in the place for an hour and a half?

A Yes Sir

Q And you say that during that time you were assaulted by one of the defendants?

A Yes Sir they assaulted me

Q By who they who do you mean?

A Donovan ^{and} Murphy.

Q Which one first?

A James Donovan

Q What did he do to you just tell us as plainly as you can?

A When Murphy came in he put the club on the desk ^{and} then Donovan got fooling with me and commenced to cry ^{and} holler ^{and} then he took the club & hit me right ~~that~~ with it (showing)

Q Who did?

A Donovan

Q Donovan struck you with the club?

Ayes si

gahell

A Right here) showing

you the right hip?

Ayes si and it pains me to day ^{and}
all day yesterday.

Of the strike you on the right hip
with the club?

Ayes si

And after he struck you on the
right hip what happened then
a fall down

of what then?

And he took an overcoat from
the desk or closet that was there
and put it under me and then he took
a cushion from a chair and put
it under my head.

And what were you doing all
the time?

One of them was holding my ^{wrist}
I thought you said you pulled
I deserved not ~~baller~~ to hit me
with the club and Murphy

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Recd my mouth
 Q And put the coat under your is
 that it?

A Yes Sir

Q And be had connection with you
 you say?

A Yes Sir

Q And I suppose that that is the first
 time that anybody ever had connec-
 tion with you?

A Yes Sir

Q Didnt you mention the name of
 Jimmy King?

A Yes Sir

Q Have you ever had connection with
 him?

A No Sir

Q Do you know a person by the name of
 John McQuinn?

A No Sir I do not. I know one Sawyer

Q That is not the person I mean?

A I dont know him.

Q Were you ever at Greenville shooting
 poss^y Jersey?

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Q I went there with a party
 you as you met there with him?
 A No Sir I was not.

Q Or with Charles Barry?
 A No Sir

Q Or a person named Barry?
 A No Sir

Q Do you know him?
 A Yes Sir

Q Who went to this party with you?
 A Only us four (4) girls

Q Who are they?

A I know Dreber Corrie Parker
 and Annie Terrell

Q The same four girls you were with
 when this happened?

A Yes Sir

Q When was it?

A Thanksgiving day

Q Last year?

A This year

Q Where were the girls when you got
 out of the shanty that you speak
 of?

A The girls were waiting outside by the gate at the head of the dock waiting for you all the time?
 Ayessir

Q and where were the three (3) boys?
 A The three (3) boys went away one of the boys overcoats was in the shanty I think it was Pfeffer if I am not mistaken

Q There was Pfeffer, King ^{and} O'Goole those were the (3) three boys?
 Ayessir

Q ^{and} they went away?

Ayessir

Q When did they go away?

A I cannot tell you when they went away

Q They were there when you were in the shanty ^{and} the other girls went out?

Ayessir I cannot tell you if they were there when the other girls went out because I was in the shanty ^{and} could not see any

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thing
 Q How long were you in the Shanty
 before the other girls left there?
 A 10 ten or fifteen (15) minutes.

Q You say the beer was brought
 there and drunk there?

A Yes Sir

Q Who brought the beer?
 A Pepper

Q And they must have been there
 while the beer was being drunk
 A No Sir this was outside.

Q Where were you?
 A I went inside after the second
 pint

Q When did you go inside?
 A After Corrie fell on her nose
 Murphy picked her up to wipe
 her face off

Q Was it not to go in and drink the
 beer?

A No Sir it was not

Q How long have you known
 Murphy?

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A I never saw him before.

Q How long have you known Donovan
A I never spoke to him only twice
in my life

Q How long have you known him?

A Since Washington's birthday
Q Where did you make his acquaint-
ance -

A I was standing on the corner of
Ninth & Washington or Reiter Street
I mean

Q Now where did you make it?

A Corner of Reiter ^{and} West Street

Q This last Washington's birthday

A Yes Sir

That's all

I am to sleep me
this 21st day of March }
1888

John Justice

William G. Blair called as a witness
on the part of the people being
dearly known deposes ^{and says}
By the Court

Where do you reside?

On a Canal boat

What street?

The number of it is 3037

What is your business?

A Captain of a Canal boat at present
Direct Examination

By Agent Stocking.

Where does your boat lay?

A Between pier 5 ^{and} 6.

How long have you been lying there

A Since Saturday a week

Were you there on the eleventh (11th)

Of the present month were you?

A Yes Sir

And on Sunday the Eleventh (11th)

of March were you on the pier

or on your boat between five and

six o'clock in the afternoon?

A I was passing the pier

Did you see any young girls there

By Mr. Price

Refr. Counsel

Objected to as leading

By Mr. Stocking

Did you see any persons around

the pier then or near the Polo

of the pier?
 A I saw several in front of the pier
 of who were they?
 A I cannot tell
 Q were they men women or girls?
 A I heard one little girl crying
 Q where did that crying come from if
 you know of your own knowledge
 where should you think it came
 from.

By Mr. Price
 Depts Counsel

Objected to
 By the Court

The witness suppose you tell
 us in your own way and what
 occurred?

A I was passing the pier as I said
 and I heard a little girl crying and
 I asked the man who was in
 front of me what is the girl
 crying for.

By Mr. Price!
 Depts Counsel

Objected to by more
 to strike it out

By the Court

Ordered to be stricken out
 The witness

Finally the man said to me
 By the Court

Don't tell me what the man said

By Mustoeing

Q Did you hear any screams?

A I heard a girl saying

Q From what direction did the sound come from?

A From the front of the pier

By the Court

Q In the street?

A I don't know if it was

Q Where did you think those screams proceeded from?

A I thought it was in front of the pier I cannot tell I don't know any thing about it.

Cross Examined

By Mr. Price

Q Say or know how long that pier is from one end to the other?

A No Sir I know never in it in my life

Q Is this the first time that you appeared here?

A No Sir they had me here Monday

Q Did you make an affidavit?

A I don't know if it was an affidavit or not. They asked me some questions as you do now & I gave similar answers that is all that I know about it

Q How often were you on this dock?

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I don't think over twice in my life
 of when were those times?
 Once when I came on that pier
 of how long ago was it told me
 was it before the 11th of March
 And Sir it was not before that day
 of up to that time you had never
 been on the pier at all?
 And Sir

Hold all
 I was to before me
 the 21st day of March 1888

Police Justice

John S. Hanley a witness called
for the people being duly sworn
deposes and says

By the Court

Q Where do you reside?

A 18 East 2nd St. Steel

Q What is your occupation?

A Physician

Q What is your age?

A 34 years

Direct Examination by

Agent Stoenig.

Q Did you examine Margaret Mahan?

A Yes sir

Q On what date?

A 12th of March

Q This year?

A Yes sir

Q Now doctor please state to the Court
the result of that examination?

A The girl's virginia was dilated there
were no signs of violence no evidence
of laceration or blood but mucus
taken from the upper part of the
virginia ^{and} also the examination showed
stems on the chemise which is evidence
of spermaticoid

Q What is your opinion as to her having
had connection with any person?

A My opinion is that she had recent
sexual intercourse that is within a

See 104th

0128

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few days
Q Did you put any of the germs under
a microscope?
A I did not it is not visible any where
else.

By the Court
Q The English of it is that you found
Copulation had taken place?
A Yes in the strongest evidence of it

By Mr. Price
Left Counsel

No questions to ask the
doctor

Sworn to before me
this 27 day of March 1888

Pol. as Justice

25
 Anne Terrell a witness called on
 the part of the people being duly
 sworn deposes & says

By the Court

Q where do you reside?

A 50 Morris Street

Q How old are you?

A Over 14 years of age

Direct Examination

By Mr. Stoughton

Q Was you in company with Margaret
 Miller & the Dreher girls on this piece
 last Sunday, on piece six (6) north
 River on Sunday March 11th 1888?

A Yes Sir

Q State what took place there? what you
 saw happen there?

A We went down there to piece six (6)
 Sunday afternoon at ~~six~~ ^{three} o'clock
 me and Margaret Miller & the two
 Dreher girls Corrie & Mary & Corrie
 Dreher went to jump the rape & she
 fell and cut her face & that young
 fellow there?

Q Who do you mean?

A I know this young fellow come up
 & picked Corrie up & said I will
 wipe your face off & he brought
 her in the shanty & he got a cloth
 and wiped off her face and he kissed
 her & then we went in to see

what was the matter with her ^{and} she
 commenced to cry she complaining that
 her back was hurt ^{and} Corrie was
 all right ^{and} ready to go out when
 this young fellow Donovan came
 in with a club. ^{and} we were going
 out and he asked us where we
 were going ^{and} we said we are
 going home ^{and} he said you are not
^{and} she said I am and he said I
 am blamed if you ~~are~~ will ^{and} Mallie
^{and} Corrie ran out on the dock ^{and}
 they came in and held the door ^{and}
 Maggie and I were in there ^{and} he
 got her against the door and Donovan
 went out to chase the crowd away
 on the dock ^{and} as I got out I ran
 out of the shanty ^{and} ran up the
 dock with the other two girls ^{and}
 they were coming down again ^{and}
 Donovan ^{and} Murphy had hold of
 Maggie in the shanty ^{and} I take
 up and looked over the window
^{and} he hit her right across the back
 with a club and she fell down
 on the floor ^{and} we ran away from
 there for fear that somebody ^{and}
 might grab us. ^{and} bring us in
 Did you look for a policeman?
 By M. Price
 Left Council }

objected to as leading
 Did you make any complaint?
 By Mr Price
 Depts Counsel

objected to
 What did you do when you left the
 head of the dock?
 A A man was coming across the
 street. Q Was crying. A He said
 what's the matter. A I said there is
 a girl down there. A Donovan said
 to the man if you don't get out of
 here. I will shoot you. The man
 went down to try. A We got Moggie
 out. A Then the man told me he
 could not do anything for me
 Was there any other man come on
 the dock or along there?

