

0603

BOX:

353

FOLDER:

3327

DESCRIPTION:

Kelly, Edward

DATE:

05/09/89



3327

POOR QUALITY
ORIGINAL

0604

Witnesses:

Peter Greeley
Officer Mc Gath

Counsel,

Filed

Pleads

1889

THE PEOPLE

vs.

Edward Kelly

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edward Kelly

Per T. T. May 20/89
Pleads Assault 3rd

Edward Kelly

POOR QUALITY
ORIGINAL

0605

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Edward Kelly

*As complainant in the above case, I beg to recommend the
defendant to such leniency and clemency as the Court and District Attorney
may see fit to show; but I expressly assert that my reasons for so doing
are not controlled by any advantage to myself.*

Witness

E. J. Brady

Peter Greeley

POOR QUALITY
ORIGINAL

0606

to him
Walton
Wino little brown one
thin
showed Mr. Allen
and I
and

POOR QUALITY
ORIGINAL

0607

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 1st DISTRICT.

of No. 222nd John McGrath
occupation Police Officer 30 years,
being duly sworn deposes and says,
that on the 2nd day of April 1888

at the City of New York, in the County of New York, Edward Kelly now here for feloniously
assaulting and beating Peter Greeley
of No. 586 11th Avenue by cutting the
left hand of said Greeley with the blade of a pen knife and
inflicting injuries from which the said
Greeley is now confined to his home
and is unable to appear in Court.
Said Greeley identified the defendant
in presence of deponent as the person that
did inflict said injuries wherefore deponent

Sworn to before me, this

188

day

Police Justice

POOR QUALITY
ORIGINAL

0608

may that said defendant may be
held to await the result of said
inquiries
Sworn to before me
this 21st day of April 1889

John M. Gault

John M. Gault

John M. Gault

Police Justice

(53)

Police Court District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

John M. Gault

John M. Gault

Dated April 21 1889

Magistrate.

Officer.

Witness,

John M. Gault

Disposition,

POOR QUALITY
ORIGINAL

0609

Police Court—4th District.

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

of No. 571 Eleventh Avenue Street, aged 42 years,
occupation Keep a Saloon being duly sworn
deposes and says, that on 21st day of April 1889 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Edward Kelly (now here)
who did wilfully and maliciously
cut and stab deponent on the
right wrist with the blade of a
pen knife the deponent held
in his hand and said assault
was committed

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

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

Sworn before me, this 22 day
of April 1889

Peter Greeley
Police Justice.

POOR QUALITY
ORIGINAL

06 10

Sec. 199-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

11th District Police Court.

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

Question. What is your name?

Answer. Edward Keeley

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. New York City

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

Answer. 573 1st Ave 10 years

Question. What is your business or profession?

Answer. Paint 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
E. Keeley

Taken before me this

day of

August 1889

William J. [Signature]
Police Justice.

POOR QUALITY
ORIGINAL

0611

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court--- District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Dated

188

Magistrate.

Officer.

Technical.

Witnesses

No. 1, by

Street

No. 2, by

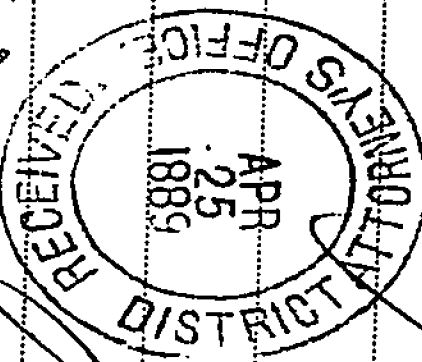
Street

No. 3, by

Street

No. 4, by

Street



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 Ben 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 April 27 188 G. Henry Jones 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.

POOR QUALITY
ORIGINAL

06 12

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Kelly

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

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

The said Edward Kelly

late of the City of New York, in the County of New York aforesaid, on the
Twenty-first day of April in the year of our Lord
one thousand eight hundred and eighty-nine, with force and arms, at the City and
County aforesaid, in and upon the body of one Peter Greeley
in the peace of the said People then and there being, feloniously did make an assault,
and him the said Peter Greeley
with a certain knife

which the said Edward Kelly
in his right hand then and there had and held, the same being a deadly and
dangerous weapon then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent him the said Peter Greeley
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
Edward Kelly
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Edward Kelly

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 Peter Greeley
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make another assault, and him the said
Peter Greeley
with a certain knife

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

POOR QUALITY
ORIGINAL

06 13

THIRD COUNT—

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

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

The said Edward Kelly

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
Peter Greeley in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
the said Peter Greeley
with a certain knife

which he the said Edward Kelly
in his right hand then and there had and held, in and upon the wrist
of him the said Peter Greeley

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

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

JOHN R. FELLOWS,
District Attorney.

06 14

BOX:

353

FOLDER:

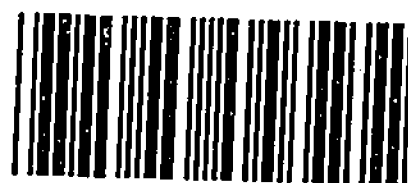
3327

DESCRIPTION:

Kelly, John

DATE:

05/07/89



3327

POOR QUALITY
ORIGINAL

06 15

Witnesses:

Thy has care
Sept 27 1889
Lauderdale

27

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

John Kelly

Grand Larceny 5th degree.
[Sections 528, 529 — , Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Wm. W. W. W.

May 17 1889

Sept 27 1889
44 1/2 8 1/2 1/2

POOR QUALITY
ORIGINAL

06 16

Police Court— 2 — District.

Affidavit—Larceny.

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

of No 298 Eleventh Avenue Street, aged 33 years,
occupation Manufacturer being duly sworn
deposes and says, that on the 4th day of May 1889 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 divers bills of
divers denominations of the amount
in value of Five hundred & twenty
dollars \$520

the property of

Deponent and Co-partners

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 Kelly (name here)

from the fact that said money was lying on
a counter in the Bank on the south west
corner of Broadway & 16th Street in said
City along side of deponent.

That said deponent took the aforesaid
money and ran out of said Bank into the
street. That deponent pursued said
deponent to the Union Square Park
where he was caught by officer
Patrick Hannan with said money in
his possession.

Edward Behr.

Sworn to before me, this
5th day of
May 1889

John Kelly
Police Justice.

POOR QUALITY
ORIGINAL

06 17

Sworn to before me this
of May 1889 day

to J. McNeill Police Justice.

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

Patrick Mann
of *Central Park Police* *Street*, aged *38* years,
occupation *Police officer* being duly sworn deposes and says,
that on the *4* day of *May* 1889

at the City of New York, in the County of New York, *he saw John*

O'Kelly (now here) running towards the
Union Square Park and Edward
Behr the within named Complainant
in pursuit. That while in pursuit
said defendant discharged a
pistol loaded with powder and
ball. That defendant pursued him
and caught said O'Kelly with said
money and pistol in his hands

Patrick Mann

POOR QUALITY
ORIGINAL

06 18

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK }

2
District Police Court.

John O'Kelly being duly examined before the under-
signed 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer. *I live in lodging house in Chatham Square. 2 weeks*

Question. What is your business or profession?

Answer.

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

Answer.

*I plead guilty of the charge
and waive further Examination*

John O'Kelly

Taken before me this
day of *May*

188

John J. McQuinn
Police Justice.

POOR QUALITY
ORIGINAL

05 19

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

Police Court--- 2

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward Berk

John Kelly

Offence

Grand Larceny

Dated May 5 1889

Daniel O'Reilly Magistrate

Charles Mann Officer

Samuel Park

Witness: Patrick Mann

Central Post Office

James O'Leary

17th Precinct

No. 2000
RECEIVED MAY 6 1889
DISTRICT OFFICE
TO SHERIFF

Emmalee

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

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 May 5 1889 Samuel Park Police Justice.

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

Dated _____ 1889 _____ Police Justice.

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

Dated _____ 1889 _____ Police Justice.

POOR QUALITY
ORIGINAL

0620

Keple

Committed G.D.
May 8th 1889

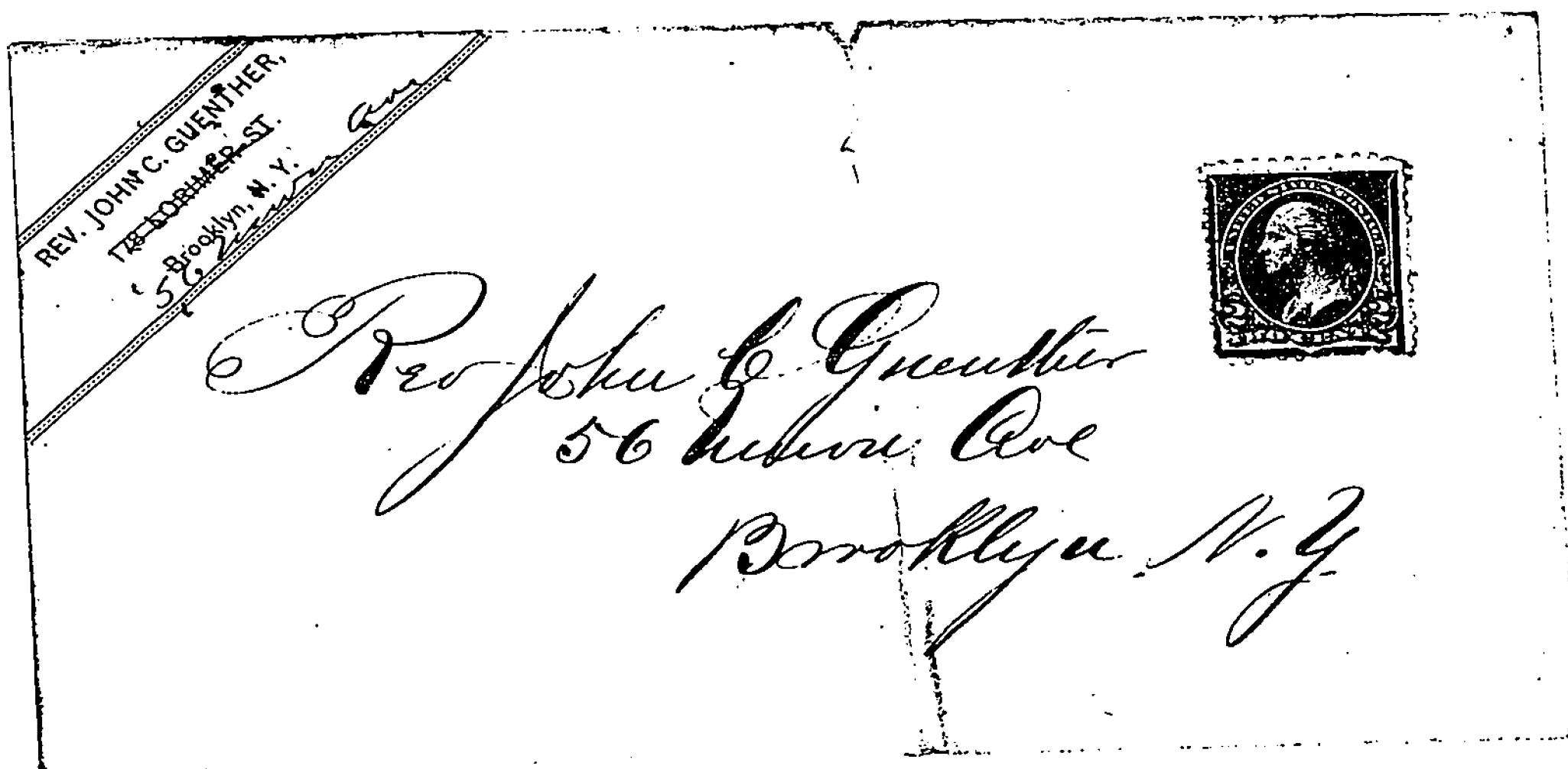
John Kelly

only 17 years - went away
from home - ~~worked with~~
went to work - lost
his place - stopped at
Bank of the Metropole - Boer
saw Manufacturer came
out of the bank with envelope
defendant snatched it
out of his hand - pleaded
guilty - did not notify
his friends - family very
respectable - not until
9 months - Keple live in
Eastern District and attend
Rev. John C. Guenther's church
in E.D.
First offense - a member
of Rev. Dr. Guenther's church
etc etc.

Sentence for 4 years and Mrs.
Rev. Dr. Guenther's guarantee -

POOR QUALITY
ORIGINAL

0621



POOR QUALITY
ORIGINAL

0622

Brooklyn July 21st 91

Honorable & Dear Sir.

