

0999

BOX:

300

FOLDER:

2861

DESCRIPTION:

McManus, Charles

DATE:

03/22/88



2861

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BOX:

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FOLDER:

2861

DESCRIPTION:

Hennon, Edward

DATE:

03/22/88



2861

1001

BOX:

300

FOLDER:

2861

DESCRIPTION:

Ryan, Edward

DATE:

03/22/88



2861

Witnesses:

Off. McCarthy
Wred. Minet

Counsel,

Filed *22* day of *March* 188*8*

Pleads, *Ariz. v. m*

THE PEOPLE
No. 14554
Charles McManis
No. 14554
Edward Hemmon
No. 150839
Edward Ryan

Burglary in the Third Degree
(Section 498, 506, 528, 551 and 550)

JOHN R. FELLOWS,

District Attorney.

No. 1. Sentence suspended,
§ 5283, House of Refuge, R.B.M.

A True Bill.

(Signed, Ariz.)

No. 1. Last III April 11 88
Sp. C. v. Peter Lavery

No. 2. 13
Port III April 20 88
Ariz. v. Peter Lavery

Ariz. v. Peter Lavery

Cont of Gen Sessions

The People

apt

Edward Ryan

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

100 EAST 23^d STREET,

New York, N.Y. 1908

CASE NO. 34116 OFFICER Barkley
DATE OF ARREST N.Y. 16

CHARGE Burglary & Gr. Larceny

AGE OF CHILD Fifteen yrs.

RELIGION Catholic

FATHER dead

MOTHER Anna

RESIDENCE N.Y. 408 W. 39-

AN INVESTIGATION BY THE SOCIETY SHOWS THAT The boy
has been accustomed to bad
associations, and has been
arrested previous to this time
for larceny, but case was
not prosecuted.

All which is respectfully submitted,

Wm. J. Henry
President

To The Dist Atty.

Court of Gen Sessions

The People

vs

Edmund Ryan

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

100 EAST 23^d STREET,

New York, N.Y. 19th 1888

CASE NO. *34116* OFFICER *Barkley*
DATE OF ARREST *Nov. 16*

CHARGE *Burglary & Gr. Larceny*

AGE OF CHILD *Fifteen yrs.*

RELIGION *Catholic*

FATHER *dead*

MOTHER *Anna*

RESIDENCE *N.Y. 408 W. 39th*

AN INVESTIGATION BY THE SOCIETY SHOWS THAT *the boy*
has been accustomed to bad
associations, and has been
arrested previous to this time
for larceny, but case was
not prosecuted.

All which is respectfully submitted,

Wm. J. Perry
Pres.

To The Dist Atty.

<hr/> <i>Court of General Sessions</i> <hr/>	
<i>The People</i>	<i>County</i> PENAL CODE, §
<i>apt</i>	
<i>Edward Ryan</i>	
<hr/>	
Report of the New York Society for the Prevention of Cruelty to Children.	
<hr/>	
ELBRIDGE T. GERRY, President, &c., 100 East 23d Street, New York City.	

<i>Court of General Sessions</i>	
<i>The People</i>	<i>Albion</i>
<i>apt</i>	PENAL CODE, ss
<i>Edward Ryan</i>	

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

ELBRIDGE T. GERRY,
President, &c.,
100 East 23d Street,
NEW YORK CITY.

Report of Gen. Sessions:

The People
apt
Edward Hermann

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

New York, March 19th 1888

CASE NO. 34116 OFFICER Backley
DATE OF ARREST March 16
CHARGE Burglary and Grand Larceny
AGE OF CHILD Fifteen years
RELIGION Protestant
FATHER Dead
MOTHER Annie Maggie
RESIDENCE No. 439 N. 15th

AN INVESTIGATION BY THE SOCIETY SHOWS THAT The boy
was arrested March 4, 87 for
larceny, and convicted in Court
of Special Sessions, and discharged
to his mother - Aug. 30, 87, arrested
for burglary, convicted in Court of
Gen. Sessions, sentenced to Protective
home which he escaped, and was
afterward arrested on suspicion of
larceny, and turned over to the
Protectory authorities, and again
made his escape.

All which is respectfully submitted,

Wm. J. Perry
Preside

To The Dist. atty.

Report of Gen. Sessions:

The People

vs

Edward Hermann

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

100 EAST 23d STREET,

New York, March 19 1888

CASE NO. 34116 OFFICER Barkley
DATE OF ARREST March 16
CHARGE Burglary and Grand Larceny
AGE OF CHILD Fifteen years
RELIGION Protestant
FATHER dead
MOTHER Annie Maggie
RESIDENCE No. 439 W. 154

AN INVESTIGATION BY THE SOCIETY SHOWS THAT The boy
was arrested March 4, 87 for
larceny, and convicted in Court
of Special Sessions, and discharged
to his mother - Aug. 30, 87, arrested
for burglary, convicted in Court of
Gen. Sessions, sentenced to Protective
home which he escaped, and was
afterward arrested on suspicion of
larceny, and turned over to the
Protectory authorities, and again
made his escape.

All which is respectfully submitted,

Wm. J. Perry
Preside

To the Dist. Atty.

*Court of
General Sessions*

*The People
vs.*

Edward Hermann

Blumenthal
PENAL CODE, §

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

ELBRIDGE T. CERRY,
President, &c.,
100 East 23d Street,
NEW YORK CITY.

*Court of
General Sessions*

the People

vs.

Edmond Herman

Blanchard
PENAL CODE, §

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

ELBRIDGE T. GERRY,
President, &c.,
100 East 23d Street,
NEW YORK CITY.

10 1 1

To Mr.

N. Y. Oct. 11th

Hon. Randolph B. Matteson

Dear Sir:

I write in reference
to Charles McManus remanded
for sentence under this act. I have
not the honor of a personal ac-
quaintance with you but your
brother knows me in a
responsible way and your friend
Mr. Conner of the Erie and
Warren Bank is also an old
friend of mine and I
am sure say that I would
ask only what was proper.

I am cousin to Charles Mc-
Manus' father's first wife and
have known his family intimately
for 7 years; have in fact
been consulted on all occasions;

and even in this matter, al-
though I do not appear for
the reason that my name is
connected with the case in any
way would not say all friends
of the family as to the Charles
McMurray in question and that
being more than by the
family. But I can say
that that I cannot believe
the boy guilty and think that
he must be in a stage of
loss or recollection of his recent
circumstances. But as it
may I have known him for
many years, since his infancy,
and his family intimately and
have heard nothing but the
good word. ~~in~~ ⁱⁿ ~~the~~ ^{the}
the only surviving son and the
brother of one only surviving
child's daughter, out of a very
large family and his mother

whose hostile and acrimonious
have been many, she having had
at one time a serious mental
disorder. ~~and~~ ^{and} I fear suffer
intensely by her child's
presence.
On the whole I deem this
a case wherein if your
 Honor suspends sentence
you will be doing what
you will regret and
I promise for that I may-
not shall take a special
interest in the boy and
do what I can to re-
sume his life and push
him on life.

In haste Respectfully
Francis M. Lamb
Ally T. C.
N. Muncy St.
Room 345 35, 36,
Cora,

10 13

Mr. You will perhaps remember
us seeing one shake hands
with the Duke Charles
McManis in 1900. The
other day & speaking earnestly
to Mr. Howe and may perhaps
have recognized me, as I am
not altogether unknown to
the latter's attorney, officer
Mr. Davis knowing me very
well. I meant to call on
you personally but cannot
early '09 so am here,
but that you were permitted
to note to take the place
of a call and consider
my appreciation just as
favorably
Respectfully
Yours

Charles McManis

The People

10 14

I certify that John
Boyle, 204 East 33rd
is under my care confined
to his room and that it
is and will be dangerous
for him to be out of doors
for 7 days

Chas. M. Mearns M.D.
146 East 56th

10 April 1888

10 15

Police Court—44 District.City and County } ss.:
of New York, }of No. 204 East 37th Street, aged 30 years,occupation Clerk being duly sworndeposes and says, that the premises No. 204 East 37th Street, 21st Wardin the City and County aforesaid the said being a five story brick tenementbuilding and which was occupied by deponent as a dwellingand in which there was at the time no human beings by namewere BURGLARIOUSLY entered by means of forcibly Opening the door
of the rear room on the 2^d floor of the above
numbered premises and entering therein
with intent to commit a felonyon the 9th day of March, 1886 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:One Over Coat, One Outaway Coat,
One Vest and One pair of pants
together of the value of Thirty
Dollars (\$30.00)the property of deponent

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

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

Charles McManus, Edward Hannon
and Edward Ryan (now here)for the reasons following, to wit: from the fact that at aboutOne O'clock PM of the above date deponentsaw the above described property in theaforesaid room and when deponent leftsaid room a few minutes after, he securelylocked said door and when he deponentagain returned to said room at aboutSix O'clock PM of said date he missedthe aforesaid property and found the door

10 16

Leading into said room. Dependent is informed by Frank Minet of No 475 Ninth Avenue that at about 4 o'clock PM of the above date he saw said defendant McManus enter the premises No 204 East 37th Street and also at the same time saw defendant Ryan standing in front of said premises No 204 East 37th St.