A A man with a red shirt came
 along and he asked me if we would
 go down. A I said no. I am afraid.
 A He said I will not do anything
 to you?

Cross Examined
 By Mr Price

How long did you remain on the
 dock?

A Moggie remained quite a while
 in the shanty

By the Court

Where is the shanty?

A on the dock.

Q How far from the dock?

A Half way from the gate

Q How far is it from Lee) show me how far it is?

A To the other wall (describing from the table in the examination room of the Tomb's police court to the wall of the building opposite the Tomb in Franklin Street).

Q Eight to One hundred feet?

Yes Sir

Cross Examined

By Mr Price

Q Who were you playing with on the dock?

A Maggie Mober, Corrie Dreher, Mary Dreher & Annie Terrell

Q Were there these other boys playing?

A Away down below us

Q Were they not playing with you at all?

Yes Sir

Q Did you go in the shanty with the other girls?

A I went in the shanty, all of us went in.

Q What for?

A To see what was the matter with Corrie.

Q Is that all?

Ayesu

Q Did you drink any beer in the Shanty?

A Yes

Q You did not?

A Yes

Q You are sure of that?

A Corrie & Mary Dreher drank some beer he gave it to me but I gave it to Mary Dreher

Q Who gave it to you?

A Murphy

Q How many times was beer sent for?

A Once the beer was in the can when we went in the Shanty

Q And you didn't drink any of it?

A No Sir he gave me near a glass full and I gave it to Corrie Dreher and she drank some of it & threw the balance of it behind the desk

Q How long were you in the Shanty?

A As long as they were

Q About how long?

A About an hour or half an hour

Q And Maggie was in with you?

A Yes Sir she was in with me

Q And the other two girls besides?

A Yes Sir

Q You are sure you were in the Shanty over an hour?

A No Sir not over an hour

Q What were you doing all this hour
that you were in the shanty?
A I was not doing anything I was stand-
ding and waiting for Corrie Orber
to come out I was asking Corrie
how did she feel

Q For an hour?

A Not quite an hour

Q Were you not fooling around in
the shanty with Jimmy Sherry?

A No Sir Jimmy Sherry was not there
if I did you know at the door of the shanty
after you came out?

A No Sir the other two girls did.

Q You did not?

A Yes Sir

Q And as I understood it you four
(4) girls went down on the deck
playing among yourselves?

A Yes Sir

Q And there were some boys playing
further down?

A Yes Sir

Q And not with you at all?

A Yes Sir

Q And at the time you were skipping
rope?

A Yes Sir

Q And nobody but you four (4) girls
were together?

A Yes Sir

Q you are sure of that?
A yes sir

Q and you cannot be mistaken about
that?
A yes sir

Q and you were with Maggie Moore all
the time that you knew she was on
the dock?
A yes sir

Q there you talked with Maggie about
this case about what you were going
to say?
A yes sir she asked me what I was going
to say.

Q and didn't you tell her what you
were going to say?
A yes sir

Q when did she ask you what you were
going to say?
A she asked me yesterday

Q you have been together for several days
A yes sir

Q did she tell you what she was going
to say?
A she told me what she was going to tell

Q and you told her what you were going
to tell?
A yes sir

Q was you not playing with those boys
down on the dock?
A no sir only Jimmy King

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Q you said you were not playing with anybody?

A Jimmy King came there and turned the rope for us

Q Then you were playing with the boys?
A No sir I would not play because he was playing

Q Didnt Willie O'Goole come over and play with you?

A I dont know any fellow named Willie O'Goole.

Q Do you know a fellow named Pfeffer?

A No sir

That is all

I sworn to before me
the 21st day of March 1888

John J. Justice

Mary Drake a witness called by
the people being duly sworn Depos
Myself.

By the Court.

Where did you reside?

A 20 Morris Street

How old are you?

A 15 years the 12th of last month.

District Examination?

By Mr. Stocking

Where was you on Friday six (6) on the evening
of March in company with
Maggie Maher?

Answer

I and Annie Farrell and your sister?

Answer

What was on Sunday March 11th?

Answer

What were you doing on the door?

Jumping.

With whom?

A Maggie these two girls and myself
(referring to Mary and Annie Drake)

Was anybody else jumping with you?

A Some boys were jumping there
they were not jumping with us
they were playing by themselves

Where they jumping at all with you?

A No sir they only turned the rope
they didn't jump it

Now will you go on and state to the

Could just what happened on the dock from the time you went there until you left the dock?

A We were jumping ^Q my sister fell ^Q Murphy picked her up ^Q brought her in the office ^Q when her face was washed Donovan washed in and said was the can empty ^Q Murphy says who will go for a pint of beer ^Q then my sister ^Q I asked out ^Q the two of them kept the girls in?

Q Yes?

A Murphy ^Q Donovan ^Q Did they try to keep you in?

A No sir

Q What did you do when you left the shanty

A We went to the end of the dock ^Q and Annie Terrell commenced —

Q What did you do?

A I went to the head of the dock and stood there until they came out.

Q How long should you judge they were in the shanty with those men

A Quite an hour.

Q What did she say or do when she came out?

By Mr. Price

Objected to as to what she said

Q What did they do?

A ~~They~~^{She} said they didn't do right when
and then she went to the station
house.

Q And made a complaint?

A Yes sir.

Q Right from the dock?

A Yes sir.

Q And examined

By Mr Price

Q What time did you go down on the
dock?

A Three o'clock in the afternoon.

Q Where did you go from?

A From my home.

Q All went together?

A Yes sir four of us.

Q What was on the dock when you got
there?

A a whole lot of boys they were playing
tag when we got there?

Q All then a policeman came down
and chased them off I don't know
how many there were there?

Q And did the policeman chase you
away?

A Yes sir.

Q You were not playing then at that
time?

A No sir we were just going ^{down} to jump

Q You had a skipping rope with

you?

Ayes si

Q Do there a gate to this dock?

Ayes si

Q How did you get through the gate?

A It was open.

Q And you walked in?

Ayes si

Q And you knew it was a private dock?

A I didn't think there was anybody else on there were there after before jumping and nothing happened.

Q You have been there many a time before?

Ayes si

Q When the policeman chased the other off the dock, did anybody come back there and stay?

A No sir but after awhile two boys came down and turned the rope for us.

Q What boys were they?

A Jimmy King and Preffer

Q Do you recollect Willie O'Dell?

A He has a turned eye and eyes fellow.

Q So there were three of them?

Ayes si

Q And three of them turned the rope?

A Didn't they?

Ayes si

Q You say that after the girl fell and

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hurt her nose she was taken in the
 shanty And one of these legends
 said to the other is the can empty
 Ayes sui

Q And did the beer come ?
 Ayes sui

Q Just after that ?
 Ayes sui

Q You didn't drink any beer ?
 Ayes sui

Q Did Margaret make you any
 beer ?
 Ayes sui

Q You are sure of that ?
 Ayes sui

Q Did she give your sister any in your
 presence ?
 A I don't know.

Q You say there was no beer given
 to you ?

A Not at the time they were there -
 only Murphy took some beer
 up himself

Q The can was empty when Donovan
 came in And he took him to get it
 filled ?

Ayes sui
 Q And you walked out ?

Ayes sui there was beer there before
 that

Q You didn't drink any beer in there

at all did you?

Amossu

Q Did you see any beer brought there before the second run?

Amossu

Q Did you drink any of that?

A Only my sister and me and that girl.

Q What girl?

A Annie Terrell

Q Who else?

A Me and Margaret Maher.

Q Where was it?

A In the chalet he gave it to my sister on account of her mouth being full of blood.

Q Your mouth was not full of blood was it?

Amossu

Q And you took a drink of it?

Amossu

Q And Maggie's mouth was not full of blood was it?

Amossu

Q And Annie Terrell?

Amossu

Q And how many times did you drink?

A One drink each

Q One glass each?

A No sir a little bit that was in the glass.

Q and didn't you think there was some
 thing wrong about that drinking
 beer in the shanty with men
 a what

Q didn't you think anything wrong about
 drinking beer in a shanty?

A no sir didn't think it was any-
 thing wrong.

Q you done it before?

A no sir

Q didn't the policeman ever chase you
 away from the dock?

A no sir not that I know of.

Q how far dozen line from that
 place?

A half a block from that place. I live

Q you say that you came out of the
 shanty seeing the girls Maggie
 Snaker and Annie Terrell inside?

A yes sir

Q and you didn't go there again?

A yes we went down again and tried
 to get them out.

Q how did you try?

A I tried to find the knob and it was
 locked

Q how you before that tried to turn
 the knob. you or your sister?

A my sister

Q then it was not you?

A no sir

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Q you tried to open the door at all?
 A I pushed it but the two of us were
 trying to open it and it was fastened
 Q which one of you was it?
 A The two of us tried the door and
 it was locked. And she tried it again
 and it was fastened.

Q you just tried the knob?
 A Yes sir

Q and then you went away?
 A Yes sir

Q what became of King & Preffer
 all this time what became of them
 A I don't know what became of
 them I know as soon as Noggie
 was in there they ran out or
 something

Q do you know?
 A I do not.

Q you don't know what became of
 Stern?
 A No sir

Sworn to before me
 this 21st day of March 1888

Police Justice

41

Carrie Preker a witness called on
the part of the people being duly
sworn deposed and says:

By the Court.

Where do you reside?

A 50 Morris Street

How old are you?

A I will be 14 this October

Direct Examination by

Agent Stocking.

Q Was you in company with your
sister Mary and Annie Terrell and
Maggie Traber on Sunday the
11th of March of this year on pier
six near you down on the dock
with those three girls?