Having had occasion to
go to Albany in the case of John
Kelly convicted May 8th 91, I
was told that the report from
the District Attorney & of the
hon. Recorder had not been forwarded.
Having written to you before, I beg
if you for the sake of the happiness
of a family will not turn this paper
aside but for the sake of our great
master & future judge will consider this
case & if possible let charity reign which
I am certain will not be misplaced.
If possible, would you not grant me
the time, to place the case before
you personally? If so please let me
know the time & day when I can
see you. I will not take up very
much of your valuable time.

POOR QUALITY
ORIGINAL

0623

If possible I would like to have an
interview with you this week as I
leave the city on my vacation next
sunday. Hoping to hear from
you favorably.

Respectfully
Res. John C. Guenther
56 Union Ave.
Brooklyn, N.Y.

**POOR QUALITY
ORIGINAL**

0624

VI.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

Sir:

June 16, 1891.

Application for Executive clemency having been made on behalf of John Kelly, who was convicted of grand larceny 2d degree in the county of New York and sentenced May 8, 1889, to imprisonment in the Sing Sing prison for the term of four years, eight months,----- I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, you will forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

J. S. Williams.
Private Secretary.

Hon. Frederick Smyth,
New York City.

**POOR QUALITY
ORIGINAL**

0625

Dec 1 1991
Sept 9 1991
Mar 10 1991

POOR QUALITY
ORIGINAL

0626

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 Kelly

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

John Kelly
of the CRIME OF GRAND LARCENY IN THE *first* DEGREE,
committed as follows:

The said

John Kelly

late of the City of New York, in the County of New York aforesaid, on the *fourth*
day of *May* in the year of our Lord one thousand eight hundred and
eighty-*nine*, at the City and County aforesaid, with force and arms, in the
day time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of

five hundred and twenty
dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of
five hundred and twenty
dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *five hundred and twenty*

dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *five hundred and twenty*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *fifty dollars*

S
of the goods, chattels and personal property of one *Edward Behr*
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.

JOHN R. FELLOWS, *District Attorney.*

0627

BOX:

353

FOLDER:

3327

DESCRIPTION:

Kelly, John

DATE:

05/23/89



3327

0628

BOX:

353

FOLDER:

3327

DESCRIPTION:

Smith, Frederick

DATE:

05/23/89



3327

0629

BOX:

353

FOLDER:

3327

DESCRIPTION:

Adams, John

DATE:

05/23/89



3327

POOR QUALITY
ORIGINAL

0630

Witnesses:

Officer Johnson

Upon an examination of the evidence in this case, I think that it would be impossible to sustain any count in this indictment against the left Frederick Smith, except the one charging receiving stolen goods, and I recommend that he be permitted to plead to that degree of crime.

James T. H. and

asst. dist. attorney.

June 12/89.

Counsel,

Filed 23 day of May 1889
Pleads, 1, chargedly 2/3

THE PEOPLE

do

18 14 12 10 8 6 4 2 1

John Kelly
Frederick Smith
John Adams

JOHN R. FELLOWS,

District Attorney.

Burglary in the first degree,
and receiving first degree,
Section 496, 506, 528, 530, 531.

A TRUE BILL

James T. H. and

Part II June 12/89
Pleads Burglary 2 - deg -
Part II June 25/89
Part II June 25/89
Part II June 25/89

all Elmore
June 25/89
P. B. M. 28

POOR QUALITY
ORIGINAL

0631

Court of General Sessions.

The People

vs.

John Kelly
Frederick Smith
and John Adams

Indictment:

Burglary 4th degree

§§ 496 & 506 P.C.

Grand Larceny

§§ 528, 530 & 550 P.C.

for having on the 3^d of February,
1889, ^{in the night time} broken into the dwelling
house of one Anne Mulholland,
with three ^{other} persons, actually assisting each other
and being actually present.
And for having at said time
stolen from said dwelling
house the sum of \$40, the pro-
perty of said Anne Mulholland.

The defendants have made
restitution of the money to the
complainant.

Defendant Kelly has pleaded
guilty to Burglary 2^d degree
and the defendant Frederick

POOR QUALITY
ORIGINAL

0632

Smith is Receiving stolen goods.
He got ~~from~~ \$6 from the pro-
ceeds of the ~~robbery~~ larceny.

Kelly and Smith have made
statements which may lead to
the conviction of Adams. They
made them upon the ~~promise~~ ^{suggestion}
that they might procure a
mitigation of their sentences there-
by.

Both of said defendants claim
that this is their first offense
and that they committed it
while under the influence
of liquor. They also claim ^{to have} ~~are~~ proof
of good character.

POOR QUALITY
ORIGINAL

0633

City, and county of New York, as:
John Kelly, now at the Tombs,
Plasterer, I have pleaded guilty
hereto to burglary in the 2^d degree.
Frederick Smith, John Adams
and myself planned the burglary
alleged in the indictment. We
three agreed to commit the said
crime together. I do not know how
I got into the house first and alone,
the other two defendants ~~had~~
agreed to do their full share in
the crime. Adams remained
outside ^{in the street} to keep watch, while
Smith was in the yard waiting
for me to come out. He assisted
in raising the wind ^{door} through
which I went into the ~~house~~ street. We
went away together down to
Houston Street. The spoils were
divided at 150th Street. Adams
got about \$5 from the money
which I took from complainant's
rooms. The plan for the burglary
was agreed upon by us three
about 15 minutes before we
committed it. We had ^{before} been
drinking in a saloon at 149th
Street and Morris Avenue. Now

POOR QUALITY
ORIGINAL

0634

there we went to complain-
ant's house and committed
the burglary.

Sworn before me
this 20th of June 1887 } John Kelly
Edward Prose
Notary Public
City and county of New York

City and county of New York.
Frederick Smith, now at the ^{Prison}
driver of a coal cart. I have pleaded
guilty to receiving stolen goods.

I have heard read the above
statement of John Kelly and
say that the same is true of my
own knowledge, except ~~that~~
the allegation ~~that~~ charging me
with assisting him in raising
the window through which he
entered into the said house. I
did not do that. I received \$6 from
^{the proceeds of the robbery}
Sworn before me
this 20th of June 1887 } Fred Schmit

Edward Prose
Notary Public
City and county of New York

POOR QUALITY
ORIGINAL

0635

COURT OF GENERAL SESSIONS.

THE PEOPLE &c.

vs.

John Kelly
et al.

BRIEF OF FACTS.

For the District Attorney.

Dated *June 20* 1888.
Edward Gross

Deputy Assistant.

Court of General Sessions

The People

vs.

John Adams
interpleaded with
others

Before

Hon. Randolph D. Martine
Judge.

Deposition of Mrs. Mulholland,
taken at the instance of the above
defendant John Adams, this 12th
day of June, 1889

The said Mrs. Mulholland,
being duly sworn, and being ex-
amined by Edward Gross, De-
puty Assistant District Attorney,
deposes and says:

I am the complainant in the
above entitled action. I live at
No. 530 Morris Avenue, city of
New York. On the 3^d of February,
1889, in the night time my
said residence was broken in
by parties unknown to me in

POOR QUALITY
ORIGINAL

0637

forcing open a window leading to the kitchen in my said residence. I do not know whether the said window had been locked. I heard a noise, and went to the window, where my dress lay. I examined the same and found that a roll of bills, of the value of about Forty Dollars had been taken from the pocket of said dress. I am positive that the said money was in said pocket, when I went to bed on the evening of the 2^d of February, 1887. There was no member of my family or household at home at said night. I was alone in the house. I did not see any of the parties that committed the said burglary and larceny, and I cannot say that the defendant John Adams participated in the commission of the said crime. The said bills were lawful money of the United States.

Proven before me (Ann Milkelland
this 12th of June, 1887)
Ruford P. Martine + + +
Judge Genl. Sessions her marks

POOR QUALITY
ORIGINAL

0638

I hereby certify that pursuant to the request of the defendant John Adams, and by consent of the District Attorney, the complainant herein, Mrs. Ann Mulholland, whose deposition is herein contained attended before me, with the counsel for the respective parties, on the 12th day of June, 1889, and that I proceeded to take the deposition of the said Ann Mulholland, who being first by me duly sworn to tell the truth, the whole truth and nothing but the truth, was examined by the District Attorney, the cross-examination on the part of the defendant being waived by defendant's counsel J. C. DeLaHare, and testified as set forth in the within deposition, which she subscribed in my presence, after the same had been read over to her.

Dated New York June 12, 1889.
Randolph B. Maguire
J. D.

POOR QUALITY
ORIGINAL

0639

Court of General
Sessions

The People

vs.
John Adams
interpleaded
with others

Deposition
REPORT.
of John M. Holland

For the District Attorney.

Dated June 12th 1887
Edward Groves
Reporter Assistant.

0640

for the reasons following, to wit: That the window above referred to was, about two o'clock A.M. on the morning of said day forcibly opened, and the money which was in a pocket of deponent's dress and in the bedroom of deponent taken therefrom and carried away. That the defendant Kelly admits having entered the place & stolen the money and given a portion of it to each of the others who remained outside during the commission of the felony. ~~and~~ Amos ^{her} Mullholland

POOR QUALITY
ORIGINAL

0641

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

5 District Police Court.

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

Question. What is your name?

Answer. *John Kelly*

Question. How old are you?

Answer. *18 Years*

Question. Where were you born?

Answer. *This City*

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

Answer. *621 East 149 Street*

Question. What is your business or profession?

Answer. *Plasterer*

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 guilty of the charge I*
went in alone the other two remained
outside I divided the money when
I came out with the other two defendants
John Kelly

Taken before me this

14

day of January 1889

Police Justice.

POOR QUALITY
ORIGINAL

0642

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I did not enter the house. I
Remained at the back of the house
while the defendant Kelly went in
I got some of the money from him when
he came out*

Fred Schmitt

Taken before me this 17th

day of February 1889

John J. Schmitt

Police Justice.

POOR QUALITY
ORIGINAL

0643

Sec. 193-200.

CITY AND COUNTY } ss.
OF NEW YORK.

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

Question. What is your name?

Answer.

John Adams

Question. How old are you?

Answer.

22 Years

Question. Where were you born?

Answer.

This City

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

Answer.

530 East 15th Street

Question. What is your business or profession?

Answer.

Wire Worker

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

Answer.

*I am not guilty. I did not
go into the place. but after the
Commission of the burglary and without
knowing of it - Kelly handed me
a fine dollar bill and I took it -
John. Adams*

Taken before me this

188

Police Justice.

POOR QUALITY
ORIGINAL

0644

BAILED,
No. 1, by John Kelly
Residence 621 East 44th St.
No. 2, by John Kelly
Residence 621 East 44th St.
No. 3, by John Kelly
Residence 621 East 44th St.
No. 4, by John Kelly
Residence 621 East 44th St.

Police Court
District

255

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Kelly

Frederick Smith

John Kelly

Offence

Robbery & Larceny

Dated February 14 1889

John Kelly Magistrate.

John Kelly Precinct Officer.

John Kelly Precinct.

John Kelly Precinct.

John Kelly Precinct.

John Kelly Precinct.

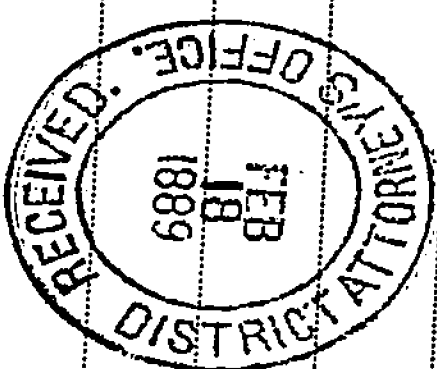
John Kelly Precinct.

John Kelly Precinct.

John Kelly Precinct.

John Kelly Precinct.

John Kelly Precinct.



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

Dated Feb 14 1889 John Kelly Police Justice.

I have admitted the above-named John Kelly & Frederick Smith to bail to answer by the undertaking hereto annexed.

Dated Feb 14 1889 John Kelly Police Justice.

There being no sufficient cause to believe the within named John Kelly & Frederick Smith guilty of the offence within mentioned, I order they to be discharged.

Dated Feb 14 1889 John Kelly Police Justice.

POOR QUALITY
ORIGINAL

0645

COURT OF GENERAL SESSIONS

Part III.

