

0241

**BOX:**

524

**FOLDER:**

4770

**DESCRIPTION:**

Dade, William

**DATE:**

06/07/93



4770

Witnesses:

Henry Richman

Counsel,

Filed

7<sup>th</sup> day of June 1893

Pleads,

THE PEOPLE

2<sup>d</sup>

1320 1/2 3<sup>rd</sup> St.  
Wash D.C.

William Dade

Grand Larceny, Second Degree.  
[Sections 623, 687 Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Henry D. Hann  
District Attorney  
June 12, 1893.  
Filed and Committed  
2<sup>d</sup> 1/2 3<sup>rd</sup> St.  
Wash D.C.

Police Court—

4 -

District.

1912

Affidavit—Larceny.

City and County of New York, ss.

of No. 220, Columbus Avenue, Street, aged 27 years, occupation Druggist

deposes and says, that on the 5 day of March 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Good and lawful money of the United States consisting of a Bill of the denomination and value of One Hundred Dollars (\$100.00)

the property of Herman L. Behrens and in deponent's charge and custody

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by William Sade (now here)

from the fact that on the aforesaid day the said property was in the counter in the drug store at premises No. 220 Columbus Avenue and said defendant was in the store standing close to the counter and said defendant left said store and deponent immediately missed said property.

Henry Pechmann

Sworn to before me, this

1893

Police Officer

0244

Sec. 198—200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK ss:

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

Question. What is your name?

Answer. William Dade

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. N.D.

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

Answer. 304 West 37th Street I have no home

Question. What is your business or profession?

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

Answer. I have nothing to say  
at present. Yours Dade

Taken before me this

day of March 1899

William Dade  
Police Justice.



0245

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

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

Dated June 27 1883 Robert M. [Signature] Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0246

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

613  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Henry Beckman  
220 Columbus Ave  
William Dawley

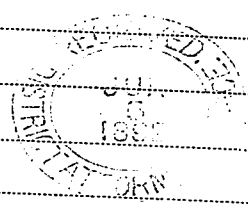
2 .....  
3 .....  
4 .....  
Dated June 3 1893  
Meads Magistrate.  
Walters Officer.  
24 Precinct.

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

No. .... Street.

No. .... Street.

\$ 1000 to answer G.S.



Chm

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Dade*

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

*William Dade*

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

The said

*William Dade*

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *March* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with force and arms,

*one* promissory note for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of *one hundred* dollars; *and* promissory note for the payment of money of the kind commonly called Bank Notes, of the denomination and value of *one hundred* dollar; *one* United States Gold Certificate, of the denomination and value of *one hundred* dollar; *and* United States Silver Certificates, of the denomination and value of *one hundred* dollars;

of the goods, chattels and personal property of one

*Herman L. Behrens*

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

*De Lancey Nicoll,*  
*District Attorney.*

0248

**BOX:**

524

**FOLDER:**

4770

**DESCRIPTION:**

Daly, Frank

**DATE:**

06/26/93



4770

POOR QUALITY  
ORIGINAL

Witnesses

*Jack Reich*  
*Off Panel (11)*

Counsel,

Filed

day of

Pleads,

THE PEOPLE

*25-317 Bowery vs.*  
*Frank Daly*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Henry S. [Signature]*  
Foreman.

Part 2. July 5/93.

*Indicted & convicted*  
*Crime - Receiving Stolen Goods*  
*347, 9, No 25, 10*  
*July 10/93*

Burglary in the Third Degree.  
[Section 488, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

POOR QUALITY  
ORIGINAL

Witnesses

*Jacob Reich*  
*Off Panel (11)*

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

25-  
317 Bowery vs.  
Frank Daly

Burglary in the Third Degree.  
[Section 498, N.Y. Cr. L. § 1050.1.1]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Henry S. [Signature]*  
Foreman.

Part 2. July 5/93-

indicted & convicted  
Crim. Receiving Stolen Goods  
34 B. 9. No 25710  
July 10/93

*realt. C. v. [unclear]*  
*Since no [unclear]*  
*some time [unclear]*  
*2-11-11 [unclear]*  
*But [unclear]*  
*his brothers*  
*but they will*  
*not [unclear]*  
*[Signature]*

Police Court— 4 District.

City and County } ss.:  
of New York,

of No. 154 East 23rd Street, aged 31 years,  
occupation Regar Dealer being duly sworn.

deposes and says, that the premises No. 154 East 23 Street, 18 Ward  
in the City and County aforesaid the said being a Three story brick  
dwellling house the store floor of which  
and which was occupied by deponent as a Regar Store  
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly breaking in a  
door leading from a large room into  
and at the

on the 19 day of June 1893 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

A quantity of  
pipes and Regar holders of the value of  
eighty dollars, one silver watch of the value  
of ten dollars and four dollars in  
gold and Canada money of the United  
States all together of the value of  
ninety four dollars.

the property of Deponent

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

Frank Dady

for the reasons following, to wit:

that on the 18th day of June  
at 11:30 P. M. Deponent securely locked  
and fastened said premises and the above  
described property was then in said premises.  
When Deponent entered said premises on the 19th  
day of June at 6:45 P. M. he found the  
said door had been broken open and the  
above described property was missing.  
Deponent is informed by Officer Bernard

Harrell of the 18th Precinct that he found the defendant with a quantity of goods in his possession which defendant identifies as a part of the property taken from his premises. Wherefore defendant charges defendant with burglary.

Jacob Reich

Subscribed and sworn to before me, this 19th day of June 1893  
H. M. Nathan 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.

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

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

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
vs.	
Offence—BURGLARY.	
1	
2	
3	
4	
Dated	1893
	Magistrate.
	Officer.
	Clerk.
Witness,	
No.	Street,
No.	Street,
No.	Street,
\$	to answer General Sessions.



0253

CITY AND COUNTY }  
OF NEW YORK, } ss.

1931

aged 33 years, occupation Police man of No. 18th Precinct

Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Jacob Reich and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 19 day } Bernard J. Farrell  
of June 189 2 }

[Signature] Police Justice.

0254

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY } ss:  
OF NEW YORK }

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

Question. What is your name?

Answer.

Frank Daly

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer

Ireland

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

Answer.

317 Bowery 1 year

Question. What is your business or profession?

Answer.

Truck Driver

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

Answer.

I am not guilty.

Frank Daly.

Taken before me this

19

day of

June

1893

Attestation

Police Justice.



0256

Police Court---

679 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Jacob Reich*  
*154 E. 23rd*  
1 *Frank Daly*  
2  
3  
4

*Bingham*  
Offence

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *June 19* 189*3*

*McM* Magistrate.

*Samuel* Officer.

*18* Precinct.

Witnesses *Bernard Samuel*

No. *18th Precinct* Street.

*Jimmy Jeffers*

No. *154 East 23* Street.

No. *2500* Street.

to answer *6 S. 3*

*RECEIVED*  
*JUL 22 1893*  
*NOT AT TORNE*  
*Bingham*

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

\*\*\*\*\*

T H E P E O P L E ,

-against-

FRANK DALY.

"

"

"

"

"

Before

-- HON. FREDERICK SMYTH,

and a Jury.

\*\*\*\*\*

TRIED, NEW YORK, JULY 5TH, 1893.

\*\*\*\*\*

INDICTED FOR BURGLARY IN THE THIRD DEGREE.

INDICTMENT FILED JUNE 26TH, 1893.

\*\*\*\*\*

APPEARANCES:

BARTOW S. WEEKS, ESQ.,

For THE PEOPLE.

L. S. CHANLER, ESQ.,

For THE DEFENSE.

\*\*\*\*\*

JACOB REICH testified that he was a cigar dealer, at 154 East 23rd Street. He occupied one room, a store, on the first floor, on a level with the street, in the front part. He lived at 158 East 23rd Street. On the night of June 18th he closed his store at about a quarter of 11 o'clock. There is a door leading from the hall, at the back, into his store. He closed that door and fastened it with an iron bar. The front door he locked with a yale lock on the outside, and a padlock on the inside. In the store he had a stock of cigars and meerschaum holders and a silver watch and \$4.00 in change in the drawer. He returned to his store at a quarter of 7 on the morning of the 19th and missed the silver watch and saw that the show case was emptied of goods. The silver watch was worth \$10. and the goods \$80. and he also missed the \$4., making, in all, \$94. He found the door leading from the hall into the store open. He then made a complaint at the station-house. About 1 o'clock in the afternoon of June 19th he was shown four cigar holders, worth \$8.00, by officer

Farrell, at the 18th precinct station-house, in 22nd Street. In

C r o s s - E x a m i n a t i o n

the witness testified that the four cigar holders referred to were part of the goods that were in his show-case when he shut up the store the night before. The complainant positively identified the four cigar holders as a part of the property which he missed on this occasion.

J. FARRELL testified that he is an officer of the municipal police, attached to the 18th precinct. He knew the premises 154 East 23rd Street. About one o'clock on June 19th he arrested the defendant, on First Avenue between 21st and 22nd Streets upon information received from pawnbroker Isaac Cohen. The witness subsequently testified that Officer Mullane made the arrest and delivered the defendant into his, the witness's, custody. In the presence and hearing of the defendant, officer Mullane

delivered to the witness the four pieces of meerschaum cigar holders, stating that he took them from the defendant. The defendant said that he had two more pieces, putting his hand in his pocket. The witness asked the defendant where he obtained the property, and he said he bought them in the morning, from a man on Third Avenue, very cheap, thinking it was a good speculation. \$4. and some odd cents were found on the defendant when arrested. The property that was shown to the complainant at the station-house, and positively identified by him, was the property that was taken from the possession of the defendant after his arrest. In

C r o s s - E x a m i n a t i o n

the witness testified that the money found on the defendant was \$4., in bills, and some odd cents.

JAMES JEFFOBINE testified that he lived at 154 East 23rd Street and keeps a fruit store on the first floor, but does not sleep there. His store is in the front



of the house where the complainant has his cigar store. The witness was at his store until 5 o'clock in the morning of June 19th. About one o'clock the defendant and another man came to his store, and the other man(not the defendant)asked the witness for matches. The witness saw the two men again about 2 o'clock. They came into the witness's place again and remained a long time. The witness did not see them after that. In

C r o s s - E x a m i n a t i o n

the witness testified that he knew the other man , by sight, but not by name, and he did not know the defendant.

-----

## THE DEFENSE

--

FRANK DALY, the defendant, testified in his own behalf, that he lived in a lodging house at 317 Bowery, and his occupation was that of a truck driver. He was never convicted. On the 19th about 9 o'clock in the morning, he went into a saloon to get a drink, and while there two men entered into conversation with him and said that they had been to the World's Fair and had some meerschaum cigar holders, and sold him the defendant, four pieces, and he, the defendant, pawned two of them. The pawnbroker said to the defendant, "Are you aware that a burglary was committed?" The defendant said no. The pawnbroker asked the defendant where he lived, and said, "I will keep the stuff and you go out and get the man that you bought them from." The defendant went out to find the man from whom he bought the property, and the officer came up and arrested him, and obtained the two pieces from the pawnshop, and the defendant put his hand

in his pocket and pulled out the other pieces. The defendant denied that he had anything to do with the robbery. In

C r o s s - E x a m i n a t i o n

the witness testified that John Wagner, who lived at 304 West 49th Street owned the wagon on which he, the defendant, worked. On the night in question, he, the defendant, was going to meet the wagon at 22nd Street and Second Avenue, at Purcell's saloon, where he generally stopped to water and feed the horse. He merely drove the wagon but did not furnish any of the capital with which to buy produce. He went into the pawnshop to see if he could realize more on the property than he paid for it.

(The Jury returned a verdict of guilty of receiving stolen goods, knowing them to have been stolen.)

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**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Frank Daly*

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

*Frank Daly*

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

The said *Frank Daly*

late of the *18th* Ward of the City of New York, in the County of New York, aforesaid, on the *nineteenth* day of *June* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *night*-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of one *Jacob Reich*

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

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

## SECOND COUNT—

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

*Frank Daly*  
 of the CRIME OF *Grand LARCENY in the second degree*, committed as follows:  
 The said *Frank Daly*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *night*-time of said day, with force and arms, *one watch of the value of ten dollars, the sum of four dollars in money, lawful money of the United States of America, and of the value of four dollars, twenty pipes of the value of three dollars each, and twenty cigar-holders of the value of two dollars each*

of the goods, chattels and personal property of one

in the

*stone*

of the said

*Jacob Reich*  
*Jacob Reich*

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

## THIRD COUNT:

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

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

The said

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

*one watch of the value of ten dollars,  
the sum of four dollars in money, law-  
ful money of the United States of America,  
and of the value of ~~twenty-seven~~<sup>four</sup> dollars  
twenty pipes of the value of three dollars  
each and twenty cigar-holders of the  
value of two dollars each*

of the goods, chattels and personal property of

*Jacob Reich*  
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before felon-  
iously stolen from the said

*Jacob Reich*  
unlawfully and unjustly did feloniously receive and have: (the said

*Frank Daly*  
then and there well knowing the said goods, chattels and personal property to have been felon-  
iously stolen, against the form of the statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,  
District Attorney.

0267

**BOX:**

524

**FOLDER:**

4770

**DESCRIPTION:**

Davis, Charles

**DATE:**

06/21/93



4770

0268

nesses :  
off Kranch  
co

189

26 Cling  
116  
THE PEOPLE  
vs.

Charles Davis  
(2 cases)

44 York Street Mrs  
J. H. NICHOLL  
District Attorney

Sept 11

July 19

## A TRUE BILL

Foreman

Let down for heat in  
Part 2. May 17<sup>th</sup> 1933  
after Cal  
May 10/1933 Pz



0269

POOR QUALITY  
ORIGINAL

Witnesses:

*off Krauch*  
*Co.*

Counsel,

Filed *21* day of *June* 189*3*

Pleads,

*26* *Cling*  
*116* *pebble*  
THE PEOPLE  
vs.

Charles Davis  
(2 cases)

*4/4* *5/10* *5/10*  
J. EY NIGOLL,  
District Attorney

Part II

July 17

A TRUE BILL

Part 2. July 17/93

*Wm. S. ...*  
Foreman.

*John ...*

*Let down for heat in*  
*Part 2. May 17, 1893*  
*after Col*  
*May 10/93*

Degree.  
Grand Larceny, second  
Sections 533, 534  
Penal Code.

Police Court— District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

Philip Weber  
of No. 163 Orchard Street, aged 15 years.  
occupation Errand Boy being duly sworn,  
deposes and says, that on the 23<sup>rd</sup> day of May 1893 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in daytime, the following property, viz:

Three packages containing  
a quantity of shares together  
of the value of

Twenty five \$100 Bonds  
\$2500

the property of Samuel Cohen Esq Bro. Es in  
the care and custody of Deponent  
as a messenger

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

for the reasons following to wit:  
On said day Deponent was in  
the employ of said Samuel Cohen  
Esq as a messenger and boy and had  
said property in his possession to be  
delivered and while in said 34<sup>th</sup> Street  
defendant came up to deponent and  
passed him to go on an errand for him  
and that he wanted take care of his goods  
and when deponent refused said defendant  
demanded him to 2d Avenue where he  
grabbed said property from deponent's  
possession and ran away with the  
same. Deponent fully identifies said

Subscribed before me this 1893

Police Justice

defendant as the person who took  
 said property and he is further informed  
 by John J. Branch a detection of  
 Police Headquarters that he arrested  
 said defendant who admitted and  
 confessed to him that he had taken said  
 property and said the same for \$1500  
 dollars and defendant therefore charges  
 defendant with the larceny of said

Sworn to before me } Philip Weber  
 Apr 13th 1893 }  
 John Ryan }  
 Police Justice

0272

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 32 years, occupation Police Officer of No. 1021  
Central Office Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Phelps Weber  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this

13 day

of

June 1893

John L. Krauch  
John Ryan Police Justice.

0273

Sec. 198—200.

1882

District Police Court.

City and County of New York, ss:

*Charles Davis* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is *h<sup>is</sup>* right to make a statement in relation to the charge against *h<sup>is</sup>*; that the statement is designed to enable *h<sup>is</sup>*; if he see fit, to answer the charge and explain the facts alleged against *h<sup>is</sup>*; that he is at liberty to waive making a statement, and that *h<sup>is</sup>* waiver cannot be used against *h<sup>is</sup>* on the trial.

Question. What is your name?

Answer. *Charles Davis*

Question. How old are you?

Answer. *26 years.*

Question. Where were you born?

Answer. *United States*

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

Answer. *116 Chrystie St 3 weeks*

Question. What is your business or profession?

Answer. *Podder.*

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

Answer. *I am not guilty.*  
*Charles Davis*

Taken before me this

day of *Sept* 189*3**John H. Ryan*  
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 Five Hundred Dollars,..... and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, June 13 1893

John Ryan Police Justice.

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

Dated,.....189

.....Police Justice.

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

Dated,.....189

.....Police Justice.

218

Police Court---

657  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Philip M. Ryan*  
*163 Orchard*  
*Charles*

3  
4

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, June 13 189

*Ryan* Magistrate.

*Harsh* Officer.

*C.O.* Precinct.

Witnesses *John J. Ryan*

No. Street.

No. Street.

No. Street.

\$ 1500 to answer

Committed

District Attorney's Office  
City and County of New York

Arrested June 12<sup>th</sup> 1893 <sup>189</sup>  
Gave the name of Chas Davis  
Proper name Chas Wolf  
He is a professional Thief and  
has been in prison twice -  
He was arrested about 4 years  
ago charged with Grand Larceny  
(Same kind of a game that he is  
charged with now) He pleaded  
Guilty and was sentenced to 6 months  
penalty by Judge Geldersleeve - He  
was arrested at that time by Det Sergt  
Geo. A. Aloncle -

He was again arrested by Det Sergt  
Armstrong, Aug<sup>r</sup> 14<sup>th</sup> 1890 charged with



Continued -

189

Grand Larceny - pleaded guilty  
Sept - 15<sup>th</sup> 1890 and Sent<sup>d</sup> - 2 1/2 years  
State's Prison by Judge Martin -

There are 5 complaints against him  
now - each Grand Larceny - He has  
been Identified in each case -

May 10<sup>th</sup> 193 - 1 Package (Dress valued at  
\$89.00 - Mrs Duvall, 8 Monroe Place Brooklyn  
Owner -

May 23<sup>rd</sup> 193 - Packages of Shoes \$25.50  
Cohen & Bros, Grand & Forsyth St, owners.

189

May 29<sup>th</sup>/93 -

Package (Dress) valued at \$100.00 -  
Madame Donovan, Owner - 37<sup>th</sup> - W - 36<sup>th</sup> - E

May 31<sup>st</sup>/93

Package (Dress) valued at \$150.00  
Simpson, Crawford & Limpton, Owners

June 10/93.

Package (Dress & Waist) value \$125 -  
Erick Bros, 6<sup>th</sup> ave & 23<sup>rd</sup> St. Owners -

Davis alias Wolf is very much wanted  
by the Brooklyn Police for a series of  
Burglaries on Brooklyn Clothing stores -  
He with 2 others would drive up with  
a Horse & Wagon, break open the  
stores and remove the whole stock  
of Clothing -

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Davis*

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

*Charles Davis*  
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

*Charles Davis*

late of the City of New York, in the County of New York aforesaid, on the *twenty third* day of *May* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *day*-time of the said day, at the City and County aforesaid, with force and arms,

*twelve shoes of the value  
of two dollars and fifty cents  
each*

of the goods, chattels and personal property of *one Samuel Cohen*  
on the person of ~~the said one~~ *Philip Usher*  
then and there being found, from the person of the said *Philip Usher*  
then and there feloniously did steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

*De Lancey Nicoll,*  
*District Attorney*

0280

Witnesses:

Off Krauch

Phil Weber  
CO

10/10/10

10/10/10

Subpoena

Ex parte

Counsel,

Filed

day of

Reads,

1911

1893

THE PEOPLE

28

116 Charles Davis

Grand Jury

Charles Davis

(2 cases)

Grand Larceny, (From the Person),  
[Sections 828, 829, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Henry S. Lerman

Sub 2 - June 26, 1893

Foreman.

Reads Grand Jury

4 Mr. S. W. S. D.

12 minutes at 10/10/10

12 minutes on 10/10/10

February 5th, 1892.  
Simon Stern, 141 W. 118th St.  
Silverware. Value \$50.

May 8th, 1892.  
Mrs. Tallman, 18 W. 40th St.  
Silverware & Jewelry. \$150.

June 18th, 1892.  
Charles Coudert, 18 W. 49th St.  
Jewelry. \$950.

July 8th, 1892.  
Augustus Flack. 2113 Madison Ave.  
Jewelry. \$1733.

December 2d, 1892.  
Arthur T. Sullivan. 584 5th Ave.  
Clothing, Silverware & Jewelry. \$350.

December 14th 1892.  
J.C.Fargo. 56 Park Ave.  
Silverware, Jewelry &c. \$950.

January 4th, 1893.  
Gilbert Burns, 107 E. 85th St.  
Clothing, Silverware & Jewelry. \$400.

January 14th, 1893.  
Louis May. 21 W. 56th St.  
Silverware. \$250.

January 17th, 1893.

Charles Lanier. 30 E. 37th St.

Jewelry Silverware &c. \$1530.

February 3rd, 1893.

Elias Rothschild. 31 W. 57th St.

Silverware. \$250.

February 9th 1893.

Dr. Hamilton Burch, 38 W. 38th St.

Silverware. \$150.

February 15th, 1893.

Stacy E. Charlier, 6 W. 49th St.

Silverware. \$300.

February 26th 1893.

P.J.Goodhart, 21 W. 81st St.

Clothing, Silverware & Jewelry. \$627.

March 23rd, 1893.

W.J.Demerest, 21 E. 57th St.

Silverware. \$200.

April 6th,

Bradley Martin. 22 W. 20th St.

Silverware & Jewelry. \$3650.

May 10th 1893.

Columbus O. Iselin. 11 W. 52d St.

Silverware. \$100.

May 10th, 1893.

S.A.Main, 666 5th Ave.

Silverware. \$150.

0283

OLIN, RIVES &amp; MONTGOMERY,

ATTORNEYS AND COUNSELLORS AT LAW,

32 NASSAU STREET,

NEW YORK, 12 June 1891.

My dear Recorder Smyth,

I understand that Frank Davis, indicted for burglary committed at my house on May 13, 1892, and for another burglary committed elsewhere, has this day pleaded guilty, and is to be sentenced by you to-morrow.

I hope that before passing sentence you will have an opportunity to inform yourself fully as to this man's character and antecedents. The facts of his entrance into my house, his coming into my bed room and stealing articles from a table within a few inches of my head, all attest his extraordinary coolness and daring.

It is unpleasant even to appear vindictive, but as it seems to me that this man's acts are of a kind that are a most serious menace to the whole community, I think I may venture to ask that you will not fix his punishment without giving the subject the same consideration which it deserves.

Very truly,  
 The Hon<sup>ble</sup> Frederick Smyth  
 &c

Very truly,  
 G. L. Rives

0284

Reaper  
v  
Hancock



Police Court— District. Affidavit—Larceny.