A Yes sir

Q What were you doing on the dock?

A Jumping

Q Was anybody else jumping with
you?

A No sir only us four

Q Ask's flung the rope around?

A Maggie and Annie?

Q Anybody else?

A No sir

Q No boys or anybody else around
it?

A No sir

Q Just simply these girls?

A That's all yes sir

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1

Q And you fell down didn't you?
A Yes sir

Q And did you hurt yourself?
A Yes my nose

Q Did anybody pick you up?
A Yes that man, (pointing)

Q What is his name?
A Murphy

Q Where did he take you to?

A In the little house

Q What did he do?

A He washed my nose and fixed it
all right

Q What else happened from the time
you went in the shanty until
you left?

A He fixed my nose and my
sister was in and Annie and the
other girl came around and said
are you going home and Murphy said
come on girls and the four of us
sat there until 5 or ten minutes
and Donovan walked in and the
can was on the desk and he said
is the can empty and Murphy said
yes. and Donovan said I will go out
for a pint of beer and I went out of
the door with my sister and he
held the door and he hit me across
the back with the club.

Q Where did you go when you left?

the shanty?

A we stayed outside and kept the two girls in

Q what two girls?

A Maggie and Annie and we asked and knocked at the door and said Maggie here is your mother and he would not let them out and then we took and looked for a policeman and five minutes afterwards this girl came out (referring to the girl) and she said he hit her with a club on the back and she was lying on the floor dying.

Q After Maggie came out of the shanty and came to the end of the dock where did you go?

A The four of us went down under Babbitts shed and Maggie and my sister stood there and Maggie told me to go for her umbrella and the four of us went to the station house.

Q While you were in the shanty was any beer brought in?

A No sir there was no beer brought in he was going out for some beer

Q So there was no beer brought in the shanty at all?

A No sir

Cross Examined by

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Mr Price

Depts Council

Q Didnt you drink any ?
 A No Sir I didnt have any beer

Q Your sister ?

A No Sir none of his.

Q If they drank any beer you would
 have seen it ?

A Certainly I would

Q And that is just as anything else
 you have said ?

A Yes Sir

Q That you didnt drink any beer ?

A I didnt drink any beer.

Q Did they drink any beer ?

A No Sir

Q Did you ask for some beer ?

A I didnt ask for no beer

Q How long were you in the shanty ?

A We were in about five minutes
 when Moggie came to the door

Q Was you not in there an hour ?

A No Sir Anne Tyrell & Moggie

mother were in there an hour
 with those two men they kept us
 in there.

Q You say the two of them were in there
 for an hour ?

A Yes Sir

Q Where were you during that hour ?

A We were out at the head of the gate

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Q What time was it?
 A About I guess a quarter to six or
 five o'clock I am not sure I don't
 know the time

Q Did they come out of the place to-
 gether did Annie Terrell and
 Maggie Fisher come out together
 A No sir they did not come out of
 the place together Annie Terrell
 came out

Q Didnt you just say that you left
 the two of them in there for an
 hour? And that Terrell came out ^{and}
 that five minutes afterwards the
 other one came out?

A Yes sir

Q Was it as much as five minutes
 between the time that Maggie
 came out after Terrell?

A Anne came out before Maggie
 did?

Q You said one was out five minutes
 before the other?

A Yes sir

Q Was it as much as five minutes?

A Yes sir

Q About five minutes?

A Yes sir

Q And from there you went to the station house

A Yes sir

Q And the arrest was made that night?

A Yes sir

Sworn to before me (ss) Police Justice

Josueo Millins cannot as a witness
on the part of the people being
duly sworn depose ^{and says}

By the Court.

Where do you live?

A on the schooner Mabel Purdy.

Q and what is your age

A 34 years.

Q what is your occupation?

A Seaman

Direct Examination

by Agent Storing

Where does your schooner lay?

A Pier No (6)

Q How long has she been lying there

A To the best of my knowledge two
weeks about.

Q you were there Sunday March 11th

your schooner was lying at pier

Six Sunday March the eleventh?

A yes Sir

Q do you know a man named Donovan

who is the watchman there or who

works on the pier.

49

A I didn't hear the watchman's name
until yesterday
Q Do you recognize any person in this
room who is the watchman on
that pier?

Answer:

Q Point him out.

A (Witness pointing out Donovan one of
the defendants,) To the best of my
knowledge that is the man
Q was he employed to watch your
schooner?

A I understood so from the Captain
Q Did you see Donovan on the pier
that night between (5) five & seven
(7) seven o'clock?

A I saw him on our deck
Q On the deck of your vessel?

Answer:

Q Between (5) five & seven (7) seven o'clock?

Answer:

Examined by
Mr. Price (Depto. Counsel)

Q What time did you see him on

your deck do you say?

A Between the bars of fire (S) W seen
colocn

Q what brought this to your notice that
there on your deck between fire
(S) W seen (S) colocn?

A I don't know that I have any particular
notice for it.

Q Did he speak to you?

A I don't remember

Q If you don't remember much about
the occurrence any how do you?

Am I Sir

Q How has your memory been refreshed
has anybody approached you about
it?

A I don't understand you Sir.

Q Has anybody spoke to you in regard
to this about Donovan coming on
your deck on that Sunday?

A I don't understand you Sir.

By the Court

Q Tell us what conversation you had
with anybody about this matter

one way or the other?

As yesterday Mr. Gardner was examining
Records Examined by

Mr. Price

Q And you mean to say that you
can throw your mind back some
two or three weeks and testify what
hour a man was on your vessel
Did you swear that you saw
him on your vessel on Sunday
the 11th of March?

A Yes Sir

Q How many times did you see
him prior to that?

A Several times working up the
dock

Q Was he on your vessel on Saturday
preceding that?

A Not to my knowledge

Q Or Friday?

A Not to my knowledge

Q Or the Thursday preceding that?

A Not to my knowledge

Q Now what brings it to your mind

that he was on your vessel on this Sunday?

A I was getting supper at the time
Q Then you were attending your own
business?

A Yes Sir

Q Was it an unusual thing for a man
to go on board of your vessel?

A Yes Sir

Q Did there any other vessels then
A Yes Sir I happened to be standing
at the galley door

Q Did you speak to him?

A I don't remember

Q What time was it?

A Between (5) five & seven (7) o'clock
Q Rayn wanted to tell me that it
was between (5) five & (7) seven
but you cannot tell me the exact
time?

A To the best of my knowledge
that is the time I know I lit the
lamp in the cabin while he
was on the deck

0155

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Q Do you know whether it was five o'clock or half past five, or six o'clock or 7 o'clock?

A Yes Sir

Q About you know the difference between day light ^{and} dark? you are a seaman?

A Yes Sir

Q You know when its sun down?

A Yes Sir

Q Was it after dark or day light when he was on board of your boat?

A I lit the lamp

Q Then it was dark?

A Yes Sir

Q You know its not dark until (20) twenty minutes past six don't you?

A It was a kind of dull day, then I would light the lamp rather earlier than usual.

Q What do you do on that vessel?

A Cook

Sworn to before me this 21st day of March 1888

Police Justice

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George Whitlock a witness called
by the people being duly sworn
deposes and says:

By the Court

Q What is your occupation
A Superintendent

Where do you reside?
A 104 Pulaski Street Brooklyn

Q What is your age?
A 58 years

Direct Examination by
Mr. Stoenig.

Q What is your occupation?

A I have been Superintendent of
Pris. S. for the last (20) twenty
years. I held that position till
I do you know the defendant Lee
Dowman?

A I do

Q What is his business on that dock
if he is on the dock?

A He is watching schooners

Q What are his hours generally for
watching schooners?

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A Generally at night
 of what time did he usually go there
 in the afternoon?

A Sometimes I would leave my office
 and close up ^{and} go away sometimes
 it would be two (2) three (3) o'clock
 in the afternoon ^{and} he would be there
 generally.

Q There was a study on that dock was it
 there?

A No sir there was an office;
 Q And that is your office?
 A Yes sir.

Q Did you give anybody a key to that
 office?

A I gave Donovan a key last fall
 if for what purpose?

A For this purpose we were formerly
 in the grain business ^{and} we were an
 extensive business ^{and} the gentleman
 I was associated with his health
 was so bad and poor that he went
 out of it ^{and} we still had the lease
 of the dock ^{and} I remained there

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to take charge of it ^{and} collect the
wharfage

Q And he had entrance to the office right
^{any} day?

A I gave him the key of the office for this
purpose he would come there in
the morning ^{and} sweep out my
office ^{and} keep it in good shape ^{and}
have it ready for me when I came
^{and} he would after come & close it
up in the afternoon.

By Mr Price & Defendants }
Counsel }

Subject to this.

By the Court.

Q Did you employ Donovan?

A No Sir I did not

Q Did you pay him anything for
his services there?

A No Sir not a cent

Q You simply gave him the privilege
of watching the schooners?

A Yes Sir

Sworn to before me 1888
this 21 day of March

Police Justice

55

Timothy Jordan being duly sworn
deposes ^{he} says. called on the port
of the people.

Direct Examination)

By Agent Stoenig)

Q. you made the arrest of the defen-
dant?

A. yes sir

Q. when?

A. The 11th of this month.

Q. where?

A. I arrested Murphy corner of Washington
St & Rector Streets. Edwardson in
his own house

Q. did they make any statement to you
at the time?

A. Edwardson denied it at the time

Q. denied what?

A. Denied that he had any thing to
do with the girl but in the
station house he claimed that
he could prove that she was a
prostitute

Q. He denied that he had any connection

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with her?

Answer:

Q That was Donovan?

Answer:

Q Now about Murphy?

A He said in the station house that he was there and he didn't have anything to do with her. And that it was this other man. And I asked him if Donovan was there. And he said no. He didn't know him.