The People of the State of New York, : Before Hon. Ran-
against : dolph B. Martine,
JOHN ADAMS, impleaded with John : and a Jury.
Kelly and Frederick Smith. :

Indictment filed, May 23rd 1889.

Indicted for Burglary in the 1st degree.

New York, June 25th 1889.

APPEARANCES: For the People Assistant District At-
torney Fitzgerald .

For the defendant Mr. J. W. McLoughlin.

DEPOSITION OF ANN MULHOLLAND, read as follows:-

I am the complainant in this action . I live at
530 Morris Avenue in the city of New York. On the 3rd day
of February in the night time my said residence was
broken in by parties unknown to me in forcing open the
window leading to the kitchen in my said residence . I do
not know whether the said window had been locked. I
heard a noise and went to the window where my dress lay.
I examined the same and found that a roll of bills of the
value of about \$40. had been taken from the pocket of
said dress . I am positive that the said money was in
the pocket of the dress when I went to bed on the eve-
ning of the 2nd of February 1889. There was no member of

POOR QUALITY
ORIGINAL

0646

2

1

my family or household at home on that night. I was alone in the house. I did not see any of the parties who committed said burglary. I can't say that the defendant John Adams participated in the commission of said crime. The said bills were lawful money of the United States.

BERNARD C. THOMPSON, a witness for the People, sworn, testified:

I am an officer of Police attached to the 83rd precinct. I arrested the defendant John Adams on the 13th of February at his home in 49th ST. near Morris Avenue. I had a conversation with a son of the complainant, Officer Mulholland of the Park Police, and in consequence of that conversation I arrested Adams and Kelly and Smith. Adams at first claimed that he knew nothing about this matter and afterwards he said that he went down town with these two other men and got either two or five dollars of the money I could not say which. He said that Kelly, Smith and he were together before this thing happened; that he started to go home and Kelly hailed him and had a hand full of money. Kelly showed Adams the hand full of money, and gave him some, I could not say how much. He said he did not know until some time afterwards where they got the money; until he found out what Mrs. Mulholland's place was robbed.

CROSS EXAMINATION:

He said positively that he had nothing to do with

**POOR QUALITY
ORIGINAL**

0647

3

com mission of the burglary . I have never heard anything against him . I had a conversation with the defendant Smith in which he stated that Kelly went in the window and he stood outside and that they left Adams on the avenue and saw him when they came out .

JOHN B. MULHOLLAND, a witness for the People, sworn, testified:

I am an officer on the Park Police . I am the son of the complainant . I was with Officer Thompson at the time he warrested the defendant Adams . On the night of the 3 rd of February I was not at home . When I returned home the following day I was informed of this burglary . I was present at the house when the officer brought the defendant out . I asked him if he robbed jmy mother and he said no; that he did not know anything about it . On the way to the station house he said that he was with Kelly and Smith before this thing happend; that he met them afterwards, Kelly gave him five dollars and whe went down town with them .

FREDERICK, SMITH, a witness for the People, sworn, testified:

I am one of the defendants under this indictmeht. I have pleaded guilty . I remember the night of the 3rd of February .

Q Did you see the defendant Adams on that night ?

POOR QUALITY
ORIGINAL

0648

4

- A Yes sir; I met him about ten o'clock on the corner of 149th Street and Morris Avenue in a saloon. I was alone and I saw Jack Kelly and Adams standing on the corner. I ~~was~~ said "Good evening" to them and went inside the saloon and had a drink; then Kelly told me about this burglary that he was going to commit.
- Q Were the three of you together? A. No sir; only J Kelly and I. Adams was standing at the door when Kelly spoke to me about committing this burglary.
- Q After you had this talk with Kelly did you re-join Adams?
- A Yes sir.
- Q Did the three of you go anywhere? A. He and Kelly went down to Mrs. Mulholland's and Adams told Kelly he would wait outside for him.
- Q You came out and joined Adams? A. Yes sir.
- Q Did Kelly have a talk with Adams?
- A Kelly told him he was going and Adams said he would wait outside in the street. Kelly and I then went down to the house, and after we went down I did not see where Adams went. When we came out Kelly and I walked up Morris Avenue to 50th St. and Adams asked Kelly how much he got and Kelly said he did not know. We then went over under the lamp post on the corner and Kelly gave Adams five dollars. He took the money. The money was stolen from Mrs. Mulholland.
- Q How long a time passed from the time Kelly, Adams and you parted until you came back and met him?
- A Fifteen minutes.
- Q How far was it from this place to the saloon?
- A About five doors from the corner.

**POOR QUALITY
ORIGINAL**

0649

5

Q How far was Mrs. Mulholland's from the saloon where Adams was waiting ? A. Mrs. Mulholland's house is about in the middle of the block and the saloon is on the corner .

Q During the time you were away with Kelly did you go into Mrs. Mulholland's place ? A. I did not go in; Kelly went in .

Q What did you do ? A . I stood outside in the yard while he went in .

Q How did Kelly get in ? A. Through the window in the back .

Q How long was he in there before he came out ?

A I could not exactly tell you; only a few minutes .

Q The when he came out did you immediately go to where Adams was ? A. Yes sir; there we met Adams . Adams says to Kelly as soon as we came up "How much did you get and Kelly gave him five dolalars . We then went down town as far as Stanton Street together . . We visited different saloons. We went home but Adams stayed down town that night . There was nothing said about the money between the three of us !. . I have pleaded guilty to receiving stolen goods . I am telling the truth about this matter .

CROSS EXAMINATION:

Q You don't know what conversation took place between Kelly and Adams before this burglary took place, do you ?

A No sir; I did not hear what they said .

POOR QUALITY
ORIGINAL

0650

6

- Q Did you receive any promise for the testimony you have given here ? A. No sir; not as I know of I did not receive any promise . I offered myself as a witness to the Dis trict Attorney . I was taken down stairs in the District Attorneys room and my testimony was taken.
- Q Did you state when first arrested and charged with this offence that you had nothing to do with it at all?
- A No sir; I didnot say a word about it .
- Q Did you admit that you committed this larceny ?
- A I admitted that I was there .

D E F E N C E .

JOHN ADAMS, the defendant , sworn, testified:

I am the defendant. I am twenty two years of age . I reside at No. 530 W. 150Th Street in this city . I have nevrr been arrested before . I have been driving a truck for a living . I have worked for one man ^a named S tockdale~~for~~ two years . I am in is empl yment now . On the evening of the 3rd of February I had a drink with Smith and Kelly as Smith has stated at about nine o'clock . After leaving them I went to a friends house, and if I thought it was necessary I could have had him here, and stayedthere a while . Perhaps I stayed there an hour . I came out of there intending to go home; at that time it must have been about half past eleven o'clock. I was about 150 feet from my house and I met thesetwo men again . They asked me

POOR QUALITY
ORIGINAL

0651

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to go and have a drink . We went up to Cortland Avenue and had a drink. From there we went downtown and I was with them about an hour when they left me. I don't exactly know where we went downtown; it was some place near Houston Street; we had several drinks. At this time I did not know anything about this burglary having been committed at all .

Q Did you know anything about Kelly and Smith going into Mrs. Mulholland and committing a burglary there ?

A No sir .

Q Did they make a statement in your hearing that they were going to commit this burglary ? A . No sir .

Q You told the officer that Kelly gave you five dollars, explain that ? A. I don't remember anything about that; they say they gave me a five dollar bill. Both Kelly and Smith say that .

Q Do you deny it ? A. Yes sir; I say that I don't remember it.

Q Were you sober ? A. Well, I had a little drink in .

Q Did you state to the officer that they had given you a five dollar note ?

A I don't remember as I did .

CROSS EXAMINATION :

I have known Kelly for sixteen or seventeen years . I know Smith for about three years . After this occurrence I was bailed out and so were they .

**POOR QUALITY
ORIGINAL**

0652

8

2

I had no particular business going out on the night of 3rd of February . It was a Saturday night and I generally go out on that evening . I simply went out to take a walk .

Q You met these two men ? A. Yes sir .

Q You did not talk with them about doing anything wrong ?

A No sir .

Q You started to go home ? A. Yes sir . I first visited a friend of mine named Loman . When these men met me the second time I knew what I was doing . I knew where my home was and I was conscious of what was going on . . .

Q Why did you go down town ? A. Because they asked me.

Q Who suggested going down town ? A. Kelly said "Let us take a ride down town ".

Q For any purpose ? A. No sir; we were not going to any particular place . . .

Q You were about a block and a half from your house at a quarter to twelve at night and on the invitation of this man you started to take a ride down town without having any purpose ? A. Yes sir .

Q Where did you go after they left you ?

A I went to my cousin's house at the corner of Rector and Carlisle Street . I had not been there in five or six months before . I went in there at about halfpast two o'clock . I stayed there until the fol-

POOR QUALITY
ORIGINAL

0653

9

1

Tuesday before I went home . I did not go to work on Monday or Tuesday . . I only took a walk as far as the Battery during the t o ndays I was t my cousin's! house . I stayed in doors most of the time . I had no particular reason for doing that . I did not go to work Monday because I thought as long as I was down town I might as well stay a couple of days and I did .

Q Did you say this in the police Court "I am not guilty; I did not go into the place, but after the commission of the burglary, and without knowing of it Kelly handed me a five dollar bill and I took it ?

A That might have been . I was never in a police Court before that and I was excused . The truth is now that I don't remember getting the five dollars .

Q You don't remember making that statement ?

A Yes sir .

THOMAS STOCKDAY, a witness for the defence, sworn, testified:

I keep trucks . The defendant has been driving for me during the past two years off and on whenever I would have work . . I know him seven or eight years . I know other people in the neighborhood who also know him.

Q What is his reputation for honesty ? A. I never know of him doing anything dishonest. His reputation

**POOR QUALITY
ORIGINAL**

0654

10

for honesty is good .

CROSS EXAMINATION:

The defendant was working for me some time in February last . His brother some times took his place if he was not on hand .

JOHN SULLIVAN, a witness for the defendant, sworn, testified:-

I live at No. 531 E. 150th Street. I am a wire work manufacturer . The defendant learned his trade with me . I know his reputation for honesty . It is good .

NICHOLAS RITCH, a barber of No. 555 Morris Avenue, also testified to the good reputation of the defendant for honesty .

The Jury found the defendant GUILTY of receiving stolen goods .

POOR QUALITY
ORIGINAL

0655

Indictment filed May 23, 1889

COURT OF GENERAL SESSIONS

Part III.

The People, cc.

against

JOHN ADAMS, impleaded with

JOHN KELLY and FREDERICK
SMITH.

Abstract of testimony on
trial New York, June 25th
1889.

POOR QUALITY
ORIGINAL

0656

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 Henry Frederick Smith and John Adams

The Grand Jury of the City and County of New York, by this indictment, accuse
John Henry Frederick Smith and John Adams
of the CRIME OF BURGLARY IN THE *first* DEGREE, committed as follows:

The said *John Henry Frederick Smith and John Adams*, all
late of the *Twenty Third* Ward of the City of New York, in the County of New York
aforesaid, on the *third* day of *January*, in the year
of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, about the
hour of *two* o'clock in the *night* time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one *Anne Mulholland*,

there situate, feloniously and burglariously did break into and enter, there being then and there
some human being, to wit: *The said Anne Mulholland*,

within the said dwelling house, with intent to commit some crime therein, to wit: the goods
chattels and personal property of the said *Anne Mulholland*.

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away; *The said John Henry Frederick Smith and John Adams, and each of*
them, being then and there assisted
by a confederate actually present,
to wit: each by the other.

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,

POOR QUALITY
ORIGINAL

0657

SECOND COUNT—

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

John Kelly, Frederick Smith and John Adams
of the CRIME OF *Grand* LARCENY in the *first degree*, committed as follows:

The said

John Kelly, Frederick Smith
and John Adams, all

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

the sum of forty dollars in money,
lawful money of the United States,
and of the value of forty dollars,

of the goods, chattels and personal property of one *Anne Mulholland,*

in the dwelling house of the said *Anne Mulholland,*

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.

POOR QUALITY
ORIGINAL

0658

THIRD COUNT—

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

Frederick Smith and John Adams
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Frederick Smith and John Adams, both*

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

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

of the goods, chattels and personal property of one *Aune Mulholland,*
by one John Kelly and
by ~~a certain person or persons~~ ^{other} to the Grand Jury aforesaid unknown, then lately before feloniously
stolen, taken and carried away from the said *Aune Mulholland,*

unlawfully and unjustly, did feloniously receive and have; the said *Frederick
Smith and John Adams*
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.