Dependent is further informed by Officer Dennis McCarty of the 21st Precinct that the said defendant McManus admitted and confessed that said Ryan took stole and carried away the aforesaid property and that each of said defendants together took said property and pawned it. Dependent has since seen the above described property in the pawnshop of one Lavery on 9th Avenue between 147th and 153rd Streets and has fully identified the same as his property. Wherefore dependent prays that each of said defendants be held to answer and be dealt with as the law directs.

Sworn to before me this 17 day of March 1888

John Boyle
Dated 1888
guilty of the offence within mentioned

There being no sufficient cause to believe the within named
Dated 1888
I have admitted the above named
to bail to answer by the undertaking hereto annexed.

Dated 1888
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
of the City of New York, until he give such bail.
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
committed, and that there is sufficient cause to believe the within named

Police Court, District, OFFENCE—BURGLARY.

THE PEOPLE, &c., on the complaint of

1. 2. 3. 4.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses.

No. Street.

No. Street.

No. Street.

\$ to answer General Sessions.

10 17

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank Minet
aged 18 years, occupation Messenger of No. 495 Minet Ave Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *John Boyle*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

Aug 17 183*8* *Frank Minet*

Wm. T. Tamm

Police Justice.

10 18

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 42 years, occupation Police Officer of No. 101

West Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of John Boyle

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

Sworn to before me, this

day of

188

McL } Dennis McCarthy

Wm. Thompson
Police Justice.

10 19

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Charles McManus 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.

Charles McManus

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

New York City

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

Answer.

No 34 West 38th St One year

Question. What is your business or profession?

Answer.

Pedlar

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

Answer.

I am guilty

Charles McManus

Taken before me this

14 day of

188

Police Justice.

1020

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

H District Police Court.

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

Question. What is your name?

Answer.

Edward Newman

Question. How old are you?

Answer.

15 years

Question. Where were you born?

Answer.

Quebec, N.Y.

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

Answer.

No 439 West 54th St. 8 months

Question. What is your business or profession?

Answer.

Pedlar

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

Answer.

I am guilty

Edward Newman
made

Taken before me this

188

Police Justice.

1021

Sec. 108, 200.

CITY AND COUNTY }
OF NEW YORK, } ss.

H District Police Court.

Edward Ryan

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 Ryan

Question. How old are you?

Answer.

15 years

Question. Where were you born?

Answer.

New York City

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

Answer.

N^o 408 West 39th St 5 1/2 years

Question. What is your business or profession?

Answer.

I work in a Paper Factory

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

Answer.

I am not guilty

Edward Ryan

Taken before me this *11* 17

day of

188*8*

Police Justice.

2221

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

It appearing to me by the within depositions and statements that the prime 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, well and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

176 v 179 244 438
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Boyle
204 E. 37
Chas. McNamee
Edward Herman
Edward Ryan

Offence

Dated 188

Magistrate.

Officer.

Precinct.

Witness Frank Minot

No. 475 - 9th Ave.

Street.

No. 100 E. 1st St.

Street.

No. 35 E. 100 St.

Street.

\$ 1000 each to answer

(C. Ryan)

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles McManus
Edward Stemon
Edward Ryan.

The Grand Jury of the City and County of New York, by this indictment, accuse *Charles McManus, Edward*

Stemon and Edward Ryan —

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

The said *Charles McManus, Edward*
Stemon and Edward Ryan, all

late of the *21st* Ward of the City of New York, in the County of New York
aforesaid, on the *ninth* day of *March*, in the year of our Lord one
thousand eight hundred and eighty-*eight*, with force and arms, in the
day time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *John Boyle.*

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

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

SECOND COUNT—

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

*Charles Mc Manus, Edward
Stannon and Edward Ryan*

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

The said *Charles Mc Manus,
Edward Stannon and Edward
Ryan, 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 *day —*
time of said day, with force and arms,

*one overcoat of the value of
sixteen dollars, one coat of the
value of twelve dollars, one vest
of the value of four dollars and
one pair of trousers of the
value of seven dollars,*

of the goods, chattels, and personal property of one *John Boyle.*

in the dwelling house of the said *John Boyle.*

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

THIRD COUNT.

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

*Charles Mc Mann, Edward
Hannon and Edward Ryan*
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :

The said *Charles Mc Mann,*
Edward Hannon and Edward
Ryan, all —

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

one overcoat of the value of
fifteen dollars, one coat of the
value of twelve dollars, one vest
of the value of four dollars,
and one pair of trousers of
the value of seven dollars. —

of the goods, chattels and personal property of *John Boyle. —*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen from the said *John Boyle. —*

unlawfully and unjustly, did feloniously receive and have ; (the said *Charles*
Mc Mann, Edward Hannon
and Edward Ryan —

then and there well knowing the said goods, chattels and personal property to have been
feloniously stolen), against the form of the Statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

1026

BOX:

300

FOLDER:

2861

DESCRIPTION:

McNamara, James

DATE:

03/16/88



2861

Witnesses:

27 Fresh
Off McCormick
Wm. Sheehan
J.P. McCann
J.P. O'Sullivan
Edw. Doyle 27
Jos Murray
109 E 85
Bondman for McCann
Augusta Revere
214 E 49
Patrick O'Brien
207 E 2nd Avenue
Gustavo Schuler
Common Office

Counsel,

Filed, 16 day of March 1888
Pleads, Not Guilty 161

THE PEOPLE,

Wm. Duffey

23 E 90
242 E 90
woodward

James McNamee

Section 189 - 193, Penal Code.

JOHN R. FELLOWS,

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

(Wm. Duffey)

Foreman.

Part III June 21, 1888

Tried & Convicted

Man charged in the 2^d deg.

S.P. 2 1/2 yds. 27.

1028

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of Coroner's Office
 No. 67 Park Row Street in the 4th Ward of the City of
 New York, in the County of New York, this 22nd day of November
 in the year of our Lord one thousand eight hundred and 87 before
 Ferdinand Edman Coroner,
 of the City and County aforesaid, on view of the Body of Henry Rever

lying dead at
 Upon the Oaths and Affirmations of
 Three good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
 Henry Rever came to his death, do
 upon their Oaths and Affirmations, say: That the said Henry Rever
 came to his death by

Shock from Fracture of the
 Base of the Skull, the result of a fall caused by a
 blow of the fist inflicted by James W. Namara
 at Corner 85th St and 3rd Ave on October 23/87
 about 12.15 A.M.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
 set our hands and seals, on the day and place aforesaid.

JURORS.

William Carlson 44 1st Street Christoph Johmann 715 7th St.
 William Connor 44 9th Jones St
 J. B. Petersen 734 7th Ave.
 Herman Swartz 290 E. Houston St
 Hans J. Ruge 827 Seventh Ave
 Henry Hahn 715 7th Ave
 John Miller 753 7th Ave H. J. Garner 806 9th Ave

Ferdinand Edman CORONER, N. Y.

Coroner's Office.

RECOGNIZANCE TO TESTIFY.

City and County of New York, ss:

Be it Remembered, that on the
Twenty Third day of *November* in the year of our
 Lord 18*87* *John Mc Cann*
 of No. *68 East 86th* Street, in the
 City of New York, and *Joseph Murray*
 of No. *109 E 85th St* in said city,
 personally came before me, one of the Coroners of said City and County and ac-
 knowledged themselves to owe to the People of the State of New York, that is to
 say, the said *John Mc Cann*
 the sum of *Ten* Hundred Dollars, and the said
Joseph Murray the sum of
Ten Hundred Dollars, separately, of good and lawful
 money of the State of New York, to be levied and made of their respective goods
 and chattels, lands and tenements, to the use of said People, if default be made in
 the condition following:

The condition of the above Recognizance is such, that if the above-
 named *John Mc Cann*
 shall personally be and appear at the next Court of General Sessions of the Peace,
 to be held in and for the said City and County of New York, to give evidence
 on behalf of said People against *James Mc Namara*
 who stands charged
 with *having caused the death of Henry Revers*
 as well to the Grand
 Jury of the said Court, as to the Petit Jury, and do not depart the said Court,
 without leave, then this recognizance to be void and of no effect, otherwise to remain
 in full force.

John P. McCann
Joseph Murray

Taken and acknowledged before me,
 the day and year first above written.

Isidore C. Adams
 CORONER.

1030

Coroner.

Edmund Bidman

day of November 1887

Sworn before me, this 23rd

City and County of New York, ss:
the within-named bail, being duly sworn, says, that he is a
holder in said city and county, and is worth
hundred dollars over and above the amount of all his debts and liabilities, and that his
property consists of

Real Estate at 109 & 85th
St. Joseph Murray

CORONER'S OFFICE, NEW YORK.

THE PEOPLE, &c.,
ON THE FINDING OF A CORONER'S JURY.

Recognizance to Testify.

John McEgan
vs. James McManus
indicted for
murder of Henry Raver

Taken the 23 day of November 1887

Edmund Bidman
Coroner.

Filed day of 188

Coroner's Office.

TESTIMONY.

Mrs Augusta Rever being sworn says: I reside at 214 E. 89th St. I am the widow of the deceased Henry Revers. I last saw him alive on Oct. 22/87 about 8 P.M. He was then in good health and color. I was informed the next day that he was dead. His body had been taken to his sister's house ^{141 E. 80th St} where I went and identified it.