Q Who made the complaint to you?

A I got the orders from the station house to go and arrest them.

Q To what precinct are you attached?

A Twenty eighth (28th)

Cross Examined by

Mr. Price Depts. Council

Q Do you know these girls?

A No Sir. I do not.

Q Which was the one that you arrested first?

A Murphy.

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Q And did you arrest Donovan?

A The same evening

Q And where?

A In his own house

Q Where was that?

A Corner of Washington & Corlies
Sts.

Q What did you say to him?

A Told him that Maggie Barker
accused him of assaulting her at
prec. six (6)

Q Is that all you said?

A Yes sir

Q Didnt you say to him there is nothing
in it because they are all a lot
of prostitutes?

A Yes sir

Q Or anything bordering on it?

A Yes sir

Q Didnt you tell him that they were
a lot of girls who ran around
the dock ^{and} had a bad name?

A Yes sir

Q Did you tell him that you were

0162

58

the girls ?

Quoxii

Was there any other affair with
you ?

Cases affair November

Sworn to before me
this 21st day of March 1885

Police Justice

Julia Maher witnesses asked by
the people being being duly sworn
deposed & says

By the Court

Where do you reside?

A 31 Washington Street.

What is your age?

A 35 years.

What is your occupation?

A Housekeeper

Of Margaret Maher your daughter
Ancestress

Do you remember the date of the
birth of your daughter the complete
Miss Margaret Maher?

Ancestress

When was it?

A On the 19th of ~~January~~ ^{July}

In what year?

A 1873.

Was she baptised on the same day
that she was born?

Ancestress

When was she baptised?

0164

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on the third (3^d) of August
following?
Answer

Where?

A Barlow street Church Church of
St Peters

Who was present at the Baptism

A Elizabeth Smith & Kate Pabell

Case Examined by

Mr Price's Depts Council

How old do you say that you are?
A 35 years

Where were you born?

A Ireland

What date & month & year was
it?

A I cannot exactly tell

Sworn to before me

this 21st day of March 1888

John Justice

Case for the people

61
Mr Price
Repts Russell

I move for the dismissal
of the complaint on the evidence
here given as contradictory evidence
that has been adduced here by
the witnesses for the people
By the Court

Motion Denied

Mr Price

Exception

Mr Price

If it please your honor
I would respectfully ask that
a minimum bail might be
fixed, it is not such a case as
was presented here the other day
By the Court

I would rather you go to
the District Attorney because he
has can fully enquire into the
matter

By Mr Price

He has not the opportunity to

investigate as your honor has said
By the Court

He can read all the evidence
it will be before him.

By Mr. Price

It is fresh in your honors
mind now, & it is also fresh
in your mind that from the
testimony of one of the witnesses
for the people that at least one
of the defendants was in reputable
employment at that time.

I don't desire to comment
on the evidence now at this time
but I do most respectfully
urge upon your honor that you
do fix an amount of bail not
so great as you bore for the ex-
amination.

By the Court

The law has made this a
crime of rape ^{with or} without the con-
sent of the girl ^{and} if I find that
a crime has been committed

I have no disagreement ^{and I find} from
the testimony ^{the} evidence of
this girl that a crime has been
committed.

By Mr Price

That she had connection
with somebody

By the Court

Exactly ^{and} she being under
the age of 16 years. ^{and} all the tes-
timony goes to the probable
belief that these persons were
present at the time of the
commission of the crime I
don't recall what the penalty
is for the crime of rape committed
under such circumstances but
I believe it is from ten to twenty
years.

Mr Otter

yes Sir

By the Court

It is my duty as a
magistrate ^{simply} to ^{and} to

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insure their presence in the court
in which they are to be tried ^{and} to
meet the full penalty of the law
if they are convicted. It is for
the other court to say what
they believe the magnitude of
the crime to be.

Mr. Price

By my advice my clients
waive further examination here
^{and} go to the general sessions for
trial?

By the Court

They will be held in
the same amount of bail.

Defendants Powell waive
further examination

I David C. Sellman, stenographer of
the First District Police Court do hereby
certify that the within testimony taken
by me upon the examination herein
is a true ^{and} correct copy of the original

stenographic notes of said examination.

Tested & signed this 11th day of May 1888

David C. Sellman
cc & Over

Stenographer

0169

Police Court,

District.

City and County } ss.
of New York,of No. 31 Washington Street, aged 14 years,occupation Bag - maker being duly sworn, deposes and says,that on the 11th day of March 1885, at the City of NewYork, in the County of New York, I went down to Pier 6

North Pier with three other girls
 at about 3 o'clock P.M. and while
 playing on said Pier one of the
 girls fell and cut her face - the
 defendant Michael Murphy
 picked the said girl up (her
 name is Carrie Barker) and brought
 her into a shanty - on said Pier
 He told me and the two other
 girls (to wit:) Mollie Barker, Annie
 Syrell to come into the said
 shanty office, which I refused to do,
 He then told me to go into the
 said shanty and bring the
 said Carrie Barker on. I had
 just got inside of said shanty
 when the defendant Donovan
 came in with a club in his
 hand, I started to go out
 when the said Donovan
 refused to let me go out, saying
 "You won't go out, you must stay
 in here". The said Murphy locked
 the door of said shanty on the
 inside. The said Donovan struck
 me on the back with the said
 club, causing me to be knocked
 down. He then prostrate the
 said Murphy with a cross
 from the wall of said shanty
 and placed it under my body,
 and also placed a leather cushion
 under my head, the said Donovan
 was holding me down on the

0170

ground, at the time. The said Murphy held my mouth from being any from screaming whilst the said Benson inserted his penis into my private parts against my will. The said Benson then held me whilst the said Murphy inserted his penis into my private parts against my will, the defendants then unlocked the door and allowed me to go out.

Sworn to before me
this 14th day of March 1888 } Margaret Mahan

ing Gwey

Police Justice

Dated 1888 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 1888 Police Justice.

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

Dated 1888 Police Justice.

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.

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

Police Court-- District,

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

1
2
3
4

Offence,

Dated

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Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street.

\$

to answer

Sessions.

0171

Police Court, District.

City and County }
of New York, } ss.

of No. 2d Morris Street, aged 13 years,
occupation Man at Canals being duly sworn, deposes and says,
that on the 11 day of March 1888, at the City of New
York, in the County of New York, I was on the said

Pier playing with Margaret Maher
and was in the said shanty with
her. I saw the defendant in
the said shanty. The said
Murphy ~~Donner~~ left the said shanty
with a club in his hand to drive
the crowd away which was on the Pier.
I ran out of the shanty leaving
the said Margaret Maher in there,
and the said Donner was
holding the said Margaret
Maher against a desk in
said shanty. The said Murphy
returned to the shanty and closed
the door of the same. The defendants
and the said Margaret Maher
remained in the shanty for
about one hour. I tried to get
into the said shanty to save
my friend but could not.

Sworn to before me
this 14th day of March 1888 Amie her man

and Percy

Police Justice

0172

Police Court,

District.

City and County } ss.
of New York,

Carrie Dreher.

of No.

22 Morris

Street, aged

13

years,

occupation

Clean office

being duly sworn, deposes and says,

that on the

11

day of

March

1888, at the City of New

York, in the County of New York,

I was playing on the said Pier with Margaret Maher, Annie Ferrell, & Mary Dreher. I fell and hurt my nose and was brought into the said shanty by the defendant Murphy. The said Murphy washed my face and the said Donovan came into the shanty. Myself and Mary Dreher saw our clearing the said Margaret Maher and said Annie Ferrell in the shanty. In about five minutes after, the said Annie Ferrell came out of the shanty and told me that the said Donovan had struck Margaret Maher with a club. I remained on the Pier for about an hour during which time the said Margaret Maher was in the said shanty and the said defendants also. I tried to get into the said shanty but could not as the door was locked. I heard the said Margaret Maher's voice, begging to let her out.

Sworn to before me }
this 1st day of March 1888 } Carrie Dreher
J. J. O'Neary
Police Justice

0173

Police Court, District.

City and County } ss.
of New York,of No. 100 East 2nd Street, aged 22 years,
occupation Officer of Smut, for the Prison being duly sworn, deposes and says,
that on the 11 day of March 1888, at the City of New

York, in the County of New York, Michael Murphy
and James Donovan (both
now here), did ravish and rape
and have sexual intercourse
with a female, nor the wife
of either: to wit Margaret Maher
said female being under the
age of sixteen years, to wit
fourteen years, in violation
of section 278 of the Penal
Code of the State of New York
as deposed is informed and believes to be
for the reasons following:
see enclosed affidavits of
Margaret Maher, Amy Farrell and Carrie Arthur
sworn to before me
this 15th day of March 1888 Charles H. Gardner

J. W. Smith
Police Justice

0174

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT,

DISTRICT.

of No. 28 Wm Street, aged 43 years,
 occupation Police Officer being duly sworn deposes and says
 that on the 11 day of March 1888

at the City of New York, in the County of New York, he arrested
Michael Murphy and
James Donovan both now on
in complaint of one Maggie
Wheeler who charges them
with Rape. Wherefore deposes
that the said deponent
be held to allow the Physician
of the Court for the Prosecution
of the said children to examine
the said Maggie Wheeler
Witness my hand

Sworn to before me, this 11 day of March 1888

William J. Ford
 Police Justice.

0175

Police Court, 1 District.

THE PEOPLE, &c
ON THE COMPLAINT OF

James J. Jordan
vs.

Michael Murphy

James McDonough

Dated May 12 1888

John Magistrate.

James J. Jordan Officer.

Witness, W. J. Gardner

W. R. E. Egan

100 E 23 St

Disposition, Com for Ex

12th 13th 2 P.M.