City and County of New York, ss. Sylvester Blauvelt of No. 505 West 46<sup>th</sup> Street, aged 14 years, occupation Errand-boy being duly sworn, deposes and says, that on the 31 day of May 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One silk suit of the value of One Hundred and Fifty dollars

the property of Simpson Crawford and Simpson but in deponent's charge and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Charles Davis (born here from the fact that on said date deponent being in the employ of Simpson Crawford and Simpson was instructed to deliver said property to a lady residing on the 5<sup>th</sup> Avenue Street that while on the way to deliver said property deponent was stopped by said Davis who requested deponent to go upon an errand which deponent did, having said property with Davis until he returned. Deponent says that he found the person

Sworn to before me, this

1893

Police Justice.

Brought for Blue a myth and when  
 I returned to where he  
 left said Davis was missing  
 with the property.

Sylvester James Blawie

Sworn before me  
 this 15<sup>th</sup> day of June 1893

John Ryan

Notary Public

0287

Sec. 198—200.

1882

District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer. *Charles Davis*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *MS*

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

Answer. *116 Myrtle St.*

Question. What is your business or profession?

Answer. *Reader*

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

Answer. *I am not guilty**Charles Davis*

Taken before me this

day of

189

Police Justice.

0288

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

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

Dated, June 15 1893 John Ryan Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0289

222  
Police Court--- District. 667

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Charles Davis*  
1505 W. 26th St.

2  
3  
4

Dated, *June 15* 189  
*March-Thur* Magistrate.  
Officer.

Witnesses *Fanny Davis* Precinct.

No. *209* Street.

*Frank Vogel*  
with  
No. *37 West 36th* Street.

No. *2000* to answer *G.D.* Street.

*2000*  
*Jan 17*  
*Cor*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Davis*

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

*Charles Davis*

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

The said

*Charles Davis*

late of the City of New York, in the County of New York aforesaid, on the *31st* day of *May* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with force and arms,

*one dress of the value of one hundred and fifty dollars*

of the goods, chattels and personal property of one

*James Simpson*

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

*De Lancey Nicoll*  
*District Attorney*

0291

**BOX:**

524

**FOLDER:**

4770

**DESCRIPTION:**

Davis, Frank

**DATE:**

06/08/93



4770

POOR QUALITY  
ORIGINAL

Witnesses:

A. B. Graves  
Geo L Rives  
Chas Lavis  
Off Head  
Drigle  
12th St

16

#169132

Counsel,

Filed

day of

189

Pleads;

Guilty

38

Chicago  
dise with

THE PEOPLE

Frank Davis

(2 cases)

Burglary in the 1st degree.  
[Section 497, 506, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

DE LANCEY NICOLI,

District Attorney.

A TRUE BILL.

Henry S. Hermon  
Foreman.  
Part 2 - June 2, 1893  
Pleads Guilty Burglary 2<sup>d</sup>  
Degree as a second offense  
J. P. 20, 4000  
See answer to question

This man is one  
of the worst thieves  
I ever saw  
He, see his record  
D. W.



POOR QUALITY  
ORIGINAL

Witnesses:

A. B. Graves  
Geo L Rives  
Chas Lamer  
Off Head  
Drigle  
12th St

Counsel,

Filed *S. J. [unclear]* day of *June* 1893

Pleads, *Guilty*

38 THE PEOPLE  
*Chicago* *chse with*

Frank Davis  
(2 cases)

Burglary in the second degree.  
[Section 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Henry S. [unclear]*  
Part 2 - June 12, 1893 Foreman.  
Pleads Guilty Burglary 2<sup>d</sup>  
Degree as a second offense  
*J. P. 20, 700*  
*See above*

This right is done  
of the 10<sup>th</sup> of June  
Brought before  
Me, see his record  
*W*

## At a Court of Sessions.

halden in and for the County of Kings, in the Court  
House in the City of Brooklyn, on the third  
day of October in the year of our Lord one thousand  
eight hundred and ninety-

Present: The Honorable HENRY A. MOORE, County Judge of the County of Kings.

James Savage  
William Sherlock Justices of the Sessions of the County  
of Kings.

The People of the State of New York,

against

William Johnston

Was indicted for Burglary second degree  
and Grand Larceny First degree for having  
at the City of Brooklyn in the County of Kings  
on the 23<sup>rd</sup> day of June in the year of our Lord  
one thousand eight hundred and eighty  
five, with force and arms about the hour of  
four o'clock in the night time of the same day  
the dwelling house of one Rachel B Hodgson  
there situate and in which dwelling house  
there was then and there a human being to wit:  
said Rachel B Hodgson feloniously and  
burglariously broken and entered with  
intent the goods and chattels of the said Rachel  
B Hodgson in the said dwelling house then  
and there being then and there feloniously and

Burglariously to steal take and carry away  
and feloniously stolen, taken and carried away  
from said dwelling house five breast pins of  
the value of ten dollars each, five napkins  
rings of the value of five dollars each of the  
goods, chattels and personal property of the  
said Rachel B. Hodgson in the said dwelling  
house then and there being, and being arraigned  
upon said indictment, pleaded guilty of Bur-  
glary second degree and upon the 3<sup>d</sup> day of  
October 1885 was sentenced to be imprisoned  
in the State Prison at Sing Sing for the  
term of ten years -

A true extract from the minutes  
Demas J. Cook  
clerk

Kings County Court of Sessions.

THE PEOPLE OF THE STATE OF  
NEW YORK.

William J. Weston  
EXTRACT FROM THE MINUTES:

Police Court—1st District.

City and County } ss.:  
of New York,

of No. 14 West 38th Street, aged 44 years,  
occupation Lawyer being duly sworn

deposes and says, that the premises No. 14 West 38th Street, 4th Ward

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

Brownstone dwelling house

and which was occupied by deponent as a private dwelling

and in which there was at the time a human being, by name George J. Rives

and Sara Rives

were **BURGLARIOUSLY** entered by means of forcibly breaking a

pane of glass in the rear living room

window of said premises and unfastening

the catch of said window and entering

said premises

on the 13th day of May 1882 in the night time, and the

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

One silver watch box, 1 Seal Ring

1 diamond Ring, 2 pearl Rings, 1 pair

small earring, 1 Gold Brooch

1 overcoat, one umbrella and a

number of other articles all together

of the value of

Five hundred Dollars

the property of Deponent

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

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

Frank Davis (nowhere).

for the reasons following, to wit: That on the night of said

day said premises were securely

locked and fastened by means of

locks bolts and keys and said windows

were with all the embrasures and

deponent further says That about

the hour of 5 o'clock am on the morning

of said day he was awakened and

found said defendant in a dressing

room on the second floor of said premises adjoining the bed room occupied by defendant and his wife and the doors of said rooms being open, then when defendant spoke to said defendant and asked him what he was doing there said defendant ran down the stairs of said premises and escaped from the front of said house, and immediately thereafter defendant missed the said property. Defendant further says that he is informed by John Hurd a detective sergeant of the New York City Police Department that on the 31st day of May 1893 he arrested said defendant coming out of the premises 260 7 East 55 Street at the hour of about 2 o'clock and acting in a suspicious manner. He found on the person of said defendant a match box

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  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
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, &c.,  
on the complaint of

ss.

1.  
2.  
3.  
4.

Offense—BURGLARY.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

Deponent further says that  
 he fully identifies said watch  
 as being his & with being a  
 portion of the property herein  
 described. & that he fully iden-  
 tifies him as being the person  
 referred in the said premises  
 and he therefore charges him with  
 the Burglary aforesaid

Subscribed & sworn to before me  
 this 2<sup>d</sup> day of May 1893 } G. L. Pico.  
 J. M. M. M.  
 Police Justice

0299

CITY AND COUNTY  
OF NEW YORK, } ss.

aged 39 years, occupation Police Justice of No. 1091

George J. Jones Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of

and that the facts stated therein on information of deponent are true of deponent's own

knowledge.

Sworn to before me, this

3d day of July 1899

John H. Keane

Police Justice.

0300

1021

CITY AND COUNTY } ss.  
OF NEW YORK, }

aged 39 years, occupation Detective Sergeant of No.

300 Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of George J. Rues

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

Sworn to before me, this

of

day

189

John Heard  
Police Justice.



0301

City and County of New York, ss:

*Frank Davis* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is *h<sup>is</sup>* right to make a statement in relation to the charge against *h<sup>im</sup>*; that the statement is designed to enable *h<sup>im</sup>*, if he see fit, to answer the charge and explain the facts alleged against *h<sup>im</sup>*; that he is at liberty to waive making a statement, and that *h<sup>is</sup>* waiver cannot be used against *h<sup>im</sup>* on the trial.

Question. What is your name?

Answer. *Frank Davis.*

Question. How old are you?

Answer. *38 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *Chicago - 10 years*

Question. What is your business or profession?

Answer. *Shoe maker*

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

Answer. *I am not guilty*

*Frank Davis*

Taken before me this  
*March 14 1882*  
*James J. White*  
Police Justice.

0302

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.....

*Leopold*  
(guilty) thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *100* 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, *June 23* 189 *Robert W. Hart* Police Justice.

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

Dated,.....189 ..... Police Justice.

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

Dated,.....189 ..... Police Justice.

0303

185  
Police Court 16 District 616

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*George J. Revere*  
*147 38th*  
*Frank L. Davis*  
*B. 200 ft*  
Offense *in violation of*

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated, *June 5th* 189*3*

*W. H. Martin* Magistrate.  
*Arthur V. Price* Officer.

*C. O.* Precinct.

Witnesses *Charles Jamieson*  
No. *30 E 34th* Street.

*John H. Hurd*  
No. *300 7th St* Street.

*Arthur B. Graves*  
No. *7 East 50th* Street.

*500 W 10th*  
to answer

**District Attorney's Office,**  
City and County of New York.

City and County of New York, ss.

of No. 30 East 37th Street, aged        years,  
occupation Banker being duly sworn, deposes and says,  
that on the 17th day of January 1893, at the City of New  
York, in the County of New York,

The said premises, Number 30 East 37th Street (which was occupied by deponent as a dwelling-house, and in which there was at the time a human being, to wit: deponent,) were feloniously and burglariously broken into and entered by means of forcibly breaking a pane of glass in one of the windows on the side of the said premises and inserting his hand, and unfastening the catches on said window, and entering said premises, and the following described property feloniously stolen, taken and carried away: one watch and chain of the value of five hundred dollars; the value of divers articles of silverware of the value of two thousand dollar, and a quantity of jewelry of the value of two thousand dollars; one pen knife of the value of five dollars.

Deponent charges that the said premises were so entered and the said property stolen by one Frank Davis, for the reason that deponent is informed by one John Heard, a Detective, Sergeant of the Municipal Police, that he upon searching the said Frank Davis, he found in his possession a watch a chain and a knife. Deponent has seen the said watch, chain and knife and identifies them as part of the property stolen from deponent.

Sworn to before me  
this 6th day of June, 1893.

John W. Anderson  
Commr. of Deeds.  
City & Co. of N.Y.

Charles Lamer

0305

DISTRICT ATTORNEY'S OFFICE,  
City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

The District Attorney

v.s.

Charles

Frank Davis

Offence Burglary, Larceny  
and Receiving

Dated June 6th 1893

Witnesses, Charles Lanier

No. 20 East 137th Street,

Off Hand & Price

Inspector McDougall Street,  
C.O.

Off Dingle & Bedell Street,

15th Prec. Brooklyn

Off Bedell

9th Prec. Brooklyn

COURT OF GENERAL SESSIONS OF THE PLACE  
OF THE CITY AND COUNTY OF NEW YORK

-----x  
The People of the State of New York

Assist

Frank Davis.

-----x  
CITY OF NEW YORK AND COUNTY OF NEW YORK, by  
this indictment accuse Frank Davis of the crime of  
burglary in the second degree, as a second offense,  
committed as follows:

For a term, to wit; at a Court of Sessions holden  
in and for the County of Kings, at the Court House in  
the City of Brooklyn, on the 3rd day of October, in the  
year of our Lord, one thousand eight hundred and eighty-  
five, before the Honorable Henry A. Moore, County Judge  
of the said County of Kings, and James Savage and William  
Fierloch, Justices of the Sessions of the said County  
of Kings, Justices of the said Court, the said Frank  
Davis by the name of description of William Johnson  
was in the form of law convicted of a felony to wit:  
Burglary in the second degree, upon a certain indictment  
then and there in the said Court depending against him  
the said Frank Davis by the name and description of  
William Johnson as aforesaid, for that he, then late  
of the City of Brooklyn in the County of Kings aforesaid,  
on the 23rd day of June in the year aforesaid, at the  
City and County aforesaid, with force and arms, about

the hour of four o'clock in the night time of the same day, the dwelling house of one Rachael B. Hodgson, there situate and in which said dwelling house there was then and there a human being, to wit: the said Rachael B. Hodgson, feloniously and burglariously did break into and enter, with intent the goods and chattels of the said Rachael B. Hodgson, in the said dwelling house then and there being, then and there feloniously and burglariously to steal take and carry away and feloniously did steal take and carry away from said dwelling house, five breast pins of the value of ten dollars each, five napkin rings of the value of five dollars each of the goods, chattels and personal property of the said Rachael B. Hodgson in the said dwelling house then and there being found:

And thereupon upon the conviction aforesaid it was considered by the said Court of Sessions and ordered and adjudged that the said Frank Davis, by the name and description of William Johnston as aforesaid, for the felony and burglary whereof he was so convicted as aforesaid, be imprisoned in the State Prison at hard labor for the term of ten years, as by the record thereof doth more fully and at large appear.

And the said Frank Davis late of the twenty-first ward of the City of New York in the County of New York aforesaid, having been so as aforesaid convicted of the said felony and burglary in manner aforesaid, afterwards

(3)

to wit: on the 17th day of January, in the year of our Lord one thousand eight hundred and ninety-three, in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Charles Lanier, there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said Charles Lanier, in the said dwelling house then and there being, then and there feloniously and burglariously to steal take and carry away against the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

## SECOND COUNT

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Frank Davis of the crime of grand larceny in the first degree as a second offense, committed as follows:

*Having so as aforesaid been convicted of the said felony and burglary, as set forth in the first count of this indictment.*  
 The said Frank Davis, late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the night time of the same day, with force and arms, one watch of the value of Four hundred and twenty-five dollars, one chain of the value of Seventy-five dollars, one knife of the value of Five dollars, divers articles of jewelry of a number and description to the



(4)

Grand Jury aforesaid unknown, of the value of Two thousand dollars; divers articles of silverware of a number and description to the Grand Jury aforesaid unknown of the value of Two thousand dollars, of the goods, chattels and personal property of one Charles Lanier, in the dwelling house of the said Charles Lanier, there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal take and carry away; against the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

## THIRD COUNT

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Frank Davis of the crime of of receiving stolen goods as a second offense, committed as follows:

The said Frank Davis late of the Ward, City and County aforesaid, having so as aforesaid been convicted of the said felony and burglary as set forth in the first count of this indictment, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, one watch of the value of Four hundred and twenty-five dollars, one chain of the value of seventy-five dollars, one knife of the value of Five dollars, divers articles of jewelry of a number and description to the Grand Jury aforesaid unknown of the value of Two thousand dollars, divers

(5)

articles of silverware of a number and description to the Grand Jury aforesaid unknown, of the value of Two thousand dollars, of the goods, chattels and personal property of one Charles Lanier, by a certain <sup>person</sup> or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen taken carried away from the said Charles Lanier, unlawfully and unjustly did feloniously receive and have; the said Frank Davis then and there well knowing the said goods, chattels and personal property to have been feloniously stolen taken and carried away; against the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll,

DISTRICT ATTORNEY

0311

Witnes.

A. B. Graves  
Wm L. Rives  
Chas. Lanier  
Off. Head  
Dringle

Counsel,

Filed

Pleads,

day of

1893

THE PEOPLE

vs.

Frank Davis  
(2 cases)

Burglary in the second degree.  
[Section 497, 498, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

(Securis Offensis)

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Wm. S. Hervey

Foreman.

Part 2 - June 12, 1893  
Pleads Burglary 2nd Degree  
H. M. 6 Nos. 5 P.  
D. Amundson  
at the residence of the defendant  
at the day in court



0313

POOR QUALITY  
ORIGINAL

Resident To Rich Bank

~~Caught - He was~~

Armed & Dangerous

He is a



*New York*

*Handwritten notes:*  
1873  
1885  
1880  
1876

Frank Davis, was arrested at Quincy, Ills, for stealing a watch in 1873, and was sentenced to Joliet Prison for 3 years.

He was arrested on August 2d, 1885 under the name of William Johnson, for committing many burglaries in the most fashionable residential district in Brooklyn. He pleaded guilty to burglary in second degree and on October 4th 1885 he was sentenced by Judge Moore to 10 years at hard labor in State Prison.

He is also known as A.H.Sintab, alias Sinclair, a desperate thief, who on August 29th 1876, was sentenced to 4 years for burglary in Philadelphia.

On April 15th 1880 he was sentenced to 6 years for burglary and assault with intent to kill the officer who made the arrest, by shooting him. This time he was arrested under the name of Morris Williams, alias Wilson, in the same city.

COURT OF GENERAL SESSIONS OF THE PEACE  
Of the City and County of New York

-----X  
The People of the State of New York

Against

Frank Davis.

-----X

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by  
this indictment accuse Frank Davis of the crime of  
burglary in the second degree, as a second offense,  
committed as follows:

Heretofore, to wit; at a Court of Sessions holden  
in and for the County of Kings, at the Court House in  
the City of Brooklyn, on the 3rd day of October, in the  
year of our Lord, one thousand eight hundred and eighty-  
five, before the Honorable Henry A. Moore, County Judge  
of the said County of Kings, and James Savage and William  
Sherloch, Justices of the Sessions of the said County  
of Kings, Justices of the said Court, the said Frank  
Davis by the name of description of William Johnston  
was in due form of law convicted of a felony to wit:  
Burglary in the second degree, upon a certain indictment  
then and there in the said court depending against him  
the said Frank Davis by the name and description of  
William Johnston as aforesaid, for that he then late  
of the City of Brooklyn in the County of Kings, aforesaid,  
on the 23rd day of June in the year aforesaid, at the  
City and County aforesaid, with force and arms, about

the hour of four o'clock in the night time of the same day, the dwelling house of one Rachael B. Hodgson, there situate and in which said dwelling house there was then and there a human being, to wit: the said Rachael B. Hodgson, feloniously and burglariously did break into and enter, with intent the goods and chattels of the said Rachael B. Hodgson, in the said dwelling house then and there being, then and there feloniously and burglariously to steal take and carry away, and feloniously did steal take and carry away from said dwelling house, five breast pins of the value of ten dollars each, five napkin rings of the value of five dollars each of the goods, chattels and personal property of the said Rachael B. Hodgson in the said dwelling house then and there being found:

And thereupon upon the conviction aforesaid it was considered by the said Court of Sessions and ordered and adjudged that the said Frank Davis, by the name and description of William Johnston as aforesaid, for the felony and burglary whereof he was so convicted as aforesaid, be imprisoned in the State Prison at hard labor for the term of ten years, as by the record thereof doth more fully and at large appear.

And the said Frank Davis late of the twenty-first ward of the City of New York in the County of New York aforesaid, having been so as aforesaid convicted of the said felony and burglary in manner aforesaid, afterwards



(3)

to wit: on the 13th day of May in the year of our Lord one thousand eight hundred and ninety<sup>two</sup>~~-three~~, at the ward, city and county aforesaid, with force and arms in the night time of the same day the dwelling house of one George L. Rives, there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said George L. Rives, in the said dwelling house then and there being, then and there feloniously and burglariously to steal take and carry away against the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

## SECOND COUNT

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Frank Davis of the crime of grand larceny in the first degree,<sup>as a second offense,</sup> committed as follows:

The said Frank Davis, late of the ward, city and county aforesaid, having so as aforesaid been convicted of the said felony and burglary as set forth in the first count of this indictment, afterwards, to wit: on the day and in the year aforesaid, at the ward, city and county aforesaid, in the night time of the same day with force and arms, one finger ring of the value of One hundred and fifty dollars, one other finger ring of the

(4)

value of fifty dollars, two scarf pins of the value of twenty dollars each, one match box of the value of ten dollars, one clock of the value of twenty dollars, one brooch of the value of fifty dollars, one overcoat of the value of fifty dollars, one umbrella of the value of ten dollars and divers other goods, chattels and personal property (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of One hundred and fifty dollars, of the goods, chattels and personal property of one George L. Rives, in the dwelling house of the same George L. Rives there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal take and carry away against the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

## THIRD COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Frank Davis of the crime of receiving stolen goods, <sup>as a second offense</sup> committed as follows:

The said Frank Davis, late of the ward, city and county aforesaid, having so as aforesaid been convicted of the said felony and burglary as set forth in the first count of this indictment, afterwards, to wit: on the day and in the year aforesaid, at the ward, city and county aforesaid, with force and arms, one finger ring of the value of One hundred and fifty dollars, one

(5)

other finger ring of the value of fifty dollars, two scarf pins of the value of twenty dollars each, one match box of the value of ten dollars, one clock of the value of twenty dollars, one brooch of the value of fifty dollars, one overcoat of the value of fifty dollars, one umbrella of the value of ten dollars and divers other goods, chattels and personal property (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of One hundred and fifty dollars of the goods, chattels and personal property of one George L. Rives by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said George L. Rives, unlawfully and unjustly did feloniously receive and have; the said Frank Davis then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away; against the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll

DISTRICT ATTORNEY

0320

**BOX:**

524

**FOLDER:**

4770

**DESCRIPTION:**

Delaney, John

**DATE:**

06/13/93



4770

Witnesses:

*Off H. H. H.*

2

In this case I recommend  
that Petit Larceny as the  
plea in  
June 1909  
John P. W. H. J.  
124 but not 124

#111X

Counsel,  
Filed  
Pleads,  
13 day of June 189  
Monday 14

THE PEOPLE

vs.

John Delaney

Grand Larceny, Second Degree.  
(From the Person.)  
[Sections 828, 834, Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Henry S. Garrison*  
June 1909  
Foreman.

Pen one day

0321

Police Court—First District.

Affidavit—Larceny.

City and County  
of New York,ss. 37 Weylton Ave Trinity Anderson  
of No. White Plains, N.Y. Street, aged 29 years,occupation Painter being duly sworn,deposes and says, that on the 6 day of June 1893 at the City of New

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

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

One of five face silver matches of the value of about nine dollars and one purse containing good and lawful money of the United States of the amount and value of two 25 dollars the property being all together of the value of eleven 25 dollars.

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by John Delaney here,

for the following reasons. That on said date about the hour of 12 o'clock A.M. deponent was sitting on a wooden bench in Battery Park. That the said bench was in the corner left hand corner of deponent's vest and attached to the vest by a chain. That the said purse was in the inside pocket of deponent's coat. That deponent is informed by Henry Wahn of the 30 Precinct Police, that he, Wahn, saw the defendant take the said property out of deponent's pockets and arrested the defendant. That when arrested the property was

Subscribed before me this 18th day of June 1893

Police District

found on the defendant's possession  
 if therefor defendant says that  
 the defendant is dealt with as the  
 land direct

Morn before me  
 this 7<sup>th</sup> day of June 1933

*Wm. J. Anderson*

*Wm. J. Anderson*  
 Police Justice

0324

CITY AND COUNTY }  
OF NEW YORK, } ss.