Augusta^{her} Rever
mark.

Taken before me

this 22 day of November 1887

Ferdinand Sidman

CORONER.

Coroner's Office

TESTIMONY.

Officer Edward H. Doyle 27th Precinct being sworn says: I am a Special Officer, On October 23/87 at 2 am, the Capt, myself and partner were roused out of bed and told that a man had been killed at S.E. Cor 85th St and 3rd Ave. We went there and found that the body of the deceased Henry Reeve had been sent to the Station House. On investigating the matter I found that the deceased had been struck by James McNamara with his fist and knocked down fracturing his skull from the effects of which he died in about 15 minutes. I now charge the said James McNamara with having caused the death of the deceased Henry Reeve.

Edward H. Doyle

Taken before me

this 24 day of October 1887
Kerduand O. O'Connor

CORONER.

POOR QUALITY
ORIGINAL

1033

Wm. H. ...
Bristol ...
17th ...

Coroner's Office,

TESTIMONY.

2

Thomas Sheehan being sworn says:
I reside at 1370 - 3^d Ave. I am a
Park Laborer. On Oct. 22/87 about
11:30 PM I went into Mr Carnegy's Saloon
Cor. 85th St and 3^d Ave. I was in there
~~when~~ about 20 minutes when the
deceased & Mr Namara ^{came} in. One of them asked me to
have a drink, I believe it was
Mr Namara. I had a party of Lager
with him, I called for another drink
but the bar keeper said it was closing
up time & that we would have to get
out. The three left the Saloon by
the side door in 85th St & I went out
in about 5 or 6 seconds after them.
I saw Mr Namara strike the
deceased on the mouth with his
slut hand. The deceased fell
right over. I believe the back
of his head struck the curb stone.
He lay there for a few seconds & then
Mr Namara went & kicked him
somewhere near the right ear.
I never heard a word of quarrelling
between them. The three had been in the
Saloon about 10 minutes. The quarrel
took place soon after 12 of clock midnight.

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY.

Then after Wnamara kicked him
Wnamara & Wleane took hold of
the deceased and pulled him to a
stump near by. In the meantime
I had gone for a Policeman. Wleane
had nothing at all to do with striking
or kicking the deceased. I was sober
that night. The deceased & Wnamara
& Wleane appeared to be sober. They
seemed to be good friends before
this.

Thomas Sheehan

Taken before me

this 22 day of November 1887

Richard Pilsman CORONER.

Coroner's Office.

TESTIMONY.

4.

John P. Wolcott being sworn says: I reside at 68 E. 86th St. I am a professional Bull Player. I was with the deceased & the prisoner on the night in question. We went to have a glass of lager in McCarty's Saloon 85th St & 3rd Ave. Mr Sheehan was there & asked him to take a drink. This was bet. 11 & 12 PM. We had some lager together. We had some conversation about a black thorn ^{can} that Mr Sheehan had. Mr Sheehan said "Let's have another glass of lager!" The bartender said "No more, it's time to shut up." It was near 12 PM then. There were two young men standing at the further end of the bar & I spoke to one of them about a friend of mine who had Rheumatism. While I was speaking, the deceased and Mr Namara & Sheehan went out. When I went out and found the deceased lying on the walk, I did not see the prisoner hit the deceased in any way. I assisted to take the deceased to a stop. He was lying with his head to the curbstone. He was motionless. Mr Namara had been

Taken before me

this

day of

188

Frederick O. Seaman CORONER.

Coroner's Office.

TESTIMONY.

drinking but was not drunk. When I saw the deceased lying on the ground I asked what the matter was and got no answer. Revere was a friend of mine. I know him 12 or 15 years. I know the prisoner McNamara. There was no quarrel previous between the deceased & the prisoner that I know of.

John P. Mc Cann

Taken before me

this 22 day of November 1887

Frederick C. Adams CORONER.

Coroner's Office.

TESTIMONY.

6

Patrick O'Brien being sworn says:
I reside at 2074 - 2nd Ave, Am a
bar-tender for Mr Carney, I remember
the 3 men who came in on Oct
22/87 bet. 11 & 12. They had some
drinks for which they paid like
gentlemen, & went out. They had
no quarrel that I know of. To the
best of my belief I think they all
went out together. I know nothing of
the quarrel.

P. O'Brien

Taken before me

this 22 day of November 1887

Arduian O'Connell CORONER.

1039

TESTIMONY.

Gustav Scholer M. D., being duly sworn, says:
 I have made an Autopsy _____ of the body of
Henry Reyer now lying dead at
141 E. 80th Street and from such Autopsy
 and history of the case, as per testimony, I am of opinion the cause of
 death is Shock from fracture of base of
Skull

Gustav Scholer M. D.

Autopsy

Body well nourished Rigor mortis marked
 Age: 38 years United States Married Residence 214 E. 89th St.

Inspection: A lacerated Wound on the upper lip in
 the middle of the ~~right~~ ^{left} half. Laceration of the underlying
 alveola, ~~process~~, loosening of left canine tooth, ~~sub~~ ^{sub}apical
 Ecchymosis on the back of the head extending over the occiput.

Autopsy: Extravasion of blood under the scalp
 over the occipital region.
 Fracture of skull at the base extending from the
 sella turcica to the foramen magnum.
 Blood and Blood clots in the Cranium

Heart: normal.

Lungs: normal, pleuritic adhesions on the left side.

Liver: normal.

Spleen normal.

Kidney: normal

Brain { all the blood
 vessels especially
 at the base distended
 with blood coagulum.

Sworn to before me,

this 23 day of October 1887

Richard C. Edman

CORONER.

1040

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
38 Years — Months — Days	U. S.	141 E. 80 th Str N.W. corner of Lexington St.	Oct. 23. 1887

Decided was murdered
shown at the corner of
3rd Ave & 85th St. as
he was coming out of the
lower saloon.
Residence 214 E. 89th St.
Prisoner at West
29th Port.
Committee of Inquiry
Oct 24. 1887

F. E.

22. Oct 1887

No 245

A. H. Brown.

1887

AN INQUISTION

On the VIEW of the BODY of

Henry Reever

whereby it is found that he came to
his death by

Shock from fracture
of base of skull

Inquest taken on the day

of 1887 before

FERDINAND EIDMAN, Coroner.

245

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

James McNamee being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer—*James McNamee*

Question—How old are you?

Answer—*23 years.*

Question—Where were you born?

Answer—*New York City.*

Question—Where do you live?

Answer—*242 E. 90th St.*

Question—What is your occupation?

Answer—*Wood Moulder*

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

I have nothing to say at present.

James McNamee

Taken before me, this *22* day of *Nov.* 188*7*

Mordiana Gilman CORONER.

1042

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
38 Years. - Months. - Days.	U. O.	141 E. 80" St.	Oct. 23/87.

412 - 245 - 1887
HOMICIDE.
1969

AN INQUISITION

On the VIEW of the BODY of

Henry Haver

whereby it is found that he came to
his Death by the hands of

James McManara

Wm. J. H. H. H.

Onquest taken on the 22 day
of November 1887

Verdian and Edmund Coroner.

Committed
Obtained
Discharged
DISTRICT ATTORNEY'S OFFICE.
DEC 1 1887

Date of death October 23/87.

LEXINGTON IRON FOUNDRY.

OFFICE OF

GEO. H. TOOP,

Manufacturer of all kinds of

Light and Heavy Castings,

400 to 408 East 91st St. & 1st Ave.,

NEW YORK,

June 26th 1888

Hon R B Leving

City Judge &

I appeal to your
clemency on behalf of the
unfortunate James Mc Namara
I have known him for many years
but previous to this offense. never
knew of his doing wrong. his Brother
worked for me about 14 years, and
died of pneumonia while in my
employ. The family are very good
respectable people. I know that you
will do justice. but let justice
be tempered with mercy

Yours with very great respect

G. H. Toop

Hon. Judge Cowing

Sir:

As I have been appealed to, I take the liberty of writing to you to tell you all I know as to the good character of James, Mr. Namara accused of Manslaughter.

Although not personally acquainted with this unfortunate young man still, from the various reports (which I can't in reason doubt) as to his being the main support of his parents, who are, and always have been very respectable people, also being

a quiet inoffensive young man and not like the general run of young men who are sentenced for like offences.

Hoping you will consider how degrading it has been for his poor parents and that this sentence may bring out the good there is in this young man and not smother his better qualities which is often the case under similar circumstances.

Again wishing you may deal lightly with him and make his sentence as short as you can in justice.

I am
Yours respectfully
Terence Kieran
S. M. S.

N.Y. General Sessions

-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

The P E O P L E

against

James Mc Namara.

-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

We, the jurors, who were impannelled to try
the above named defendant for the crime of manslaughter,
and who convicted said defendant of manslaughter
in the second degree before Judge Cowing on
the 21st day of June 1888, do hereby recommend
to his Honor Judge Cowing that in view of the
defendant's previous good character, that he
be merciful to said defendant, and extend to him
all the clemency that in his judgment may seem
fit.

Dated June 22nd 1888.