" 14th 2 P.M.

h

\$5000. for Goet
Ther 17- 1888
9³⁰ AM.

AFFIDAVIT.

CERTIFICATE OF BAPTISM.

St. Peter's Church.

This is to Certify, That *Margaret Maher*
Born of *William Maher* and *Julia Cahill*
on the *19* day of *July* 1873, was baptised on the *3*
day of *August* 1873, by *Rev. Charles Leary*
William Smith and *Elizabeth Cahill* Sponsors,
as appears from the Baptismal Register of St. Peter's Church.

New York, *March 13* 1888

Amos McGeehan

Pastor of St. Peter's Church.

SULLIVAN & SCHAEFER, PRINTERS, 60 BARCLAY ST., N. Y.

0176

0177

#34043-

18 East 24th St.
March 12th 88.

This is to certify that I have this day made a physical examination of Maggie Maher, of 31 Washington Street, on whom it is alleged a rape was committed on the 18th instant. While I find no positive evidence of forcible defloration, as the usual signs are absent, the hymen not torn, tho' of such formation & elasticity as to allow of penetration without sustaining injury, ~~except~~ unless the male organ was of large size, or introduced with considerable violence - I do find positive evidence that the girl has had recent actual intercourse. The condition of the genital organs gives only negative evidence, but the freshness of smears both in stains upon the chemise, said to have been worn at the time of the alleged assault, and in the mucus removed by me from the deeper parts of the vagina, is proof positive that part of her story is true.

I have, therefore, no hesitation
in expressing the opinion
that the girl has had sexual
intercourse within the last
few days.

J. H. Hawley, M.D.

0178

0179

CITY AND COUNTY } ss.
OF NEW YORK,POLICE COURT, 1st DISTRICT.William Blairof No. 100 Murray Street, New York City, aged 60 years,
occupation Carriage Driver being duly sworn deposes and says,that on the Eleventh day of March 1888.

at the City of New York, in the County of New York, that - at - about
at six thirty - (half past six) o'clock in
 the afternoon he was standing on
 West - St - in front of Pier No. 6 North
 River when he heard cries of distress
 from apparently a female on Pier No
 6 North River and a crowd of
 people had collected and someone
 asked several men what the matter
 was and they replied that a rape
 was being committed on ~~the~~ a girl
 on said pier

William BlairSworn to before me, this
of March 1888.14 dayW. J. Brown
Police Justice,

0180

Police Court-- 1 District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

John W. Gardner

vs.

Michael Murphy

James Barron

AFFIDAVIT.

Dated March 14 1888

John W. Power Magistrate.

John W. Power Officer.

Witness,

Disposition,

0181

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, / DISTRICT.

Lorenzo Mullins
Street, aged 24 years,

of No. _____ being duly sworn deposes and says
occupation Steward

that on the 11th day of March 1888

at the City of New York, in the County of New York, that - between

the hour of five and seven
a clock in the afternoon he
saw the prisoner Warren whom
was on board the Schooner Mabel
Purdy which was lying at
Pier No. 6 North River and he had
a club in his hand.

Lorenzo Mullins

Sworn to before me, this 2 day
of March 1888.

W. J. [Signature]

Police Justice.

0182

THE PEOPLE OF THE STATE OF
NEW YORK,

against

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0183

THE PEOPLE OF THE STATE OF
NEW YORK,

against

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

Count of General Sessions of the Peace
County of New York D.S.

The People
vs
Michael Murphy
and
James Donovan

I Daniel
Donovan
make oath
and say
that I
am

watchman employed in the
Exchange Court Building
in the city of New York. I
know Maggie Meagher, who
made the complaint, on
which the proceedings in the
above entitled criminal action
were instituted. On one
occasion between ten and
eleven o'clock at night, I
saw her and another young
girl whom she called Rosie
with a man in Exchange Court.
I looked the door on the
Broadway side of the
building and went to the
Exchange Court side thereof,
and saw them with the man
whose pants was disarranged
and which he was buttoning.
When Maggie Meagher saw
me she said "Shut it, Rosie

here comes the watchman!"
and then they ran away through
the court. I have put her out
of the place several times and
on each occasion she used
vulgar, indecent and profane
language to me. I am not a
relative of either of the above
named defendants.

Daniel Donovan
Sworn to and subscribed
before me this
10th day of May 1888.
Hugh Durbin
Notary Public Kings Co
Certificate filed in N.J. Co

0186

2000

Mich. Murphy
and

Jack O'Quinn

Appelavit

Paul Bonoran

J. H. Brady

0187

City and County of New York, SS:

Michael J. Murphy, being duly sworn deposes and says, as follows: On Sunday, the 11th day of March, 1888, as was my custom, I went down to Pier No. 6, about half-past twelve and found there the defendant Donovan and two or three others whom I was accustomed to meet there on Sunday's. I first went into the office where Donovan was there was two others there, these two others left us some time before five and Donovan and I remained in there alone. About three o'clock or a little time after while Donovan and I were in the office we saw the girls Margaret Maher, Annie Terrill, Carrie Drear and Mary Drear come down on the pier. They passed the office some distance and then went back again. At this time Donovan took his club and went down to the end of the pier near the water, and I remained in the office. About twenty minutes after Donovan left the office to go to the end of the pier, I took a can went out and sent a boy named Prefer for some beer. I then went back into the office. In a little while Prefer returned with the beer and I received it at the door of the office. When Prefer returned with the beer James King, Mike Hurley, Prefer and myself went inside the office to drink the beer. Donovan at this time was at the end of the pier. After the others had had some of the beer they left and went towards the head of the pier

0188

and left me there alone. About five or a little after while I was sitting in the office, I saw one of the girls Carrie Drear by name, fall and hurt her face. I went out to her, picked her up and took her towards the office. When we got into the office I gave her some water and a towel to use on her face. The other girls followed us soon after and came to the office. After I had given Carrie Drear the water and towel, I saw Margarte Maher and the other girls near the office outside. I went to them and said: "Take Carrie home; she has hurt herself ". and Margaret Maher said "It is not necessary for us to go in, "we will wait until Carry comes out". I then said to them: "Come in and sit down and wait for Carrie". They then went in and sat in the office. Up to this time Donovan was at the end of the dock. About five minutes after the girls had come in, while Garrie was washing her face and wiping it, Donovan came into the office with a club in his hand. At this time, James King was also inside. When Donovan came in he closed the door and laid down his club on the desk and whispered into my ear, "that "he would like to "grab one of the girls. and he told me to wait at the window. I agreed to do this and I stood at the window intending to take part in the scheme myself. The girls then got frightened and Carrie and Mary drear ran out, leaving inside there James King, Annie Terrill, Margaret Maher, Donovan and myself. After these two girls had gone out I took the club and went out, in order to drive away anybody who might interfere with us.

3

After I had gotten out with the club ,at this time King and Annie Terrill ran out. I then went back into the office and found there Donovan and Margaret Maher. Margaret Maher was crying, and then she tried to get out, and Donovan struck her with the club on the side or hip. He then asked me to hand him an overcoat, which I did and he spread it on the floor. I handed him a cushion from the chair which he placed also on the floor. He then pulled her down on the overcoat and cushion. All this time Margaret Maher was hallooing and screaming. Donovan then pulled up her clothes, unbuttoned his clothes, got on top of her and had connection with her. She was hallooing and crying out all the time. While he was having connection with her, I put my hand over her mouth to stop her hallooing. Donovan was on top of her a long time, when he got through, I got on top of her and had connection with her. And while I was having connection with her Donovan held her mouth. After we got through with the girl, Donovan opened the door and let her out. When I was about to have connection with her, and at no time during that day did she say to me or in my hearing that she was diseased or had the clap. Donovan and I stayed in the office until about nine o'clock that evening. I left Donovan going home and I went to the segment of Rector and Washington Street, where I got a segar in a saloon kept by Patrick McCarthy. While in there I was arrested by officer Timothy Jourdan, to whom I denied that I knew Donovan.

0190

3

while all the girls were in the office and before
Donovan came in I gave a little of the beer to Carrie
Drear who drank a little of it, and Mary Drear also drank
a little of it.

Michael Murphy

Sworn to before me this

20th day of April, 1888.

Wm H. Van Gersichtens
Notary Public (4th)
N. Y. Co.

Count of General Sessions of the Peace
County of New York S.P.

<p>The People vs Michael Murphy and James Donovan</p>	<p>J. John Cosgrove, a patrolman of the Municipal Police of</p>
---	---

the city of New York make
oath and say that for the
past three years I have
been acquainted with Maggie
Meagher, who made the
complaint, on which the
proceedings in the above
entitled ~~case~~ criminal
action were instituted. She
was pointed out to me as
a girl addicted to the most
bestial and unnatural
practices. I notified Officer
Burland of the Society for
the P. C. C. of her character
and was informed then by
that officer that her character
was then well known to the
officers of said society

John R. Cosgrove

Sworn to and subscribed
before me this 15th day of May 1888.

Hugh Dennis Notary Public Kings Co. certified to me

N. S. Co

0192

vs People

vs

Mich. E. Murphy

Quo

John D. Quoran

Affiant

John D. Quoran

J. Brady

0193

(1)

(a) While we were jumping Murphy came out of the office ~~was sitting on~~ the ~~stump~~ with a can, and ~~gave~~ ^{gave} some ^{one} of the young boys, ~~a can & money~~ to go for beer - Pfeiffer went for beer and Murphy then went back into the office. All this time Donovan was at the end of the dock & Pfeiffer came back with the beer & handed it to Murphy at the door of the office and Murphy and the three boys went into the ~~stump~~ ^{office}. We then went on jumping - This was about 3.30 P.M. At about five P.M. Carrie Greher fell down & hurt her face.