JOHN R. FELLOWS,

District Attorney.

0659

BOX:

353

FOLDER:

3327

DESCRIPTION:

Kelly, Thomas

DATE:

05/22/89



3327

0660

BOX:

353

FOLDER:

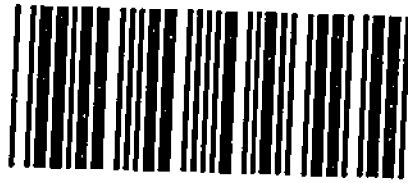
3327

DESCRIPTION:

Clinton, James T.

DATE:

05/22/89



3327

0661

BOX:

353

FOLDER:

3327

DESCRIPTION:

Corbit, Martin J.

DATE:

05/22/89



3327

POOR QUALITY
ORIGINAL

0662

No 1. served a term in S.P.
only just out at time of
commission of this crime. -
R.H.

Witnesses:

Hiram W. Culver

Amos K. Barclay

Morris Curran

Officer Farney

No 2. Has seen
a man in New York
order sheet. Has sent

No 2. Ask Curran
to be examined up
but Ch. has

H.S.

Counsel,

Filed

22 day of May 1889

Pleads,

1. Acquitted

THE PEOPLE

vs
23 (2000)
20 (1000)

F

degree

[Sections 224 and 225, Penal Code]

Robbery,

Thomas Kelly

James J. Clinton

Martin J. Corbit

H.D.

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Edmund Hamilton

Attorney

April 23

Edmund Hamilton

1524 P. J. P. H.

Both May 24/89

24

POOR QUALITY
ORIGINAL

0663

COURT OF GENERAL SESSIONS.

P a r t I I I .

The People of the State of New York. :
: a g a i n s t : Before Hon.
: THOMAS KELLY impleaded with JAS. T. : Randolph B.
: CLINTON and STEPHEN CORBETT. : Martine, and
: : a Jury.

Indictment filed May 22nd, 1889.
Indicted for Robbery in the first Degree.

New York, June 13th, 1889 .

APPEARANCES: For the people, Assistant District At-
torney James Fitzgerald.

For the defendant Mr. Maurice Meyer.

HIRAM W. COLVER, a witness for the People sworn
testified:-

I am a lawyer by profession and live at No. 409
Pearl Street in this City. On the night of the 16th
of May in the neighborhood of 10 o'clock I was walking
through New Bowery from Chatham Square. I had a \$5.
bill in my pocket and some change in my pocket. I also
had a small card case with some cards in it, and a pocket
knife. There were also some postage stamps in this
little card case. I had a watch and chain on my person.
I saw the defendant at the bar on that night. He was in
front of me. I am positive he is the man; I have no
doubt whatever. As I walked along two men came
behind me and put their hands around my throat and held
me tight. This man with another stood in front of me,
and went through my pockets taking this money and the

**POOR QUALITY
ORIGINAL**

0664

-2-

and my watch and chain and the card case. Kelly and Clinton stood right in front of me, one at my right and one at my left. The men behind simply held me while the two men in front turned my pockets inside out. I tried to shout for assistance but was unable to as I was held very tightly from behind. I could not say which of the articles Kelly took or which Clinton took. They each took a part. This property was taken out of the inside vest pocket. After they had taken these things from me Kelly commenced to kick me very hard. They both kicked me five or six times. As soon as I was able to get my voice I shouted for the police. After the men had kicked me, one of them struck me in the eye and I was cut. I am not sure which one it was. Then the men dissapeared, and I went to my boarding house. After I was there an hour or so, and had washed myself I went to the Station House and made a complaint. I then went home. In about half an hour afterwards the police sent for me, and I went to the Station House. I was not asked to identify the men on that night. I identified the three men on the following morning in the Tombs.

Q Are you sure Kelly is one of the men? A. Yes sir.

Q Have you an reason for this certainty. A. I have reason on account of his shape, and the way he moved about me. My face was turned towards him during this whole transaction. He was closer to me than the others. The place where this happened was very dimly lighted but I identified Kelly by his square shoul-

**POOR QUALITY
ORIGINAL**

0665

3

ders, and the general shape of the man.

Cross-examination.

Q Could you identify him by his face alone?

A If I had nothing else to guide me, I think I could.

Q You have seen him several times since?

A Yes sir. This man was very close to me during all of the time. I can identify him better from his figure than from his face.

Q Where had you been on this evening? A. I was in the Atlantic Garden. I simply took a segar and stayed there fifteen or twenty minutes to hear the music. I left there and took a walk up town and went to the Union Square Hotel and stayed there a while and was on my way back to my boarding house when this happened.

Q You testified that Kelly kicked you two or three times? A. Yes sir quite hard at least half a dozen times.

Q Did you describe the man who assaulted you to the Sergeant at the desk? A. I simply said I had been robbed. I left no description of the men. I went to the Station House about twenty minutes after I was robbed. When I went to the Station afterwards I found my property there which they told me had been found on these men and I identified it.

Q When you went to the Station House you knew that some persons had been locked up. A. I was told so. I didn't identify the men that night. They were present in the room when I went in. Three boys

**POOR QUALITY
ORIGINAL**

0666

-4-

were also arrested for this offence, and I told the police it was three men. The boys didn't have anything to do with it.

PATRICK O'GORMAN, a witness for the people sworn testified:-

I live at No. 13 1-2 Oliver Street. On the night of the 16th of May last I was at No. 41 Mott Street. I know the defendant by sight for some time. I saw him on the 16th of May in company with two other men. at the corner of Park Row and Mulberry Street. In the former part of the night I saw him in company with two other men and two women on Mulberry Street. This was at five or ten minutes after nine o'clock. The two men I saw him talking with then were Clinton and Corbett. I saw him again in the company with Clinton and Corbett at the corner of Park Row and Mulberry Street. When I saw them at that time, I saw Kelly rifle the contents of a small pouch which looked like a card case and divide the contents up between the three men. There was also a pearl handled knife and an open faced watch there. I also saw some of these men tear up some cards which were afterwards gathered up by the officer. The watch I saw in the possession of Clinton. The card case was in Kelly's hands and also the pearl handled knife. I was about eight or ten feet away from the men when I saw these occurrences. I afterwards heard that Mr. Colver had been robbed. I told Officer O'Day of the Sixth precinct of this occurrence.

**POOR QUALITY
ORIGINAL**

0667

5

Q Are you positive that Kelly is the man that you saw on these two occasions which you have mentioned and whom you saw tear up the cards in the manner you have described. A. Yes sir, I am positive.

Cross-examination.

I was a witness in the Police Court. I have known Clinton by sight for about four months. Kelly I have known for a longer time than that. I hadn't seen Kelly for about two years before this night of the 16th of May. I usually saw him in that vicinity. I keep an oyster stand at 188 Park Row, and I was attending to my business at my stand when I saw this occurrence. I don't know who the women were that I saw Kelly talking to at 9 o'clock. There was nothing particular to attract my attention to these men and women talking together. There was an electric light about 44 feet away from where these men stood. I saw the faces of all three of them. I told the Officer just as soon as I saw him. I didn't see Officer O'Day until next day sometime. Officer Farney told me to go to the police Court. Officer O'day is the man who went and picked up the cards.

**POOR QUALITY
ORIGINAL**

0558

6

PETER S. FARNEY, a witness for the People sworn testified:-,

I am an Officer of Police attached to the 4th Precinct. I am a special duty man. On the 16th of May I was on duty at the Station House. I was detailed on this case by the Sergeant at about 11 o'clock at night I arrested defendant Kelly on Doyer Street near the Bowery at about ten minutes after twelve. He was in company with Clinton and Corbett. All three were arrested by me and taken to the Station House. On Clinton I found the Complainants watch, and four dollars in money. On Corbett I found 25 cents and a comb. On Kelly I found a knife and some money; a two dollar bill and 68 cents in change. Before I arrested these men I had a conversation with the witness O'Gorman at the corner of Mulberry Street and Park Row and I arrested these men in consequence of the information I received from O'Gorman. I made a search of the gutter in front of O'Gorman's stand and I found several pieces of cards bearing the name of H. W. Colver Attorney and Counselor at law. The pieces of cards which I produce are those which I found.

Cross-examination.

I didn't tell these men when I arrested them what they were charged with. I sent a messenger to Mr. Colver asking him to come to the Station House. I told him I had the three men arrested who were charged with robbing him. Next morning Mr. Colver identified the three men positively.

CASE ADJOURNED UNTIL JUNE 14th, 1889.

**POOR QUALITY
ORIGINAL**

0559

New York , June 14 th 1889.

C a s e C o n t i n u e d .

THOMAS KELLY, the defendant, sworn and testified:

I am twenty three years old . On the 25th of March 1887 I pleaded guilty of grand larceny and got two years and eight months. I served my term and was discharged on the 15th of May 1889. I recollect the 16th of May; it was the day after I was discharged from prison. At nine o'clock on the evening of May 16th I was at No. 190 Park Row. I stayed in there for ten minutes writing a letter to a cell mate in Sing Sing prison . I asked Mr. Humstead a witness here for some writing paper on which to write the letter. I left the lodging house at about ten o'clock after finishing the letter and went and sat on a wagon at Cowperwaits furniture store. There was a man named Johnson with me. Clinton and Corbit were not with me at that time. I sat on that wagon for about fifteen minutes. I left the wagon then and went to 190 Park Row and stood at the door and these men Clinton, Corbit and a man named Smith came along; they came ~~up~~ from the direction of Baxter St. I knew Clinton before that, but did not know Corbit or Smith until that day . They spoke to me . After a short time I walked up to No. 6 Doyers Street with them where this man Smith lived . We stayed in a room there for about twenty minutes . There were four men and three women in the room.

Q Were you at Park Row and Mulberry Street on the night of the 16th of May ? A. I was between Mulberry and

**POOR QUALITY
ORIGINAL**

0570

2

Worth Street; that is where 190 Park Row is.

Q Did you see the witness O'Gorman on the night of the 16th of May ? A. No sir .

Q Did you hear his testimony in which he says that he saw you with two others dividing this pr operty ?

A Yes sir .

Q Is that true or false ? A. It is ~~false~~ .

Q Did you have any property which he said you had ?

A No sir .

Q Did you tear up a card ? A. No sir .

Q Did you have a pocket book or pouch ? A. No sir .

Q Did you give to Clinton a silver watch ? A. No sir .

Q Do you know anything about the robbery of the complainant Mr. Colver ? A. I heard talk about it in this house in Doyers Street .

Q Who did you hear talk about it ? A. I heard these men who came in afterwards talk about it .

Q Who were they ? A. I dont know their names; one of them was naned Webb .

Q In that room of Smiths there was some talk about a man having ben robbed ? A. Yes sir .

Q Who carried on that conversation ? A. The man Webb and these other men that came in to the room-Corbit Clinton and Smith.

POOR QUALITY
ORIGINAL

0671

3

- Q Were you with Clinton and Corbit at the time they assaulted Mr. ~~Smith~~ Silver? A. No sir.
- Q Were you there at all at the time he was assaulted and robbed? A. No sir.
- Q He testified that you kicked him four or five times, is that so? A. No sir; I never seen the man in my life until I saw him at the station house.

CROSS EXAMINATION:

- Q When did you leave State Prison? A. On the 15th day of May about half past nine o'clock I believe. . . I came down on the train and got off at Mott Haven. I then took the Elevated train down town and came as far as Chatham Square. Webb was the first man I met that I knew. I remained with him that day for two hours; we walked down James Street to see a woman. I then went with him to No. 6 Doyers St. where I saw Smith; and Mrs. Clinton; I then took a walk down town and spent that night at 190 Park Row. The next day the 16th I met two women and Corbit. . . I did not know Corbit before that day. I also met Clinton that day ~~at~~ James Street at about twelve o'clock noon. Clinton said he did not expect me home until the next day.
- Q Were you in State prison with Clinton? A. Yes sir.
- Q Where did you go to with him? A. To No. 6 Doyers St. and there we met Smith. . . We remained there two hours.
- Q Did you know how Clinton was supporting himself at that time? A. I believed he was stealing for a living. He always was a thief.