Joseph H. Steele. *H. Schuman*
John H. Wheeler
Wm. H. Price
Henry Thomforde.
Louis Werner
Daniel W. Wittperma
Yellowes Davis
George W. Babin
J. H. H. H. H.

1047

Office of CROMBIE & MCKEAN,

REAL ESTATE,

NO. 1589 THIRD AVENUE, BETWEEN 89TH & 90TH STREETS,

RENTING AND COLLECTING A SPECIALTY.

New York, June 25th 1888.

Hon. Rufus B. Cowing -

My dear Judge -

I regret to have to
call upon you, but I feel it to be
my duty to say a word regarding James
McNamara, convicted of manslaughter in the
second degree. I have known him for
a long time and prior to his arrest, have
always understood him to be of good character.

Very truly yours

Geo. S. Crombie



New York June 22^d 1888.

Hon. Rufus W. Downing
City Judge.

Sir:-

I hereby take the liberty of pleading with your Honor, in behalf of an unfortunate acquaintance, who has just been convicted of the offence of manslaughter in the second degree and is now awaiting sentence before you. I allude to James Mc Namara, who stands convicted of the above named offence, by causing the death of ~~Henry~~ Revere. The facts are already known to your Honor, so that I will not trouble you by reiterating them, and only desire to state what I know, personally, of the character of my unfortunate acquaintance, in the hope of obtaining from your Honor, the minimum of punishment for the crime.

I have known Mc Namara, intimately, for more than fifteen years, and never, in that time have I known him to commit the slightest infraction of law. He has been an industrious, temperate, honest man, and has, during my

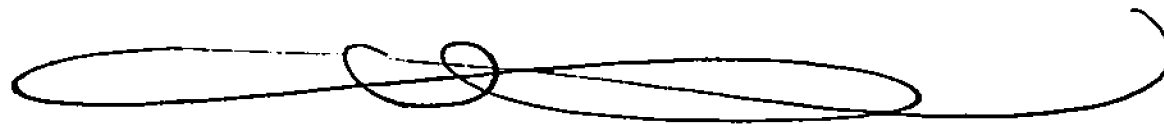
acquaintance with him.

From the man, if not, only support of his father, mother, and two sisters. He has been obliged, in order to do this, to work at his business, as a moulder, in Stern's moulding mill, and elsewhere, and the best proof that he has done so, is the fact that he has been employed, constantly, in the mill, for the past six years. No wicked or evil-disposed person would have one place for so long a time. An extremely long term of imprisonment would be greater punishment for his dependent family, than it would be for him, as he has been its only support. The young man is not viciously inclined, and has always been regarded, by myself and others who know him well, as of a peaceable, even mild disposition, and as the ends of justice will be fully answered by a short term of imprisonment, I respectfully entreat you, on behalf of the unfortunate young man, to take a merciful view of his case, and that his sentence may be as light as you know, in view of all the foregoing and other mitigating circumstances that might be related, may deem the ends of justice only may require.

Very respectfully

Redmond J. Barry

Alderman 22^d District.



New York City

June 26th 1888

To the Honorable Judge Cowan

The undersigned has been in a position for the past six years to know and observe James M. Namara now under Conviction for Manslaughter in the 2nd Degree. He has always been faithful honest and sober and punctual in attendance at his work and I have never known him to be under the influence of liquor while at his duties. I am led to believe that from some very severe provocation he was led into the unfortunate position he now occupies, as I have at all times found him a peaceful and thoroughly good natured young man.

I would respectfully ask that your Honor take this into consideration in passing sentence upon him using your good judgement in showing mercy where it seems to you how to be due.

Yours Very Respectfully
Thomas J. Robinson

June 22nd 1888

Hon Rufus B. Cowing
City Judge

Sir
I take the liberty of
addressing you to certify
to the good character of
James M. Namara, con-
victed before you on June 21
of manslaughter in the 2nd
degree. I was Captain of the
precinct in which he resided
& know the young man to be
peaceful & law-abiding.
For the sake of his family
who are honest & respectable
people & in consideration
of his previous good
character, I write this

turning it may have some
weight with you when
you are passing sentence
upon the jury's award
to make said sentence
as light as possible.

Yours truly, respectfully,

John Sanders
Captain 31st Regt

Very truly
yours

ESTABLISHED 1860.

Office of James Fay,
Plumber, Steam & Gas Fitter,
820 Third Ave., cor. 50th St.

New York, June 26th 1888

Hon. R. B. Lawing

Dear sir - I beg to call your attention to a case tried in General Sessions on last Wednesday and Thursday before you. It is the case of The People agt. James McNamee. He was convicted by the jury of manslaughter in the second degree.

Before passing sentence on him I would respectfully ask your indulgence to say of him that from my own knowledge and from all I have heard he was a hard working industrious young man and the main support of his old Father & Mother. His Mother is now and has been for long time house keeper of No. 242 E. 90th Street which house belongs to me and from that personal knowledge of the son and in fact the whole family I can speak in the highest terms. Trusting that in your official capacity you will deal mercifully with him. I am yours respectfully
James Fay

Grand Jury Room.

PEOPLE

vs.

W^o VamaraMrs Augusta
Reever94th St2^d House from
3rd Ave on
East side.

- - - - - x - - -
 :
 The People of the State of New York : Before
 : R. B. Cowing and
 against : Jury.
 :
 J A M E S M c N A M A R A . :
 :
 - - - - - x - - -

New York, June 20, 1888

For the people, Ass't. District At ty. Jerome.

For the defendant, Mr. William F. Howe.

THOMAS SHREEHAN, a witness for the people. I am employed in the Central Park in this city. I knew the deceased and I know the defendant James McNamara. I remember the night of the 22d of October last year. I saw the defendant and the deceased in a saloon at the corner of 85th street and Third Avenue. They came into the saloon together and called for a glass of beer. I drank with them and after a time they went out by the storm door. Those who went out were Henry Reeve, the deceased, McNamara, and McCann. After they had gone out I followed in about twenty seconds and at the storm door I saw the prisoner strike Henry Reeve and he fell right back, and the back of his head came right on the curbstone and he laid there and McNamara went up and kicked him around the head or neck.

Q When you came out through the storm door how were the two men standing relative to each other ? A Standing face to face.

Q You saw the defendant strike just as you came out ?

A Yes sir.

Q Did the deceased say anything after he was kicked ?

A No sir, he never spoke a word. McCann and McNamara lifted the deceased up and put him on a stoop and laid him down there. I went after a policeman. I told McNamara that it was a shame to kick the man that he was dead.

Q How did the men conduct themselves when they were in the saloon

A They were peaceable and drinking together; there were no hard words that I heard.

CROSS EXAMINATION.

Q They were all very friendly in the store ? A Yes sir, conversing together; I don't remember any angry word being spoken. The blow which the defendant struck Reeve hit him right in the mouth.

Q Then the deceased fell with his head on the curbstone ?

A Yes sir.

Q Couldn't the man have put his hand up to hit McNamara without your seeing it ? A Yes sir, he could.

Q You say that the defendant kicked him, how many times did he kick him ? A Once, around the ear. I would not like to swear that he kicked him in the head; it was around the neck or ear (witness describes the character of a kick)

JOHN McCANN? a witness for the people, testified:

I live at No. 45 East 84th street. I Knew the deceased and I know this defendan . I remembe on the 23d of October last being in the saloon at the corner of 85th st. and third avenue. I drank in there with Reeve, McNamara, and Mr. Sheehan. We we e standing around there convers - sticks ing about the black thorn and other things. Finally McNamara and Reeve went out. I went out shortly afterwards and I saw Henry Reeve lying on the sidewalk, Sheehan standing beside him, and McNamara standing a little way off. I asked what was the matter and McNamara said "He got hurt, I believe.

- Q The deceased was alive at that tie ? A I guess he was.
- Q Did he say anything. A No sir. He did not move.
- Q What was the condition of McNamara as to sobriety that night ? A I suppose you could tell he had been drinking.
- Q They were perfectly friendly together ? A Yes sir.
- Q You didn't see any blows struck ? A No sir.
- Q How long did you know Henry Reeve ? A For about 12 or 14 years. I have been friendly with both McNamara and Reeve.

CROSS EXAMINATION.

- Q. Sheehan swore that you left the store before he and that you went out with McNamara and the deceased ?
- A No sir, that isn't so. I went out the last one of the three.
- Q How many minutes elapsed after they went out before you

went out ? A Just about ahalf a minute. It was quite dark outside.

EDWARD H. DOYLE, a witness for the people testified:

I am an officer for police. I arrested the defendant on the 4th of October, 1887 at the corner of 84th st. and third avenue . Hewas intoxicated and I brought him to the station house and locked him up. On the way down to the coroner's office the defendant stated that he had been in Carney's saloon at 85th street and 3d avenue that Saturday night and had some words with the deceased in relation to his father and as they wee going out of the door the deceased slapped him in the face and he struck him back.

GEORGE DOPAN, I am an officer of police. I saw the defendant on the 23d of October, 1887 at the corner of 84th st. and 3d avenue but I did not have any conversation with him. I heard the conversation with my partner had with him. He said that this fellow accused him of stealing some money from his old man and slapped him in the face and that he slapped back. That

Q That is that McNamara accused ^{Re}Weaver of stealing money from his father ? A Yes sir.