1021

aged        years, occupation Henry Hahn  
Police Officer of No.       

2nd Precinct Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Fritz Anderson

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

Sworn to before me, this 7<sup>th</sup> day  
of June 1893

Henry Hahn

[Signature]

Police Justice.



0325

Sec. 198-200.

1882

District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer. *John Delaney*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *62104 - 2nd Avenue New York*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty*

*John Delaney*

Taken before me this

day of

1883

Police Justice.

0326

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, June 6 1893 ..... Police Justice.

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

Dated, ..... 189 ..... Police Justice.

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

Dated, ..... 189 ..... Police Justice.  
1881

0327

Ex June 8<sup>th</sup> 1893  
2<sup>30</sup> P.M.

*[Signature]*

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John Delaney*

HOUSE OF DETENTION CASE.

Dated

*June 7*  
*Hogan*

189

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

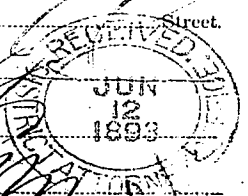
No.

Street.

No.

Street.

\$ 1000 to answer



Ex June 8. 7.30

0328

AFFIDAVIT FOR COMMITMENT OF WITNESS.

4771

POLICE COURT.....DISTRICT.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Henry Hahn

of the 2 Precinct Police, being duly sworn, deposes  
and says that Fritz Andersson

(now here) is a material witness for the people against

John McLane charged

with Larceny from the Person. As deponent has

cause to fear that the said Fritz Andersson

will not appear in court to testify when wanted, deponent prays

that the said Fritz Andersson be

committed to the House of Detention in default of bail for his  
appearance.

Henry Hahn

Sworn to before me, this  
day of June 1897

Police Justice

# 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 Delaney*

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

*John Delaney*  
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

*John Delaney*

late of the City of New York, in the County of New York aforesaid, on the *sixth* day of *June* in the year of our Lord one thousand eight hundred and ninety-*three*, in the day-time of the said day, at the City and County aforesaid, with force and arms,

*one watch of the value of nine dollars, the sum of two dollars and twenty-eight cents in money, lawful money of the United States of America, and of the value of two dollars and twenty eight cents and one purse of the value of fifty cents,*

of the goods, chattels and personal property of one *Fritz Anderson* on the person of the said *Fritz Anderson* then and there being found, from the person of the said *Fritz Anderson* then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Laurey Nicoll,*  
*District Attorney.*

0330

**BOX:**

524

**FOLDER:**

4770

**DESCRIPTION:**

Demarest, Frank

**DATE:**

06/09/93



4770

Witnesses:

*[Signature]*

22

Counsel,

Filed

Pleads,

9

day of

June 1893

#61

THE PEOPLE

vs.

Frank Demarest

Grand Larceny, second Degree.

[Sections 628, 631, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*[Signature]*  
Foreman  
June 12/93

*[Signature]*  
Alexander J. Puley  
S. J. W. 2 4/24/93

0332

Police Court—

District.

City and County } ss.:  
of New York,of No. 256 - West 57<sup>th</sup> Street, aged 26 years,  
occupation Maids being duly sworndeposes and says, that the premises No. 256 - W - 57 Street, 22 Wardin the City and County aforesaid the said being an eight storyapartment house the tenementand which was occupied by deponent as a store room

and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking alock on the door of said storeroomon the 6 day of June 1885 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:A quantity of ladieswearing apparel namelyor Dry cleaned dressesthe property of Rebecca and her husbandand deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away byFrank Demarestfor the reasons following, to wit: on the said date thesaid property was securely lockedand fastened the said propertybeing in a box in said store roomand deponent having found thesaid store room broken open andsaid property missing she isinformed by Officer John Wardthat he John found the said



defendants on West 58<sup>th</sup> Street  
and 8<sup>th</sup> Avenue with a quantity  
of wearing apparel in his  
possession which property ac-  
cident has since been and  
identified as being the property  
which was being driven.  
The defendants admit having  
stolen said property.

Sworn to before me  
this 7<sup>th</sup> day of June 1913 E. E. Seefeld -

Police Justice

Dated 1888 Police Justice.

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

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

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

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

1  
2  
3  
4

Offence—BURGLARY.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,  
No. Street,  
No. Street,  
No. Street,  
§ to answer General Sessions.

0334

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

aged 30 years, occupation Police Officer of No. 22 Reamer Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Asst. Dir. E. Schopier  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this

day of

7  
June 1897

John Ward

W. W. Meadell  
Police Justice.

0335

Sec. 198-200

District Police Court.

CITY AND COUNTY } ss:  
OF NEW YORK,

*Frank Demarsh* 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 sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

*Frank Demarsh,*

Question. How old are you?

Answer.

*28 years*

Question. Where were you born?

Answer

*New York*

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

Answer.

*103 West Boulevard 8 years*

Question. What is your business or profession?

Answer.

*Tailor*

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

Answer.

*I found the store room open and I took the property from a box in said store room.*

*Frank Demarsh*

Taken before me this

day of *June* 189*3**Police Justice*

0336

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

Dated Nov 7 1883, James J. Connelley Police Justice.

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

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

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

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

0337

621

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Charles Schepers*  
256 W. 57<sup>th</sup>  
*Frank Deman*

*Officer Grand Jury*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

- 1 .....
- 2 .....
- 3 .....
- 4 .....

Dated ..... 188

*W. H. H. H.* Magistrate.

*W. H. H. H.* Officer.

22 Precinct.

Witnesses *Officer*

No. .... Street.

.....

No. .... Street.

.....

No. .... Street.

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

*Q*

*pt 2*

0338

CALVARY BAPTIST CHURCH,  
57th St., bet 6th & 7th Aves.,  
PASTOR'S RESIDENCE:  
358 West 57th St.

New York, April 26. 1893

The beaver I will know  
and I take pleasure in  
heartily commending him as  
a young man way way worthy  
of confidence. He is  
gentlemanly in bearing and  
refined in manner.

J. R. Morse  
Clergyman

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Demarest

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

Frank Demarest

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

The said

Frank Demarest

late of the City of New York, in the County of New York aforesaid, on the *sixth* day of *June* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with force and arms,

*diverse articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of one hundred dollars*

of the goods, chattels and personal property of one

*Esther E. Scofield*

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

*De Lancey Nicoll,*  
*District Attorney*

0340

**BOX:**

524

**FOLDER:**

4770

**DESCRIPTION:**

Doyle, Frank

**DATE:**

06/13/93



4770



Witnesses:

*Wm. Kask*

*Chas. B. Quinn*

*11*

Counsel,

Filed

Pleads,

day of

189

*102* *M. Allen*

*13* *June*

THE PEOPLE

*21 Island*  
*cover*  
*matter.*

vs.

*Frank Doyle*

Grand Larceny, Second Degree.  
(From the Person.)  
[Sections 523, 531, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Ray S. Hermon*  
Foreman.

*Post 3 - June 19 93*

*Lied and convicted*  
*attempt to S. L. today*

*El. Ref - RBW*

0342

4771

## AFFIDAVIT FOR COMMITMENT OF WITNESS.

POLICE COURT 3 DISTRICT.CITY AND COUNTY } ss.  
OF NEW YORK,

of the 11 Precinct Police, being duly sworn, deposes  
 and says that William Nash  
 (now here) is a material witness for the people against  
Frank Doyle charged  
 with Larceny from the person. As deponent has  
 cause to fear that the said William Nash  
 will not appear in court to testify when wanted, deponent prays  
 that the said William Nash be  
 committed to the House of Detention in default of bail for his  
 appearance.

Frank Bresser

Sworn to before me, this

day of

189

3

Charles W. Stanton

Police Justice.

0343

## AFFIDAVIT FOR COMMITMENT OF WITNESS.

4771

POLICE COURT 3 DISTRICT.CITY AND COUNTY }  
OF NEW YORK, } ss.

Sworn to before me, this 11 day of June 1893 at 11 h

Charles W. Smith Police Justice.

Frank Bresser  
of the 11 Precinct Police, being duly sworn, deposes  
and says that William Nash  
(now here) is a material witness for the people against  
Frank Doyle charged  
with Larceny from the person. As deponent has  
cause to fear that the said William Nash  
will not appear in court to testify when wanted, deponent prays  
that the said William Nash be  
committed to the House of Detention in default of bail for his  
appearance.

Frank Bresser

0344

Police Court—3 District.

1912

Affidavit—Larceny.

City and County } ss.  
of New York,

William Stark

of No. 100 Broad Street, aged 43 years.occupation Samplers being duly sworn,deposes and says, that on the 11 day of June 1897 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession and  
of deponent, in day time, the following property, viz:

The sum of about Five dollars  
in food and lawful money of  
the United States

\$5.00

the property of Deponent

in

and that this deponent  
has a probable cause to suspect, and does suspect that the said property was feloniously taken, stolen  
and carried away by Frank Doyle (number 1) and

Another person not yet arrested in  
the manner following to wit—  
Deponent had said money in his  
vest pocket on his person, Deponent  
is informed by Officer Buzzer  
that he saw the defendants place  
their hands in the pocket of  
deponent and that he observed  
subsequently removed said  
money.

Wm Stark

Sworn to before me, this

11

day

of

June 1897

Charles W. Starnitz

Police Justice.

0345

Sec. 198-200.

1882

3 District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer. *Frank Doyle*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *55 Pike Street & 4 years*

Question. What is your business or profession?

Answer. *Bar tender*

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

Answer.

*I am not guilty*  
*Frank Doyle*

Taken before me this

day of

1893

*Charles M. Deane*  
Police Justice.

0346

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.....

*Dependur*  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *200* 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, *Jun 11* 189*3* *Charles N. Linton* Police Justice.

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

Dated,.....189..... Police Justice.

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

Dated,.....189..... Police Justice.

0347

Police Court---

639 District.

THE PEOPLE, vs.,  
ON THE COMPLAINT OF

Wm Nash  
House of Detention  
Frank Doyle

Offense Larceny  
from the person

HOUSE OF DETENTION CASE

Dated, June 11 1893

Magistrate.  
Officer.

Witnesses Officer Burgess  
No. 11 Precinct Street.

No. Street.

No. Street.

\$ to answer U.S.

Burgess

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

?

## COURT OF GENERAL SESSIONS, PART III.

----- x  
 :  
 The People of the State of New York, :  
 : Before  
 against : Randolph E. Martino,  
 : and a jury.  
 Frank Doyle. :  
 :  
 ----- x

Indictment filed June 13, 1893.

Indicted for grand larceny in the second  
 degree.

New York, June 19, 1893.

## A P P E A R A N C E S:

For the People, Asst. Dist. Atty. Robert Townsend;

For the Defendant, J. W. McLoughlin, Esq.

WILLIAM J. WASH, a witness for the People, sworn, testified:

I live at 100 Broad Street. I am a grain  
 sampler by occupation. I recollect the morning of the  
 11th. of June. About seven o'clock on that morning I  
 was on the corner of Bowery and Bayard Street. Previous  
 to that time I had been in several liquor saloons and  
 was under the influence of liquor. I had five dollars  
 and a few cents in change in my vest pocket. I last  
 saw the money about ten minutes before I went to this cor-  
 ner. I sat down on the corner of some paving stones that  
 were lyi ng there. Three or four men got around me and  
 one of them put his hands in my pocket and took the money  
 out. An officer came along and arrested one of the men.  
 I cannot say that the defendant was the man who took the  
 money from me. I am satisfied that I had \$5 in my pocket



2.

at the time I sat down on those stones.

FRANK BUESSER, a witness for the People, sworn, testified:

I am an officer connected with the 11th. Precinct in this city. I have been on the Force two years and six months. On the morning of the 11th. day of June I was on the Bowery in citizen's clothes. I saw the complainant Nash sitting in front of 41 Bowery on a lot of cobble stones asleep. I was going down to Catharine Market to get some clams for my breakfast. It was my day off. My attention was directed to three or four men standing around William Nash, the complainant. The defendant Doyle stood on the right side of Nash. I saw him put his hand in the upper pocket of Mr. Nash's vest and take something from it. I ran over to Doyle and caught him. One of the accomplices with him drew a knife to stab me. I raised up my foot and I kicked the other man. In doing this I lost my hold on Doyle, who broke away from me and ran across the Bowery. I followed him down the Bowery. He turned through Bayard Street. I drew my revolver and threatened to shoot him if he did not stop. I said: "If you don't stand I will shoot". He was about 12 feet from me at this time and was running fast. He stopped. I took hold of him and brought him back to the Bowery where Nash was. Then I took both of the men to the Station House. An officer in uniform came to my assistance. I turned Doyle over to him and tried to catch some of the other men, but I could not. I charged -

3.

ed Doyle with this crime but he denied having taken any money from the man. In the Station House a complaint was made against the defendant of stealing \$5 from the person of William Nash.

Crossexamination.

There were five men around the complainant at the time I was passing. It was the crowd of men that attracted my attention to the complainant. I saw the defendant Doyle going through Nash's pockets. I saw him take something from the upper pocket of his vest on the left side. I saw his hand go to that pocket and come from it.

DEFENSE.

FRANK DOYLE, the defendant, sworn, testified:

I reside at 55 Pike Street. During the summer I live at Coney Island. I formerly worked as a bartender for Thomas Shields, 219 East Broadway. I have heard the story of the complainant and the officer. It is not true that I put my hands into the complainant's pocket and took anything out of his pocket. I was going down the Bowery on that morning with the intention of going to Coney Island. There was a crowd of five or six coming down ahead of me. They stopped and got around this complainant who was sitting down on some stones. When I came along I stopped to see what was the matter and I pushed in between a couple of them and looked over to see

4.

what the trouble was. Then I saw one of the fellows going through the man's pockets. I was not there a minute before the officer came and took hold of my shoulder and charged me with going through the man's pockets. I told the officer that I had done nothing of the kind. He took hold of me and pulled a revolver out. I did not know whether he was an officer or not, and that is the reason I resisted. Somebody else interfered. Then the officer let go of me and I ran across the street as quick as I could. As soon as he shouted to me to stop or he would shoot I stopped, because then I realized he was an officer.

Cross-examination:

I am a bar tender by occupation. I had not been working for about a week before my arrest. previous to that time I was working as a bar tender at Coney Island. I wanted to go to Coney Island on this Sunday to see a man there about going to work later on in the season. I intended going over Catharine Ferry. When I was arrested I told the officer my residence was in Pike Street. That is where my sister lived for a time and I lived with her. My family live up the State. I had no money on me at the time of my arrest. I intended borrowing the money with which to go to Coney Island from a friend of mine who tends bar on the Bowery.

The jury returned a verdict of guilty of an attempt at grand larceny in the second degree.

Indictment filed June 13/1893

County of General Sessions

Part III

Chas. Proppelt,

v.

Frank Doyle

Abstract of testimony  
in trial, New York,

June 19<sup>th</sup> 1893

0352

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Frank Doyle*

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

*Frank Doyle*  
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

*Frank Doyle*

late of the City of New York, in the County of New York aforesaid, on the *eleventh* day of *June* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *day*-time of the said day, at the City and County aforesaid, with force and arms,

*the sum of five dollars in money, lawful money of the United States of America, and of the value of five dollars*

of the goods, chattels and personal property of one *William Nash* on the person of the said *William Nash* then and there being found, from the person of the said *William Nash* then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Lancey Kelly*  
District Attorney

0354

**BOX:**

524

**FOLDER:**

4770

**DESCRIPTION:**

Duffy, John

**DATE:**

06/27/93



4770

0355

**BOX:**

524

**FOLDER:**

4770

**DESCRIPTION:**

Kane, Owen

**DATE:**

06/27/93



4770

POOR QUALITY  
ORIGINAL

Witnesses:-

Robt J Hare  
Wm May  
Paul Atwood

Counsel, 2 M. L. ...  
Filed 27. Any ... 189  
Pleads, 11. Myself, et.

51  
4318 W 18.  
THE PEOPLE  
vs.

John Duffy.  
and  
Owen Kane.

DE LANCEY NICOLL,  
District Attorney.

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

Part 2 Nov 16 - 93

A TRUE BILL.

Henry Storrman Foreman.  
Part 2 - Nov 29 1893  
Trial and Convicted  
Assault in the 3 Degree  
Sec 2/3 fine \$400  
No 2. on recem. 2ndly  
Dec 193

From the facts developed upon  
the trial of Jeff Duffy I am  
satisfied that Jeff Kane is  
not guilty of the crime charged  
in the within indictment and  
therefore recommend the dis-  
missal of the indictment against  
Jeff Kane.  
Dec 27. 93, Paul Atwood  
ada



0357

POOR QUALITY  
ORIGINAL

Witnesses:

Robt J. Hare  
Wm. May  
Paul Atwood

From the facts developed upon  
the trial of Jeff Duffy I am  
satisfied that Jeff Hare is  
not guilty of the crime charged  
in the within indictment and  
therefore recommend the dis-  
missal of the indictment against  
Jeff Hare.  
Dec 27. 93, Talbot J. Davis  
ada.

Counsel, 2 N. Sullivan  
Filed 27 Any of 189  
Pleads, 11, Myself

51  
4318 W 18  
THE PEOPLE  
vs.

John Duffy.  
and  
Owen Kane.

DE LANCEY NICOLL,  
District Attorney.

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

Part 2 Nov 16 1893

A TRUE BILL.

Henry S. Harriman  
Foreman.

Part 2 Nov 29 1893  
Fined and convicted  
Assault in the 3rd Degree

Dec 2/3 fine \$1000  
No 2. on record. 2nd 1893  
Dec 19 93

0358

No. 52.

452

## STENOGRAPHER'S MINUTES.

*Court of General Sessions**The People &c**vs**John Duff and Owen Lane*

BEFORE

*Nov. 22**1893*

## Witnesses.

*Frederick A. Reed*

Direct.

Cross.

Re-Direct.

Re-Cross.

*1**7**17*

COURT OF GENERAL SESSIONS

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

Against

John Duffy and Owen Kane  
-----X

New York, November 22nd 1893.

APPEARANCES

FOR THE PEOPLE      ASST. DIST. ATT'Y. GEO. GORDON BATTLE  
FOR THE DEFENDANT   F. HOUSE, ESQ.

FREDERICK ATREED, a witness for the People,  
testified as follows:

DIRECT-EXAMINATION by Mr. Battle:

Q. How old are you?    A. Fifteen.

Q. Do you go to school?    A. No, sir.

Q. Did you go to school, last year?    A. Yes, sir.

Q. Have you been engaged in any business?

A. I was working a while ago.

Q. Where were you working?

A. 148 Tenth Avenue, Mat. Mitchell's grocery store.

Q. Do you remember the evening of Saturday, last May, 13th? A. Yes, sir.

Q. Where were you about eight o'clock on that evening?

A. Going down 21st Street towards Eleventh Avenue.

Q. East or West? A. West.

Q. Between what avenues? A. Tenth and Eleventh.

Q. When you got to the Avenue, which way did you go?

A. Down Eleventh Avenue on the east side.

Q. Who was with you? A. William Gray.

Q. Who did you see there?

A. I saw Mr. Duffy and Mr. Haire. I saw Mr. McAvoy talking to a crowd there, with Mr. McAvoy.

Q. Where were they standing?

A. About two feet from the car track.

Q. On Eleventh Avenue? A. Yes, sir.

Q. Between what streets? A. Right on 20th Street.

Q. On Eleventh Avenue, near the car track, at 20th St.?

A. Yes, sir.

Q. What did you see there, what did you hear?

A. Saw Mr. Duffy and Mr. Haire; Mr. Haire says Mr. Duffy was no gentleman, then Mr. Duffy got up. Mr. Haire had hold of Mr. Duffy's sleeve; Mr. Duffy

says "Let go, let go" Mr. Haire put his hand up in the air and his elbow was like that (illustrating) and knocked off Mr. Duffy's hat with his elbow. William Gray picked the hat up.

Q. What took place then?

A. Mr. Duffy kind of back-heeled him--gave him the foot--Kane came in some way--I saw Mr. Haire's cigar go out of his mouth and I saw Kane grab Duffy and pull him away.

Q. You say he back-heeled him, what do you mean by that?

A. (Illustrating) You put your foot behind a man and throw him over, like that.

Q. When Haire fell, what took place then?

A. Then Mr. Duffy got his umbrella and hit him six times and kicked him three times.

Q. Where did he hit him with the umbrella?

A. I don't know, just hit him on the head, the head and shoulders.

Q. Where did he kick him? A. Head and shoulders.

Q. Kicked him about the same place? A. Yes, sir.

Q. Did you see Mr. Haire strike Duffy at all?

A. Well, I saw his elbow knock his hat off.

Q. Did you see him strike him with his fist at all?

A. No, he didn't strike him with his fist.

Q. While Duffy was hitting Haire, Haire was down, what was Kane doing?

A. When Duffy was kicking him?

Q. Yes? *A.* Well, he took Duffy away, then they went to the liquor store, I suppose--they went down to 13th Avenue, that is where the liquor store is.

Q. Went towards 13th Avenue, on 20th Street?

A. Yes, sir.

Q. After Duffy and Kane went away, what did you do?

A. Mr. Haire says, "Will ~~anybody~~ help me up on my feet," William Gray told me to come along, we picked him up and fetched him here to 527 West 20th Street.

Q. When Duffy and Kane were going away, did either of them say anything?

A. No, I didn't hear them say anything, just saw them going down.

Q. When you got Mr. Haire to No. 527 West 20th Street, what did you do then?

A. Mr. McAvoy and some men came running up and took Mr. Haire to Seventeenth Street and Ninth Avenue, McAvoy's saloon.

Q. Did you go along? A. Yes, sir.

Q. What took place in the saloon

A. Right outside was a basin of water, they took the blood off.

Q. He washed him? A. I don't know, Mr. McAvoy had a little rag, two of them washed him.

Q. Was there much blood on him? A. He was full of blood, covered with blood.

Q. How long did he remain in the saloon?

A. About ten minutes.

Q. What took place then?

A. Policeman came up and asked Mr. Haire if he wanted to make a charge, he says yes.

Q. What did the policeman do then?

A. Brought him to the Station House and from there to the New York Hospital.

Q. Did you go in the Station House with him?

A. Right outside, I was.

Q. You didn't go inside? A. No, sir.

Q. Did you go to the Hospital? A. Yes, William Gray and

Q. Was William Gray with you all during this time?

A. Yes, sir.

Q. That was on Saturday evening, was it not?

A. Yes, sir.

Q. Did you see Duffy or Kane on Sunday? A. Sunday?

Q. Yes? A. I can't remember, Sunday.

Q. What took place on Monday morning, do you remember anything? A. Monday morning?

Q. Yes? A. Nothing.

Q. Do you know a man by the name of Patrick Flynn?

A. Yes, a boy.

Q. Is he relative to John Duffy?

A. He told me he was a cousin.

Q. Has Flynn said anything to you in regard to this case? A. Yes, he told me Mr. Duffy had a pistol, he came up here with a pistol.