**POOR QUALITY
ORIGINAL**

0672

4

Q What was your object in staying with a man of that character ? A. I knew him; that was the reason. I remained at six Doyer St. till around five O'clock and then I went to the lodging house . I left these men in the house of Smith. I never knew Webb in prison . I walked around the Bowery for a while and then wrote this letter . . After I finished the letter I went and sat on a truck and then I came back and stood at the lodging house door . These three men Corbit , Clinton and Smith came along and Clinton gave me a stamp to put on the letter I had written . Afterwards we went to this room in Doyer Street and a man came in and told these men that the Police were looking for them . . We all four went out together and we three were arrested . I threw the letter away when I was arrested because I did not want to have it found on me .

Q Did you look for work during these two days you were out of prison ? A. No sir; I walked around but I did not look for work . . I was going to look for honest work on the next day . I was sent out West twice by the Childrens Aid Society .

MAURICE CURRAN, a witness for the defence, sworn, testified:-

I live at the Garfield House in New Bowery . I have been locked up in the house of detention since May 17th . I remember the night of the 16th of May . On that night while sitting in front of the Garfield

**POOR QUALITY
ORIGINAL**

0673

5

House I saw the complainant assaulted by two men .
I saw Clinton and Corbit come along and they said to a
man that was ssitting near us "Somebody has go t to
be put up, the gang is busted ". I did not see the de-
fendant Kelly there . There were only two men that I
saw . . I saw Clinton and Corbit follow the con-
plainant down and grab him. I did ot say anything a out
this until two boys were arrested fo the crime and I
went and said it was thesetwo men did it and not the
two boys .

CROSS EXAMINATION:

The other witness who is confined in the house
od detention, Barclay, was with me on this evening
and heard this conversation . I could not hear an y-
thing that was said between the complainant and the men
who attacked him as I was 120 feet away from them .
The reason I came forward was that I thought it would
be hard to have twon innocent boys locked up on this
charge .

RENWICK BARTLEY, a witness for the defence, sworn,
testified:

I live at No. 48 New Bowery. I know the last wit-
ness Curran . I met him several times in this lodging
house in New Bowery . I know the defendant now; I did
not know him before the 16th of May . That day I saw
him in the station house . There were two othermen

0674

**PAGE(S) ARE
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**DOCUMENTS
FILMED AS
FOUND**

0675

12

under arrest with him . The o her other men were Clinton and Corbt . I identified them as two men as I had sen earlier in the evening .

Q Where did you see them . A . On the New Bowery . I did not see Kelly with them . . Curran and I were sitting outside of this lodging house and ^{Clinton} ~~Kelly~~ and Corbit came along. They made a remark to a man who was sitting near ius "Some one has go t to be put up, the gang is busted ". I did not know who the third man was . Then the three of them went across the street.

Q Was Kelly that third man ?

A No sir .

Q If Kelly was that Third man there could you recognize him ? A. Yes sir .

Q Could you recognise the third man if you saw him again?

A I really dont know .

Q Are you positive that Kelly was not that third man ?

A I am positive that Kelly was not the third an .

CROSS EXAMINATION:

Q What were you doing on that stoop ? A. Nothing in particular .

Q Were you sitting on the stoop at the same time as Curran or was Curran there ahead of you ?

A Curran came out of the lodging house and sat down there .

0676

13

- Q Did you know who the third man was ? A. I did not know him .
- Q Curran has been in the house of detention with you ^{here for} ~~in the~~ a while ? A. Yes sir .
- Q What was the first thing that attracted your attention on that night ? A. I saw three men running across the street .
- Q The remark which was made about somebody having to be done up was not addressed to you ? A. No sir .
- Q And it was not addressed to Curran ? A. No s r .
- Q Did the men give any reason why somebody had to be set up ? A. Well they remarked that the crowd was broke .
- Q That was said so that you could hear ? A. Yes sir .
- Q You understood what was meant by it ? A. Yes sir .
- Q These men went right across the street as soon as the complainant came down ? A. Yes sir .
- Q Did you see anything done to the complainant ?
- A I saw two men follow him down; I am sure there was only two . One of the men, a tall man, took hold of Mr. Culver from behind around the throat and he fell backwards, and I could not see which one put his hand into Culver's pocket . After they had robbed him I saw two of the men run away; that is all I saw . They ran downtown . They did not come back where I was sitting .
- Q Now which was it, Corbit or Cilnton that took hold of the man ?

0677

14

Q It was Corbit; he was the tallest of the two .

Q Do you know a man named Smith ? A. No sir .

Q Did you make any outcry when you saw this ? A. No sir .

Q Or did you render any help of any kind or character to the man who was being robbed before your eyes ?

A No sir .

Q Did you tell the Police about it until they came after you ? A. Yes sir .

The jury returned a verdict of Guilty of Robbery in the first degree.

Indictment filed May 22-1889

COURT OF GENERAL SESSIONS

Part III.

The PEOPLE &c.

against

THOMAS KELLY, impleaded
with James T. Clinton
and Stephen Corbit.

Abstract of testimony on
trial New York June 13th
1889.

0678

POOR QUALITY
ORIGINAL

0679

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 1 DISTRICT.

Peter S. Farney
of N. *24th Precinct, Police* Street, aged _____ years,
occupation *Police Officer* being duly sworn deposes and says
that on the *16th* day of *May* 188*9*

at the City of New York, in the County of New York, *he arrested*

Thomas Kelly, James F. Clinton & Martin J. Corbett charged with having feloniously taken stolen and carried away from the possession and person of *Hiram H. & Geo. Property of the value of Eight dollars.*

That Kenneth Barclay & Maurice Larran (both now here) are Material Witnesses against said Kelly, Clinton & Corbett, and deponent has cause to believe that the said Barclay & Larran will not appear to testify, and prays that they may be required to furnish surety.

Peter S. Farney

Sworn to before me, this _____ day of *May* 188*9*

John W. [Signature] Police Justice.

POOR QUALITY
ORIGINAL

0580

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK. } ss.

Police Court--First District.

Hiram N. Oliver.
of No. *409 Pearl* Street, being duly sworn, deposes
and says, that on the *16th* day of *May* 18*89*
at the *Fourth* Ward of the City of New York, in the
County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property viz:

Good and lawful money of
the United States to the
Amount and value of Five dollars.
and one Silver Watch of the value
of Three dollars all being of
the value of *Eight* 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 force and violence as aforesaid, by

Thomas Kelly, James J. Martin
and Martin J. Braett, (all now dead)
from the fact that at or about the hour
of 10 O'clock P.M. on said date deponent
was walking along New Brewery and
when near the corner of Rosemead
street deponent was seized by the
throat by a person who came behind
deponent. That the said Kelly, came
in front of deponent with another person
and searched deponent's pockets
in company with said other person

Sworn to, before me, this

18

day

Police Justice.

0601

Dependent is informed by Remond
Barclay that he saw the said
Lobett, and Clinton & came
behind dependent and saw
the said Lobett seize hold of
dependent by the throat, and
hold dependent. Dependent is
further informed by Peter L
Turner that he arrested the
said Kelly, Clinton and Ford
and found in the possession
of the said Clinton the watch, now
shown, which dependent fully identifies
as the watch taken & stolen from
Carroll & away from dependent's
possession and person.

Deposited. Therefore prays that
the said Defendants may be
dealt with as the law directs.

Shewn to before me
this 17th day of May 1889 J. H. W. L. L. L. L.

J. W. Mumford
Vice-President

POOR QUALITY
ORIGINAL

0682

CITY AND COUNTY }
OF NEW YORK, } ss.

Peter S. Farney
aged 31 years, occupation Police officer of No.
4th Police Precinct Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Hiram W. Calver*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

May 17 1889

Peter S. Farney

G. Humphreys

Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

Renwick Barclay
aged 22 years, occupation Lather of No.
48 New Bowery Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Hiram W. Calver*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

May 17 1889

Renwick Barclay

G. Humphreys

Police Justice.

POOR QUALITY
ORIGINAL

0683

Sec. 193-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty of the
charge*

Thomas Kelly

Taken before me this

day of *June* 188*9*

Police Justice.

POOR QUALITY
ORIGINAL

0684

Sec. 193-200

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

James T. Clinton being duly examined before the under-
signed 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 *his* waiver cannot be used
against *h* on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

~~I have nothing to say~~
I did it - I am guilty

James T. Clinton

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0685

Sec. 193-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

Martin J. Corbett being duly examined before the under-
signed 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. *Martin J. Corbett*

Question. How old are you?

Answer. *22 Years.*

Question. Where were you born?

Answer. *New York City.*

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

Answer. *142 East 28th Street 4 Years*

Question. What is your business or profession?

Answer. *Carpenter*

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

Answer. *I am not guilty of the*
Charge

Martin J. Corbett,

Taken before me this *1st*

day of *May*

1889

J. Howard Bond

Police Justice.

POOR QUALITY
ORIGINAL

0686

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

H.S. 426
Police Court... 1
District...

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Heran M. Lattin
409 E. Canal St
James Kelly
James J. Clinton
Matthias L. Larkin
Offence *Robbery*

Dated *May 17* 188*9*

John Magistrate.

James Officer.

4 Precinct.

Witnesses *Officer Thomas*

Edmund J. Larkin

409 E. Canal St

41 E. Canal St

41 E. Canal St

41 E. Canal St

41 E. Canal St

41 E. Canal St

41 E. Canal St

It appearing to me by the within depositions and statements of *[redacted]* that the same 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, *each* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *May 17* 188*9* *J. J. Murphy* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0687

Name & Cell No. of Writer.

Full Address of Letter.

Thomas Kelly Hon James Fitzgerald
Cell 1100 Judge General Sessions

Rules for the guidance of the friends of Prisoners

Letters should be confined to family or business matters. Put name and date of sentence on envelope. Daily papers, weekly political and sensational papers, immoral or sensational books not allowed. Visits allowed once in two months. No visiting on Sundays or Holidays. Articles of food not required to be cooked here, allowed once in two months. Tea, Coffee, and Chocolate not allowed. Tobacco, Underclothes etc. may be sent at any time. Boxes and Packages by Express must be plainly marked with name and date of sentence of prisoner, and prepaid.

SING SING PRISON, Feb 14th 1891.

Hon James Fitzgerald

Dear Sir—

Please be kind enough to excuse the liberty I take in writing you, I assure you the person who writes is doing an unjust sentence and thinks that if you were aware of the true facts of his case you never would have prosecuted him as you did, for suffering unjustly still I know from what I have heard of you since your judgeship that you have been as lenient as possible to those coming before you. I was arrested for the crime of robbery on the sixteenth of May 1889 with James Clinlon and Martin Corbett

POOR QUALITY
ORIGINAL

0588

both the men pleaded guilty received 15 years and was sent to prison before my trial, knowing myself innocent I never thought of conviction, but was found guilty and received 20 years. I told at the time I had nothing to do with the robbery that the man wanted was one Smith. I knew this from the other two telling me so. Since my confinement here I came in contact with a man named Peter Corcoran, who relates that while doing a term of imprisonment in Kings County Penitentiary, he was an occupant of a cell with this man Smith, who told him that I was serving 20 years for a robbery he Smith had committed with two others. Corcoran makes an affidavit to this effect, which is in the hands of the prison Chaplain. Mr. Edgerton. I also asked the Chaplain to send to Auburn prison, asking the other two to make a true statement as to how and who committed the robbery, he found that Corbett was dead but Clinton swears to the true facts, this is also in the hands of the Chaplain. The officer who arrested me knew well I was not the man, for in going to the cells in the station house he said, I know you did not do this, but you can tell who did. As he did not get the right person and I being in the company of the other two, and being without means to prove my innocence, I fell a victim to the law. Everybody in the Towns thought me innocent and had no idea that I would be convicted. I would have written

POOR QUALITY
ORIGINAL

0689

both the men pleaded guilty received 15 years and was sent to prison before my trial, knowing myself innocent. I never thought of conviction, but was found guilty and received 20 years. I told at the time I had nothing to do with the robbery that the man wanted was one Smith. I knew this from the other two telling me so. Since my confinement here I came in contact with a man named Peter Corcoran, who relates that while doing a term of imprisonment in Kings County Penitentiary, he was an occupant of a cell with this man Smith, who told him that I was serving 20 years for a robbery he Smith had committed with two others. Corcoran makes an affidavit to this effect, which is in the hands of the prison Chaplain. Mr. Edgerton. I also asked the Chaplain to send to Auburn prison, asking the other two to make a true statement as to how and who committed the robbery, he found that Corbett was dead but Clinton swears to the true facts, this is also in the hands of the Chaplain. The officer who arrested me knew well I was not the man, for in going to the cells in the station house he said, I know you did not do this, but you can tell who did. As he did not get the right person and I being in the company of the other two, and being without means to prove my innocence, I felt a victim to the law. Everybody in the Tombs thought me innocent and had no idea that I would be convicted. I would have written

POOR QUALITY
ORIGINAL

0690

you before this, but I had nothing but my own word to put forward and have waited to hear of the whereabouts of this man Smith. Corcoran states he is still in Kings County Penitentiary and believes he will be discharged in April. I am not certain of his first name as the Chaplain here wrote to Mr. Bass, Chaplain there, to find Smith and ask him to make a confession. Mr. Bass writes that no John Smith was there, so he must of given some other Christian name. I think if this man Smith was arrested and confronted with the charge he would confess to his guilt and my innocence. Being without means, I thought I would write you, stating the circumstances of the case and I am sure it will do no harm, and hope, it may be a benefit. respectfully Thos Kelly

POOR QUALITY
ORIGINAL

0691

Copy

Court General Session

New York, May 24, 1892

Thomas Kelly Cell 1100, Sing Sing Prison.
Sir

I am directed by Judge Fitzgerald to acknowledge the receipt of your letter, and to inform you that his honor has consulted with his colleague, Judge Martins, before whom you were tried and convicted, in relation to your case. Judge Fitzgerald states that the evidence, if relied upon by the jury, certainly warranted your conviction. The complainant positively identified you, and the story of O'orman, the optician, most assuredly strongly corroborated his testimony. That the jury did rely upon the evidence, was established by the verdict. You made mention in your letter of some affidavits of Corcoran and Clinton. Judge Fitzgerald states that he has heard nothing of such affidavits from any source, except the references to them in your communication.