AUGUST LUCAS, the undertaker, testified as to the burial of the body of Henry Reeve.

D E F E N C E .

JAMES McNAMARA, the defendant¹ testified.

I live at No. 242 East 90th street in this city.

Q Had you any intention of doing any injury to Henry Reeve
that night ? A No sir.

Q You have no animosity towards him ? A No sir.

Q You are quite sure that you did not kick him A I did not
kick him. We were all good friends inside of the saloon
and Reeve and I went out together and as we were going
through the storm door he said something about stealing
money and about his father and I told him it wasn't so and
he slapped me in the face and I struck him back.

Q Did y u kick him ? A No sir.

Q Weren't y u so drunk that you don't remember ? A No sir,
I was not. Then I walked down the avenue to 83d street
and rode down town as far as Grand street, then I came back
again. I have been employed by a name Speers in 124th st.
for a number of years.

CROSS EXAMINATION:

I am 23 years of age. I was arrested once for dis -
orderly conduct. I drank ten or twelve glasses of beer
on the night in question but I was not intoxicated .

Q How did you strike him ? A I hit him with my hand and he
fell down.

Q What conversation took place before he hit you ? A I passed this remark to him about taking money off my brother's father-in-law. This was on the way going out. Inside the storm door. It was just as we stepped out of the storm door that I struck him. He was pretty well drunk at that time and he fell down.

BRIDGET McNAMARA, testified to the good character of the defendant.

Officer Doyle recalled, testified that the character of the defendant was very bad when intoxicated. A man named Daniel O'Brien, a newsdealer, had complained to him about him.

DANIEL O'BRIEN, the person referred to above testified in contradiction of this statement and as to the defendant's good character.

THOMAS B. STEERS JAMES GORDON and ROBERT W. STAFFIELD, testified to the defendant's good character.

GEORGE REEVER, a witness called in rebuttal, testified that his brother was rather tall and thin and weighed in his judgment about 155 lbs. That he was a much lighter man than the defendant McNamara.

The jury found the prisoner guilty of manslaughter in the second degree.

INDICTMENT FILED March 16, 1888

COURT OF GENERAL SESSIONS,

Part III.

The People, etc.,

against

James McNamara.

ABSTRACT OF TESTIMONY ON TRIAL,

June 20, 1888.

1061

People
against
James McNameara.

Indictment

Indictment -

The count, Manslaughter.

Charges causing the death of Henry Reever
on October 23^d, 1887, by knocking him
down and kicking him. No weapon
or instrument used.

Statement
of
Facts.

Statement of Facts -

On the night of October 22^d, 1887, near 12 o'clock
Thomas Sheehan was in the saloon of a
Mr. Carney at the corner of 85th Street and 3rd
Ave. The deceased, Henry Reever, the defendant,
James McNameara and John P. McCarney,
who had met in the street, came in. The
four men drank together and talked amicably
for a few minutes. Another drink was pro-
posed but Patrick O'Brien, the bartender,
said it was closing time and they must
leave. There had been no quarrel and no
harsh words and on leaving they all
appeared friendly. There is some slight
disagreement among the witnesses as to the
order in which they left the saloon. McCarney
thinks he went out after the other three
and Sheehan thinks he was the last man
out. Sheehan says he went out 5 or 6 seconds

after the other three had gone out of the side door. When he got out he saw the defendant strike the deceased in the face with his fist. The deceased fell over on the sidewalk and the defendant then came to his side and kicked him in the region of the right ear. Sheehan says that so far as he could see the blow was entirely unprovoked and says that the deceased made no offer to strike defendant, and there did not appear to be any altercation between them.

Mr. Carr then came up and Sheehan went for an officer. While Sheehan was gone Mr. Carr and the defendant took the deceased to a stoop. The deceased then appeared to be dead. Mr. Carr asked the defendant what the matter was but he got no answer. The defendant and Mr. Carr then left before the arrival of Sheehan and the officer. At this time the defendant was not intoxicated. When they had left Sheehan and Officer Mr. Cornick came back up. They found the deceased dead. The officer rang up an ambulance and took the ~~dead~~ body to the Station House. Thereafter the body was removed to 80-141 East 80th Street and here an autopsy was made by Dr. Scholer. The opinion of the doctor was that the deceased had come to his

death from the blows inflicted by the defendant. The doctor thought that the fall and striking the back of the head was not the cause of death because the fracture was of such a nature that such a fall could hardly have occasioned it. It would seem rather from the doctor's testimony and from what he stated in the preparation of this case that the kick was the cause of death it having ruptured the fractured the skull at its base and dislocated or fractured the upper extremity of the spinal column. The coroner's jury found that deceased came to his death from "fracture of the base of the skull the result of a fall caused by a blow of the fist inflicted by James M. Lynam at corner of 85th Street and 3rd Ave. on October 23/87 at about 12.15 A.M."

(For motive see below under Officers Doyle and Doran.)

Witnesses -

Witnesses -

Thos. (1.)
Sheehan.

Thomas Sheehan, 1370 - 3rd Ave.

Generally in the case. Saw the whole affair.

John P. (2.)
McCann.

John P. McCann, 68 East 86th Street.

Saw deceased lying on the side walk and helped defendant place him on stoop while Sheehan went for an officer.

(?) (3.)
Patrick
O'Brien.

Patrick O'Brien - 2074 - 3^d Ave.

was the bartender. Saw the people leave the saloon and their conduct while inside. Don't think it necessary to call him unless something unforeseen turns up.

James (4.)
McCormick

James McCormick - Police Officer 27th Precinct -

was the officer Sheehan got and took the body of deceased to Station House in ambulance.

(8.) (5.)
Officer
Doyle.

Officer Doyle - 27th Precinct -

Arrested the defendant at 7 A.M. Oct. 23^d /87. Was drunk when arrested. On Oct. 24th on way to court defendant told officer that deceased had struck him in the mouth and then he had struck him back. Defendant did not appear to have been struck. Words used were "slapped him in the mouth." There was also something said by defendant as to some of the deceased's relatives having made a charge of theft against him, but the officer cannot be at all definite in respect to it.

(9.) (6.)

Officer Doran, 27th Precinct -

Heard defendant make statements to

(5.) (7.) George Rever - 141 East 80th Street.
Officer Doyle about the charge of theft.

was present at removal of body of
deceased from station house.

(6.) (8.) Levis Lucas - Undertaker - Between 74th + 75th Street
on 3rd Ave.

Can testify that autopsy was performed
at 141 East 80th Street on the body of
which ^{George Rever} ~~body~~ was brought there
from station house.

(7.) (9.) Dr. Scholer - 235 - 6th Ave.

Wade the autopsy at 141 E. 80th St.
the house of Mrs. Luash, deceased's
sister.

(?) (10) Mrs Augusta Rever - 214 East 89th Street.

The widow of the deceased. Ident-
-fied the body at 141 E. 80th Street as
that of the deceased her husband.
Can be used instead of George Rever
for the purpose of connecting the
body of the person killed with the
one on which autopsy was
performed. M^{rs} Cam knew the
deceased well for many years.

Memorandum

Memorandum

If the assistant who tries this case will see me I
can give some explanation of the medical testimony
that may be useful.

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

James McNamee,

McNamee

BRIEF OF FACTS.

For the District Attorney.

Dated March 26th 1888.

Wm. Traverser

Deputy Assistant.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Mc Namara

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

James Mc Namara
of the CRIME OF Manslaughter, —

committed as follows:

The said James Mc Namara,

late of the 12th Ward of the City of New York, in the County of New York aforesaid, on
the Twenty Third day of October, in the year of our Lord one
thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid,

with force and arms, in and upon one
Henry Rever, then and there being, unlawfully
and feloniously did make an assault,
and thus the said Henry Rever, with
the right hand of him the said James
Mc Namara then and there unlawfully
and feloniously did strike, beat and
wound; and the said James Mc Namara,
with his right hand aforesaid, then
the said Henry Rever, down into and
upon the ground there, with great
force and violence then and there
unlawfully and feloniously did push,
cast and throw, by reason and by
means of which pushing, casting
and throwing as aforesaid, the said
said Henry Rever then and there did

fell with great force and violence
 down into and upon the ground
 there; the said James McNamee,
 giving into him the said Henry
 Dever by the means aforesaid, in
 and upon the head of him the
 said Henry Dever, one mortal wound
 and fracture, of the length ~~and~~ ^{of} six
 inches and of the breadth of four
 inches, of which said mortal wound
 and fracture the said Henry
 Dever then and there died.

And so the Grand Jury do said
 do say: That the said James Mc-
 Namee, him the said Henry
 Dever, in manner and form and
 by the means aforesaid, willfully
 and feloniously did kill and slay,
 against the form of the Statute
 in such case made and provided,
 and against the peace of the People
 of the State of New York, and
 their dignity.