Q. When did he tell you that? A. I don't know, it's on my statement, I forget when that was.

Q. Do you know a Mrs. Nixon? A. Yes, sir.

Q. Where does she live? A. No 512, right across the street.

Q. Has she ever said anything to you in regard to this case? A. She talked to me and William Gray.

Q. What did she say to you?



A. She came up to the corner and asked me would I go down to Duffy's liquor store, I told her no, I didn't want to go down there.

Q. What did she say then? A. All right and she went down the street.

Q. Please repeat exactly what she said at that time?

A. She came up to the corner and asked me if I would go down to Duffy's liquor store, then I told her no; She says, if I go down she would see that I would be well paid; we would go into a little room by ourselves.

CROSS-EXAMINATION BY Mr. House.

Q. What is your first name, my boy?

A. Frederick.

Q. How old did I understand you to say you were, Frederick? A. Fifteen, December 18th.

Q. How long have you lived in this house?

A. Two years last December.

Q. And before you lived here, where did you live?

A. Forty-fourth Street, 558.

Q. How long have you known Mr. Haire?

A. Since the fight.

Q. Did you know McAvoy before that time? A. No, I only just know the liquor store, that's all.

Q. At the corner of Seventeenth Street and Ninth Avenue? A. Yes, sir.

Q. You say this was Saturday night, the middle of May?

A. Yes, on the 13th.

Q. What time of night was it you got down to the corner of Twentieth Street and Eleventh Avenue?

A. About eight o'clock.

Q. Did you go directly from home? A. After supper, we generally take a walk, we had two packs of cigarettes and when we take a walk after supper, we go down that way.

Q. And you think it was about eight o'clock when you got there? A. Yes, sir.

Q. On which corner was it that you saw these men standing? A. Twentieth Street corner.

Q. The north east corner? A. Yes, sir.

Q. How many men do you think were standing there when you and Gray got down there?

A. With McAvoy, about seven or eight men.

Q. About seven or eight men with McAvoy and Haire?  
A. Yes, sir.

Q. You didn't see any one with Mr. Duffy? A. No, sir.

Q. Mr. Duffy was all alone? A. Yes, sir.

Q. You say there were seven or eight men with Haire and McAvoy? A. Yes, sir.

Q. Mr. Duffy was there then alone? A. He was by himself.

Q. And the other men were on the opposite corner by the liquor store? A. Yes, sir.

Q. You didn't see Haire and McAvoy and these five or six men when you first got there, did you?

A. No sir, I saw Mr. McAvoy and Mr. Haire, then I saw McAvoy's men coming up the street, they stood on the curb.

Q. When did you first see McAvoy, Haire and the other men? A. As soon as we got around. Mr. Haire was standing there and Mr. McAvoy and his men were standing there.

Q. Mr. Duffy was not there at the time, was he?

A. No, sir.

Q. When you and Young Gray got to the north east corner of Twentieth Street and Eleventh Avenue, who did you see there? A. We saw Mr. Haire and Mr. Duffy.

- Q. They were standing alone, were they?
- A. Yes, right near the car track.
- Q. Between the curb of the side-walk and the car track?
- A. Yes, sir.
- Q. You say that Mr. McAvoy and five or six other men were standing how far from them? A. About from here to here (illustrating)
- Q. About five or six feet? A. Yes, sir.
- Q. Did you afterwards see these same men go with McAvoy through Twentieth Street. A. Yes, right at Altman's stable.
- Q. Was that before or after the fight? A. After.
- Q. Did you see McAvoy and these four or five other men when they ran up the street. A. Yes, they went over by the stable, then came and assisted Mr. Haire after the fight was over.
- Q. While the fight was going on, did you see McAvoy and these four or five men run up the street?
- A. Yes, they walked right up.
- Q. They didn't stay while the fight was going on?
- A. No, sir.

Q. How many times did he throw him? A. Once, just.

him then.

Q. After Haire had knocked Duffy's hat off, did they come together? A. Mr. Duffy ran up and back-heeled

off.

Haire put up his hand and his elbow knocked Duffy's hat

A. Yes. Mr. Duffy wanted to do something, Mr.

Q. He said "Get go, let go" did Haire let go?

Q. Did you see Duffy try to pull away? A. Yes, sir.

Q. He had hold of Duffy's coat at the time? A. Yes, sir.

Q. You heard Haire say "You're no gentleman" A. Yes, sir.

A. Yes, sir.

Q. Four or five feet away was McVoy and these men?

Q. Duffy and Haire, thank you? A. Yes, sir.

sidewalk and the railroad track? A. Duffy and Haire.

you saw was Duffy and McVoy between the curb of the

Q. When you and young Gray got there, the first thing

Q. No one helped Haire? A. No, sir.

Q. No one helped Duffy? A. No sir.

A. No, sir.

Q. There was no one fighting out Duffy and Haire?

Q. They went away? A. Yes, sir.

- Q. Did they both fall on the ground? A. No sir.
- Q. Who did fall? A. Mr. Haire.
- Q. Did you see how he fell? A. Fell on his face.
- Q. You say you saw Mr. Duffly have an umbrella in his hands? A. Yes, sir.
- Q. Had it been raining that day? A. It was a nasty night, cloudy.
- Q. Do you recollect if it had been raining during that Saturday? A. No, I don't remember; the night was cloudy.
- I suppose he had the umbrella for that.
- Q. Did it look as if it might rain that night? A. Yes, sir.
- Q. It was cloudy, damp and nasty? A. Yes, sir.
- Q. After Haire was down did Duffly strike him several times with the umbrella? A. Yes, sir.
- Q. Kick him? A. Yes, sir.
- Q. Was Mr. Kane there at the time the first started? A. Not when it first started.
- Q. Did you see Kane when he came up? A. He got there and took Mr. Duffly off, when I saw the glass go out of Mr. Haire's mouth, then he got hold of Mr. Duffly and pulled him away.
- Q. You didn't see anything in Mr. Kane's hands? A. No, sir.

1770

A. McAvoy then came running across with the men.

He ran up the street in front of No. 5277

Q. From what you say then you and your guy brought

A. Right next door, 527.

Street--where did you bring him?

Q. After you helped Haire, about how far up Twentieth

and the railroad track? A. Yes, sir.

Q. And they both stood between the curb of the street

looking down.

A. He was looking this way and Mr. Haire was

looking towards Hastings's saloon?

Q. When you first saw them, in which way was Mr.

A. Yes, sir.

corner of Twentieth Avenue and Twentieth Street?

Q. Which way is Hastings's saloon, is it the north west

night? A. No, sir.

Q. Did you see Mr. Duffy before he met Mr. Haire that

Q. Only an umbrella? A. Yes, sir.

Q. Didn't have a stick? A. No, sir.

Q. Didn't have a club? A. No, sir.

Q. He didn't have a piece of iron? A. No, sir.

A. Yes, sir.

Q. All that you saw Mr. Duffy have was an umbrella?

- Q. McAvoy was sitting on the curb? A. Yes, sir.
- Q. On the other side? A. Yes, sir.
- Q. Of the street was McAvoy and those five or six other men?
- Q. When you came up with Haire, on the opposite side?
- A. Right here, one of these houses..
- Q. And that is on the up-town side of Twentieth Street?
- Q. Brought Mr. Haire to in front of No. 527? A. Yes, sir.
- Q. After the fight was over then you and Young Gray?
- A. Yes, sir.
- Q. Five men came up Twentieth Street towards Tenth Avenue?
- Q. Before the fight commenced, McAvoy and the four or
- Q. And they walked towards Keating's saloon? A. Yes, sir.
- Q. That is all.
- Q. You didn't see anybody there with Mr. Duffy but Mr.
- A. Yes, sir.
- Q. and McAvoy got up from the curb and came over?
- Q. Then when you came up they all came across the street?
- A. Yes, sir.
- Q. And the other four or five men were standing?
- Q. He was sitting on the curb? A. Yes, sir.
- Q. Did you see any of them before? A. I saw McAvoy.
- Q. How many came with him? A. About five.



Q. Were the other men sitting? A. They were standing up.

Q. Did you know any of them? A. No sir.

Q. Had you ever seen them before? A. No sir, I never

saw them.

Q. Did you look at them that night? A. Yes, sir.

Q. These fifteen or six men that you saw on that night

with McAvoy and Haire, you are positive that you never

saw those men before? A. No sir, I never saw those

men before at all.

Q. You are positive that when you and Young Gray

passed the north east corner of Twentieth Street and

Eleventh Avenue, Duffy was all alone and Haire was

there with McAvoy and five or six other men? A. Yes, sir.

Q. Did you speak with McAvoy that night? A. No, sir.

Q. Did he look as if he had been drinking? A. Yes, sir.

Q. Didn't he look as if he had been drinking a good

deal? A. Yes, sir.

Q. McAvoy was pretty drunk? A. Yes, sir.

Q. What was the condition of the other men? A. They

were all right.

Q. But McAvoy was pretty drunk? A. Yes. He told us what

were we following him for, for to go back.

Q. Who was that? A. Some of the others.

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Q. One of the officers that was there? A. Yes, sir.

Q. Mr. Haire talked all the way to Mr. McAvoy's saloon?

A. McAvoy helped him.

Q. You are quite sure, now, when you say that the only people who were in that fight were Mr. Haire and Mr. Duffy? A. Yes, sir.

Q. No one else helped Mr. Duffy at all? A. No, sir.

Q. Duffy had nothing but an umbrella? A. Yes, sir.

Q. The night was cloudy and it looked like rain?

A. Yes, sir.

Q. Did you see Haire having hold of Duffy's sleeve and Duffy was pulling away and told him two or three times to let go, "let go"? A. Yes, sir.

Q. Did he pull back? A. Yes, he had to pull away.

Q. When he did that you say Haire's hands went up and his elbow knocked Duffy's hat off? A. Yes, sir.

Q. Did it dent the hat as if it had been hit on top? A. Yes, Gray picked it up and fixed it.

Q. When the elbow struck him it must have struck him on top of the head? A. I suppose it just struck him like that and knocked it off on the sidewalk and dented it.

RE-DIRECT EXAMINATION BY MR. BATTLE.

Q. When Gray picked it up and straightened it out?

A. Yes, sir.

Q. When you first saw Mr. Haire and Mr. Duffy talking, about how far away from them was McAvoy and his men?

A. About five or six feet.

Q. Were they talking to Haire?

A. No, sir they were talking to themselves.

Q. Not to Haire or Duffy? A. No, sir.

Q. When Haire--When Duffy back-headed Haire and threw him did Haire fall on his face or back?

A. On his face, all on his face, like that.

Q. When Duffy was beating and kicking him he was lying in that position, was he? A. Yes, sir.

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**CORRECTION**

Q. About seven or eight men with McAvoy and Haire?

A. Yes, sir.

Q. You didn't see any one with Mr. Duffy? A.No, sir.

Q. Mr. Duffy was all alone? A. Yes, sir.

Q. You say there were seven or eight men with Haire and McAvoy? A. Yes, sir.

Q. Mr. Duffy was there then alone? A.He was by himself.

Q. And the other men were on the opposite corner by the liquor store? A.Yes, sir.

Q. You didn't see Haire and McAvoy and these five or six men when you first got there, did you?

A. No sir, I saw Mr. McAvoy and Mr. Haire, then I saw McAvoy's men coming up the street, they stood on the curb.

Q. When did you first see McAvoy, Haire and the other men? A. As soon as we got around. Mr. Haire was standing there and Mr. McAvoy and his men were standing there.

Q. Mr. Duffy was not there at the time, was he?

A. No, sir.

Q. When you and young Gray got to the north east corner of Twentieth Street and Eleventh Avenue, who did you see there? A. We saw Mr. Haire and Mr. Duffy.

Q. They were standing alone, were they?

A. Yes, right near the car track.

Q. Between the curb of the side-walk and the car track?

A. Yes, sir.

Q. You say that Mr. McAvoy and five or six other men were standing how far from them? A. About from here to here (Illustrating)

Q. About five or six feet? A. Yes, sir.

Q. Did you afterwards see these same men go with McAvoy through Twentieth Street. A. Yes, right at Altman's stable.

Q. Was that before or after the fight? A. After.

Q. Did you see McAvoy and these four or five other men when they ran up the street. A. Yes, they went over by the stable, then came and assisted Mr. Haire after the fight was over..

Q. While the fight was going on, did you see McAvoy and these four or five men run up the street?

A. Yes, they walked right up

Q. They didn't stay while the fight was going on?

A. No, sir.

Q. They went away? A. Yes, sir.

Q. There was no one fighting but Duffy and Haire?

A. No, sir.

Q. No one helped Duffy? A. No sir.

Q. No one helped Haire? A. No, sir.

Q. When you and young Gray got there, the first thing you saw was Duffy and McAvoy between the curb of the sidewalk and the railroad track? A. Duffy and Haire.

Q. Duffy and Haire, thank you? A. Yes, sir.

Q. Four or five feet away was McAvoy and these men?

A. Yes, sir.

Q. You heard Haire say "You're no gentleman?" A. Yes, sir.

Q. He had hold of Duffy's coat at the time? A. Yes, sir.

Q. Did you see Duffy try to pull away? A. Yes, sir.

Q. He said "Let go, let go" did Haire let go?

A. Yes. Mr. Duffy wanted to do something, Mr.

Haire put up his hand and his elbow knocked Duffy's hat off.

Q. After Haire had knocked Duffy's hat off, did they come together? A. Mr. Duffy ran up and back-heeled him then.

Q. How many times did he throw him? A. Once, just.

Q. Did they both fall on the ground? A. No sir.

Q. Who did fall? A. Mr. Haire.

Q. Did you see how he fell? A. Fell on his face.

Q. You say you saw Mr. Duffy have an umbrella in his hands? A. Yes, sir.

Q. Had it been raining that day? A. It was a nasty night, cloudy.

Q. Do you recollect if it had been raining during that Saturday? A. No, I don't remember; the night was cloudy- I suppose he had the umbrella for that

Q. Did it look as if it might rain that night? A. Yes, sir.

Q. It was cloudy, damp and nasty? A. Yes, sir.

Q. After Haire was down did Duffy strike him several times with the umbrella? A. Yes, sir.

Q. Kick him? A. Yes, sir.

Q. Was Mr. Kane there at the time the fight first started? A. Not when it first started.

Q. Did you see Kane when he came up? A. He got there and took Mr. Duffy off, then I saw the cigar go out of Mr. Haire's mouth, then he got hold of Mr. Duffy and pulled him away.

Q. You didn't see anything in Mr. Kane's hands?

A. No, sir.



Q. All that you saw Mr. Duffy have was an umbrella?

A. Yes, sir.

Q. He didn't have a piece of iron? A. No, sir.

Q. Didn't have a club? A. No, sir.

Q. Didn't have a stick? A. No, sir.

Q. Only an umbrella? A. Yes, sir.

Q. Did you see Mr. Duffy before he met Mr. Haire that night? A. No, sir.

Q. Which way is Keating's saloon, is it the north west corner of Thirteenth Avenue and Twentieth Street?

A. Yes, sir.

Q. When you first saw them, in which way was Mr. Duffy facing? Towards Keating's saloon?

A. He was looking this way and Mr. Haire was looking down.

Q. And they both stood between the curb of the street and the railroad track? A. Yes, sir.

Q. After you helped Haire, about how far up Twentieth Street--where did you bring him?

A. Right next door, 527.

Q. From what you say then you and young Gray brought Haire up the Street in front of No. 527?

A. McAvoy then came running across with the men.

Q. How many came with him? A. About five.

Q. Did you see any of them before? A. I saw McAvoy.

Q. He was sitting on the curb? A. Yes, sir.

Q. And the other four or five men were standing?

A. Yes, sir.

Q. Then when you came up they all came across the street and McAvoy got up from the curb and came over?

A. Yes, sir.

Q. You didn't see anybody there with Mr. Duffy but Mr. Kane?

A. That is all.

Q. And they walked towards Kenting's saloon? A. Yes, sir.

Q. Before the fight commenced, McAvoy and the four or five men came up Twentieth Street towards Tenth Avenue?

A. Yes, sir.

Q. After the fight was over then you and young Gray brought Mr. Haire to in front of No. 527? A. Yes, sir.

Q. And that is on the uptown side of Twentieth Street?

A. Right here, one of these houses..

Q. When you came up with Haire, on the opposite side of the street was McAvoy and these five or six other men, on the other side? A. Yes, sir.

Q. McAvoy was sitting on the curb? A. Yes, sir.

Q. Were the other men sitting? A. They were standing up.

Q. Did you know any of them? A. No sir.

Q. Had you ever seen them before? A. No sir, I never saw them.

Q. Did you look at them that night? A. Yes, sir.

Q. These five or six men that you saw on that night with McAvoy and Haire, you are positive that you never saw those men before? A. No sir, I never saw those men before at all.

Q. You are positive that when you and young Gray passed the north east corner of Twentieth Street and Eleventh Avenue, Duffy was all alone and Haire was there with McAvoy and five or six other men? A. Yes, sir.

Q. Did you speak with McAvoy that night? A. No, sir.

Q. Did he look as if he had been drinking? A. Yes, sir.

Q. Didn't he look as if he had been drinking a good deal? A. Yes, sir.

Q. McAvoy was pretty drunk? A. Yes, sir.

Q. What was the condition of the other men? A. They were all right.

Q. But McAvoy was pretty drunk? A. Yes. He told us what were we following him for, for to go back.

Q. Who was that? A. Some of the others.

Q. One of the others that was there? A. Yes, sir.

Q. Mr. Haire walked all the way to Mr. McAvoy's sal on?

A. McAvoy helped him.

Q. You are quite sure, now, when you say that the only people who were in that fight were Mr. Haire and Mr. Duffy? A. Yes, sir.

Q. No one else helped Mr. Duffy at all? A. No, sir.

Q. Duffy had nothing but an umbrella? A. Yes, sir.

Q. The night was cloudy and it looked like rain?

A. Yes, sir.

Q. Did you see Haire having hold of Duffy's sleeve and Duffy was pulling away and told him two or three times to let go, "let go"? A. Yes, sir.

Q. Did he pull back? A. Yes, he had to pull away

Q. When he did that you say Haire's hands went up and his elbow knocked Duffy's hat off? A. Yes, sir.

Q. Did it dent the hat as if it had been hit on top?

A. Yes, Gray picked it up and fixed it.

Q. When the elbow struck him it must have struck him on top of the head? A. I suppose it just struck him like that and ~~knexed~~ knocked it off on the sidewalk and dented it.

Q. When Gray picked it up and straightened it out?

A. Yes, sir.

RE-DIRECT EXAMINATION by Mr. Battle.

Q. When you first saw Mr. Haire and Mr. Duffy talking, about how far away from them was McAvoy and his men?

A. About five or six feet.

Q. Were they talking to Haire?

A. No, sir they were talking to themselves.

Q. Not to Haire or Duffy? A. No, sir.

Q. When Haire--When Duffy Back-heeled Haire and threw him did Haire fall on his face or back?

A. On his face, all on his face, like that.

Q. When Duffy was beating and kicking him he was lying in that position, was he? A. Yes, sir.

IT IS HEREBY STIPULATED AND AGREED that the foregoing testimony may be read upon the trial of the above entitled action with the same force and effect as if taken in open Court, subject to any legal objection, but all objection as to the form in which the foregoing testimony is taken is waived.

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No. 52.

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STENOGRAPHER'S MINUTES.

*Court of General Sessions*

*The People vs.*

*vs.*

*John Duffy and Owen Nye*

BEFORE

*Nov. 22*

*1893*

Witnesses.

Direct.

Cross.

Re-Direct.

Re-Cross.

*Frederick Atwood*

*1*

*7*

*17*

COURT OF GENERAL SESSIONS

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

Against

John Duffy and Owen Kane  
-----X

New York, November 22nd 1893.

APPEARANCES

FOR THE PEOPLE ASST. DIST. ATT'Y. GEO. GORDON BATTLE

FOR THE DEFENDANT F. HOUSE, ESQ.

FREDERICK ATTEREED, a witness for the People,  
testified as follows:

DIRECT-EXAMINATION by Mr. Battle:

Q. How old are you? A. Fifteen.

Q. Do you go to school? A. No, sir.

Q. Did you go to school, last year? A. Yes, sir.

Q. Have you been engaged in any business?

A. I was working a while ago.

Q. Where were you working?



A. 148 Tenth Avenue, Mat. Mitchell's grocery store.

Q. Do you remember the evening of Saturday, last May, 13th? A. Yes, sir.

Q. Where were you about eight o'clock on that evening?

A. Going down 21st Street towards Eleventh Avenue.

Q. East or West? A. West.

Q. Between what avenues? A. Tenth and Eleventh.

Q. When you got to the Avenue, which way did you go?

A. Down Eleventh Avenue on the east side.

Q. Who was with you? A. William Gray.

Q. Who did you see there?

A. I saw Mr. Duffy and Mr. Haire. I saw Mr. McAvoy talking to a crowd there, with Mr. McAvoy.

Q. Where were they standing?

A. About two feet from the car track.

Q. On Eleventh Avenue? A. Yes, sir.

Q. Between what streets? A. Right on 20th Street.

Q. On Eleventh Avenue, near the car track, at 20th St.?

A. Yes, sir.

Q. What did you see there, what did you hear?

A. Saw Mr. Duffy and Mr. Haire; Mr. Haire says Mr. Duffy was no gentleman, then Mr. Duffy got up. Mr. Haire had hold of Mr. Duffy's sleeve; Mr. Duffy

says "Let go, let go" Mr. Haire put his hand up in the air and his elbow was like that (illustrating) and knocked off Mr. Duffy's hat with his elbow. William Gray picked the hat up.

Q. What took place then?

A. Mr. Duffy kind of back-heeled him--gave him the foot--Kane came in some way--I saw Mr. Haire's cigar go out of his mouth and I saw Kane grab Duffy and pull him away.

Q. You say he back-heeled him, what do you mean by that?

A. (Illustrating) You put your foot behind a man and throw him over, like that.

Q. When Haire fell, what took place then?

A. Then Mr. Duffy got his umbrella and hit him six times and kicked him three times.

Q. Where did he hit him with the umbrella?

A I don't know, just hit him on the head, the head and shoudlers.

Q. Where did he kick him? A. Head and shoudlers.

Q. Kicked him about the same place? A. Yes, sir.

Q. Did you see Mr. Haire strike Duffy at all?

A. Well, I saw his elbow knock his hat off.

Q. Did you see him strike him with his fist at all?

A. No, he didn't strike him with his fist.

Q. While Duffy was hitting Haire, Haire was down, what was Kane doing?

A. When Duffy was kicking him?

Q. Yes? Well, he took Duffy away, then they went to the liquor store, I suppose--they went down to 13th Avenue, that is where the liquor store is.

Q. Went towards 13th Avenue, on 20th Street?

A. Yes, sir.

Q. After Duffy and Kane went away, what did you do?

A. Mr. Haire says, "Will ~~anybody~~ help me up on my feet," William Gray told me to come along, we picked him up and fetched him here to 527 West 20th Street.