Yours truly

William H. Penney
Assistant Clerk

POOR QUALITY
ORIGINAL

0692

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Kelly
James S. Clinton
and Martin J. Rodit

The Grand Jury of the City and County of New York, by this indictment, accuse Thomas Kelly, James S. Clinton
and Martin J. Rodit
of the CRIME OF ROBBERY in the first degree, committed as follows:

The said Thomas Kelly, James S. Clinton
and Martin J. Rodit, all
late of the City of New York, in the County of New York aforesaid, on the fourteenth
day of May, in the year of our Lord one thousand eight
hundred and eighty-nine, in the morning time of the said day, at the City and
County aforesaid, with force and arms, in and upon one William W. Rodner,
in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of three
dollars, and the sum of four dollars
in money, lawful money of the
United States and of the value of
four dollars,

of the goods, chattels and personal property of the said William W. Rodner,
from the person of the said William W. Rodner, against the will,
and by violence to the person of the said William W. Rodner,
then and there violently and feloniously did rob, steal, take and carry away, the said
Thomas Kelly, James S. Clinton and
Martin J. Rodit, and each of them,
jointly and severally and each of them
aided and abetted by the other:
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.

POOR QUALITY
ORIGINAL

0693

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the said
Thomas Kelly, James T. Clinton
and Martin J. Corliss
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Thomas Kelly, James T. Clinton*
and Martin J. Corliss, all

late of the City of New York, in the County of New York aforesaid, on the *sixteenth*
day of *May*, in the year of our Lord one thousand eight hundred
and eighty-nine, at the City and County aforesaid, with force and arms,

one watch of the value of three dollars,
and the sum of five dollars in
money, lawful money of the United
States and of the value of five
dollars,

of the goods, chattels and personal property of *one William W. Palmer,*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said *William W. Palmer,*

unlawfully and unjustly, did feloniously receive and have; the said *Thomas*
Kelly, James T. Clinton and Martin J. Corliss,

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.

JOHN R. FELLOWS,

District Attorney.

0694

BOX:

353

FOLDER:

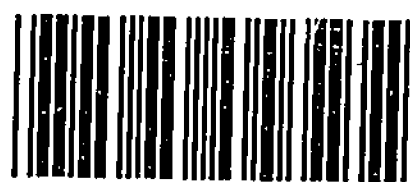
3327

DESCRIPTION:

Kelly, William

DATE:

05/24/89



3327

POOR QUALITY
ORIGINAL

0695

278

Counsel,

Filed

Pleads,

1889

THE PEOPLE

vs.

William Kelly

June 11th

Burglary in the Third degree.
Grand Jurors, Second
degree & Resolved.
[Section 498, 501, 528, 531 & 550.]

JOHN R. FELLOWS,

June 18, 1889

District Attorney.
Tried and acquitted.

A True Bill.

Charles Van Wyck

Ordered to the COURT of

Foreman.
Daly and C. J. Van Wyck

of the COUNTY of NEW YORK,

for trial (Entered in the Minutes)

21 June 1889

June 17th 1889

Witnesses:

Grace Steinberg

H. Budawinski

Offr. Hanson

POOR QUALITY
ORIGINAL

0696

Police Court— District.

City and County } ss.:
of New York,

of No. 10 *Essex Street*, aged *25* years,
occupation *Cleaner* being duly sworn

deposes and says, that the premises No. *62* *Essex Street*, Ward *7*
in the City and County aforesaid the said being a *four story tenement*
House with Basement
and which was occupied by deponent as a *place for the cleaning clothes*
~~and which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly *forcing open*
a door in the rear of said premises
leading into a persons place of business

on the *18* day of *May* 188*9* in the *nighttime*, and the
following property feloniously taken, stolen, and carried away, viz:

Fifty Cloth Coats of the
Value of over Hundred
Dollars \$100.00

the property of *Leib Schoffer* and in *charge 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

William Kelly (per here)

for the reasons following, to wit:

That previous to said
Burglary and during the said
property was in the basement of said
premises and the door leading to said
basement was recently fastened and this
deponent saw the defendant in
handcuffs and at the time
he had one of said deponent's coats

POOR QUALITY
ORIGINAL

0597

on his back, Defendant Marjorie charges
Mr. Dancy defendant with Burglary
breaking and entering his place of business
for the purpose of the victim mentioned property
from before me this P. Henry Co. 21
21 day of May 1889.
To Police Justice.

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

Police Court, District,

THE PEOPLE, vs.,
on the complaint of

Offence—BURGLARY.

1.
2.
3.
4.

Dated

1889

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0698

Sec. 193-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3

District Police Court.

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

Question. What is your name?

Answer. William Kelly

Question. How old are you?

Answer. 21 Years

Question. Where were you born?

Answer. Newark

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

Answer. 54 Bridge Street 5 Years

Question. What is your business or profession?

Answer. Peeler

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

William Kelly

Taken before me this

21

day of

May

188

Wm. Kelly
Police Justice.

POOR QUALITY
ORIGINAL

0699

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

Police Court No. 436
District

THE PEOPLE &c.,
ON THE COMPLAINT OF

Paul Shurtz
10 Essex St
William Kelly

Offence Burglary

Dated May 21 1889

James P. Kelly
Magistrate

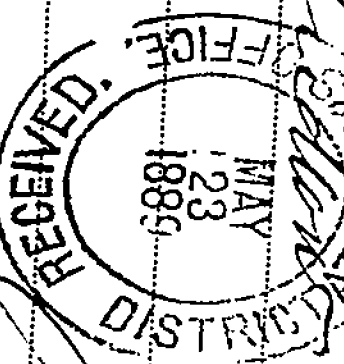
Officer

Witness Anna Duckworth

No. 62 Broadway Street

No. 19 St. Lawrence

No. 19 St. Lawrence Street



No. 151012 to answer

James P. Kelly

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 James P. Kelly

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 May 21 1889 James P. Kelly Police Justice.

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

Dated _____ 1889 _____ Police Justice.

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

Dated _____ 1889 _____ Police Justice.

POOR QUALITY
ORIGINAL

0700

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 Kelly

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

William Kelly

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

The said

William Kelly

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

Israel Steinberg

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

Israel Steinberg

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

POOR QUALITY
ORIGINAL

0701

SECOND COUNT—

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

William Kelly
of the CRIME OF *Grand* LARCENY *in the second degree* committed as follows:

The said

William Kelly

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

*fifty coats of the value of
two dollars each,*

of the goods, chattels and personal property of one

Israel Steinberg

in the

shop

of the said

Israel Steinberg

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

POOR QUALITY
ORIGINAL

0702

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
— *William Kelly* —
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

William Kelly

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

*fifty coats of the value of
two dollars each*

of the goods, chattels and personal property of one

Israel Steinberg

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

Israel Steinberg

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

William Kelly —

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.

JOHN R. FELLOWS,

District Attorney.

0703

BOX:

353

FOLDER:

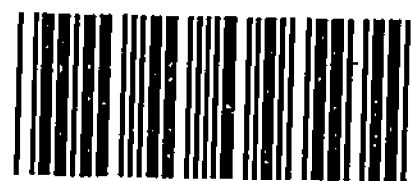
3327

DESCRIPTION:

Kennefech, Alexander

DATE:

05/15/89



3327

POOR QUALITY
ORIGINAL

0704

Witnesses:

Christina Lasher

R. Hamilton

William Lasher

Officer Fees

Counsel,

Filed

15 day of May 1889

Pleads,

North York

THE PEOPLE

vs.

P

Alexander Kennedy

Grand Larceny, second degree.
[Sections 528, 529, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

William Hamilton

Part III June 26 1889
Foreman.

Tried and Acquitted

POOR QUALITY
ORIGINAL

0705

Police Court 2 District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Christina Lasher

of No. *52 & West 37th* Street, aged *30* years,

occupation *Housekeeper* being duly sworn

deposes and says, that on the *11th* day of *October* 188*8* 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 Diamond
breast pin of the value of one
hundred and twenty five dollars.
(\$ 125)

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 *Alexander Kohnifiek (now here)*

under the following circumstances. The said
pin was kept by deponent in a trunk
in deponent's residence, and the defendant
was a resident of said house and
knew where the said pin was kept.
The defendant left the house on the
11th of October 1888 and deponent missed
the said pin on the 13th and now charges
the defendant with stealing the same for
the reason that no other person could
have taken it; that defendant had the
keys of said trunk in his possession; that
defendant admitted to deponent and
to William W. Lasher now here, and to

Sworn to before me, this

188

day

Police Justice.

POOR QUALITY
ORIGINAL

0706

deponents husband Allen Robert Lasher that
he knew when he put his hand on the said
pin. and the defendant admitted to the
said William W. Lasher that he defendant
had pawned the said pin. ^{deponent}
Therefore charges defendant with the larceny
of said pin and asks that he be dealt
with as the law directs.

Christina Lasher

Brought before me this
11th day of May 1889

[Signature]
John J. [unclear]

POOR QUALITY
ORIGINAL

0707

Sec. 198-200.

CITY AND COUNTY }
NEW YORK, } ss.

District Police Court.

Alexander Kennefuck

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

Question. What is your name?

Answer.

Alexander Kennefuck

Question. How old are you?

Answer.

34 years

Question. Where were you born?

Answer.

N.S.

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

Answer.

469 West 52nd St

1 year

Question. What is your business or profession?

Answer.

Labourer

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

Answer.

*I am not guilty. I deny
making any admissions to any-
body. I did not have the pen
and did not sign it. and
I can prove my innocence.*

Alexander Kennefuck

Taken before me this
day of *May* 188*8*

Police Justice.

POOR QUALITY
ORIGINAL

0708

Police Court... 2
District...

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Christina Clarke

525 West 37th St

Alexander Kennedy

Larceny
felony

Offence

1
2
3
4

Dated May 11 1889

Justice
Magistrate

20
Officer

Witness
Mr. Bennett

No. 326 West 40th
Street

No. 322 East 10th
Street

No. 424 West 18th
Street

No. 1889
Street

RECEIVED
DISTRICT CLERK
MAY 11 1889

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

Alexander Kennedy

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 May 11 1889 Police Justice.

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

Dated... 1889 Police Justice.

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

Dated... 1889 Police Justice.

POOR QUALITY
ORIGINAL

0709

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Alexander Kennefick

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

Alexander Kennefick

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

The said

Alexander Kennefick

late of the City of New York, in the County of New York aforesaid, on the eleventh day of October in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms,

one breast-pin of the value of one hundred and twenty-five dollars

of the goods, chattels and personal property of one

Christina Lasher

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.

John R. Hollows,
District Attorney.