Randolph B. Martin,
 District Attorney

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Mc Namara

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

James Mc Namara
of the CRIME OF Manslaughter, —

committed as follows :

The said James Mc Namara, —

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on
the Twenty Third day of October, in the year of our Lord one
thousand eight hundred and eighty seven, at the Ward, City and County aforesaid,

with force and arms, in and upon one
Henry Reyer, then and there being, wilfully
and feloniously did make an assault,
and with the said Henry Reyer, with the
right hand of him the said James
Mc Namara, then and there wilfully
and feloniously did strike, beat and
wound ; and the said James Mc Namara
with his right hand aforesaid, him
the said Henry Reyer, down into and
upon the ground there, with great force
and violence then and there wilfully and
feloniously did push, cast and throw,
by reason and by means of which
pushing, casting and throwing as
aforesaid, the said Henry Reyer
did then and there fall with great
force and violence down into and upon
the ground there ; and the said James
Mc Namara, with both his hands
and feet, then and there, and whilst

The said Henry Revere was lying
and lying upon the ground there,
him the said Henry Revere, in
and upon his head neck and
body, with both hands and
divers times, with great force and
violence did strike, beat, kick,
punch and wound; giving unto
him the said Henry Revere, then
and there by the means aforesaid,
in and upon the head of him the
said Henry Revere one mortal wound
and fracture of the length of six
inches and of the breadth of four
inches, and in and upon the
neck of him the said Henry
Revere one other mortal wound and
fracture of the same dimensions,
of which said mortal wounds
and fractures he the said Henry
Revere then and there died.

And so the Grand Jury aforesaid
do say: That the said James Mc
Namara, him the said Henry Revere,
in manner and form and by
the means aforesaid, with both hands
feloniously did kill and slay;
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

1072

BOX:

300

FOLDER:

2861

DESCRIPTION:

Michard, Horace

DATE:

03/19/88



2861

Witnesses:

Off. Weston

sub ch bag
By means of
finger compass
got. small stamp
then date from
the bottom he
was embossed in

FD

No. 187

Counsel,

Filed

day of

19

1888

Pleads,

THE PEOPLE

vs.

P

Horace Richard

vs. Thompson

Grand Larceny Second degree
[Sections 528, 531, 532 Penal Code]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL

W. J. Stone

Foreman.

March 20th

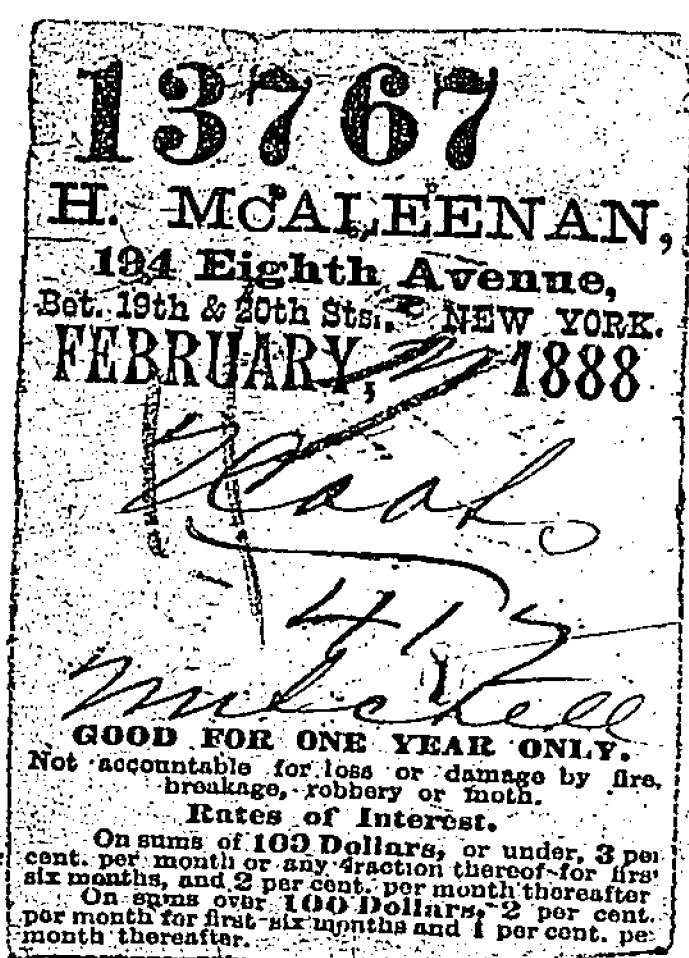
W. J. Stone

24th 9 Mrs. S. J.

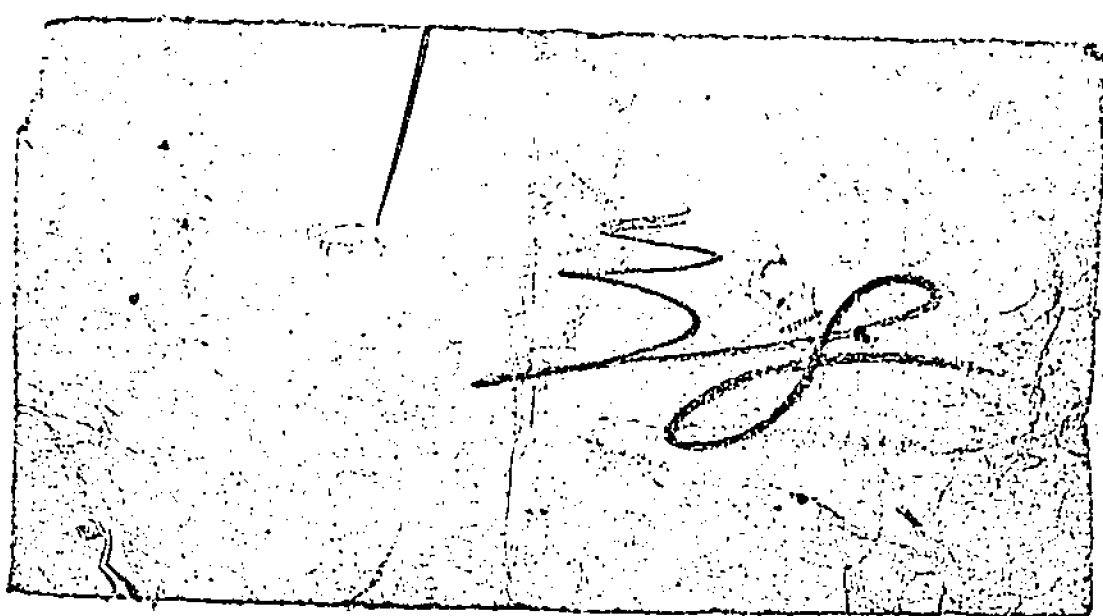
FD

1073

1074



1075



1076

Police Court—

2 District.

Affidavit—Larceny.

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

of No. 52 West 4th Street, aged 54 years,
 occupation Boarding house keeper being duly sworn
 deposes and says, that on the 20 day of February 1888 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 Overcoat. ~~Wine~~ and one cloth
jacket together of the value of
Sixty 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 Horace Richard (now here)
 from the fact that on said date
 deponent saw said defendant
 about the above premises and
 subsequently missed said
 property. Deponent has received
 a pawn ticket representing the said
 property, and the name of defendant
 appears on said ticket. Deponent is
 informed by Henry Mc Aleenan
 (now here) that the defendant is the
 person who pawned the said property
 with the said Mc Aleenan, and
 Deponent is informed by Detective
 Sergeant James E. Liston (now here)

Sworn to before me, this

14

day

of March 1888

John W. Smith
 Police Justice.

1077

that the defendant confessed to
driving, Linton, that he, defendant had
taken the said property and pawned
it, and sent the ticket to complainant.

J. Petrie

Sworn to before me this 14
day of March 1888

Other Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888
I have admitted the above named
to bail to answer by the undertaking hereunto annexed.
Dated 1888
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

1
2
3
4

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street.

No. Street.

No. Street.

\$ to answer Sessions.

1078

CITY AND COUNTY }
OF NEW YORK, } ss.

James E. Liston
aged _____ years, occupation Detective Ser't Police No. _____
8 Rue Moulgouster Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Jules Felix
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 14
day of March 1888 James E. Liston

A. J. White
Police Justice.

1079

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.*Horace Michael*

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

Question. What is your name?

Answer.

Horace Michael

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Canada

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

Answer.

219 Thompson St. 10 days

Question. What is your business or profession?

Answer.

Waiter

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

Answer.

I am guilty
Horace Michael

Taken before me this

14

day of

*March*188*8*

Police Justice.

00001

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.

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

Dated 188 Police Justice.

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

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

Police Court 420 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jules Felix
52 W. 75th St
Horace Richard

Offence

Dated March 14 188

White

Magistrate.

Officer.

Central Office

Witnesses

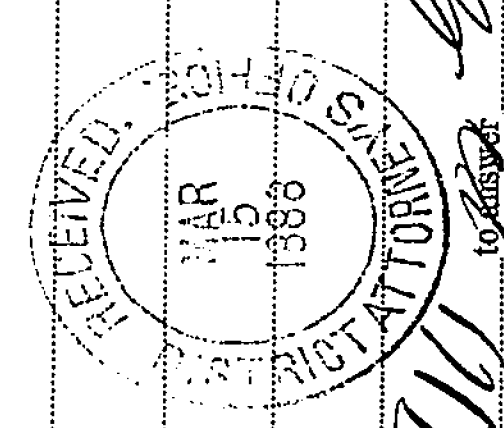
No. Street.