Q. When Duffy and Kane were going away, did either of them say anything?

A. No, I didn't hear them say anything, just saw them going down.

Q. When you got Mr. Haire to No. 527 West 20th Street, what did you do then?

A. Mr. McAvoy and some men came running up and took Mr. Haire to Seventeenth Street and Ninth Avenue, McAvoy's saloon.

Q. Did you go along? A. Yes, sir.

Q. What took place in the saloon

A. Right outside was a basin of water, they took the blood off.

Q. He washed him? A. I don't know, Mr. McAvoy had a little rag, two of them washed him.

Q. Was there much blood on him? A. He was full of blood, covered with blood.

Q. How long did he remain in the saloon?

A. About ten minutes.

Q. What took place then?

A. Policeman came up and asked Mr. Haire if he wanted to make a charge, he says yes.

Q. What did the policeman do then?

A. Brought him to the Station House and from there to the New York Hospital.

Q. Did you go in the Station House with him?

A. Right outside, I was.

Q. You didn't go inside? A. No, sir.

Q. Did you go to the Hospital? A. Yes, William Gray and I

Q. Was William Gray with you all during this time?

A. Yes, sir.

Q. That was on Saturday evening, was it not?

A. Yes, sir.

Q. Did you see Duffy or Kane on Sunday? A. Sunday?

Q. Yes? A. I can't remember, Sunday.

Q. What took place on Monday morning, do you remember anything? A. Monday morning?

Q. Yes? A. Nothing.

Q. Do you know a man by the name of Patrick Flynn?

A. Yes, a boy.

Q. Is he relative to John Duffy?

A. He told me he was a cousin.

Q. Has Flynn said anything to you in regard to this case? A. Yes, he told me Mr. Duffy had a pistol, he came up here with a pistol.

Q. When did he tell you that? A. I don't know, it's on my statement, I forget when that was.

Q. Do you know a Mrs. Nixon? A. Yes, sir.

Q. Where does she live? A. No 512, right across the street.

Q. Has she ever said anything to you in regard to this case? A. She talked to me and William Gray.

Q. What did she say to you?

A. She came up to the corner and asked me would I go down to Duffy's liquor store, I told her no, I didn't want to go down there.

Q. What did she say then? A. All right and she went down the street.

Q. Please repeat exactly what she said at that time?

A. She came up to the corner and asked me if I would go down to Duffy's liquor store, then I told her no; she says, if I go down she would see that I would be well paid; we would go into a little room by ourselves.

CROSS-EXAMINATION by Mr. House.

Q. What is your first name, my boy?

A. Frederick.

Q. How old did I understand you to say you were, Frederick? A. Fifteen, December 18th.

Q. How long have you lived in this house?

A. Two years last December.

Q. And before you lived here, where did you live?

A. Forty-fourth Street, 558.

Q. How long have you known Mr. Haire?

A. Since the fight.

Q. Did you know McAvoy before that time? A. No, I only just knew the liquor store, that's all.

Q. At the corner of Seventeenth Street and Ninth Avenue? A. Yes, sir.

Q. You say this was Saturday night, the middle of May?

A. Yes, on the 13th.

Q. What time of night was it you got down to the corner of Twentieth Street and Eleventh Avenue?

A. About eight o'clock.

Q. Did you go directly from home? A. After supper, we generally take a walk, we had two packs of cigarettes and when we take a walk after supper, we go down that way.

Q. And you think it was about eight o'clock when you got there? A. Yes, sir.

Q. On which corner was it that you saw these men standing? A. Twentieth Street corner.

Q. The north east corner? A. Yes, sir.

Q. How many men do you think were standing there when you and Gray got down there?

A. With McAvoy, about seven or eight men.

Q. About seven or eight men with McAvoy and Haire?

A. Yes, sir.

Q. You didn't see any one with Mr. Duffy? A.No, sir.

Q. Mr. Duffy was all alone? A. Yes, sir.

Q. You say there were seven or eight men with Haire and McAvoy? A. Yes, sir.

Q. Mr. Duffy was there then alone? A.He was by himself.

Q. And the other men were on the opposite corner by the liquor store? A.Yes, sir.

Q. You didn't see Haire and McAvoy and these five or six men when you first got there, did you?

A. No sir, I saw Mr. McAvoy and Mr. Haire, then I saw McAvoy's men coming up the street, they stood on the curb.

Q. When did you first see McAvoy, Haire and the other men? A. As soon as we got around. Mr. Haire was standing there and Mr. McAvoy and his men were standing there.

Q. Mr. Duffy was not there at the time, was he?

A. No, sir.

Q. When you and young Gray got to the north east corner of Twentieth Street and Eleventh Avenue, who did you see there? A. We saw Mr. Haire and Mr. Duffy.



Q. About seven or eight men with McAvoy and Haire?

A. Yes, sir.

Q. You didn't see any one with Mr. Duffy? A.No, sir.

Q. Mr. Duffy was all alone? A. Yes, sir.

Q. You say there were seven or eight men with Haire and McAvoy? A. Yes, sir.

Q. Mr. Duffy was there then alone? A.He was by himself.

Q. And the other men were on the opposite corner by the liquor store? A.Yes, sir.

Q. You didn't see Haire and McAvoy and these five or six men when you first got there, did you?

A. No sir, I saw Mr. McAvoy and Mr. Haire, then I saw McAvoy's men coming up the street, they stood on the curb.

Q. When did you first see McAvoy, Haire and the other men? A. As soon as we got around. Mr. Haire was standing there and Mr. McAvoy and his men were standing there.

Q. Mr. Duffy was not there at the time, was he?

A. No, sir.

Q. When you and young Gray got to the north east corner of Twentieth Street and Eleventh Avenue, who did you see there? A. We saw Mr. Haire and Mr. Duffy.

Q. They were standing alone, were they?

A. Yes, right near the car track.

Q. Between the curb of the side-walk and the car track?

A. Yes, sir.

Q. You say that Mr. McAvoy and five or six other men were standing how far from them? A. About from here to here (Illustrating)

Q. About five or six feet? A. Yes, sir.

Q. Did you afterwards see these same men go with McAvoy through Twentieth Street. A. Yes, right at Altman's stable.

Q. Was that before or after the fight? A. After.

Q. Did you see McAvoy and these four or five other men when they ran up the street. A. Yes, they went over by the stable, then came and assisted Mr. Haire after the fight was over..

Q. While the fight was going on, did you see McAvoy and these four or five men run up the street?

A. Yes, they walked right up

Q. They didn't stay while the fight was going on?

A. No, sir.

Q. They went away? A. Yes, sir.

Q. There was no one fighting but Duffy and Haire?

A. No, sir.

Q. No one helped Duffy? A. No sir.

Q. No one helped Haire? A. No, sir.

Q. When you and young Gray got there, the first thing you saw was Duffy and McAvoy between the curb of the sidewalk and the railroad track? A. Duffy and Haire.

Q. Duffy and Haire, thank you? A. Yes, sir.

Q. Four or five feet away was McAvoy and these men?

A. Yes, sir.

Q. You heard Haire say "You're no gentleman?" A. Yes, sir.

Q. He had hold of Duffy's coat at the time? A. Yes, sir.

Q. Did you see Duffy try to pull away? A. Yes, sir.

Q. He said "Let go, let go" did Haire let go?

A. Yes. Mr. Duffy wanted to do something, Mr.

Haire put up his hand and his elbow knocked Duffy's hat off.

Q. After Haire had knocked Duffy's hat off, did they come together? A. Mr. Duffy ran up and back-heeled him then.

Q. How many times did he throw him? A. Once, just.

Q. Did they both fall on the ground? A. No sir.

Q. Who did fall? A. Mr. Haire.

Q. Did you see how he fell? A. Fell on his face.

Q. You say you saw Mr. Duffy have an umbrella in his hands? A. Yes, sir.

Q. Had it been raining that day? A. It was a nasty night, cloudy.

Q. Do you recollect if it had been raining during that Saturday? A. No, I don't remember; the night was cloudy- I suppose he had the umbrella for that

Q. Did it look as if it might rain that night? A. Yes, sir.

Q. It was cloudy, damp and nasty? A. Yes, sir.

Q. After Haire was down did Duffy strike him several times with the umbrella? A. Yes, sir.

Q. Kick him? A. Yes, sir.

Q. Was Mr. Kane there at the time the fight first started? A. Not when it first started.

Q. Did you see Kane when he came up? A. He got there and took Mr. Duffy off, then I saw the cigar go out of Mr. Haire's mouth, then he got hold of Mr. Duffy and pulled him away.

Q. You didn't see anything in Mr. Kane's hands?

A. No, sir.

Q. All that you saw Mr. Duffy have was an umbrella?

A. Yes, sir.

Q. He didn't have a piece of iron? A.No, sir.

Q. Didn't have a club? A. No, sir.

Q. Didn't have a stick? A. No, sir.

Q. Only an umbrella? A. Yes, sir.

Q. Did you see Mr. Duffy before he met Mr. Haire that night? A. No, sir.

Q. Which way is Keating's saloon, is it the north west corner of Thirteenth Avenue and Twentieth Street?

A. Yes, sir.

Q. When you first saw them, in which way was Mr. Duffy facing? Towards Keating's saloon?

A. He was looking this way and Mr. Haire was looking down.

Q. And they both stood between the curb of the street and the railroad track? A.Yes, sir.

Q. After you helped Haire, about how far up Twentieth Street--where did you bring him?

A. Right next door, 527.

Q. From what you say then you and young Gray brought Haire up the Street in front of No. 527?

A. McAvoy then came running across with the men.

Q. How many came with him? A. About five.

Q. Did you see any of them before? A. I saw McAvoy.

Q. He was sitting on the curb? A. Yes, sir.

Q. And the other four or five men were standing?

A. Yes, sir.

Q. Then when you came up they all came across the street and McAvoy got up from the curb and came over?

A. Yes, sir.

Q. You didn't see anybody there with Mr. Duffy but Mr. Kane? A. That is all.

Q. And they walked towards Keating's saloon? A. Yes, sir.

Q. Before the fight commenced, McAvoy and the four or five men came up Twentieth Street towards Tenth Avenue?

A. Yes, sir.

Q. After the fight was over then you and young Gray brought Mr. Haire to in front of No. 527? A. Yes, sir.

Q. And that is on the uptown side of Twentieth Street?

A. Right here, one of these houses..

Q. When you came up with Haire, on the opposite side of the street was McAvoy and these five or six other men, on the other side? A. Yes, sir.

Q. McAvoy was sitting on the curb? A. Yes, sir.

- Q. Were the other men sitting? A. They were standing up.
- Q. Did you know any of them? A. No sir.
- Q. Had you ever seen them before? A. No sir, I never saw them.
- Q. Did you look at them that night? A. Yes, sir.
- Q. These five or six men that you saw on that night with McAvoy and Haire, you are positive that you never saw those men before? A. No sir, I never saw those men before at all.
- Q. You are positive that when you and young Gray passed the north east corner of Twentieth Street and Eleventh Avenue, Duffy was all alone and Haire was there with McAvoy and five or six other men? A. Yes, sir.
- Q. Did you speak with McAvoy that night? A. No, sir.
- Q. Did he look as if he had been drinking? A. Yes, sir.
- Q. Didn't he look as if he had been drinking a good deal? A. Yes, sir.
- Q. McAvoy was pretty drunk? A. Yes, sir.
- Q. What was the condition of the other men? A. They were all right.
- Q. But McAvoy was pretty drunk? A. Yes. He told us what were we following him for, for to go back.
- Q. Who was that? A. Some of the others.

Q. One of the others that was there? A. Yes, sir.

Q. Mr. Haire walked all the way to Mr. McAvoy's saloon?

A. McAvoy helped him.

Q. You are quite sure, now, when you say that the only people who were in that fight were Mr. Haire and Mr. Duffy? A. Yes, sir.

Q. No one else helped Mr. Duffy at all? A. No, sir.

Q. Duffy had nothing but an umbrella? A. Yes, sir.

Q. The night was cloudy and it looked like rain?

A. Yes, sir.

Q. Did you see Haire having hold of Duffy's sleeve and Duffy was pulling away and told him two or three times to let go, "let go"? A. Yes, sir.

Q. Did he pull back? A. Yes, he had to pull away

Q. When he did that you say Haire's hands went up and his elbow knocked Duffy's hat off? A. Yes, sir.

Q. Did it dent the hat as if it had been hit on top?

A. Yes, Gray picked it up and fixed it.

Q. When the elbow struck him it must have struck him on top of the head? A. I suppose it just struck him like that and ~~knocked~~ knocked it off on the sidewalk and dented it.



Q. When Gray picked it up and straightened it out?

A. Yes, sir.

RE-DIRECT EXAMINATION by Mr. Battle.

Q. When you first saw Mr. Haire and Mr. Duffy talking, about how far away from them was McAvoy and his men?

A. About five or six feet.

Q. Were they talking to Haire?

A. No, sir they were talking to themselves.

Q. Not to Haire or Duffy? A. No, sir.

Q. When Haire--When Duffy Back-heeled Haire and threw him did Haire fall on his face or back?

A. On his face, all on his face, like that.

Q. When Duffy was beating and kicking him he was lying in that position, was he? A. Yes, sir.

IT IS HEREBY STIPULATED AND AGREED that the foregoing testimony may be read upon the trial of the above entitled action with the same force and effect as if taken in open Court, subject to any legal objection, but all objection as to the form in which the foregoing testimony is taken is waived.

*Fred House*  
*ally for legs.*

## COURT OF GENERAL SESSIONS OF THE PEACE, Part 11.

City and County of New York.

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The People,

vs.

JOHN DUFFY,

jointly indicted with

OWEN KANE.

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Before

HON. RANDOLPH B. MARTINE,

and a Jury.

Tried, NOVEMBER 27TH, etc., 1893.

Indicted for ASSAULT, in the FIRST DEGREE.

Indictment filed, JUNE 27TH, 1893.

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APPEARANCES:

ASSISTANT DISTRICT ATTORNEYS BARTOW S. WEEKS and

GEORGE GORDON BATTLE,

For THE PEOPLE.

MESSRS. HOUSE &amp; FRIEND,

For THE DEFENSE.  
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ROBERT J. HAIRE, THE COMPLAINANT, being duly sworn, testified that he was a practising lawyer. He lived at 328 West 30th street, and had been living in the city since March, 1888. He knew the defendant. He first met the defendant on the 23rd of February, 1893, in the Jefferson Market Police Court, where he was in attendance in a case in which the defendant was the complaining witness, against Peter McAvoy. At that time he, the complainant, appeared as attorney for McAvoy. He next saw the defendant in the City Court Chambers, in the City Hall. At that time he was still the attorney for McAvoy, and he was then in attendance upon a suit in which McAvoy and the defendant were interested. The defendant asked him how he happened to be attorney for McAvoy, saying, "He is an Irish terrier and a thief, and he will never pay you, and I will bet you haven't got your pay." He said to the defendant that he was employed only as associate counsel; that McAvoy was a Mr. Merzbach's client. The defendant said, "Mr. Merzbach may do for a heeler, but I don't see what you

want of him," and then the defendant said, "There is no use of trying to beat me in this matter, because I have had fifteen law suits, and I can't be beaten," to which he, the complainant, laughingly replied, "Well, it is time that you were beaten, if you have had such good luck in the past. There is a turn to every road." This conversation took place on or about the 8th of March. He saw the defendant occasionally after that, the next conversation that he had with him being on the 20th or 21st of April, at McAvoy's saloon, 109 Ninth avenue, about 9 o'clock. He, the complainant, was in the place, which was being cleaned out, having been sold out under attachment, and the defendant entered. The defendant asked him what he was doing there, and he said he was waiting to see McAvoy. The defendant said, "I would like to see him, I would like to find him here, and he has no business in here. If he will come in here now, he won't come in again." The defendant spoke loudly and excitedly, and he, the complainant, said, "Now, Mr. Duffy, don't get

excited about this matter. Before you do anything, you see your counsel, who is certainly capable of taking care of your interests." He and the defendant then walked down to the elevated station. On the way down, the defendant told him that McAvoy was a very bad man and many things to that effect. The defendant said, "I like you; you are a stayer. Now, I will tell you what I will do. I don't ask you to sell McAvoy out, but drop him right now. No other lawyer will be fool enough to take up his case. He has no money, and I will give you \$350.00." The defendant then said, "Besides, I have a case with Judge Jeroloman in which I had great difficulty to find a lawyer to take a case against me, and I will give you a retainer in that case of \$250.00." He, the complainant, said, "I never have gone back on a client, because his money has run out, and I shouldn't do it now." The defendant then said, "Now, I tell you that McAvoy is a terrier, and he will never pay you." That was either Thursday or Friday, and he saw the defendant again the first of

the next week, on the Ninth Avenue elevated road. He saw the defendant again on the first Monday in May, at the rooms of the Excise Board. He was still acting as attorney for McAvoy. The defendant said to him, at that time, after the business was completed before the Board, that he was going too far for McAvoy, and that he had better stop, and that he would like to put the gloves on with him. He laughed at the defendant, said he wasn't in that business, never put the gloves on with anybody, and did not think he, the defendant, wanted to. He saw the defendant on the second Monday in May, at the same place. The defendant then said to him that he had better accept his proposition; and the defendant said, "If you don't accept my proposition, you may as well stop practicing law, or trying to practise law, in the City of New York." Merzbach was standing beside him, and Merzbach wanted to know what the proposition was. He told Merzbach that the defendant wanted him to sell McAvoy out for \$350.00. After the business was concluded be-

fore the Board, he, the complainant, was walking down stairs with Merzbach and a Mr. Docham. The defendant turned to him and said, "You are going too far, God damn you. I will take you by the neck; I will do you up, anyhow." The defendant repeated that remark, in substance, three or four times. On the 13th of May, in the evening, while he was at his house, he received a letter. There were initials signed to the letter, but no name. He did not recognize the hand-writing of the letter. Immediately after the receipt of that letter, he went to the corner of 17th street and Ninth avenue, where he saw McAvoy, and had a conversation with him. He then went to the Morton House, and returned to 17th street and Ninth avenue about a quarter of 8 o'clock. He saw his clerk, Mr. Rousseau, at the Morton House. After returning to 17th street and Ninth avenue, he had a conversation with McAvoy. He, the complainant, and McAvoy then walked through 17th street to Thirteenth avenue, and then northerly to 20th street. They went into a saloon at the north-east corner of



20th street and Thirteenth avenue. There was no one with him at that time but McAvoy; two or three men who were standing around the door of the saloon followed them in; but he did not know who the men were. It was about five minutes to eight or five minutes after 8 when they got to that saloon. Personally, he did not know whose saloon that was. They remained in the saloon not over three or four minutes. He had seen the bartender before. The bartender's name, he thought, was Owen Keegan. After leaving the saloon, he and McAvoy walked East on 20th street, on the northerly side, as far as Eleventh avenue. When they got to the middle of Eleventh avenue, he saw the defendant right in front of him. There were two men with the defendant, standing about two feet to the right of him. McAvoy was standing close beside him, the complainant, at that time. Duffy, the defendant, said something to McAvoy, he did not remember what it was. He, the complainant, put his hand on McAvoy and said, "Shut up, and go on," and McAvoy walked on in the

same direction in which he had previously been going. Then the defendant said to him, the complainant, "What are you doing down here?" He said, "Did you not send for me?" The defendant said, "Well, I didn't think you dared come." He said, "Why not?" The defendant said, "Do you know that you have gone too far?" And then the defendant said, "Where is that Irish terrier?" He said, "If you mean McAvoy, he has gone on about his business." The defendant said, "Well, let me at him." He said, "Why, certainly not. Why should you get at McAvoy? I did not come down here to allow you and Mr. McAvoy to get into trouble. I came down because I thought I would see Mr. Egbert." The defendant said, "Well, you can't see him to-night." During the conversation, he had walked on across the avenue. McAvoy had walked on ahead, and, at that time, was out of sight. The defendant walked after him, crossing the street. Finally, the defendant said to him, "You have no business to come down here." He said, "I don't know why not." The defendant said, "Well,

you have no business to, and you have gone too far." The defendant then said, "Let me at McAvoy." He said, "You and McAvoy have no business to fight. Besides, you are too much of a gentleman to get up a fight on the street." The defendant then said, "You are no gentleman." He said, "Well, we will discuss that later." He turned from the defendant and passed on, and, as he did, in turning from the defendant, he came in contact with a hydrant which was on the edge of the side-walk. He then stepped two or three steps, and, as he did so, the defendant, who had stepped down into the gutter drew his umbrella and struck him, the complainant. He received the blow on the muscle of his left arm, and he turned quickly and caught the umbrella. He then said, "No more of this." He held on to the umbrella half a moment, and pushed it back, saying, "No more of this." When he thought that the defendant was going to strike again, he let go of the umbrella and stepped back, keeping his eye on the defendant, and the defendant said, "Give him one."

At that instant he received a blow almost directly on the back of the head, just about on a level with the ear, and he knew nothing more until he attempted to rise. He was on his hands and knees, and Mr. Duffy, the defendant, ran up in front of him and gave him a kick in the shoulder. He then fell forward on his face, and his right side was entirely paralyzed. He heard the defendant say, "I will kill him," and he heard another man say, "No, hold on," and he heard a scuffling of feet. He put his hand to his head, and he received a blow across the index finger of his left hand. He also received a blow on the hand, and three blows on the top of the head. He did not know who delivered any of the blows except the blow in the shoulder. He saw the defendant kick him in the shoulder. . Two boys assisted him to his feet. He did not know the names of the boys at the time, but had since learned that they were Attreed and Gray. The boys assisted him through 20th street, about three-quarters of a block, and he was met by McAvoy. He was then assist-

ed to McAvoy's home. From there he went to the station house and made a complaint. He was taken from the station house to the New York Hospital, in an ambulance. He was in the hospital four weeks. He could not get up or lie down, unassisted, for over eight weeks after he received the injury. As a result of the injury which he received, he had lost the use of the shoulder joint of the right arm. The head of the humerus of the right arm had been removed at the hospital. The bones shown to the witness by the District Attorney were the bones which had been removed from his arm in the hospital. He had some use of his right arm, but the fingers of his right hand were stiff and he had no strength in them.

In cross-examination the complainant testified that he had practiced law in the States of Michigan, Missouri and New York. On the day in question he went into McAvoy's saloon, the first time, about 6 o'clock, and remained there about five minutes, but he did not see anybody there that

he knew except McAvoy. He did not know Philip Smith, Thomas O'Rourke, Lew Derringer, Owen Hammond or a man called "George," and he did not know whether they were in McAvoy's saloon when he was there or not. When he returned to McAvoy's saloon at 8 o'clock, or about that time, he went in with a man named Hammond. He met Hammond at the corner. He had one drink in McAvoy's saloon. It was not true that a person known as "George" went out of the saloon with McAvoy and him, nor that they were followed by O'Rourke or Derringer or Mullen. When they got to the saloon at the corner of Thirteenth avenue and 20th street, McAvoy called all the men up to the bar and treated them. After leaving the saloon, they met a man whom he had heard called "Dutch," and they went back and had cigars. "Dutch" did not walk through 20th street with them. He did not say, when leaving the saloon, "It is lucky for the blind son of a bitch that he was not here," nor did he hear any one else say that. After leaving the saloon first they did not go up the incline

leading to the dock. Neither he or McAvoy sent a man into to the saloon "to see if the blind son of a bitch was there." After leaving Duffy's saloon he did not go into any other saloon. He, the complainant, did not say, before starting for Duffy's saloon, "We have beaten him in the last civil suit, and we will go down now and do him up, if he does not sign a discontinuance of that action." He had not beaten the defendant in any civil suit, and he used no such language. McAvoy had been drinking on the night in question, but he was not drunk. He did not have hold of the defendant's sleeve on that corner. He did not strike the defendant, or make any motion to strike him. The two men that went into Duffy's saloon with he and McAvoy, were standing at the door of the saloon as they passed in. The men saluted McAvoy, and McAvoy asked them in to have a drink. He was positive that, when he first met the defendant, McAvoy and five or six other people were not standing about five or six feet away from him, near the southeast corner. He did not

see the defendant having anything but an umbrella in his hand. He remembered asking somebody to go for a cab, immediately after the assault.