0710

BOX:

353

FOLDER:

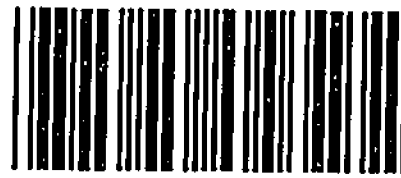
3327

DESCRIPTION:

Kenny, John

DATE:

05/07/89



3327

0711

BOX:

353

FOLDER:

3327

DESCRIPTION:

Landers, Charles

DATE:

05/07/89



3327

POOR QUALITY
ORIGINAL

0712

Witnesses:

Wm. J. Davis
a man of 5 years,
part in the prison
which he never
sent to S.P.

May 10/79.

No. 2.

Friend of convicted of
various crimes.

W. J. Davis & Son
May 10/79

14

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

John Henry
and P

Charles Sanders

JOHN R. FELLOWS,

District Attorney.

W. J. Davis & Son
May 29/79

A True Bill.

May 10/79

May 10/79

W. J. Davis & Son

May 10/79

14

**POOR QUALITY
ORIGINAL**

0713

The People
vs.
Charles Landers.

Court of General Sessions, Part I.
Before Recorder Smyth.

Friday, May 10, 1889.

Jointly indicted with John Kenny for burglary
in the third degree, grand larceny in the second degree
and receiving stolen goods.

Jacob Daesch sworn and examined.

I live at 40 Chrystie Street and am in the lager beer
business, my saloon is 40 Chrystie Street and it is in
the 10th ward of this city; it is a brick house four
story, I was the keeper of that saloon on the 2nd of May
and missed property from that saloon on that date after I
closed up, I closed up on that day at a quarter to twelve
at night, I learned the place was broken open at ten min-
utes of six in the morning, the house-keeper told me, I
came down and found out that the place had been broken
and everything had been destroyed; they went down through
the cellar and came up through the floor, they got into
the cellar through the hallway, there is a hallway through
the sidewalk, they opened the inside door; they first got
into the cellar of the house, not my cellar and from
there they went through the iron railing underneath and
they broke into the side door; there is a hall door lead-
ing to the street going down stairs to the cellar of the
house and that is used by all the tenants and there is
another door in between under the sidewalk. My saloon is
not on the corner. You enter the hallway on a level with
the street and they get to the cellar beneath from the
hallway, that cellar is under my store. I have got an
extra cellar for myself and the other is for the tenants

**POOR QUALITY
ORIGINAL**

0714

of the house, there is a door in the partition which enables one to pass from the tenants cellar into mine, the staple was drawn right out of that and the door was broken open; that was the door I closed and locked; at six o'clock I found it was open; there is a stairway going up into my store and at the top of that stairway there was a latch door, I found that all broken and the staple out of it.

That is not the way I got into my store, I got in through the doorway. I found my property all upset and the beer running all over the place. I found missing two beer taps, one was brass and the other one galvanized worth I believe about seven dollars apiece, I missed three boxes of cigars worth two dollars and a half apiece and two copper soldering irons which did not belong to me but to a man who left them there, I do not know what they were worth.

I also missed gas plyers and a socket wrench and \$1.13 cash. The man who owns the soldering irons is not in Court, I don't know the value of soldering irons or wrenches. I went to the Station House, I did not see the Defendant there but I saw Officer Powers, I went right back to my place, I afterwards saw the defendant in the Station House about ten or fifteen minutes after I was informed that the place was broken open, I saw some of my property there, I saw a beer faucet, a socket wrench, gas plyers and cigars, they were the same articles that were in my place when I locked it up, that night; I did not hear the Defendant say anything at that time, I got my property back, I did not see the other defendant there John Kenny but I saw him afterwards at ten o'clock that same day in Essex Market.

I had never seen the defendant before that day in my place.

**POOR QUALITY
ORIGINAL**

0715

or around it and did not know the other defendant.

Cross Examined. I had these beer taps ever since I got the place, a little over a month; I bought the place out and got these taps with it, I have no idea how much they cost when new, these were secondhand. I know nothing about the burglary except what I was told and do not know anything about the connection of this prisoner or the other prisoner with the burglary; while I was waiting in the Station House this prisoner was brought in.

Lawrence P. Powers sworn and examined.

I am an officer of the 7th precinct and arrested the defendant on the morning of the 3rd of May at five minutes to six, I arrested the other defendant, John Kenny, on the same morning at half past two, I arrested this defendant in front of No. 4 East Broadway which was four blocks from 40 Chrystie Street, that was 5.55 A.M. I arrested Kenny in the hallway of No. 70 East Broadway which is three or four blocks from 40 Chrystie Street.. About 2.30 A.M. on the morning in question while patrolling I happened to be looking in my windows and doorways, I saw a man standing apparently trying to secrete himself in the hallway of No. 70 East Broadway, I asked him what he was doing there and he gave me no answer, I called on him to come out, at first he refused but on second consideration he came out, I saw his coat was kind of bulky, I pulled it one side and found some property, I asked him where he got it, he at first refused to tell but afterwards told me that he got it in a lager beer saloon; I asked him where and he said he did not know, I took him around for quite a

**POOR QUALITY
ORIGINAL**

0716

while to try to find the place but he did not seem to understand the neighborhood he was in or didn't want to and he would not tell where it was. I took him to the Station House and charged him as being a suspicious person and searched him and found on his person one beer tap, fourteen cigars and two soldering irons. I am talking now of Kenny. I turned him over to the Sergeant behind the desk as a suspicious person; I afterwards went to the 11th precinct Station House and notified the Sergeant behind the desk of the arrest of this man, telling the Sergeant that he said that it was in the 11th precinct, I arrested the man in my precinct, I went back on post and about five minutes to six in the morning I was in conversation with Officer Perkins on the corner of Catherine Street upon the subject of this affair and in looking across the street in front of No. 4 towards Chatham Square I saw the prisoner at the bar turning the corner, I saw him with something shining in his hand, examining it, I went over to where the Defendant was and asked him where he got this beer tap, he told me he didn't think it was any of my business, I asked him where he was going and he said he worked in Market Street, I thought I would look in his pocket and I saw a number of cigars and gas pilyers, Officer Perkins came up and looked at them, I also found a socket wrench in the hip pocket, I took him to the Station House and informed the Sergeant behind the desk that I arrested the defendant as a suspicious person in connection with a case of burglary that had been committed in the morning. I had heard in the meantime of the burglary; the Sergeant said that the complainant in the case was

POOR QUALITY
ORIGINAL

0717

inside in the back room; in the meantime I had taken these goods from this man and placed them on the desk; the complainant was called from the back room and he identified the property as his and also the other property found on Kenny. I went to the premises 40 Chrystie St. at twenty minutes past six and saw that they were broken, I found the staple drawn and the doors all open. I asked the defendant why he done such a dirty job? He told me he did not know anything about it. I also found a horse shoer's file on the premises at this door leading from one cellar into the other that had been used apparently in breaking it. I found on the person of the defendant a candle, some matches, two pawn tickets and two penknives. I asked the Defendant ^{Kenny} who was with him and he told me that the other man who was with him had the rest of the stuff, a beer tap, cigars and a bottle of wine, I found an empty bottle in the cellar. I found in the pocket of the Defendant Landers six cigars and some that were broken into threads, I threw them in the fire, I found no boxes of cigars on either of them, but the complainant identified the cigars in the Station House.

Charles Landers sworn and examined in his own behalf, testified: I work down in the Fulton Market loading fish and I live at 135 First Street, I generally go away from the house to the market at half past one and sometimes two o'clock, I go up through the Bowery generally and stop at a place between Canal and Bayard and have a drink in Huschbergers, then I go down the Bowery to Fulton Street. I was arrested on Friday morning, there was not

**POOR QUALITY
ORIGINAL**

0718

much fish coming in that morning, we only had six loads of fish come on the boat. I left the house twenty minutes after one and walked down the Bowery till I got down as far as that saloon, I went in there and had a drink and when I came to the corner of Bowery and Bayard Street I met a man, this Kenny, he says to me, "hello Charlie", I says hello, he seemed pretty well loaded with whiskey, he says, "will you have a smoke," I says, "I don't mind, and he handed me a handful of cigars. He says to me, "will you take care of some of this stuff for me?" I said "I don't know, I may have to work all day." He said he wanted to go to Brooklyn; it was a beer tap, a wrench and a pair of plyers, I told him if I have not much work I will meet you between six and seven on the corner of East Broadway and Catherine and give you the stuff, he said all right; he gave me the stuff, I took it down to go to return it to him in the morning when I walked up between six and seven I would meet him there if I did not have to work all day. I left the stuff down on the dock and when I came up to meet this man the officers took hold of me and said they wanted me, I did not know what for. I do not know if I said to the officer that it was none of his business where I got the stuff, I had been drinking; that morning I was not anywhere near the premises 40 Chrystie Street and had nothing to do with committing a burglary there, I did not know that these goods were stolen or I would not have taken them, I have been arrested for being drunk but never for any other offence, I have lived in New York forty-four years, my people are out in Jersey, I have got a sister uptown, I worked for

**POOR QUALITY
ORIGINAL**

0719

men in the city but none of the men are here in Court, I did not know I was to be tried or I would have sent for them, I worked for Thomas Chadwick and Mr. Lynch and different men. As to the candle and matches that was found in my pocket we used them down in the market to see the number of the stalls because it is dark in the morning; the cigars found in my pocket were given to me by this man.

Cross Examined. I do not know Officer Mullane of the 11th precinct, he had not me under arrest about two years ago for committing a burglary in a liquor store in the 11th precinct, I have been in the fish business of and on for the last fourteen years; the signature on the paper now shown me is mine, I told the Police Justice I was a machinist, I served my time as a machinist, I don't know if the man's name is Kennedy or Kenny whom I met, I have known him three or four months. I was engaged two month ago in cleaning up a restaurant at Grand and Eldridge Street, I was arrested charged with breaking into that place but was not taken to the Station House.

The Jury rendered a verdict of guilty of receiving stolen goods .

POOR QUALITY
ORIGINAL

0720

25
3
17
1884

Testimony in the case
Charles Sanders
filed May
1884

POOR QUALITY
ORIGINAL

0721

Police Court District

City and County of New York, ss.:

of No. 40 Chrystie Street, aged 32 years, occupation Balloon Repairer, being duly sworn

deposes and says, that the premises No. 40 Chrystie Street, 10th Ward in the City and County aforesaid the said, being a four story Brick tenement, the store floor of and which was occupied by deponent as a Beer Saloon and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking the trap door fastenings, opening from the cellar of said premises, into said Saloon.

on the 2nd day of May 1889 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

Two Beer Taps, Three Boxes of Cigars, One Gas Ryer, One French, A quantity of Wine, and Beer, and (Cash \$1.13) All of the total value of Two (\$2.00) Unmaged Dollars.

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

John Kennedy and Charles Sanders (both now here)

for the reasons following, to wit: Dependent locked, bolted and effectually closed said premises, at about a quarter to twelve o'clock on said night and date; at ten minutes to 11 o'clock this a.m. May 3rd 1889, Dependent was informed that said premises were broken into, and Officer Lawrence O'Power, of the Seventh Precinct Police,

POOR QUALITY ORIGINAL

0722

found a part and portions of said property in the possession of said Defendants, and Dependent identified the same as belonging to him, and in his case, therefore

Dependent now charges said Defendants with Burglariously entering said premises and taking, stealing and carrying away said property and prays that they be dealt with as the law directs.

Subscribed before me } Jacob Sactech
this 3rd day of May 1889

J. M. Dutton

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

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

Offence—BURGLARY.

Date, _____ 188 _____

Magistrate, _____

Officer, _____

Clerk, _____

Witness, _____

No. _____ street, _____

No. _____ Street, _____

No. _____ Street, _____

\$ _____ to answer General Sessions.

POOR QUALITY
ORIGINAL

0723

Sec. 19 — 200.

CITY AND COUNTY } ss.
OF NEW YORK,

3 District Police Court.

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

Question. What is your name?

Answer. *John Kennedy*

Question. How old are you?

Answer. *28 Years of age*

Question. Where were you born?

Answer. *New York City*

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

Answer. *I have no home*

Question. What is your business or profession?

Answer. *Plater*

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 guilty*

John Kennedy

Taken before me this *1st* day of *May* 188*9*
John J. Sullivan Police Justice.

POOR QUALITY
ORIGINAL

0724

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3 District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty
Ch Lander

*20 left house
120 street Kennedy on Barclay
take car to 120 Barclay
talk it to 120 Barclay
120 Barclay*

Taken before me this
day of *March* 188*8*
John D. Williams
Police Justice.