(b) We stayed behind long enough to wrap up the rope & then went up the dock - when ~~you~~ we got near the office Murphy came out & said "go in & take Carrie home"

(c) & said "it is not necessary for us to go in, we'll wait until Carrie comes out"

(d) - that her back was hurt -

(e) and as all of them were going out ~~Donovan~~ ~~came down~~ ~~us~~

(f). Just at this time went over to a dock & laid his club down - I had put my head on a low chest & was crying & Donovan came over to me & put his arms around my waist - Jimmy Keip had hold of Annie Syrel trying to get her out - Carrie & many Greher managed to get out at this time - Some after this, Murphy went

0194

out with the club, as there were near the office
some sailors from a ship = While Murphy
was going out Jimmy King & Annie Syrel
ran out = This left Dawson & myself inside
Murphy came back in about five minutes
& he locked the door =

(g) Dawson had conversation with me twice = When he
got through, Murphy had conversation with me
twice, while Dawson held me = I was in the
office until about 7 P.M. My drawers were
all torn up one leg & the button hole was torn
out & the button off =

0 195



*The New York Society for the
Prevention of Cruelty to Children.*

NO 100 EAST 23RD STREET. (CORNER 4TH AVE.)

New York April 20, 18

The People
v.
Murphy and Donovan.

Hon. Vernon M. Davis,
Asst. District Atty. &c.,

Dear Sir:

If you will set down the above case for trial on Thursday
April 26
of next week, that being the day mentioned by defendant's counsel
Mr. Howe's representative, as agreeable to him, I think we can
then dispose of it. It might be well to send notice of this fact
to Mr. Howe without delay and inquire whether that arrangement
will be satisfactory to him, so as to prevent any question arising
when the case is called for trial on Thursday.

Very sincerely yours,

Miss O'Connell
President &c.

0196

COURT OF GENERAL SESSIONS.

The People
v.
James Donovan.

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23^d STREET,

New York, May 7, 1888

CASE NO. 34043 OFFICER
DATE OF ARREST
CHARGE Rape. Plead guilty, to assault in 2nd
degree

AGE OF CHILD
RELIGION
FATHER
MOTHER
RESIDENCE

AN INVESTIGATION BY THE SOCIETY SHOWS THAT James Donovan
13 years on September 8th, 1876, residing with parents Andrew and
Mary at 75 West Street, committed to the House of Refuge by Record-
er Hackett from the Court of General Sessions on a charge of Bur-
glary in the 1st Degree.

He was discharged on July 12, 1877, and on March 20, 1878,
he was again committed by Judge Gildersleeve of General Sessions
for larceny from the person.

He was discharged April 3, 1879, much against the wishes of
Judge Gildersleeve.

In 1883 Donovan was seen by an officer of the House of Refuge.
He was then employed as boatman and waterman and expressed a desire
to do better.

All which is respectfully submitted,

Wm. T. Henry
President

To
The Recorder

0197

COURT OF GENERAL SESSIONS.

The People
v.
James Donovan.

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.
100 EAST 23^d STREET,

New York, May 7, 1888

CASE NO. 34043 OFFICER _____
DATE OF ARREST _____
CHARGE Rape. Pleased guilty, to assault in 2nd
degree _____
AGE OF CHILD _____
RELIGION _____
FATHER _____
MOTHER _____
RESIDENCE _____

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Judge Gildersleeve.

In 1883 Donovan was seen by an officer of the House of Refuge.
He was then employed as boatman and waterman and expressed a desire
to do better.

All which is respectfully submitted,

Wm. J. Terry
President

To
The Recorder

0198

N.Y. General Session

The People

against

James

Dowdman

R A P E

PENAL CODE, §

Report of the New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. GERRY,

President, &c.,

100 East 23d Street,
NEW YORK CITY.

0199

COURT OF GENERAL SESSIONS OF THE PEACE,
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

The people

v.

BRIEF FOR THE PEOPLE.

James Donovan and
Michael Murphy.

STATEMENT OF THE CASE.

The prisoners are indicted for rape on Margaret Maher, a girl aged 14 years, on March 11, 1888, about 3 P.M., on Pier 6 North River in this City. The defendant Michael Murphy will plead guilty and turn state's evidence. The facts appear in the evidence.

EVIDENCE FOR THE PEOPLE.

MARGARET MAHER. - Resides at 31 Washington Street, is 14 years of age and makes bags for occupation. On March 11, 1888, she went down to Pier 6 North River, with three other girls Annie Terrell, Mary Dreher and Carrie Dreher, about 3 o'clock P.M. ^(a) While playing on the pier ^{in full view} Carrie Dreher fell and cut her face, and defendant Michael Murphy picked her up and brought her to a shanty on the pier ^(b) and told witness and the other two girls to go into the shanty. This witness at first refused to do. ^(c) He then told her to go and bring Carrie out. ^(d) She went in, ^(e) and Donovan then came in with a club in his hand. Witness started to go out, but Donovan refused to let her out, saying "You won't go out; you must stay in here." ^(f) Then defendant Murphy locked the door on the inside. Donovan struck witness on the back and hip with a club, knocking

0200

2

her down. While fallen, he took a coat from the wall of the shanty and placed it under her body, and placed a leather cushion under her head, Donovan holding her down at the time. Murphy then held her mouth preventing her from screaming, while Donovan had connection with her. There were only three boys on the pier when the girls went on it. Donovan then held her down while Murphy had connection with her. The girls were playing with Jimmy King and Willie O'Toole, two boys on the pier, jumping rope, and while turning the rope Carrie Dreher fell and cut her nose. It was about 5 o'clock when they were told to go into the house, and about half past 6 when they came out. Witness never spoke to Donovan but twice in her life. Has known him since Washington's Birthday of the present year. When witness got out of the shanty she went to the entrance of the pier where she found the rest of the girls waiting for her, and there was quite a crowd collected. She went to the 2nd Precinct Station house and reported the case, and they sent her to the 28th Precinct, and she went there and told her story. They sent for her father and Officer Jordan. The officer arrested Murphy, whom witness identified. After taking him to the station house the officer arrested Donovan and brought him to the station house, and witness also identified him.

MICHAEL MURPHY. - Is a defendant in this case and turns state's evidence. Lives at 107 Washington Street, and is a laborer. Knows Defendant Donovan. About 5 o'clock on Sunday, March 11th, he went to the office on the pier and had been there about five minutes when Donovan came in. About this time witness saw three girls playing on the dock; they were on top of a truck load of burpaps. One of the girls fell and cut her nose. Witness

was looking out and saw the girl fall. Witness went out and said to the girl that he would get water to wipe her face with. She went with him to the office and the other girls came after her. He got a tin dipper with water and wiped her nose. Witness went out and the complainant Margaret Maher remained in because Donovan held her there in the room. Donovan said he would like to cram her. He said to her, "I am going to cram you before you get out of this office." Donovan struck her with a club and knocked her down, and then they put a coat under her, and Donovan had connection with her. After Donovan had got through, then witness also had connection with her. They then opened the door and let her out. When witness was about to have connection with her she said she had a disease; witness had his pants open; she said she had the clapp. Witness laughed at Donovan because he was a married man. At half past 9 they were arrested. Witness is an unmarried man. Donovan is a married man and has a wife and one child. Donovan is a watchman and carries a club.

ANNIE TERRELL. - Lives at 20 Morris Street, is ~~14~~ years old, and works at candies. On March 11, 1888, witness was on Pier 6 North River, playing with Margaret Maher, and was in the shanty with her. Saw the defendants in the shanty. Witness ran out of the shanty, leaving Margaret inside. The defendant Murphy who was outside returned to the shanty and closed the door of the same. When witness saw that they were keeping Margaret in the shanty, she tried to get in but could not. They went down to Pier 6 on Sunday afternoon about 3 o'clock. While they were playing Carrie Breher fell and cut her nose, and Donovan came and picked her up

and took her to the shanty. She began to cry, complaining that her back was hurt. After defendants had wiped her face, the girls started to go out, and defendants said "Where are you going," and they said they were going out, and defendants said "You are not going out," and witness said "I am." Then Mary and Carrie ran out on the dock, but defendants came and held the door and Margaret and witness were in there. When witness got out of the shanty she ran up the dock with the other two girls, but the prisoners Donovan and Murphy kept Margaret in the shanty. Witness went around to the window and saw Donovan hit her on the back with a club. When witness and the other girls reached the head of the dock, a man was coming across the street. Witness was crying, and he said "What is the matter," and witness said "There is a girl down there," and they went down and tried to get Maggie out, but the door was locked, and the man said he could not do anything for them. Maggie remained nearly an hour in the shanty, which is half way to the gate.

CARRIE DREHER. - Lives at 20 Morris Street, is 13 years old, and cleans offices. On March 11, 1888, witness was playing on Pier 6, North River, with Margaret Maher and the other girls. Witness fell and cut her nose. Defendant Murphy brought her into the shanty and washed her face, and Donovan came into the shanty. Witness and Mary Dreher ran out, leaving Margaret and Annie in the shanty. About 5 minutes after Annie came out of the shanty, and said Donovan had struck Margaret with a club. Witness remained about an hour, while Margaret was in the shanty. Witness tried to get into the shanty, but could not, as the door was locked. Witness heard Margaret's voice begging to be let out.

0203

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and took her to the shanty. She began to cry, complaining that her back was hurt. After defendants had wiped her face, the girls started to go out, and defendants said "Where are you going," and they said they were going out, and defendants said "You are not going out," and witness said "I am." Then Mary and Carrie ran out on the dock, but defendants came and held the door and Margaret and witness were in there. When witness got out of the shanty she ran up the dock with the other two girls, but the prisoners Donovan and Murphy kept Margaret in the shanty. Witness went around to the window and saw Donovan hit her on the back with a club. When witness and the other girls reached the head of the dock, a man was coming across the street. Witness was crying, and he said "What is the matter," and witness said "There is a girl down there," and they went down and tried to get Maggie out, but the door was locked, and the man said he could not do anything for them. Maggie remained nearly an hour in the shanty, which is half way to the gate.