PETER McAVOY, being duly sworn, testified that he was a bartender. His place of business was at 109 Ninth avenue, corner of 17th street. He knew the complainant. The complainant had been his attorney for some time. On the evening of the 13th of May, 1893, he remembered that the complainant went to his storen about 6 o'clock. He had some conversation with the complainant and the complainant went away. The complainant returned to his place, later in the evening, in company with one Hammond. When he, the witness, and the complainant left his saloon, Hammond went with them, but he did not walk in the street with them; he only accompanied them to the door. They went through 17th street to Thirteenth avenue, and then up the avenue to 20th street to a saloon kept by one Keegan and the defendant. He and the complainant had a drink there, and remained



about five minutes. Owen Keegan was behind the bar. He and the complainant then left the saloon, and walked East through 20th street; there was another man with them, but he didn't know his name. They met the defendant at the corner of 20th street and Eleventh avenue. He did not know whether he said anything to the defendant or not. The defendant said to him, "You son of a bitch, I am going to do you." The complainant then told him, the witness, to take a walk, and he walked right ahead through 20th street, leaving the complainant and the defendant together. He walked about two or three hundred feet through 20th street. It was about fifteen minutes before he saw the complainant again. The complainant was bleeding and cut on the head. Two young boys were with the complainant at the time. He had subsequently learned that names of boys were Gray and Attreed. While waiting for the complainant, he heard some one shouting, "Murder! Watch!" He was sitting down on a pile of lumber at the time he heard that, and he got up to go to see

what was the matter. He was standing up when the complainant went up to him. He took the complainant to his house. He did not see any of the disturbance between the complainant and the defendant.

In cross-examination the witness testified that his employer had been J. Lawrence Dochan; but Dochan had died about a week before the trial. He knew a man named Philip Smith. He knew Derringer, sometimes called "Dutch," and he also knew John Mullen. He did not see Smith, Derringer, O'Rourke and Mullen in his place at any time on the afternoon of the 13th of May. O'Rourke and Derringer might have been there; but Smith or Mullen was not there. O'Rourke and Derringer were not in the place when the complainant went there. He had known Smith about a year, O'Rourke may be five years, Mullen about two years, and Derringer about two years. Those men were not frequenters of his place, going back three or four years, but they had been immediately prior to the 13th of May. Smith had been a bum around his place for a long time. On the night

in question, he sent Derringer out for his bartender. Prior to the 13th of May, the complainant had been in his place on several occasions. He knew one George Keller, whom he understood was a brother-in-law of Derringer. Keller was not in his place on the night in question. It was not true that Keller left his place with him and the complainant. Nor was it true that they were followed by O'Rourke and Derringer. He didn't know the two men that he met outside of Keegan's saloon. He might have met some men outside of that saloon but he was not sure. He was not very much under the influence of liquor on the night in question. He was able to take the complainant to his saloon and give him a drink, and then to take him from there to the station-house; and, finally, he walked to the hospital with the complainant. He didn't know anything about Derringer or O'Rourke being in Duffy's place. He did not recollect that Derringer, O'Rourke and Mullen were with him in 20th street, just before the complainant went up to him. He was positive that they were

not with him at that time. When the defendant met him and the complainant, he, the defendant, was in the company of a man named Owen Kane.

In re-direct examination, the witness testified that he had no talk with Derringer, O'Rourke, Smith, Keller, or anybody else about going to the defendant's saloon with him. He did not invite any of them to follow him up to the defendant's place.

WILLIAM GRAY, being duly sworn, testified that he was eighteen years of age and lived at 525 West 20th street. He was not working at the time of the trial. He had last worked for Mitchell & Vance, 24th street and 10th Ave. He knew Frederick Attreed. Attreed lived in the same house that he did. On the night in question, he left the house in company with Attreed about half-past seven and walked down as far as 21st street and 11th avenue. He knew the defendant by sight. He saw the complainant there. When he first saw the complainant and the defendant, they were standing in the middle of 11th avenue.

The defendant was facing east, and the complainant was facing west. There was a gang of men, among whom was McAvoy, standing about five or six feet away from the complainant and defendant at the time. The complainant had hold of the defendant's arm, and the defendant was saying, "let go of me." He did not know any of the men with whom McAvoy was standing, and he had not seen any of them since that time. He was about four feet away from the defendant and when he heard him say, "Let me go." The complainant said, "You are too much of a gentleman to fight in the street." The defendant said, "You are no gentleman to take hold of a man like this in the street;" and then the complainant took up his hand and hit the defendant on the head, knocking his hat off. He, the witness, picked the defendant's hat up, and while he was doing that the defendant was hitting the complainant on the head with an umbrella. At that time the complainant was lying down. He saw the defendant knock the complainant down "by putting his foot behind him and throwing

him over." The complainant got up again, and the defendant again threw him over. The complainant fell against a fire hydrant. Then Owen Kane, who had been coming through 11th avenue, knocked the cigar out of the complainant's mouth. The complainant then fell over on his face, and he saw the defendant hitting the complainant over the head with his umbrella. He saw the defendant's foot moving towards the complainant, but he was not near enough to see whether or not the defendant kicked the complainant. Kane was present when the defendant was hitting the complainant with the umbrella, and also when he saw the defendant's foot moving towards the complainant. Kane took the defendant away, saying, "Come on. Don't be fighting around here." The gang of men in the street did not interfere with the fight at all. When Kane took the defendant away, the defendant said, "Give it to him, boys."

In cross-examination, the witness testified that when the complainant fell to the ground the first time nobody struck him on the back of the

head. There were five gas-lamps in plain view of where the altercation between the complainant and the defendant occurred. When, he, the witness, and Attreed took the complainant up 20th street, after the fight, McAvoy was sitting in the mud, with the other men around him. He did not see Kane strike the complainant; he only saw Kane knock the cigar out of the complainant's mouth. In his opinion, the defendant was simply trying to take care of himself.

In re-direct examination the witness testified that there was nothing to prevent the defendant running away. No one had hold of the defendant. Before the defendant knocked the complainant down, the men who were with McAvoy ran up the street, and there was nobody there but him, the witness, Attreed, and Kane. While Kane was trying to get the defendant away, and while the complainant was on his knees, the defendant hit the complainant on the head with his umbrella. The complainant then fell on his face. The defendant struck at the complainant six

times with the umbrella, and then made the motion with his foot at him.

In re-cross-examination the witness testified that he did not see any piece of iron or anything of that kind in the defendant's hand. McAvoy was drunk when he, the witness, and Attreed assisted the complainant to where McAvoy was. He, the witness did not go for a can that night; nor did Attreed. The men who were with McAvoy scattered upon the arrival of a police officer.

HENRY MERZBACH, being duly sworn, testified that he was an attorney and counselor-at-law, and associated with the complainant in looking after the interests of McAvoy. He remembered hearing the conversation between the defendant and the complainant on the 2d Monday of May, 1893, at the rooms of the Excise Board. The defendant said to the complainant, "You had better accept my proposition; otherwise, you will not practice law any longer in New York." He, the witness, asked the complainant what the proposition



was, and the complainant said, " Mr. Duffy wants us to sell out our client." After the proceedings before the Excise Board, in going down stairs, the defendant said, "You had better accept my proposition; otherwise you will not practice law any longer. You are going too far; I will do you up." The complainant said, laughingly, "I don't think you will hurt anybody."

In cross-examination, the witness testified that he had known the complainant four or five years. The complainant had assisted him in some litigation. He had not been at the complainant's house subsequent to the time that the complainant got out of the hospital. He, the witness, was virtually one of the complainant's in the police court. He corroborated Mrs. Haire, in her affidavit on information and belief. He had never stated to anybody that he had seen the assault.

JULIUS ROUSSEAU, being duly sworn, testified that he was managing clerk for the complainant. In May, 1893, he went to

the Excise Board to get some papers relating to McAvoy's license. He met the defendant there. He told the defendant that he was getting a transfer of a license, and the defendant told him that he would never get it. The defendant told him that the complainant was going too far in that matter, and that it would be for the complainant's good to go to see him, the defendant.

JOHN MAYER, being duly sworn, testified that he was an officer of the Municipal police, attached to the 16th Precinct. On the evening of the 13th of May, 1893, the corner of 17th street and 9th avenue was on his post. About 8:30 P. M. he saw a crowd in front of 401 West 17th street, and when he got there he found the complainant sitting down. The complainant was bleeding from a cut in the head. He took the complainant to the station-house. The complainant made a complaint in the station-house, and from the station-house he was sent to the New York Hospital in an ambulance. The complainant's clothing was bloody at the time.

FRANK CHAMBERLAIN, being duly sworn, testified that he was a graduate of the College of Physicians and Surgeons. On the 13th of May, 1893, he was an ambulance Surgeon connected with the New York Hospital. About 9 o'clock on that evening he was summoned to the 16th Precinct station-house where he found the complainant. He examined the complainant's arm and found indications of a fracture of the neck of the humerus, and a dislocation of the head of that bone, and a fracture just below the head. He believed that the complainant did have a scalp wound, or something of that kind, but that was of minor importance, and he did not remember it distinctly. He did not remember noticing anything the matter with the complainant's left hand. Upon the complainant's arrival at the hospital he was placed under the charge of the House Surgeon, Dr. Carmalt. An operation was subsequently performed upon the complainant, and part of the head of the humerus was removed.

FOR THE DEFENSE, THOMAS RUDDEN, being duly sworn, testified that he lived at 219 West Houston street. He was a livery-stable keeper, and had been engaged in that business for seventeen years. He had been a resident of this city 23 years. He knew the defendant, and had known him for 23 years. He knew other people who knew the defendant. The defendant's character was good, as far as he knew. The defendant's character for peace and quietness was good.

JAMES LAWLER, being duly sworn, testified that he lived at 352 West 20th street and had been a resident of this city over 40 years. He knew the defendant, and had known him for 25 years. He knew other people who knew the defendant. The defendant's character for peace and quietness was good.

PHILIP SMITH, being duly sworn, testified that his full name was Philip Edward Smith. He was 27 years of age and resided at 325 West 21st street. He knew the defendant, and had known him for 10 years. He knew

Owen Kane, by sight. He knew McAvoy, and had known him for about 18 months. He had been in the habit of frequenting McAvoy's saloon, and McAvoy was well acquainted with him. He knew the complainant, and had first met him about six months previous to the trial, in McAvoy's saloon. He had seen the complainant very often in McAvoy's store. He knew a man by the name of Thomas O'Rourke, and had frequently seen O'Rourke in McAvoy's saloon. He knew Derringer, and he also knew Derringer by the name of "Dutch." Derringer also frequented McAvoy's place. He had seen Derringer there when the complainant was there, and O'Rourke whad also been there when the complainant was there. He knew a man by the name of Mullen, and he also knew George Keller. He had seen Mullen and Keller in McAvoy's when the complainant was in there. He, the witness, was in McAvoy's saloon on the afternoon of the 13th of May. He saw the complainant in that saloon, on that afternoon, between half-past-three and four o'clock. When the complainant entered the saloon,

Derringer and Mullen were there. O'Rourke entered the saloon later on. Haire remained in the saloon until about seven o'clock, drinking with the men in there. He, the witness, was not drinking. Soon after the complainant entered the store, some friends of McAvoy's came in and congratulated the complainant on winning a case for McAvoy. About six o'clock the complainant left the saloon and returned, in about three minutes, with a man named Hammond. The complainant and Hammond had several drinks and then Hammond left, saying that he had to go to his supper. The complainant said, when somebody congratulated him upon winning a case, "Yes, I defeated Mr. Duffy, but I defeated Duffy in civil proceedings; we are going to bring an action against him criminally." McAvoy, who was mixing drinks at the time, said, "We will lick him with our fists, too." At that time, McAvoy was under the influence of liquor, as was every person who was drinking with the complainant. He, the witness, was sent for McAvoy's bartender. When the bartender came, McAvoy put on

his hat and coat and went out with the complainant. Mallen, O'Rourke, Derringer, and Keller followed the complainant and McAvoy out of the store. The party went down 17th street, toward 10th avenue. He, the witness, stood on the corner and watched them going down 17th street, and he saw a fireman on the corner. About an hour afterward, Derringer went into the saloon, to get a chair. Subsequent to the night in question he had a conversation with the complainant about being a witness in the case. McAvoy took him up to the complainant's house. He, the witness, said to the witness, "I have been down to see Mr. Duffy about your case. I want to let you know that I am a disinterested party between you both and I want to tell, you, Mr. Haire, that I'm not going one way or the other, but I am going to see that something is done, and I am going to do what is right in this case, and when you say that you are going to send Duffy up for fifteen or twenty years, then Duffy can rest assured that justice shall be done."

In cross-examination, the witness testified that he had last worked about six weeks before the trial, at which time he had been driving a coal cart two or three days a week. He had done that for four or five weeks. Before that he had worked for the New York Central Railroad Company, on lighters. He did not know the name of his foreman. He had never been convicted of petty-larceny or any other crime whatever. He had been put under \$500 bail for good behavior for being with two young men who got arrested one night for taking some whiskey off the docks; somebody put a hole through a barrel to draw off some liquor, and he was put under \$500 bail for security for good behavior. That was about five weeks previous to this trial. Before going to the complainant's house he had seen the defendant. He, the witness, was walking up Ninth avenue, and he saw the defendant in a store. Having heard what he did in McAvoy's liquor store, he thought that he should do something in justice to the defendant, and he went in and spoke to him.



When the complainant and McAvoy left the saloon he understood that they were going to do some bodily harm to the defendant. Although he had known the defendant for two or twelve years, and knew where he lived, he did not go to the defendant's house to warn him of the impending danger. He had several drinks in McAvoy's saloon at the complainant's expense. He only drank sarsaparilla, common ginger-ale or pop. He was not drinking anything at that time nor had he drank anything for two months before that. He was positive that it was not later than half-past three when the complainant entered McAvoy's saloon that day. With the exception of a few minutes, at about six o'clock, the complainant was in McAvoy's saloon continuously that afternoon from half-past three until seven o'clock. The fireman with whom he was talking on the corner was John Connors, of Engine Company No. 3 on Seventeenth street. He and Connors passed remarks about the complainant and McAvoy; something was said about McAvoy and the complainant going crazy.

The complainant was under the influence of liquor at that time. It was not a fact that prior to the 10th of July he had gone to the complainant's house and told the complainant that he had been promised money to testify falsely on behalf of the defendant. He told McAvoy and the defendant that he was a disinterested party before he went to the complainant's house. He did not tell Derringer, Keller or O'Rourke that he was a disinterested party in the month of June or in the month of July he had received a subpoena to come down to the District-Attorney's office, but he had not obeyed the subpoena. He had never been near the District-Attorney's office.

THOMAS O'ROURKE, being duly sworn, testified that he resided at 447 West 17th street. He was a bartender. He knew McAvoy and had known him four or five years. In May, 1893, he was in the habit of going into McAvoy's saloon at 17th street and 9th Avenue. He knew the preceeding witness, Smith. He also knew Derringer,

sometimes called "Dutch". He also knew Mullen, Keller and the complainant. He first met the complainant in McAvoy's saloon. He knew the defendant and had known him for about 25 years. He knew Owen Kane by sight. About twenty minutes to eight, on the night in question, he, the witness, entered McAvoy's saloon. McAvoy, the complainant, Smith and Derringer were in the saloon. Owen Hammond and Mullen were also there. Subsequently, McAvoy, said, "Let us go; come on Mullen, and come on George." McAvoy and the complainant then left the saloon, followed by Mullen and George Keller. The complainant and McAvoy walked through 17th street towards 7th avenue. After the men had left the saloon, Derringer said to him, "Let us go down and see; I think there is going to be some fun." He and Derringer walked as far as 10th avenue, and looked in the saloon there, and then continued on to 20th street and 13th avenue, looking in the liquor saloons on the way up. He saw George Keller stop in Wilson's butcher shop, and speak to somebody, but

he did not know what Keller said. He and Derringer found the complainant, McAvoy, Mullen and George Keller in front of a lumber yard on 20th street, between 11th and 13th avenues, about seventy-five or a hundred feet away from the defendant's saloon. At that time the complainant and McAvoy appeared to have been drinking. McAvoy said to him, the witness, "Go down and see if the blind son-of-a-bitch is in." He understood McAvoy to refer to the defendant. He went down to Keegan's saloon, and looked in. He did not see the defendant there, and he went back and told McAvoy that the defendant was not in. He stood talking to McAvoy and the complainant for two or three minutes, and then they started to walk towards 11th avenue. He saw the defendant coming down the street with an umbrella in his hand. The defendant was alone at the time. He said to McAvoy, "Here comes Duffy now." He, the witness, and Mullen then went over to the lamp post on the south east corner. The complainant, McAvoy and Derringer walked over and met the defendant in the middle of the car-

track. McAvoy, when he met the defendant, said, "You are a son of a bitch! Are you as good as a man as you were the day you fetched the sheriff into my store?" Mullen and Derringer then got hold of McAvoy and pulled him out into the middle of the street, and he, the witness, also took hold of McAvoy and helped to drag him up the street. McAvoy said, "I will kill him. Let go of me." Neither he, the witness, Mullen, or McAvoy saw any of the fight; nor did Derringer. They took McAvoy about 200 feet up 20th street and kept him there for some time. After a while the complainant came up the street helloing. The complainant told McAvoy to get a cab, and he, the witness, went for a cab. He got the cab, and when he was coming through 17th street, he met the officer and the complainant going to the station house. He, the witness, did not go to the station house; nor did he go to the hospital.

In cross-examination, the witness testified that he did not go into Keegan's saloon. He did not see the complainant or McAvoy in that saloon. He did not go to that neighborhood to do vio-

lence to the defendant. He did not know how the complainant received his injuries. When he last saw the defendant, the defendant was trying to get away from the complainant. At that time the defendant was laughing, and said, "Let go of my arm." There was no bad blood between the complainant and the defendant, so far as he could see. He had not done any steady work for a year previous to the trial; he had not been well. He had been convicted of assault, about two years before this trial, and was sentenced to nine months.

PHILIP SMITH, being recalled for further cross-examination, testified that no one was present at the interview which occurred between him and the complainant, in the complainant's house. When he was leaving the house, he met two ladies. He did not have any conversation with the complainant when either Mrs. Haire or Mrs. Haire's sister was present.

JAMES B. COOK, being duly sworn, testified that he was 28 years of age and lived at the northeast corner of 28th street

and 13th avenue, where he had resided a year and two months. He was a truck driver, in the employ of Philip Lynch. He had been employed by Lynch, off and on, for years. He knew the defendant and had knowh him for about nine years. He knew Owen Kane and had knowh him for about three years. He was not related to Kane or the defendant in any way. He knew McAvoy and had known him about two months. In May, 1893, he did not know McAvoy. On the night in question, he saw McAvoy, the complainant and another man leave Keegan's saloon and walk easterly through 20th street. As they were passing him he heard McAvoy say, "It is good the blind-eyed son-of-a-bitch was not there." The men passed on as far as 20th street and 11th avenue, where he saw the complainant grab the defendant. There was no one in the defendant's company at the time. The complainant said to the defendant, "We might as well settle this case right here;" and the defendant said "This ain't no place to settle it." The complainant and then pulled the defendant over to the sidewalk,

and the two men scuffled and fell. Owen Kane came along just then and separated them. He saw the complainant and the defendant fall to the ground twice. After the fight, he saw the defendant go down 13th avenue. He did not see the defendant kick the complainant; nor did he see him strike the complainant about the head.

In cross-examination, the witness testified that after the men passed him he walked down on the other side of the street after them. The men did not stop anywhere before they met the defendant. He did not hear what they were talking about. When the trouble commenced McAvoy and the other man went away. He did not know whether the complainant threw the defendant or the defendant threw the complainant. He did not see the defendant have hold of the complainant's coat. He did not see any umbrella in the defendant's hand. The statement that the defendant had nothing in his hands was as true as anything else he had testified to. He, the witness, lived over Keegan's saloon. He had been



drinking a little on the afternoon in question. A boy named Patrick Flynn was with him that night. Flynn was no relation to Duffy, to his knowledge. The complainant did not seem to have any trouble in regaining his feet after the first fall. He next saw the defendant about three or four days after the trouble. The defendant asked him to go down to his lawyer's office. He was positive that the defendant did not have a pair of brass knuckles in his hands at the time of the fight. He did not know what "backheeling" was.

THOMAS C. DUNHAM, being duly sworn, testified that he was in the glass, paint and oil business, in the city of New York. He had been engaged in that business about thirty years. He knew the defendant, and had known him about ten years. He knew other people who knew the defendant. As far as he knew, the defendant's general character was good. The defendant's character for peace and quietness was good.

DANIEL MCGILL, Being duly sworn, testified that he had been a resident of this city about sixty years. He was engaged in the stationery and paper business, and had been in that business for about twenty-five years. He knew the defendant, and had known him about 25 years. He knew other people who knew the defendant. The defendant's general character was good. The defendant's character for peace and quietness was good.

In cross-examination the witness testified that he had never known the defendant to be convicted of assault; he had never heard of any such thing.

JOHN MAGUIRE, being duly sworn, testified that he was in the meat business at 122 10 th avenue. He had been engaged in that business a little over twenty years. He knew the defendant and had known him over twenty years. He knew many other people who knew the defendant. The defendant's general character was good. The defendant's character for peace and

quietness was also good.

CHARLES G. CARMALT, called by THE PEOPLE, being duly sworn, testified that he was a regularly graduated physician. He graduated from the College of Physicians and Surgeons in June, 1891. In the month of May, 1893, he was House Surgeon at the New York Hospital. He saw the complainant, when the complainant was taken there by the Ambulance Surgeon. He examined the complainant at that time. There was no evidence of intoxication about the complainant when he examined him. The complainant had a scalp wound; contusions of the shoulder; dislocation of the index finger of the left hand, and a fractured dislocation of the right shoulder joint, the humerus. Next morning, there appeared evidence of a fracture of the base of the skull. He gave the complainant ether, and tried to reduce the dislocation of the shoulder and set his fracture, but it could not be accomplished. Another operation was performed later, but that was also unsuccessful. The head of the

humerus was subsequently removed. The bones in evidence were the ones which were removed from the complainant's body. It was apparently necessary to perform the operation as the complainant was beginning to show paralysis of the nerves of the arm, and he had also slight swelling of the arm. In his opinion the complainant would never have the full use of his right arm again.