POOR QUALITY
ORIGINAL

0725

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District

THE PEOPLE vs
ON THE COMPLAINT OF

Offence

Date

188

Magistrate

Officer

Precinct

Witnesses

No.

Street

No.

Street

No.

Street

\$

to answer

Street

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

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

Dated May 3rd 1889 Police Justice.

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

Dated 1889 Police Justice.

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

Dated 1889 Police Justice.

POOR QUALITY
ORIGINAL

0726

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 Kenney and Charles Landers

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

John Kenney and Charles Landers

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

The said

John Kenney, - and Charles Landers, both

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

Jacob Daetsch

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 Daetsch

in the said *saloon* 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.

POOR QUALITY
ORIGINAL

0727

SECOND COUNT—

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

John Kenney and Charles Sanders
of the CRIME OF *Grand LARCENY* in the second degree, committed as follows:

The said

John Kenney and Charles Sanders, both

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

two beer taps of the value of five dollars each, three hundred cigars of the value of five cents each, one gas flier of the value of two dollars, one wrench of the value of two dollars, a quantity of wine, of more particular description whereof is to the Grand Jury aforesaid unknown, of the value of forty dollars, a quantity of beer, a more particular description whereof, is to the Grand Jury aforesaid unknown, of the value of thirty dollars and the sum of one dollar and thirteen cents in money, and of the value of the United States, and of the value of one dollar and thirteen cents

of the goods, chattels and personal property of one

Jacob Daetsch

in the *saloon* of the said

Jacob Daetsch

there situate, then and there being found, in the *saloon* 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.

POOR QUALITY
ORIGINAL

0728

THIRD COUNT—

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

John Kenney and Charles Landers
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:
The said *John Kenney and Charles Landers*, both

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

two beer taps of the value of five dollars each, three hundred cigars of the value of five cents each, one gas piper, of the value of two dollars, one wrench of the value of two dollars, a quantity of wine, a more particular description whereof is to the Grand Jury aforesaid unknown, of the value of forty dollars, a quantity of beer, a more particular description whereof is to the Grand Jury aforesaid unknown of the value of thirty dollars, and the sum of one dollar and thirteen cents in money, lawful money of the United States and of the value of one dollar and thirteen cents

of the goods, chattels and personal property of one

Jacob Dattsch
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Jacob Dattsch
unlawfully and unjustly, did feloniously receive and have; the said

John Kenney and Charles Landers
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.

JOHN R. FELLOWS,
District Attorney.

0729

BOX:

353

FOLDER:

3327

DESCRIPTION:

Kerwin, John

DATE:

05/07/89



3327

POOR QUALITY
ORIGINAL

0730

Witnesses:

Counsel,

Filed

Pleads,

188

THE PEOPLE

vs.

John Herwin

Grand Larceny, 3rd Degree.
(From the Person.)
[Sections 528, 580 — Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edmund R. [Signature]

Foreman.

[Signature]

can attempt to [Signature]

2400 6 mos. 5. 75

July 11/89

**POOR QUALITY
ORIGINAL**

0731

The People
vs.
John Kerwin.

{ Court of General Sessions, Part I.
Before Recorder Smyth.

May 17, 1889.

Indictment for grand larceny in the first degree.

John H. O'Neill sworn and examined.

I am an officer of the 19th precinct police and was on duty April 22 at two o'clock in the morning, I saw the defendant and Henry Lowe, the complainant walking down Broadway together and then he stopped in the middle of the block between 36th and 37th Streets; his actions were peculiar to me, I was on the other side of the way and I started up and they walked down, I crossed over and when I got to 36th Street I walked down a few steps so that the building shaded me, I got to the corner and stood right around the corner where I could see the both of them, I was within about six feet of the Defendant, saw him put his hand into the complainant's pocket and take the watch and chain. I stepped up and then Mr. Lowe said, "give me that", and he took it out of his hand and then I arrested the prisoner. The watch and chain now shown me is the watch and chain I saw taken. It was in Mr. Lowe's vest pocket, I took them both to the Station House. I asked him if he knew this man the Defendant and he said no, I asked him if he ever saw him before and he said not before that day; the complainant made a complaint in the Station House against the Defendant for taking his watch. I believe the complainant is sick and unable to appear in Court to-day. When I arrested the Defendant and when the Complainant took the watch from

**POOR QUALITY
ORIGINAL**

0732

him, the Defendant said that was all right, that he was a friend of his, that he knew him and just took the watch for safe keeping; the complainant did not say anything just then but afterward he said he had not seen him before and did not know the man. The complainant was under the influence of liquor but he was sober enough to understand the questions that were put to him. The prisoner's pedigree was taken in the Station House and the complainant was entered on the blotter as being intoxicated.

Benjamin F. Low sworn and examined.

I have seen the watch now shown me before, it belongs to my son Henry Low, the complainant in this case, I have worn it from time to time, it cost eighty dollars and is worth I suppose sixty or seventy dollars; he has owned it for several years, about six or seven; I bought it for him of Mr. Benedict. I could not tell you whether my son is acquainted with Mr. McHugh, the employer of the prisoner.

John Kerwin sworn and examined in his own behalf;

I am an hostler and work on horses, I work for Patrick McHugh whose place of business is in 37th Street between 7th Avenue and Broadway, he is not in Court, he was here two days and he told me that it would not be anything, that I would be turned out, I mean discharged; I have never been arrested in my life before, I know Mr. Henry Low for the last two years, he has visited the man I work for for thenlast two years and seven months, I hitched up for him he keeps sale horses. I met Mr. Low Easter Sunday morning at nine o'clock on the corner of 37th Street and 7th Ave.

**POOR QUALITY
ORIGINAL**

0733

I came up from breakfast, he shook hands with me and asked me in to have a drink and asked me what time my boss would be around, I went to the stable with him, he asked me if Mr. McHugh was in? He keeps a liquor store on the corner besides. I told him it is likely he is in church now, he generally goes to nine o'clock church. We went up to the stable together, I said, "you may see him when he is coming out of church"; the people passed down from church and we did not see him. He said, "come down and have another drink"; so I went down with him and I left him there; he was very well under the influence of liquor then; when I was going home to dinner I dropped in again and he was pretty well under the influence of liquor, he was sitting in the back room, I asked him if he would come and have some dinner, this was about half past one on Sunday and he was in McHugh's liquor store corner of 37th St. and 7th Ave.; the store was not opened, I went through the hallway, I managed to get in; he came to dinner with me and he came back again, I left him, I did not see any more of him until that night about nine o'clock, I went in there again and he was there yet in the same liquor store. Mr. McHugh said to me, "I want to send you away with some horses in the morning and he said to Low and me, "let us go up to a restaurant on Broadway and we will have some supper." We went up together and Mr. Low declined when he went to the corner of 37th St. and 7th Ave. The three of us stood there and the officer might have seen us standing, this was after one o'clock, Mr. McHugh said to me, "you had better go and see him home." I did not think he was as drunk as he was, I went up to him and caught him by the arm and said, "I will see

**POOR QUALITY
ORIGINAL**

0734

you home"; he said he lived No. 29 West 26th Street and at the same time he wanted to see the time and his watch was hanging down out of his pocket. I said, "that is no way to be carrying your watch, hanging out like that." He said, "you keep it and give it to me in the morning." I said, all right, I will give it to you in Mr. McHugh's store." Just as I was speaking and had the watch in my hand which was fastened to Low's vest, the officer put his hand on my shoulder. The complainant did not grab the watch from me and say, "give it to me."

The Jury rendered a verdict of guilty of an attempt at grand larceny.

POOR QUALITY
ORIGINAL

0735

Testimony in the
case of
John Kerwin

filed May
1884.

POOR QUALITY
ORIGINAL

0736

To the Hon. Fred E. Smyth
Ma

Will the court furnish the
jury with the affidavit of the
complainant which
he made at the Police Court
or a transcript of the evidence
given by the complainant at the
Police Court.

Respectfully
the Jury

Pro For man

POOR QUALITY
ORIGINAL

0737

By Consent
of Dept. of Cal
Paper sent
to J. J. J. J.
Western Agents

POOR QUALITY
ORIGINAL

0738

Police Court— District—

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. 39 W. 26. Street, age 27 years,
occupation Lumber being duly sworn

deposes and says, that on the 22nd day of April 1887 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
of deponent, in the night time, the following property, viz:

One double case gold watch
with plated chain, together of
the value of ninety one dollars.

(~~\$~~ 91.00)

the property of Deponent.

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

from the fact that deponent is
informed by Officer John H.
O'Neil of the 19th Precinct
Police, that he the Officer saw
the said deponent feloniously
take steal and carry away
said watch and chain from
the person of deponent who was
under the influence of liquor,
at the hour of 2.20 o'clock A.M.
said date, at the Corner of Broadway
and 26th St.

Wherefore deponent prays the said
deponent may be held and dealt
with according to Law. Humphrey

Sworn to before me, this
24th day of April, 1887

John J. Kelly
Police Justice.

0739

Police Justice

POOR QUALITY
ORIGINAL

0740

Sec. 198, 200.

CITY AND COUNTY
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty
I took the watch and chain
to keep it safe for the
Complainant who was
drunk

John Kerwin

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

Ed. McQuillan
Police Justice.

POOR QUALITY
ORIGINAL

0741

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

Police Court---
District---

6/4

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward M. ...
39 West 26 St
John ...

Offence---

Dated April 22 1889

Magistrate

John H. ...
Officer

Prisoner

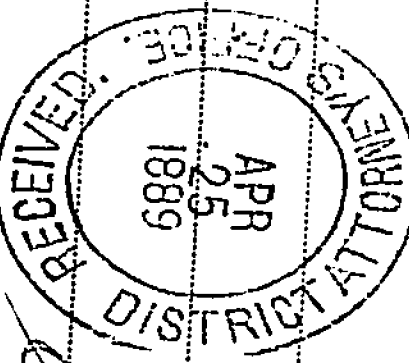
Witnesses

No. 1, by *John H. ...*
Street

No. 2, by _____
Street

No. 3, by _____
Street

No. 4, by _____
Street



COMMITTED.

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

Edward M. ...

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

Dated April 22 1889 *La ...* Police Justice.

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

Dated _____ 1889 _____ Police Justice.

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

Dated _____ 1889 _____ Police Justice.

POOR QUALITY
ORIGINAL

0742

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 Kerwin

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

John Kerwin
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said

John Kerwin

late of the City of New York, in the County of New York aforesaid, on the *twenty second*
day of *April* in the year of our Lord one thousand eight hundred and
eighty-*nine*, in the *night* - time of the said day, at the City and County
aforesaid, with force and arms,

*one watch of the
value of seventy-five dollars,
and one chain of the value
of sixteen dollars*

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

*John R. Fellows,
District Attorney.*

0743

BOX:

353

FOLDER:

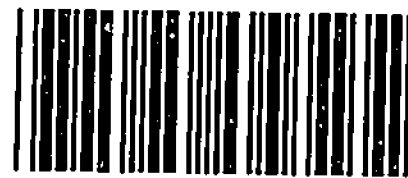
3327

DESCRIPTION:

Krumwiede, Herman

DATE:

05/09/89



3327

POOR QUALITY
ORIGINAL

0744

Witnesses:

Officer Young

Counsel,

Filed

Pleas,

day of May 1889

THE PEOPLE

vs.

VIOLATION OF EXCISE LAW.
(SELLING TO MINOR).
[III Rev. Stat. (7th Ed.) p. 1982, § 15.]

Herman Hennrich

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Complaint sent to the Court
of Special Sessions,

Part III, May 23, 1889.

POOR QUALITY
ORIGINAL

0745

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Herman Krumwiede

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

Herman Krumwiede

of a MISDEMEANOR, committed as follows:

The said

Herman Krumwiede

late of the City of New York, in the County of New York aforesaid, on the
second day of *May* in the year of our Lord

one thousand eight hundred and eighty-*nine*, at the City and County aforesaid,
certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury
aforesaid unknown, unlawfully did sell to one *Hellie Mc Luade*

who was then and there a minor under the age of fourteen years, to wit: of the age of

ten years, as *the* the said *Herman Krumwiede*

then and there well knew and had reason to believe; against the form of the statute in such
case made and provided, and against the peace of the People of the State of New York,
and their dignity.

JOHN R. FELLOWS,

District Attorney.