No. Street.

No. Street.

No. Street.

No. Street.



BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

No. 5, by

Residence

Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Horace Michard

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

Horace Michard

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

The said *Horace Michard*

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

One overcoat of the value of fifty-five dollars, and One jacket of the value of five dollars

of the goods, chattels and personal property of one

Jules Felix

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.

SECOND COUNT—

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

Horace Michard

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said Horace Michard

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,

One overcoat of the value of
fifty-five dollars, and
One jacket of the value of
five dollars

of the goods, chattels and personal property of one

Jules Felix

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

Jules Felix

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

Horace Michard

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.

1083

BOX:

300

FOLDER:

2861

DESCRIPTION:

Millinger, William

DATE:

03/06/88



2861

Since my previous endorsement of Nov. 21-1902, hereto annexed, the defendant has been discharged from the State Hospital at Matteawan as now seen by an order of Justice H. A. Gildersleeve dated March 1903.

He was brought down from the hospital on a writ of habeas corpus on Jan 2-1903. For a period of over 30 days during an adjournment of the writ the deft. was paroled in the custody of his brother, Samuel Millinger. I had enquiries made in the neighbourhood by a County Detective as to the deft's behavior, and there was no complaint.

Inasmuch as the deft. has been in the asylum for 14 years, and inasmuch as one of the Doctors (not both as stated in previous recommendation) testified that the deft. was insane at the time he committed the act charged herein, and inasmuch as

cont over

No. 10 p. 1

Counsel,
Filed
Pleads, *Conqually*
6 day of March 188

THE PEOPLE
vs.
William Millinger
Mar. 9/1903
on motion of Statute
Indictment
Dismissed
JOHN R. FELLOWS,
District Attorney.

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

Dec 11/1902
motion to discontinue
A TRUE BILL
Indictment
Thos. Kelly

Part III March 26/88 Foreman.
Inquisition taken as to the
mental condition of defendant
and he found to be
Now Insane.

Sent to the Asylum
State Asylum for insane
March 26/88

Witnesses:
C. Hart
J. R. Harrison

After an examination of witnesses in this case and giving due consideration to certificate of Dr. May, herein, there seems no doubt that defendant was not in his right mind when he committed the act charged. I would therefore recommend that the defendant be committed to some institution for the insane. I am not making any recommendation as to the

Henry Hartman
Deputy

March 26/88

Since my previous endorsement of Nov. 21-1902, hereto annexed, the defendant has been discharged from the State Hospital at Matteawan as now sane by an order of Justice H.A. Eldersleeve dated March 1903.

He was brought down from the hospital on a writ of habeas corpus on Jan 2-1903. For a period of over 30 days during an adjournment of the writ the deft. was paroled in the custody of his brother, Samuel Millinger. I had enquiries made in the neighbourhood by a County Detective as to the deft's behavior, and there was no complaint.

Inasmuch as the deft. has been in the asylum for 14 years, and inasmuch as one of the Doctors (not both as stated in previous recommendation) testified that the deft. was insane at the time he committed the act charged herein, and inasmuch as

[cont over]

No. 30 p. 1

Counsel,
Filed
Pleads,
day of March 188

THE PEOPLE
vs.
William Millinger
Mar. 9/1903
In motion of Dr. J. R. Feltow
Indictment
JOHN R. FELTOW,
District Attorney.

Dec 7/1901
Motion to dismiss indictment
A TRUE BILL
Wm. J. Kelly

Part II March 26 1888 Foreman.
Inquisition taken as to the mental condition of defendant and he found to be now insane.

Referred to the Hon. J. R. Feltow.
State Clerk for insane
March 26/88

Witnesses:
C. Hart
J. R. Feltow

After an examination of witnesses in this case and giving due consideration to the certificate of Dr. J. R. Feltow, there seems no doubt that defendant was not in his right mind when he committed the act charged. I would therefore recommend that he be committed to some institution for the insane. I am not making any recommendation against his release.

Henry Hartman
Deputy Sheriff

March 27th 1888

1086

<i>Dept of Commerce</i>	
	AGAINST
	EDWARD S. HULL, <i>Attorney for</i>
	32 BROADWAY, Borough of Manhattan, NEW YORK CITY.
	Due service of the within
	hereby admitted, this
	190 .
	<i>Attorney for</i>
	To
	<i>Attorney for</i>

SUB : Please take notice, that
of which the
within is a copy. was this day duly entered in
the office of the Clerk of this Court.

Dated, New York, 190
Yours, etc.,
EDWARD S. HULL,
Attorney for

To
Attorney for

32 BROADWAY,
Borough of Manhattan,
New York

COURT GENERAL SESSIONS,
COUNTY OF NEW YORK.

PEOPLE OF THE STATE OF NEW YORK

vs.

WILLIAM MILLINGER

M E M O R A N D U M

This is a motion to dismiss an indictment found against the defendant on March 20th, 1888. The defendant was found then to be insane; and by an order of this court dated the same day was committed to the Hudson River State Hospital Asylum, and thereafter transferred to Matawan State Insane Asylum, where he is now confined.

The crime with which he was charged consisted simply of his having fired a pistol shot in a cafe; by which no one was injured; and further, that he was on very friendly terms with the proprietor of the cafe, whose affidavit is handed up herewith, and who joins in the request for a dismissal of the indictment. It appears by this affidavit that there were only the friendliest feelings existing between the defendant and the inmates of the saloon, and that it apparently was the act of an unbalanced mind. The defendant has been confined for this trivial offence for the past fourteen years among the criminal insane. Prior to the time of his indictment in March, 1888, the defendant was a man of good standing in the community and was a letter-carrier in the United States postal service, and had never been charged with, indicted or convicted of any crime.

Samuel Millinger, the brother of the defendant, is desirous of doing whatever is for the best interest of the defendant. He believes that his brother is now sane. If this be so, he is desirous of having him dis-

charged. If not, then he is anxious to have him placed in some institution where he can at least have the care and attention of his family. In order to do either of these things it is first necessary that the indictment herein be dismissed.

It is submitted that the indictment should be dismissed for the following reasons. First, the defendant was insane at the time the act was committed. This is shown by the certificates of the doctors appointed by the District Attorney to examine him in March, 1888, which certificates are handed up herewith. It would, under these circumstances, be impossible to convict. Secondly, the defendant has been confined for so many years among the criminal insane that even if he were guilty he has paid the penalty a dozen times. Thirdly, if the defendant was insane at the time the act was committed, the defendant's brothers and sisters should not suffer the humiliation of having an indictment pending against a member of the family.

Section 671 of the Penal Code provides that the court may upon its own motion or upon the application of the District Attorney and in furtherance of justice order an indictment dismissed. The District Attorney has recommended that the indictment be dismissed.

A dismissal of the indictment would not operate as a discharge of the defendant from Matawan for the reason that the defendant is committed by an order of this court, which is a court of competent jurisdiction, the order providing that the said William Millinger be forthwith removed to the Hudson River State Hospital at Poughkeepsie; there to be safely kept and detained in said Asylum until

he be restored to a sound state of mind and understanding, and then to be returned to the City Prison of the City of New York. A copy of the order of commitment is herewith handed up. The dismissal of the indictment would not, therefore, act as a discharge, but the defendant would be still held under the order of this court. However, the defendant could then be released under section 74 of the Lunacy Law.

The defendant's family and counsel herewith further request the court acting as a magistrate to commit the defendant to Bellevue or Wards Island to examine into his mental condition, and there to be held to await the further order of this court or other court of competent jurisdiction.

In any event, the ends of justice require that this indictment be dismissed.

Respectfully submitted,

EDWARD S. HULL.

New York. March 13th 1878

Dear Sir.

I have examined W^m Mil-
liger now confined in the
City Prison. Have also inquired
into the particulars of his crime.
He attempted to shoot without any
cause, a man, with whom he had
been on friendly terms. He is suf-
fering from delusions. The main
delusion, is, that some one, or
many people are trying to poison
him. He is also in bad condition
physically. I believe he was insane
when he attempted to shoot Mr
Hart

Sincerely Yours.

To
J. E. Max M.D.
The Hon. John R. Fellows. 17. E 127th St.

1091

<i>Court of General Sessions of the Peace Borough of New York, People of the State of New York,</i>	AGAINST
<i>William C. Mullin, et al.</i>	
<i>Notice of Motion to Dismiss Indictment</i>	
<i>EDWARD S. HULL, Attorney for 32 BROADWAY, Borough of Manhattan. NEW YORK CITY.</i>	
<i>Dec 5 1902</i>	
<i>hereby admitted, this</i>	<i>day of</i>
<i>Attorney for</i>	<i>Attorney for</i>

Sir :
Please take notice, that
of which the
within is a copy. was this day duly entered in
the office of the Clerk of this Court.

Dated, New York, 100
Yours, etc.,
EDWARD S. HULL,
Attorney for
32 BROADWAY,
Borough of Manhattan,
New York

To
Attorney for

Fol.1

COURT OF GENERAL SESSION OF
THE PEACE, COUNTY OF NEW YORK

The people of the State
of New York,

-VS-

WILLIAM MILLINGER

Sir:

Please take notice that the defendant herein will
move this Court in Part 1 thereof on the day of
November 1902, at the opening of the Court or as soon
thereafter as counsel can be heard for an order dismissing
the indictment herein found against the defendant on the
6th day of March 1888 for assault, and for such other
and further relief as may be just.