JOHN H. G. VEHS�AGE, called by THE DEFENSE, being duly sworn, testified that he was engaged in the coal business in the city of New York, and had been engaged in that business about 28 years. He knew the defendant, and had known him for 15 or 20 years. He knew other people who knew the defendant. The defendant's general character was good as far as he knew.

PATRICK FLYNN, being duly sworn, testified that he was sixteen years of age and lived at 451 West Seventeenth street with his father and mother. He knew the defendant, and had known him about a year. He knew Owen Kane,

He knew Owen Keegan, and he knew Keegan's saloon on the corner of 20th street and 13th saloon. He was not in any related to the defendant, or to Kane nor to Keegan. He knew the complainant. He first saw the complainant one Saturday night in May, but he did not know the date. It was the night of the trouble. He knew Mullen and O'Rourke. He saw McAvoy, Mullen and O'Rourke pass the southwest corner of 20th street and 11th avenue, and just after they passed the corner, McAvoy sat down and would not get up. After a while, McAvoy got up and walked over to Heilshorn's saloon. He, the witness, had a bundle of clothes belonging to the witness Cook, and he was on his way to put the clothes in Cook's room when he first saw McAvoy. He left the bundle in Cook's room and came back again, and he then saw McAvoy sitting against the fence in front of Collin's iron yard, about the middle of the block between 11th and 13th avenues. The complainant and Derringer were trying to get McAvoy up. Mullen and O'Rourke were with the complainant and McAvoy.

He waited there on the corner for Cook, and he saw the defendant come up the street. The defendant was alone. The complainant took hold of the defendant by the sleeve and said something. He then saw the defendant trying to pull away from the complainant, but the complainant held on to the Defendant. The defendant put his hand up to the complainant's breast. He, the witness, then saw the defendant's hat lying in the middle of the street, and he saw the defendant trying to knock the complainant down. He did knock the complainant down. At that time McAvoy was standing about twelve feet from the complainant and the defendant. When the fight began, McAvoy, Mullen, O'Rourke and Derringer ran up the street. The complainant then got on his knees, and finally got to his feet. The defendant then attacked the complainant again, and the two men fell right beside the fire hydrant. Owen Kane came along just then and separated them. The defendant then went towards 13th avenue. No one was engaged in the fight but the complainant and the defendant.

Owen Kane put his arm between the complainant and defendant, to separate them. Two boys then picked the complainant up, and took him up 20th street. He, the witness, followed them up 20th street as far as Floyd's iron yard, and then he saw McAvoy, O'Rourke, Mullen and Derringer going down towards Eleventh avenue. The defendant had an umbrella in his hand when he met the complainant. It had been raining that afternoon, and the streets were wet.

In cross-examination the witness testified that when the complainant and defendant met in the middle of the street, he, the witness, was the only person in that neighborhood. When the complainant and defendant met, McAvoy, Mullen, O'Rourke and Derringer were standing about ten or twelve feet away from them. He did not see anybody pick up the defendant's hat. He did not see Gray and Attreed until they were picking the complainant up.. Cook was there when the fight took place. He did not see Cook standing on the north-east corner when the fight took place. There were several men standing

on the corner where the fight took place. He did not see the defendant make any effort to strike the complainant with the umbrella which he had in his hand. After the fight was over, the defendant went down towards Thirteenth avenue. The defendant returned in about three or four minutes, alone; he thought the defendant was coming back to fight again, although he did not see a revolver in the defendant's hand.

DANIEL J. COGAN, being duly sworn, testified that he resided at 429 West 16th street. He was a laborer, employed in the Department of Docks. He knew the defendant, and had known him about ten or fifteen years. He was not related to the defendant. He knew Owen Keegan, but was not related to him. There was no particular friendship between him and the defendant. He knew Keegan's saloon. He knew McAvoy, and had known him five or six years. On the night in question he saw the complainant, McAvoy and two other men together, on the corner of Thirteenth avenue



and 20th street, directly opposite to Keegan's saloon. At the time he saw them, he was walking up Thirteenth avenue. He had a hoe, broom and shovel with him at the time, which he was taking to a toolbox belonging to the Department of Docks at the foot of 20th street. As he passed McAvoy and the complainant, they seemed to be very much excited, and he heard the complainant say, "You had better go and take the bull by the horns to-night and get through with this fellow Duffy; and, if you don't, he will keep you in litigation all your life; and now is a good chance, while you have got your friends with you." He, the witness, walked on about eight or ten feet, and then he heard the complainant saying, "If you don't fix this up to-night you give him a damned good thrashing, and I will take care of the rest of it." . The complainant and the other men then walked towards the dock. There was an incline there, and they appeared to be looking into Keegan's saloon. He then heard McAvoy say, "There is the blind son of a bitch in there

now." The men then said, "We will go over and see him now," and the four of them started for the saloon. The men walked into the saloon. He, the witness, walked over to the tool-box and put the tools in it, and then he walked back and looked in the door of the saloon. He saw the complainant, McAvoy, Mullen, O'Rourke and Derringer standing before the bar. The men then came out of the saloon and walked towards Eleventh avenue. The men stopped in front of a large gate in 20th street. As he was passing the gate, he heard the complainant say to McAvoy that he would not go away until he had seen the defendant, and he would make the defendant settle up, one way or the other. He, the witness, then went home. He did not see any part of the fight.

In cross-examination the witness testified that he had never had a quarrel with McAvoy in his life. He did not think of the remarks he had heard until the next Tuesday morning. He then asked his foreman if he might be excused for ten minutes, and

he went down and told the defendant what he had heard on the night in question. When he heard the complainant and the men making the remarks to which he had testified, he did not see anybody else in the neighborhood. The complainant and McAvoy could have seen into Keegan's saloon without going up the incline.

EDWARD BROWNE, being duly sworn, testified that he was a practising attorney in the City of New York. He had been practising law about twenty-five years. At one time he was one of the Judges of the City Court, and at the time of the trial he was counsel to the Excise Board. He knew the defendant, and had known him about fifteen years. He knew other people who knew the defendant. The defendant's general character was good, as far as he knew. The defendant's character for peace and quietness was good.

In cross-examination the witness testified that he had never heard that the defendant had pleaded guilty to assault in 1874. He had been at-

torney for the defendant in some of the litigation between McAvoy and the defendant.

OWEN HAMMOND, being duly sworn, testified that he lived at 400 West 17th street. He was a bartender, but was out of employment at the time of the trial. He knew McAvoy. He knew the complainant. He was in McAvoy's saloon on the afternoon of the 13th of May, about ten minutes to 6 o'clock. He saw the complainant there. He remained in that saloon about three quarters of an hour, and during that time the complainant remained in the saloon. He, the witness, had drinks, and McAvoy and the complainant were also drinking. He left the saloon alone.

OWEN A. KEEGAN, being duly sworn, testified that he lived at 34 Eighth avenue. He had been a resident of the city for forty-five years. He knew the defendant, and had known him about twenty-five years. In 1874 the defendant was doing business in the saloon at the corner of 17th street and Ninth avenue, mention-

ed in this trial as McAvoy's saloon. In 1874, he thought the defendant boarded with a Mrs. Sherry, in 17th street. He was friendly with the defendant at that time. He never knew the defendant to be in the Penitentiary in 1874. He, the witness, was the proprietor of the saloon at the corner of Twentieth street and Thirteenth avenue, which had been mentioned on this trial as Duffy's saloon. He and the defendant were interested in the distilling business at Ramapo, Rockland county, New York. The defendant was the active manager of the distillery. When the defendant was in the city, he often assisted in managing the business of the saloon. He knew Owen Kane. Kane had been in his employ for a short time. He remember the night of the 13th of May. He did not see any part of the difficulty between the defendant and the complainant. He heard of the trouble about twenty-five minutes after the complainant had left his saloon. The complainant was with McAvoy and two other men when he was in his, the witness's, saloon. McAvoy asked for the defendant.

The men had drinks in the place and then went out. They returned in about twenty minutes, and had more drinks. He did not hear any one ask for the defendant on the second visit. As the men were leaving the saloon, he heard one of the four remark that it was "lucky that the blind son of a bitch wasn't there." At that time the complainant and McAvoy appeared to have been drinking freely.

In cross-examination the witness testified that the defendant had no financial interest in the saloon at the corner of 20th street and Thirteenth avenue. He was prepared to swear positively that during all the time that he had known the defendant, the defendant had never been convicted of assault. He never knew the defendant by any other name than John Duffy. He had heard the men who were with the complainant and McAvoy called Mullen and "Dutch." When he heard the remark about it being lucky that the blind son of a bitch was not there, he understood the man to refer to the defendant; but he did not do anything to protect the defendant, although

he thought that the men meant to do violence to the defendant.

JOHN A. FRAZLER, being duly sworn, testified that he was thirty-two years of age. He was not married. He lived at Twentieth street and Thirteenth avenue, and drove an ice wagon for the Knickerbocker Ice Company. He had been in the employ of that company nearly six years. He was not in any way related to the defendant. He had known the defendant between one and two years. He knew Owen Keegan, but he was not related to him. He knew Owen Kane, and had known him over two years. He was not related to Kane. He was not personally acquainted with McAvoy or the complainant. He saw part of the trouble on the night in question. Just before he saw the trouble he saw the complainant, McAvoy, and two other men leave Keegan's saloon and walk through 20th street. While the party was passing him, the witness, he heard one of the men say that it was a good thing for the blind eyed son of a bitch that he was not

there. The party then passed on through 20th street, and he saw them enter Heilshorn's saloon, on the corner of Eleventh avenue and 20th street. He saw them leave that saloon, and cross the avenue. He paid no further attention to them until he heard somebody say, "There is a fight up the street," and then he walked slowly up the street. He saw the complainant and the defendant clinched and saw them fall twice. Then Owen Kane got hold of the defendant and pulled him away, and Kane said to the defendant, "Go home; don't be fighting." He saw two boys assist the complainant up through 20th street, and he then went to his home.

In cross-examination the witness testified that when he saw the two men down in the street, the defendant was on top. There were two or three people between him and the men who were fighting. Jim Cook, Paddy Flynn and John Cook were there. The Cooks were about the same distance away from the men that he was. He did not see any men taking McAvoy away. He did not see anybody on the southeast cor-



ner. He saw an umbrella or a small cane in the defendant's hands, but he did not see the defendant do anything with it. He heard three men who were standing near the complainant shout, "Murder! Police!" He did not know where those men went after the fight was over. He did not know who the men were. He saw the complainant hit the defendant around the head. He did not see the defendant kicked by the complainant. He saw the defendant about five minutes after the fight, and he asked him if he was hurt. Owen Kane picked the defendant's hat up. When he saw the men in the middle of the block, Flynn was not in the neighborhood. He, the witness, lived over Keegan's saloon, and paid his rent to Keegan.

JOHN DUFFY, being duly sworn, testified, in his own behalf, that he was fifty years of age. He lived at 328 West 18th street, with his wife and children. He had been in this country thirty-one years. He was engaged in the distilling business, at the town of Ramapo,

Rockland County, New York, with Owen Keegan. He was the active manager of that business. When he was in the City of New York he made his headquarters at Keegan's saloon, Thirteenth avenue and 20th street. He was not interested financially in that saloon. During the time that he had been in the city of New York he had never been convicted of crime; nor had he ever served a term in the Penitentiary. He had never been known by the name of Kelly. He knew the complainant. He had first met the complainant in connection with some litigation which he had with McAvoy. He never had any such conversation as the complainant had testified to having had with him in the City Hall or elsewhere. He denied absolutely that he had ever had a conversation with the complainant in McAvoy's saloon, or that he had made any threat of any kind there. He did not have any such conversation as the complainant testified to having had on the elevated road. . He had only met the complainant in the rooms of the Excise Board once. He did not have

the conversation to which the complainant had testified, in the rooms of the Excise Board. From the time that he first met the complainant, he had never made any threats against him. The conversation testified to by Merzbach did not occur. He never had any such conversation as was testified to by the witness Rousseau. He remembered the night of the 13th of May, 1893. He left his house about half-past 7 on that night, and started for Keegan's saloon. He had no idea of meeting the complainant. He was alone. He met the complainant at Eleventh avenue and 20th street. At that time there was not a person in his company. He had an umbrella in his hand. The complainant was accompanied by Mullen, McAvoy, O'Rourke, Derringer and another man. He did not speak to McAvoy. He did not have the conversation with the complainant, at that place, to which the complainant had testified. He had not sent for the complainant to go to that place that night. While he was passing the men, he heard McAvoy say, "You blind eyed son of a bitch, are you as good a

man as you were the night the Sheriff came into my place?" He turned, and as he did so the complainant grabbed him by the arm and said, "What does this mean?" He said, "I will tell you what it means; let me go." Derringer then got hold of one of his arms and Mullen got hold of the other, and McAvoy commenced to talk about shooting. He thought McAvoy was going to shoot him. Mullen and Derringer then got hold of McAvoy, and the complainant said to him, "Are you going to sign a discontinuance of this litigation?" He said, "This is a nice place to ask me to do that, this is a nice manner and a nice place to ask me to do that." He said, "Let go of me and go about your business." The complainant said, "McAvoy is a desperate man, and will kill you. Don't refuse me. Think of your family. Don't think of a couple of thousand dollars, and sign this discontinuance." He said, "I will do nothing of the kind." McAvoy was still threatening him, and he thought he saw a pistol in McAvoy's hand. He tried to protect himself with his umbrella, and, ~~as he found he could not get away from the complain-~~

ant he hit the complainant with his umbrella. He wrestled with the complainant and the complainant was trying to shove him towards McAvoy. The complainant struck him on the top of his head and knocked his hat off. The complainant tried to punch him, and he tripped the complainant. They had two falls together. When he threw the complainant the last time, the complainant fell against the fire hydrant. At no time did he strike the complainant five or six times with his umbrella. He did not kick the complainant in the shoulder, while the complainant was lying prostrate on the ground. When the complainant took hold of him he thought that he was in danger of suffering serious bodily harm. He only threw the complainant in order to protect himself. He did not say, while the complainant was on the ground, "I will kill him." Owen Kane separated him from the complainant. He then went down to Keegan's saloon, and remained there about fifteen or twenty minutes.

In cross-examination the witness testified

that he saw some men taking McAvoy away. He did not notice anybody that he knew in the neighborhood when he was struggling with the complainant. He was not free from the complainant from the time the complainant took a hold of him. . He did not make any complaint against the complainant at any time for this assault, but on the 18th he made a criminal charge against him in another matter.

REBUTTAL.

ROBERT J. HALRE, THE COMPLAINANT, being recalled, testified that he did not strike at the defendant before the defendant before the defendant struck at him. He did not keep hold of the complainant's coat sleeve during the entire struggle. He did not ask the defendant, on that night, to sign a discontinuance of any action. He was not in McAvoy's saloon on the afternoon of the 13th of May from half-past 3 until he went up to Keegan's place. He did not leave his office until half-past 4 on that afternoon. He left his office on that afternoon with Merzbach and A. A. Irvine, and came down in the el-

evator with a Miss Joslin. He reached his home that afternoon about a quarter past 5. He had dinner that night at the Morton House, with Mr. Rousseau. He never said to McAvoy, "You had better take the bull by the horns to-night and get through with this fellow Duffy, or he will keep you in litigation all your life." He did not make any of the statements testified to by Cogan. The witness Smith had called at his house, and in the presence of Mrs. Haire, Mrs. Haire's sister and McAvoy had told him that he had been paid by the defendant to say that he, the complainant, had approached him, Smith, and asked him to testify falsely.

JULIUS A. ROUSSEAU, being duly sworn, testified that on the night in question he was in the company of the complainant, in the Morton House, from about 6:30 until 7:30.

HENRY MERZBACH, being recalled, testified that he remembered leaving the complainant's office, on the afternoon of the

day in question, in company with the complainant and A. A. Irwin, about half-past 4. He went uptown on the car with the complainant, and left him at the corner of 20th street and Eighth avenue about a quarter past 5.

ALLEN A. IRWIN, being duly sworn, testified that he was a contractor, having an office at 55 Liberty street. He knew the complainant. He had been a juror in the Court of General Sessions several times, and had no interest in the proceedings. He remembered leaving the complainant's office, in company with the complainant and Merzbach, on the afternoon of the day in question, about half-past 4 o'clock.

A. LAURA JOSLYN, being duly sworn, testified that she was a stenographer, in the employ of the Mutual Reserve Fund Association. She knew the complainant. She was in the complainant's office, on business, on the afternoon in question, from about half-past 3 until half-past 4. She fixed the time by the fact that



she was in the habit of going home on the 3:30 boat on Saturdays, but that day she took the 5 o'clock boat in going to her home in Paterson.

JOHN O'CONNELL, being duly sworn, testified that he was a member of the Fire Department. He remembered seeing the witness Smith on the night in question, about seven or half-past 7 o'clock. He did not see the complainant and McAvoy go out of McAvoy's saloon. He did not make any remark to Smith about the actions of the complainant or McAvoy.

MRS. NELLIE C. HAIRE, being duly sworn, testified that she was the wife of the complainant. She corroborated the complainant in regard to the witness Smith calling at their house and the conversation which he had there.

0470

1877.

CITY AND COUNTY }  
OF NEW YORK, } ss.Robert J. Haneaged 41 years, occupation Lantern of No.358 W 31

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of William C Haneand that the facts stated therein ~~on information of deponent~~ are true of deponent's own knowledge.

Sworn to before me, this

16

day of

June 1893Robert J. HaneJohn P. Pochis

Police Justice.

0471

New York Hospital,

GEO. P. LUDLAM,  
Superintendent.

West Fifteenth Street,

New York,

May 29 1893

To whom it may Concern

Mr Robert J. Haire

cannot yet be pronounced  
out of danger. Improvement is  
slow & uncertain.

C. C. Canale M.D.

House Surgeon

0472

Sec. 192. 2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK, }An information having been laid before John C. Voorhes Police Justice  
of the City of New York, charging John Duff Defendant  
with the offence of Assaultand he having been brought before said Justice for an examination of said charge, and it having been  
made to appear to the satisfaction of said Justice that said examination should be adjourned to some other  
day, and the hearing thereof having been adjourned,We, John Duff Defendant of No. 328 W 18  
Street, by occupation a Distiller; and  
James Lawler of No. 352 W 20 Street,  
by occupation a Painter Surety, hereby jointly and severally undertake  
that the above-named Duff Defendant  
shall personally appear before the said Justice, at the 2 District Police Court in the City  
of New York, during the said examination, or that we will pay to the People of State of New York the  
sum of fifty Hundred Dollars.Taken and acknowledged before me this 25  
day of May 189 3John Duff  
James LawlerJohn C. Voorhes Police Justice.

0473

City and County of New York, ss.

day of *May* 189*3*  
*John W. McArthur*  
Police Justice

Sworn to before me this

*James Lawler*  
the within named Bail and Surety, being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth *Ten thousand* ~~Hundred~~ Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and  
that his property consists of *his house and lots of land in*  
*360. W. 23<sup>rd</sup> Street - 322 E. 114<sup>th</sup> Street -*  
*of the value of \$25,000 over and above*  
*all incumbrance James Lawler*

District Police Court

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Undertaking to Answer.

Taken the day of 189

Justice.

0474

## New York Hospital,

GEO. P. LUDLAM,  
Superintendent.

West Fifteenth Street,

New York, May 23 1893 -

Robert J. Davis - was brought to the  
hospital on the night of May 13 -  
suffering from a fractured  
dislocation of the humerus, a  
fracture of the base of the skull,  
and several minor injuries -  
May 22 he was compelled to  
submit to a very dangerous  
surgical operation -

At no time has he been  
out of danger and will not  
be for ten days at least -

C. C. Canalis M.D.  
House Surgeon -

Police Court— 2<sup>nd</sup> District.City and County } ss.:  
of New York,of No. 328 West 20<sup>th</sup> Nellie C. Haire Street, aged 47 years,  
occupation \_\_\_\_\_ being duly sworndeposes and says, that on the 13<sup>th</sup> day of May 1893 at the City of New  
York, in the County of New York, her husband Robert J. Haire

was violently and feloniously ASSAULTED and BEATEN by one John  
Suffy and four or five others unknown  
to deponent, with force and arms  
and upon the body of her said husband, then  
and there, did feloniously make an  
assault, with some blunt instrument, and  
did then and there in connection with  
said other unknown people, feloniously  
assault & beat the said Robert J. Haire with  
a sand bag or blunt instrument  
on the back of the head, and over  
the body, and breaking his <sup>right</sup> arm  
which said instrument then and there used  
and used by said Suffy, was likely to pro-  
duce death, and said assault was made with intent  
to kill. That the said Robert J. Haire has ever since and  
now is actually confined in the New York Hospital.  
That above statement is made on information from  
her said husband, and from the statement  
of Henry Marybach heretofore attached, who informs deponent  
that yesterday said Suffy admitted under oath  
that he was present at the time of the assault  
on her husband on the sidewalk, and re-  
fused to render any assistance to him. That said  
assault was made with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and with  
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 24<sup>th</sup> dayof May 1893Nellie C. HaireJohn M. Bocher Police Justice.

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

*Henry Mergbach*  
aged 42 years, occupation Lawyer of No.  
270 West 37<sup>th</sup> Street Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Stellie B. O'Fair

and that the facts stated therein on information of deponent are true of deponent's ~~own~~

knowledge, *and belief, and that deponent was informed by said Robert J. O'Fair of said facts.*

Sworn to before me, this 24<sup>th</sup> day  
of May 1898.

*Henry Mergbach*

*John D. Morris*

Police Justice.



0477

Sec. 198—200.

1882

District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer. *John Duffy*

Question. How old are you?

Answer. *47 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *328 W. 18th St. 6 years*

Question. What is your business or profession?

Answer. *Distiller*

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

Answer. *I am not guilty.*  
*John Duffy*

Taken before me this

*28*day of *May**1899**James M. Alford*  
Police Justice.

0478

Sec. 151.

POLICE COURT, \_\_\_\_\_ DISTRICT.

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

**Whereas,** Complaint in writing, and upon oath, has been made before the undersigned one of the Police Justices for the City of New York, by *Mollie B. Moore*  
of No. *328 West 30* Street, that on the \_\_\_\_\_ day of \_\_\_\_\_

188 at the City of New York, in the County of New York,

*and feloniously*  
he was violently **Assaulted** and **Beaten** by \_\_\_\_\_

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

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

Dated at the City of New York, this *24* day of *May* 188*93*

*John B. Borchio* POLICE JUSTICE.

0479

121 N 47. W. Ireland Distiller in New York 328. W. 18. Street

The within named

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.

Dated .....188

Police Justice

Police Court 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Nellie G. Haid

vs.

John Duffey

Warrant-A. & B.

Dated May 24 1883

Forbis Magistrate.

Farrell Officer

The Defendant John Duffey  
taken, and brought before the Magistrate answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

John Duffey Officer.

Dated May 25 1883

This Warrant may be executed on Sunday or at  
night.

Police Justice.

0480

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

*Defendant*

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

Dated, *June 20* 1893

*John P. Moorhead* Police Justice.

I have admitted the above-named

*Defendant*

to bail to answer by the undertaking hereto annexed.

Dated, *June 20* 1893

*John P. Moorhead* Police Justice.