CARRIE DREHER. - Lives at 20 Morris Street, is 13 years old, and cleans offices. On March 11, 1888, witness was playing on Pier 6, North River, with Margaret Maher and the other girls. Witness fell and cut her nose. Defendant Murphy brought her into the shanty and washed her face, and Donovan came into the shanty. Witness and Mary Dreher ran out, leaving Margaret and Annie in the shanty. About 5 minutes after Annie came out of the shanty, and said Donovan had struck Margaret with a club. Witness remained about an hour, while Margaret was in the shanty. Witness tried to get into the shanty, but could not, as the door was locked. Witness heard Margaret's voice begging to be let out.

MARY DREHER. - Lives at 20 Morris Street, and is 15 years old. Was playing on Pier 6, North River, on March 11, 1888, with Margaret Maher and the other girls. They were jumping rope. Witness's sister Carrie fell and cut her nose, and defendant Murphy picked her up and brought her into the office. When her face was washed, Donovan said "So, the can is empty," and Murphy said "Who will go for a pint of beer," and witness went to the head of the dock and stayed there until they came up. Margaret was in with the men about an hour. She said they did not do right to her, and went to the station house and made a complaint right from the dock. When they first went to the dock there were a number of boys playing on the dock, and a policeman came and chased them away. After a while two boys came down and turned the rope for them. The boys were Jimmy King and Willie O'Toole. After Margaret Maher was inside the shanty, witness's sister tried to turn the knob, and witness pushed the door, but it was fastened inside.

WILLIAM G. BLAIR. - Resides on Canal boat 3037; is captain of the boat, which lies between Piers 5 and 6, North River. Was lying there on the 11th of March. On that day between 5 and 6 in the afternoon, witness in passing the pier saw several persons in front of the pier, and heard a little girl crying from the front of the pier. Witness thought it was in front of the pier.

DR. J. S. HAWLEY. - Is a physician, residing at 18 East 24th Street; is 30 years of age. Examined the girl Margaret Maher on the 12th of March. Found the vagina dilated, but no signs of laceration or blood. But mucus taken from the upper part of the vagina, and also stains on the chemise, which witness examined

under the microscope, were found to contain spermatozoa, which satisfied witness that the girl had had recent sexual intercourse, and that the strongest evidence existed of copulation having taken place. The girl's parts were dilated.

LORENZO MULLINS. - Is 24 years of age, and a seaman on the schooner Mabel which was lying at Pier 6, North River, on Sunday, March 11th, 1888. Recognized the prisoner Donovan as a watchman employed to watch the schooner. Between 5 and 6 o'clock on the day in question saw the prisoner on his schooner.

GEORGE WHITLOCK. - Has been superintendent of Pier 6, North River, during the past 20 years. Is 58 years of age, and resides at 107 Pulaski Street, Brooklyn. Knows defendant Donovan. His business on the dock is watching schooners, generally at night. There is an office on that dock, and witness gave Donovan a key last Fall so that he might go in there in the morning and sweep out the office and keep it in good shape.

OFFICER TIMOTHY JORDAN. - Is an officer of the Municipal Police, 28th Precinct. Arrested the defendant Murphy at the corner of Washington and Rector Streets, on Sunday, March 11, 1888. Arrested Donovan at his own house, 122 Washington Street. Witness received orders from the station house to arrest them.

JULIA MAHER. - Resides at 31 Washington Street; is 35 years of age, and a housekeeper. Margaret Maher is her daughter; she was born July 19, 1873, and was baptized August 3rd following at St. Peter's Roman Catholic Church in Barclay Street. Elizabeth Schmidt and Kate Cahill were present at the baptism.

The Certificate of baptism is as follows:

Certificate of Baptism -

This is to certify that Margaret Maher, born of William Maher and Julia Cahill, on the 19th of July, 1873, was baptized on the 3rd day of August, 1873, by the Rev. Charles Corley. William Smith and Elizabeth Cahill, sponsors, as appears by the Baptismal Register, St. Peter's.

James H. McGean, Pastor.

0207

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

PENAL CODE, § 20

BRIEF FOR THE PEOPLE.

0208

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

*James Donovan
and
Michael Murphy*

R A P E
PENAL CODE, §

BRIEF FOR THE PEOPLE.

0209

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Michael Murphy
and James Donovan

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

Michael Murphy and James Donovan

of the CRIME OF RAPE, committed as follows:

The said *Michael Murphy and James*
Donovan, both

late of the City of New York, in the County of New York aforesaid, on the
seventh day of *March*, in the year of our Lord one thousand
eight hundred and eighty-*eight*, at the City and County aforesaid,
with force and arms, in and upon one *Margaret Maher*,
then and there being, willfully and feloniously did make an assault, and her the said
Margaret Maher, then and there, by force and with
violence to her the said *Margaret Maher*, against her
will and without her consent, did willfully and feloniously ravish and carnally know,
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
Michael Murphy and James Donovan
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Michael Murphy and James*
Donovan, both

late of the City and County aforesaid, afterwards, to wit, on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon her
the said *Margaret Maher*, willfully and feloniously did
make an assault, with intent her the said *Margaret Maher*,
against her will, and without her consent, by force and violence, to then and there
willfully and feloniously ravish and carnally know, 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

Third COUNT.

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

Richard Murphy and James Donovan

of the CRIME OF RAPE, committed as follows:

The said Richard Murphy and James

Donovan, both _____

late of the City and County aforesaid, afterwards to wit: On the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon her
the said Margaret Maher, then and there being,
wilfully and felonously did make another assault, she, the said Margaret

Maher, _____ being then and there a female under the
age of sixteen years, to wit: of the age of fourteen years; and the said

Richard Murphy and James Donovan, then and there
wilfully and felonously did perpetrate an act of sexual intercourse with her the said

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

JOHN R. FELLOWS.

~~RANDOLPH MARTINE,~~

District Attorney.

0211

BOX:

301

FOLDER:

2863

DESCRIPTION:

Murray, Edward

DATE:

03/08/88



2863

02 12

Witnesses:

No. 106

Counsel,
Filed, 8 day of March 1888
Pleeds, Chicago, Ill.

THE PEOPLE,

vs.

Edward Murray

Section - 508 - Penal Code.

JOHN R. FELLOWS,
RANDOLPH B. MARTINE,

District Attorney.

and acquitted.

A True Bill.

(Signature)

Foreman.

0213

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.POLICE COURT, 2 DISTRICT.

John Sullivan
of No. 15th Precinct Police Street, being duly sworn, deposes and
says that on the 17th day of February 1888
at the City of New York, in the County of New York, Deponent arrested

John Dolan and Edward
Murray, now here, ^{they were in} Premise street
and adjoining streets acting in a
suspicious manner so that Deponent
followed and watched them, and
Deponent saw the said John Dolan
throw away a burglar tool or instrument
known as a "Jimmie". Whereupon De-
ponent arrested the defendants and
now charges that both the said
Dolan who threw away the said
"Jimmie" and the said Murray
who accompanied him, intended to
use the said Jimmie or burglar
tool for the commission of crime.
Deponent knows that the said
Dolan has been imprisoned or
convicted of felony, and charges
him with feloniously carrying the
said burglar tool. The defendants
were present in the premises 192 Bleeker on the
5th inst. when a burglary was committed as
Deponent is informed by Albert Haas. (now here)

Deponent before me this
17th day of February 1888

David C. Kelly
Police Judge

John S. Sullivan

0214

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Edward Murray 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 Murray

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

197 Greene St - 1 dy

Question. What is your business or profession?

Answer.

Driver

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

Answer.

I am not guilty. I did not have the burglar tool in my possession.

Edward Murray.

Taken before me this

day of

January 1898

Police Justice.

0215

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *23 years*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *178 Greene St - 2 days*

Question. What is your business or profession?

Answer. *Long Breman*

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

Answer.

I did not have the burglar tool in my possession. I did not throw it away. I have never been convicted of crime.

John Dolan
(mark)

Taken before me this

day of

188

19
James J. McLaughlin
Police Justice.

9120

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

Police Court District.

THE PEOPLE, &c.,
IN THE COMPLAINT OF
John Sullivan
1/15 St. Street
John Dolan
Bay of Court
Edward Murray

Offence Carrying for
Dated Feb 19 188
Magistrate O'Reilly

Officer Sullivan

Precinct 15

Witnesses Albert Alar

No. 192 Blaetier Street.

RECEIVED.
FEB 20 1888
DISTRICT ATTORNEY'S OFFICE.
\$10000 to answer

COMMITTED.

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

0217

March 1888

The People

or

Edward McHenry

Indicted for Grand Larceny
in the 2nd Degree

Indictment filed Feb'y 1888

Tried March 10th 1888

Defence by Randolph B. Martine,
and a jury.

7

02 18

COURT OF GENERAL SESSIONS OF THE PEACE:

City and County of New York.

-----x

The People	:
vs.	:
Edward Murray	: Before,
Indicted for Grand Larceny in the	: Hon, Randolph B. Martine,
Second Degree.	: and a Jury.
Indictment filed, February 1888.	:

-----x *Ind March 10/1888*

APPEARANCES:

Assistant Disrrict Attorney Goff, for the People,
Jacob B. Berg, for the Defence.