There being no sufficient cause to believe the within named

guilty of the offense within mentioned, I order he to be discharged.

Dated, 189

Police Justice.

0481

Police Court--- 2<sup>nd</sup> District. 683

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William B. Haire  
John Duffly et al

Offense Felonious Assault  
with intent to kill.

2  
3  
4

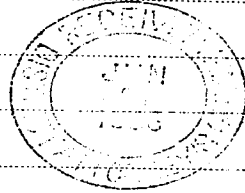
Dated, May 24<sup>th</sup> 1898  
Toorhis Magistrate.  
County Jail Officer.  
Court Precinct.

Witnesses  
No. Street.

No. Street.

No. Street.

\$ 1300 to answer



BAILED

No. 1, by

Residence

James Lawler  
352 N 202 Street.

No. 2, by

Residence

Jno M Furby  
114 70 Ave Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

\$ 5000 = Bail for Ex<sup>te</sup> May 29 2 P.M.  
" " " " June 16 2 P.M.  
" " " " " 20 2 P.M. of absence of Counsel for

0482



Court of General Sessions,  
Judge's Chambers,  
32 Chambers Street.

New York, Dec. 6, 1892.

*- copy -*

Dear Sir:-

The memorandum which you filed with me this A.M. in the case of *The People vs Daffy*, I observe is marked personal and confidential.

Inasmuch as this paper has formed the basis of my official action, I cannot treat it as personal or confidential, but shall file it with the papers in the case as part of the official record.

Yours &c.

*Randolph B. Martine*

To  
Robert J. Haire, Esq.

COUNTY OF NEW YORK, ss.:

In the Name of the People of the State of New York, To any Sheriff, Constable,  
Marshal or Policeman in this State, GREETING:

An indictment having been found on the 27<sup>th</sup> day of June  
1893, in the Court of General Sessions of the Peace of the County of  
New York, charging Owen Kane

with the crime of Assault in the first degree

**You are therefore Commanded** forthwith to arrest the above named Owen Kane  
Owen Kane and bring him before that Court to answer the indictment; or  
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the  
City Prison of the City of New York.

City of New York, the 27<sup>th</sup> day of June 1893

By order of the Court,

*John D. Smith*

Clerk of Court.

0484

New York General Sessions of the Peace.

THE PEOPLE  
OF THE STATE OF NEW YORK,  
*against*

*Owen McNeil*

BENCH WARRANT FOR FELONY.

Issued

*June 27th* 1893

The officer executing this process will  
make his return to the Court forthwith.

The within named defendant was  
arrested this day and brought to the  
Court of General Sessions by



POLICE COURT  
SECOND DISTRICT.

The People vs.

Robert J. Haire

vs.

John Diffy.

))))))))))))))))

Examination before Justice Voorhis  
JUNE 20 1943

Appearances;

For the Dft. Frederick B. House Esq.

For the People; Robert J Haire.

CHARLES CHURCHILL CARMALT being duly sworn and examined as a  
witness for the people deposes and says:-

Q You are a physician and surgeon in the New York Hospital?

A Yes.

Q Did you see me on the 13th. of May?

A Yes sir.

Q Whereabouts?

A In the New York Hospital.

Q What was my condition at that time?

A At that time you were suffering from a fracture of the base  
of the skull a dislocation of the shoulder joint, an injury to  
the hand - the opposite hand.

Q An injury to the hand & head?

A Well a small scalp wound, but it was immaterial as compared  
with the other injuries.

Q Was there any operation performed?

A Yes.

Q Was it necessary?

A Yes sir.

Q You were one of the surgeons?

A Yes sir.

Q What was the operation?

A The removal of the head of the bone of the shoulder, done so as to enable him to use the arm., and to prevent the occurrence of paralysis. of the arm and to relieve the great pain by pressure of the head - the injured head of bone upon the nerves at that point.

Q Was the injury of a permanent character?

A Yes.

CROSS EXAMINED BY MR. HOUSE

Q Your name is Charles Churchill Carhart? and you are attached to what hospital?

A The New York.

Q How long have you been attached to at hospital?

A Nearly 18 months.

Q What is your business there?

A House Surgeon.

Q How long have you been House Surgeon?

A Six months.

Q What is your age?

A 27

Q From what college did you graduate?

A - Columbia College of Physicians and Surgeons.

Q When did you graduate?

A In June 1891.

Q Did you immediately become connected with the New York Hospital?

A No ; not until the following January.

Q You have been there since January 1892?

A Yes.

Q What day was it that you say Mr. Haire came to the hospital?

A On May 13 of this year.

Q At what time?

A About 10 o' clock in the evening.

Q Did any one come there with him?

A He was brought in an ambulance.

Q Do you know where the ambulance came from?

A I do not.

Q What is the name of the ambulance surgeon?

A Chamberlain.

Q Is he attached to that hospital now?

QA Yes.

Q He can be found at the New York Hospital now?

A Yes sir.

Q You cannot tell where the ambulance call came from?

A I know that the book said so and it was enough for me

Q What do the books show - have you looked at the books?

A I have not looked at the books with regard to that thing purposely

Q Why did you purposely refrain from looking at the books?

A Because that would lead me out of the department where we are I simply testify to the condition of the man.

Q There is a book at the hospital with a record of where this call came from?

A Yes

Q The place where Mr Haire was found?

A Yes.

Q The time that he was found?

A Yes sir.

Q And the surgeon name or the name of the ambulance surgeon

A Yes sir.

4 Q

Q Whereabouts were you in the hospital when the ambulance came in?

A I was in the Staff Messes room.

Q Where was Mr. Haire when you first saw him?

A He was in the reception room of the ward of the hospital lying on a ~~large~~ stretcher

Q Was he unconscious?

A He was actually conscious but his mind was not ---

Q I do not ask you the condition of his mind I ask you was he conscious or not?

A He was conscious.

Q Did you make an examination of him?

A Yes sir.

Q Just locate as near as possible, the injuries you found? on the head of Mr. Haire?

A At that time I simply found a scalp wound on the side of the head.

Q On which side?

A On the right side if I remember right.

Q Was it at the ~~xx~~ back or/ the front of the head?

A Toward the front.

Q How near the front?

A I cannot tell - the scar on the head will show.

Q At that time you did not consider it of any moment?

A No

Q Did you discover any other injury upon the head at that time?

A No ; not at that time.

Q When did you discover any other injury upon the head?

A The next day.

Q What time of the day?

A In the morning

- Q What time in the morning?
- A At 9 o' clock.
- Q Then what injury at 9 o' clock the next morning did you find in addition to the one which you have already described?
- A What would indicate to a physician a fracture of the base of the skull
- Q Whereabouts on the head right at the base of the skull?
- A At the base of the skull ~~at~~
- Q Whereabouts did you find this fracture?
- A At the base of the orbital plate in front of the head
- Q Was there actually a fracture there?
- A So far as a doctor can ~~judge~~ say.
- Q Did you lay open the flesh there to see?
- A No.
- Q Did you remove any part of the flesh to discover whether there was a fracture there or not?
- A No.
- Q What did you do to discover whether there was a fracture there or not?
- A Simply to remove the gathering clots of blood
- Q Will you say, if you know, if there is a fracture now
- A I should say so far as a doctor can say - yes.
- Q I do not ask you as far as a doctor can say - I ask you the question simply?
- A Yes.
- Q Will you swear positively that there is a fracture there now,
- A Yes.
- Q How many wounds did you find upon the head doctor?
- A One.
- Q Upon the head?

A Yes.

Q That was a scalp wound?

A Yes. a scalp wound - I should say upon the right side of the head nearly front than back as well as I recollect.

Q Then this fracture that you say you found at the base of the ~~the~~ brain was that over the right or the left side?

A Over the right.

Q Did you make any examination so as to be able to tell how far it extended?

A No sir.

Q What other injuries did you discover upon the person of the complainant that you do now recall?

A He had a fracture - a dislocation of the right shoulder.

Q How far did that fracture extend as near as you can now recollect?

A From the cervical or neck part to the shaft of the humerus.

Q What other injuries on the body of the complainant did you discover other than those that you have spoken of?

A I noticed wounds opposite to this shoulder neither of which were of any moment.

Q This fracture of the shoulder that you have spoken of now was the most important?

A That was of the most account.

Q When was the complainant discharged?

A June 9.

Q And he came in when?

A Jmmx May 13.

Q Discharged June 9?

A Yes.

Q Did any other gentlemen connected with the hospital examine the complainant at that time?

A Yes sir.

Q Can you give us their names?

A Dr. Sherrill, Dr. Chamberlain, Dr. Weir, Dr. Hartley Dr. Bolton and Dr. Fielder.

Q Are these gentlemen all connected with the hospital staff?

A Yes - two were attending physicians

Q Was Professor Weir and Dr Hartley attending?

A Yes sir.

Q The others that you mention are attached to the hospital and may be found there?

A Yes sir

BY MR. HAIRE:-

Q You performed the operation did you not ?

A Yes sir

ROBERT J HAIRE, the complaining witness being duly sworn and examined by the court deposes and says:-

On the evening of May 13 about ten or fifteen minutes to eight o'clock I was going Easterly on Twentieth street and had just crossed Eleventh Avenue, I met this defendant and another man. I do not know whether they came across the street - they came right up to the end of the lumber yard pile and Mr. Duffy said something to Mr. Mc Evoy who was walking with me Mr. Mc. Evoy started off I said I came by your place Mr. Mc Evoy walked off Duffy said he would like to kill him I said "No you would not" perfectly pleasant He said "What were you doing down there?" I said I was just into your store. Did you send for me? He said "You are too big a coward to come." I said I do not know why I should be afraid Mr. Duffy. He commenced talking. He said he thought he could do me I said

"No I think we are too much of gentlemen to fight in the street  
 He said "I do not think you are a gentleman" He had an umbrella  
 in his hand and he struck at me with it I caught it on the left  
 arm He stepped back a step. I said "I will have none of this"  
 I turned to go and he gave me one. I was struck on the back  
 of the head a blow that seemed to me to carry me off my feet  
 I was facing so and it sent me out to the <sup>edge</sup> of the sidewalk  
 When I was struck I fell with my <sup>head</sup> ~~head~~ north I was lying at the  
 the curb on my face. Then as I lay there Duffy said "Now I will  
 kill you" He commenced to beat me and kicked me He kicked me  
 on the shoulder I tried to get up and he ran at me and gave me  
 a kick. The pain was excruciating and I was powerless I put my  
 hand over my head. I receive several blows on my shoulder  
 and several kicks on my body I was lying there on my face all  
 this time Then I finally rolled over on my left side and asked  
 if there was anybody to help me I got on my knees and two  
 boys finally came to my assistance and helped me for nearly  
 a block and then Mr. Mc Evoy started back to see where I was  
 He assisted me as far as 9th Avenue and 17th street There I sat  
 sat down. A policeman came along and then I went to the police  
 station and they called an ambulance.

Q And then you were taken to the hospital?

A I was taken to the hospital.

Q What time was this?

A It was about quarter past eight

Q On the night of the 13th of May?

A Yes sir.

Q You have spoken of being beaten with blows - what were you  
 you beaten with?

A I do not know I could not say I lay on my face I heard  
 struggling or scuffling and I know one man was saying to  
 Duffy "Hold on , that's enough" Duffy said "No; I will kill him



Then I heard another say "You have" I know he caught hold of him. I could tell by the scuffle I heard - I did not see it

Q There was one blow with the umbrella?

A That was when I was standing up.

Q You know what was administered with the umbrella?

A Yes. Q - By Mr. Duffy?

A Yes.

Q With an umbrella?

A I know he administered a kick on my right shoulder with his foot

Q What the other blows came from you do not know?

A I know he was there and struck me I do not know with what weapon

Q Did you know any one else there but Mc Evoy and Duffy?

A Yes there were two or three men there but who they were I do not know.

Q Were they in your company?

A No sir. Q In any ones company?

A That I do not know

Q This happened in 20th street?

A Just this side of 11th Avenue

Q On the north side of the street?

A The north side the lumber pile is there.

Q You stated that you informed Duffy that you had been down to his place?

A Yes.

Q You were turning from them at the time?

A Yes sir

Q Did you expect to see Duffy on that block?

A No sir I did not

Q He came

10

Q He came suddenly upon you?

A Yes sir.

Q That was on 11th Avenue?

A On 11th Avenue - only a few feet off

Q You have described all that occurred?

A Yes sir.

Q Mc Evoy when you were struck did not remain by you?

A Mc Evoy was gone before I was struck, because he kept talking just about what I said he repeated it two or three times I do not know why?

Q You remember standing talking and that Mc Evoy passed on?

A Yes sir. Yes and after I saw Duffy he was talking to me and he kept walking along.

Q Mc Evoy passed on?

A Yes sir.

Cross examined by Mr. House.

Q What day was this?

A Saturday the 13th of May.

Q About what time?

A I think about quarter past eight

Q A few feet east or west of 11th Avenue?

East of 11th Avenue I think the car tracks out I am not positive about the avenue

BY THE COURT:)

Q The first avenue beyond Tenth?

A Yes right, by the lumber pile.

BY Mr HOUSE

Q The north side of 20th street?

A Yes sir the north side of Twentieth street

Q You say you had been there before? at in Daffys saloon?

A Yes.

Q Whereabouts was Daffys saloon?

A Two blocks west of that

Q What time did you get into Daffys saloon before the assault

A About eight o' clock.

Q How long had you remained there?

A I should say about four minutes.

Q You were coming from Mr Daffys saloon at the time you met him?

Q Who was with you when you went into Daffys saloon?

A Mc Evoy and some one we met on the corner he Evoy offered to go in.

Q Dont you know who that somebody was?

A No sir

Q Did you tried to find out who they were?

A I asked Mc Evoy

Q Does Mc Evoy know who those persons were?

A He knows one of them I think he said

Q You say you went to Daffys saloon at about 8 o' clock?

A Yes ; it was past 8 o' clock.

Q About 8 o' clock?

A Yes. Between and quarter past 8?

A I should say so.

Q You were there about five minutes?

A Not to exceed five.

Q Where had you started from

A Mc Evoy's at 17th street and 9th Avenue.

Q Was there any one accompanied you from that saloon to Duffys?

A No sir.

Q When you got to Duffys saloon the only one accompanying you was Duffys Mc Evoy?

A That's all - yes sir I think he spoke to two men walking to the saloon.

Q Do you know who those two men were?

A No sir.

Q Had you ever seen them before?

A No sir.

Q You asked him then who they were?

A No sir.

Q Did those two men go into Duffys saloon with you?

A Yes sir.

Q Who asked to drink?

A Mc Evoy.

Q Did you have anything to drink?

A I took a soda

Q Did Mc Evoy drink?

A He took a seltzer and lemon.

Q Did the two men drink?

A I think they did I do not know whether they drank or took a cigar.

Q After you went out of Duffys saloon where did you go before you met Duffy?

A After going out of the saloon I saw the two men walk with somebody else and Mc Evoy and me went back for a cigar

Q Who was the somebody else that met Mc Evoy?

- A I do not know.
- Q Have you tried to find out?
- A Yes sir.
- Q Have you succeeded?
- A Yes sir.
- Q What is his name?
- A I do not know?
- Q Where does he live?
- A I do not know that either.
- Q Where did you find him?
- A I did not find him I can find him when I want him.
- Q Is he here in court?
- A No sir.
- Q You do not know his name?
- A No sir - he is called Dutch.
- Q You do not know where he lives?
- A I do not.
- Q Can you give me the man's name who informed you?
- A Yes.
- Q Who gave you the information?

A I object to tell you - he may be a witness.

The Court---That is enough if he is a witness

By Mr. House

- Q How many men walked into the saloon with you the second time?
- A These two men - Dutch and Mc Evoy.
- Q How long did you stay on the second visit?
- A Just long enough to get a cigar.
- Q You then walked out?

A Yes sir.

Q Where did you go?

A I walked directly out through 20th street

Q Did Mc Evoy go with you?

A Yes sir

Q Did this witness you call Dutch go with you?

A I think he did I am not positive whether he went with me or went around the corner.

Q What is your best recollection whether he did or did not go with you?

A My best recollection is that he did.

Q What is your best recollection as to whether he was with you when this assault was committed upon you?

A My best recollection is that he was not.

Q That he was ~~were~~ not?

A That he was not.

Q Was Mc Evoy with you?

A He was not.

Q How far away was Mc Evoy?

A Out of sight - It was dark.

Q So Mc Evoy did not witness any part of this assault?

A Not to my knowledge.

Q What did you go to Diffys saloon for on the night in question?

A Going to a previous conversation that I had with him. and a note that I received

Q Have you got that note?

A I have not ; it was lost from my vest pocket with other papers and some money that I had between 20th street the station house and the hospital. the vest was taken off in the

station house

Q There was no cause for Daffys assaulting you in this way that you know of?

A Only what he said before

Q Have you any knowledge of any cause why Duffy should assault you in that way?

A No sir except he told me he would if I did not drop McEvoy's case.

Q Because you were attorney for Mr McEvoy in a case that Mr Duffy was interested in on one side and you on the other - that is the reason that he assigns for assaulting you?

A I do not think he meant to at first/ I do not know whether he assigns that reason or no..

Q That is the only reason you can give for it?

A That is the only reason I can give Yes sir.

Q How many times are you willing to swear, did Mr. Duffy strike you

A I saw him strike twice and kick me once.

Q Strike you twice and kick you once - what did he strike you with both times?

A He kicked me with his foot the first time he struck me with the head of an umbrella.

Q You said you saw him strike you twice and kick you once?

A I did not

) The stenographer's minutes referred to'

A (CONTINUED) I Do not mean to say that I mean to say that he struck me once

Q Duffy struck you once and kicked you once?

A Yes that's all I saw.

Duffy do.

Q Where was Duffy when you first saw him?

A He came up by the side of the street

Q How many people were with him?

A One I do not know whether there was more than that. There was other people there whether they came with him I could not say.

Q How dark was it?

A There was not any gas light there. It is a dark place.

Q Do you mean to say that there was one person with Mr Duffy - that was in his company?

A Yes sir.

Q Do you mean to say that the people you saw there were in his company?

A No I do not mean to say that.

Q Do you mean to say that other people had anything to do with this assault?

A No sir I do not.

QA Do you mean to say you saw any person than the defendant aiding him to assault you?

A Not to my personal knowledge.

Q Have you been informed by anybody who this other person was?

A I have.

Q What is the name of that other person that you have been informed assaulted you?

A I prefer not to answer. He is not now arrested and I desire at the proper time to secure his arrest.

The court: That is, a good reason.

Mr House - I press the question.

He go



The Court ~~+~~ I think the reasons given are sufficient.

By Mr. House:-

Q After you met Mr Duffy how long after that did the assault take place?

A Duffy and I had talked a minute before the assault took place.

Q Did you notice where Mc Evoy was when you got struck?

A He kept going on.

Q Did he walk on alone?

A He walked as far as I saw.

Q Had he got out of your sight before the assault was committed upon you? A

A I say the location was dark I could not say.

Q How far do you think he got?

A It is very hard to tell for it was very dark there I say he went on there was no gas there it was not illuminated in some places it was plainer than in others.

Q At the precise point where this assault as you allege occurred could you see very far?

A No sir.

Q Because it was dark?

A Quite dark.

Q You say that after this assault you went to the station house?

A Yes sir.

Q Whereabouts is the station house?

A In 20th street.

Q Between what streets?

A Seventh and eighth Avenues .Q

Q You walked there?

A Yes sir.

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Q Did you see the sergeant behind the desk?

A Yes sir I saw some officer

Q Do you recollect his name?

A I did not hear it .

Q Did you have a conversation with him?

A Yes sir .

Q Who was with you in the station house

A Mr Mc Evoy came in later The officer was there .

Q Did you see Mc Evoy when he came to the station house?

A Oh yes

Q Where did you see him?

A I saw Mc Evoy about a block from where the assault took place

Q What was he doing?

A Sitting down there .

Q Did he appear to know that you had been assaulted

A No he did not until I told him I was in a great deal of pain .

Q It was apparent from the answers he gave that he knew nothing about it until you told him?

A Yes

THE PEOPLE REST.

PETER MC EVOY BEING DULY SWORN as a witness for the defendant deposes and says I live at 410 West 17th street

Q Were you with Mr Haire when this alleged assault took place

A Perhaps I was about 200 feet away .or I was 250 feet away.

Q Did you see the assault?

A No I did not see the assault.

Q Do you remember going to Mr Duffys liquor store with Mr

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MR Baire?

Yes to Neegans they were in partnership

Q Give the names of those two men you met in front of Da Daffys saloon?

A I do not know the two men.

Q Did you not meet two men and did they not go into Daffys saloon with you and Mr Baire?

A I never did.

BY THE COURT:)

How many did you see there?

A Perhaps I saw half a dozen.

Q Did you have any conversation with any men there - salute them - say "Good morning" pass the time of day?

A I might talk to one or two.

Q Did you or not?

A I believe I did.

Q Do you know who those men were?

A No I do not.

Q You don't remember?

A No I do not. If I should see them I might I can't fix any one name your honor.

Mr/ House-- As to the question of bail I think that the bail is now too high.

The Court - I think so too. I will fix the bail at \$2500.

Defendant held to answer in \$2500 bail/

POLICE COURT,  
JAMES A. HOLT,  
W. L. O'BRYEN, JR.  
ATTORNEY

# 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 Duffly and Owen Kane*

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

*John Duffly and Owen Kane*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *John Duffly and Owen Kane*

late of the City of New York, in the County of New York aforesaid, on the *thirteenth*  
day of *May* — in the year of our Lord one thousand eight hundred and  
ninety-*three* —, with force and arms, at the City and County aforesaid, in and upon

the body of one *Robert J. Hoare* in the peace of the said People  
then and there being, feloniously did make an assault, and *him* the said

*Robert J. Hoare* with a certain *blunt instrument*  
to the Grand Jury aforesaid unknown —

which the said *John Duffly and Owen Kane* —  
in *their* right hands then and there had and held, the same being a deadly and  
dangerous weapon, then and there wilfully and feloniously did strike, beat, ~~cut, stab~~ and  
wound, ~~and~~ *the same being a means and force likely to*  
*produce the death of him the said Robert J. Hoare,*  
with intent *him* the said *Robert J. Hoare*,

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

## SECOND COUNT—

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

*John Duffly and Owen Kane*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *John Duffly and Owen Kane*

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

*Robert J. Hoare* in the peace of the said  
People then and there being, feloniously did wilfully and wrongfully make another assault,  
and *him* the said *Robert J. Hoare*

with a certain *blunt instrument to the Grand Jury aforesaid unknown*

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

## THIRD COUNT—

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

*John Duffy and Owen Kane*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *John Duffy and Owen Kane*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Robert J. Haie* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said *Robert J. Haie* with a certain *blunt instrument to the Grand jury aforesaid unknown* which *they* the said *John Duffy and Owen Kane* in *their* right hand *then and there had and held, in and upon the head, arm and body* of *him* the said *Robert J. Haie* then and there feloniously did wilfully and wrongfully strike, beat, ~~stab, cut,~~ bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

*Robert J. Haie*  
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.

DE LANCEY NICOLL,  
District Attorney.