JAMES CARNEY, the complainant, testified that
he was an Express driver and lived in Jersey City
and did business in the City of New York, at 220

0219

2

Duane Street. He saw the defendant on the 21st. of February 1888, at the Tombs. Before he saw the defendant, he had a package of shirtings on his wagon. The wagon was in White Street, at the corner of Broadway. The package was about three feet square. It contained two pieces of shirting. He got it at 438 Broome Street, from Markowitz & Son, to be delivered to M. Price, at Paterson, New Jersey. The value of the package was \$33.33. He got the package at about half past nine in Broome Street, and it was taken from the wagon at about 5 minutes to twelve o'clock. He got off the wagon at White Street and Broadway, and went down into the cellar there, and, when he came out, the package was gone. He remained about 20 minutes in the cellar. When he came out, he missed the package, because there was only one package and a case on the wagon. He next heard of the parcel at about half past one o'clock, when he was informed by Officer Sheridan

0220

3

that the package was recovered and was at the Tombs. He went there and found the defendant and the package.

UNDER CROSS-EXAMINATION He testified that after he recovered the package at the Tombs, he shipped it to Paterson. He identified the package in the Police Court, by the marks on it, and by the size of it. He had been in the Express business about five years.

OFFICER WILLIAM P. SHERIDAN, testified that he was a detective attached to the Police Central Office. On the 21st. day of February, 1888, he was on duty on Broadway. He was walking down Broadway at about half past eleven o'clock in the morning and, at the corner of Leonard Street and Broadway, he saw the defendant, and his co-defendant, Smith, walking up Broadway. He followed them and then he

4.

went to 347 Broadway, and returned to White Street again. Then he saw Smith with a parcel under his arm, and the defendant was with him. He followed them to Baxter Street, and they turned down Baxter Street, and there was a little boy with Murray and Smith, who kept running back and forward across the street. Then they stood opposite a place in Baxter Street, near the Bpvery, and he, the witness, called a police officer, and told him to catch Smith, and he got hold of Murray, and the little boy ran away.. He took the prisoners to headquarters and locked them up. The complainant, afterwards, identified the package in the police court. Smith had the package under his arm. Smith had pleaded guilty. Smith and Murray were walking together and talking together. After he was arrested, the prisoner said that he didn't know anything at all about the package and Smith said at Police Headquarters that he didn't take the package and that little boy had taken the package

0222

5.

and given it to him to carry. Smith said this in the presence of the defendant Murray.

UNDER CROSS-EXAMINATION He testified that he never saw the defendant before that day. He watched the two men on general principles, but he didn't know either of them.

FOR THE DEFENCE. EDWARD MURRAY, the defendant testified that he had lived at the Eureka House, at 224 Bowery. He was a carrier around the market. He had been employed around Washington Market for about 6 years. On the morning in question, he went down to the market, and there was nothing doing. He walked up to the Fall River Line Pier and watched for the boats, but they didn't come and he walked up Worth Street to Broadway, and met Smith. He only knew him by sight, and they spoke a few words, and he, the defendant, walked to Canal

6.

Street, and down Canal to Centre and through Worth to Baxter, and the officer came up and arrested him. He asked the officer what he arrested him for, and he said, "That man on the other side stole something," meaning Murray, and he, the defendant said, that he knew nothing about it. He had met Smith in a resturant where both of them ate. He had known him for about a month or two by sight. He, the defendant, didn't know whether Smith stole the package or not. He didn't see the package until Smith was arrested. He, the defendant, was once arrested upon a mis-identification, and discharged the next morning.

UNDER CROSS-EXAMINATION. He testified that he was on the opposite side of Baxter Street when Smith was arrested. He saw the officer arrest Smith. He had met the defendant in the Jim Fisk resturant, in Park Row. He didn't know that Smith

0224

7.

had been in prison before. When he, the defendant, was arrested, it was upon a mis-identification. He was charged by the lady who kept the Jim Fisk restaurant. His father was dead, but his mother lived in New York. He could not tell where because he hadn't been home for four years. She lived last in 44th. Street. He had been living during the last four years in a lodging house. He left home because he could not agree with his brothers. He had worked at 136 Madison Avenue, in a beer house for seven months, and then in a printing house at 33 Vesey Street, and then at the Market

-----0000-----

0225

CITY AND COUNTY }
OF NEW YORK, } ss.

Albert Slaes

aged 27 years, occupation House-keeper of No.

192 Bleeker St Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of John S. Sullivan

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

Sworn to before me, this

day of

19

February

1888

Albert Slaes

Samuel C. Sullivan

Police Justice.

0226

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Murray

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

Edward Murray of a misdemeanor,

of the CRIME OF

committed as follows:

The said *Edward Murray*

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *February* in the year of our Lord one thousand eight hundred and eighty-eight, at the Ward, City and County aforesaid,

did unlawfully have in his possession a certain rod and implement, commonly called a "gunny", the same being a rod and implement adapted, designed and commonly used for the commission of burglary and larceny, under circumstances evincing an intent to use and employ the same, and to allow the same to be used and employed, in the commission of some crime 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.

John A. Williams,

Attorney

0227

BOX:

301

FOLDER:

2863

DESCRIPTION:

Murtha, John

DATE:

03/22/88



2863

0228

Witnesses:

Geo. W. Morrison
W. Fitzgibbon
Off. Sec.

Counsel,

Filed

22 day of March 1888

Pleads,

Chitqually

THE PEOPLE

vs.

John Murtha

Assault in the Second Degree.
(Section 218, Penal Code).

JOHN R. FELLOWS,

District Attorney.

April 17 (1888)

Mr. News: agrees to April 19, 1888
quitted Court Case as per last entry

A True Bill.

May 1888

Foreman.
We have agreed to say yes

John April 5th

Part III April 1888

Tried and acquitted

G. W.

John Murtha
Arrested July 29/87
for Larceny by
Officer Donigan
13th Precinct
gave the name
W. Frank Clark
Sentenced to 3 months
penit. & Special Serv.
Judge Patterson
Presiding

0230

John Mutha
Arrested July 19/87
for Larceny by
Officer Honigan
13th Precinct
gave the name
of Frank Clark
Sentenced to 3 months
Juni. & Special Sess.
Judge Patterson
Presiding

0231

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK } ss.

3 District Police Court.

John L. Murtha 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.

John Murtha

Taken before me this

day of

March

1888

John Murtha

Police Justice.

0232

Police Court—3rd District.

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

of No. 528 East 14th Street, aged 33 years,

occupation Laborer being duly sworn

deposes and says, that on the 15th day of March 1888 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

John Murtha, now here,
who struck deponent a
number of violent blows
on the head and jaw with
some sharp instrument (he,
Murtha, held in his hands
therewith cutting and wounding
deponent in three several
places on the head

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

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

Sworn to before me, this 16th day
of March 1888 } John M. Morough

Wm. Platter Police Justice.

0233

Police Court— 3rd District.

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

of No. 528 East 14th Street, aged 33 years,
occupation Laborer being duly sworn

deposes and says, that on the 15th day of March 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by
John Murtha, now here,
who struck deponent a
number of violent blows
on the head and face with
some heavy instrument (he,
Murtha, held in his hands
thereby cutting and wounding
deponent in three several
places on the head

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

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

Sworn to before me, this 16th day
of March 1888

John M. Marrough

John Plateau Police Justice.

44320

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

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

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

Police Court District 3 434

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John W. Munnigh
1528 E. 14
John L. Munnigh

Offence _____

Dated *March 16* 188_____
Magistrate. *John Patterson*
Officer. *Ed 121*
Precinct. _____
Witness *William Fitzgibbon*
No. *238* Adams St. Street.

RECEIVED.
MAR 19 1888
DISTRICT ATTORNEY'S OFFICE

No. _____ Street.
to answer *2000*
Comd

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

0235

14

SUBPOENA
FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York.

To *John Smith*
of No. *14* Street,

GREETING :

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *27* day of *April* instant, at the hour of Eleven in the forenoon of the same *day*, to testify the truth and give evidence in our behalf against

John Smith
in a case of *felony*, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *April*, in the year of our Lord, 1888.

JOHN R. FELLOWS, District Attorney.

If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room
Door that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS]

The Court Room is in the First Story.

PART III.

0236

14
SUBPENA

FOR A WITNESS TO ATTEND THE
Court of General Sessions of the Peace.

The People of the State of New York.

To *John R. Fellows* Street, of No

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *27* instant, at the hour of Eleven in day of *April* the forenoon of the same day, to testify the truth and give evidence in our behalf against

John R. Fellows in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *April*, in the year of our Lord, 1888.

JOHN R. FELLOWS, District Attorney.

PART III.
The Court Room is in the First Story.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room.
Door that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS]

0237

Officer Cox
Known nothing
about this case

He need not
be sworn to before me, this
day

Put this memorandum
with papers in
the case

being duly sworn, deposes and says he
Subpoena of which the within is a copy, upon
day of

Should the case not be called on for trial, and no reason
assigned in Court, please inquire in the District Attorney's
Office about it, and you may save time.
If inconvenient to remain, and you prefer another day, state
this early to the District Attorney, in the Court.
If ill when served, please send timely word to the District
Attorney's office.
If you know of more testimony than was produced before
the Magistrate, or if a fact which you think material was not
there brought out, please state the same to the District
Attorney or one of his assistants.
State of New York, ss.
City and County of New York,

0238

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 Muntz

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

John Muntz

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

The said

John Muntz

late of the City and County of New York, on the *12th* day of *March*, in the year of our Lord one thousand eight hundred and eighty-*eight*, with force and arms, at the City and County aforesaid, in and upon one

John McManis

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said *John Muntz*, with a certain sharp instrument, to the Grand Jury aforesaid, *indicted* with a certain *which* the said

John Muntz

in *his* right hand then and there had and held, the same being then and there a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm, *him*, the said *John McManis*, then and there feloniously did wilfully and wrongfully strike, beat, *cut*, bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Sellers,
District Attorney