Wald New York, Nov 1902

Yours truly,

EDWARD S. HULL,
Attorney for Defendant
Office and P.O. Address,
32 Broadway,
Borough of Manhattan,
New York City

" 3

To

Wm. Travers Jerome, Esq.,
District Attorney,
N.Y. City *County*

Fol.1

COURT OF GENERAL SESSION OF THE
PEACE, COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE
OF NEW YORK,

-VS-

WILLIAM MILLINGER.

CITY AND COUNTY OF NEW YORK :SS:

SAMUEL MILLINGER, being duly sworn, says that he
resides at No. 137 W. 90th St., in the City of New York,
Borough of Manhattan.

" 2

That he is the brother of the defendant William
Millinger, herein.

That on or about the 6th day of March 1888, said
defendant William Millinger, was indicted by the Grand
Jury of New York County, for assault in the first degree.

That on the 26th day of March 1888 before Mr.
Justice Henry A. Gildersleeve and the Jury, the said defen-
dant William Millinger was found to be than insane.

" 3

That by an order of this Court, duly entered on
the said 26th day of March 1888, said defendant William
Millinger was forthwith removed and committed to the
Hudson River State Hospital Asylum, at Poughkeepsie, N.Y.
There to be safely kept and maintained in said Asylum
until he be restored to a sound state of mind and under-
standing, and then to be returned to the City Prison of the
City of New York.

That thereafter said defendant was transferred and
removed to and is now confined under the order of this
Court, in the State Hospital for the insane at Matteawan,
New York State, as a person of unsound mind.

That the said defendant has never been brought to

Fol.4

trial on said indictment found against him aforesaid, nor has any judgment been rendered thereon other than the judgment declaring him of unsound mind.

That it appears from all the papers and proceedings herein, that the alleged assault, for which said defendant was indicted, consisted merely of his having fired a shot from a revolver, in a certain cafe, then situated on the S.E. corner of Houston Street and Broadway, in the City of New York.

" 5

That no one was personally injured by the firing of the shot, nor does it appear that there was any ill feeling which prompted said action, but on the contrary it was simply the act of an insane person.

That the certificates of Doctors Truax and Field and their testimony at the inquiry, as to defendants sanity, shows that said defendant was then insane.

That deponent has seen the defendant herein, recently and that said defendant has requested deponent to take some action to have his sanity tested.

" 6

That deponent is desirous on behalf of said defendant to have such inquiry made, and if the defendant be of sound mind to have him discharged, and if he be of unsound mind, that he be committed temporarily to Wards Island or Bellevue Hospital, there to await the further action of the court.

That deponent has been informed by the Superintendent and other employees of the Matteawan Insane Asylum, that said defendant William Millinger, has never been a violent or dangerous patient.

That in any event the defendant and deponent are desirous that he be committed, if of unsound mind, to an institution where he would be under the supervision and care, to some extent, of his family.

That to accomplish these results it is necessary

Fol 7

that the indictment herein be dismissed.

That said defendant William Millinger was for a long time prior to and up to the time of his indictment in the employ of the United States Post Office, in the City of New York, as a Letter Carrier. That prior to the time of his said indictment, the said defendant was a citizen of good repute and standing in this community and had never before been convicted, indicted or tried for any crime.

" 8

That said defendant has been confined under the order of this court in the Hudson River State Hospital Asylum, in the Matteawan State Hospital, among the criminal insane for over fourteen years.

That on Nov. 11th 1902, deponent received a letter from said defendant, written by him in his own hand, requesting deponent to take some action to effect his release. That said letter was very legibly and intelligently written.

" 9

That the indictment, proceedings in the Police Court, certificates of Doctors Truax and Field, and the testimony taken before Mr. Justice Gildersleeve and Jury, are herewith handed up and made to form a part of the moving papers herein.

Deponent therefore prays this court that the indictment herein be dismissed and that said William Millinger be temporarily transferred to Wards Island or Bellevue Hospital, pending an inquiry as to his sanity, or to await the further order of the Court.

SWORN TO BEFORE ME THIS

15th

DAY OF NOVEMBER 1902.

Samuel Millinger

...

R. L. Gildersleeve
Notary Public No. 256
Ch. 9, C.

Fol.4

Sworn to before me this :
14 day of November 1902. :

A. S. Ostrom
Notary Public
#24 NY CO

COURT OF GENERAL SESSIONS
Part 3.

The People of the State
of New York.

against

William Millinger.

Testimony as to the Insan-
ity of the Defendant. March
26th 1888.

*Indictment
filed March 6th, 1888.*

The People of the State of New York : Before
: Hon.H.A.Gilder -
against : sleeve and a Jury
:
William Millinger. :

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

Q You are a physician I believe ? A I am; yes, sir .

Q And for how long have you been a practicing physician ?

A I graduated in 1879.

Q And you are at present attached to one of the City Departments ? A Yes, sir; the Department of Charities and Correction.

Q Your special duty is, I believe, to examine into the san-

ity or insanity of people ? A Yes, sir; I am the Examiner of that Department.

Q You have seen this defendant before he came into Court ?

A Yes, sir; I have.

Q Whereabouts did you see him? A I saw him on the 21st, I think it was Wednesday, and again on Friday at the Tombs

Q For what purpose did you visit him there ? A As to his mental and physical condition.

Q Please tell the court and jury what you discovered on your examination? A I found the man to be very much depressed and very much confused; he was inclined to be very sullen and taciturn and it was with great difficulty that I could obtain much from him; but after a prolonged effort I did get out from him that for some time, from three to six months before this affair, he had had the idea that he was followed in the street by people who wanted to do him injury; that he heard voices of people talking about him and at times he saw those people in his room at night; that for three or four days he had not been at work and suffered a great deal all this time from headache and that he could not explain the deed that he had committed, but that this man, who was one of those persons whom he believed had been following him and whom he had seen following him in the street; his memory was very bad and confused and what he told me, well perhaps half of it would be correct and half incorrect.

I found out by further inquiries that it was incorrect

I then consulted with the keepers at the Tombs and with his friends and I went to the place of this shooting affair and also to Station A. where he had been employed and made enquiries; the simple result of that was to see if his past career coincided with what I found and it did.

Q In your opinion doctor, what is his present mental condition? A I think he is suffering from melancholia accompanied with delusions of persecution.

Q And do you believe, from your examination and your experience, that at this moment he is able to assist his counsel in the preparation and presentation of his defense? A I do not.

By Mr. Dawson:

Q Isn't every fact that you have stated susceptible of simulation? A No, sir; I don't think it is.

Q Explain which one is not? A Well, the total indifference in the man, the expression of his face, his circulation was feeble and his physical condition all tallied with that which he gave; the statement of the delusions and hallucinations might, of course, be studied and it was for that reason that I went around to find out his past life to see if they had tallied with this and to see if this manner was feigned?

Q Did you diagnose his general health? A Yes, sir.

Q Did you discover any relation of that to his disordered intellect? A Yes, sir; I think it did; his circu-

34

lation is poor, his pulse feeble and his digestion bad.

Q Is that uniformly general in cases of real insanity ?

A It is generally the case.

Q Do you consider his disease permanent ? A I don't think it is incurable; I think it is a chronic condition that will last some time.

Q Were you able to discover its origin ? A No, sir; I was not.

JOHN W. TRUAX, a witness called on behalf of the people, being duly sworn, testified as follows:

By Mr. House:

Q You are a physician I believe ? A Yes, sir.

Q How long have you been practicing as a physician ?

A Since 1872.

Q Are you at present attached to any of the City Departments ? A I am.

Q Will you please state in what capacity ? A I am attending physician at one of the hospitals.

Q Have you had any experience in examining people touching the question of mental disease ? A I have.

Q Have you seen the defendant before this day ? A I have seen him in the Tombs.

Q For what purpose did you visit him at the Tombs ? A To inquire into his mental condition.

Q You made how many examinations ? A I made one examination of him personally, extending over an hour and a

half for two hours.

Q Will you please state to the Court and Jury the result of that examination? A The result of that examination and the examination of others than himself in regard to his particular crime, was that I came to the conclusion that he was irresponsible and insane at the time he committed this offense, and that he is still suffering from delusions.

Q And you believe him to be, at the present time, insane? A Yes, sir.

Q Then is it your opinion as an expert and from examination which you have made that, at this time, he is of sufficient mental condition to aid and assist his counsel in the preparation and trial of the case? A Not at all.

By Mr. Dawson:

Q What are the character of his hallucinations? A He thinks people are trying to poison him; that is the main one I discovered.

Q Did you diagnose his general health? A His general health is very poor.

Q Could it have any relation whatever to his mental condition? A Well, of course, a person whose health is poor, it always affects the mind more or less.

Q Could his present condition of mind have been produced by anterior condition of health? A Well, I should say that I could not find any specific trouble that would cause this particular disease of the kind this man is suf-

fering from, and has been for some time; he has been in the habit of taking a great deal of medicine that he purchased himself and that has been prescribed by physicians; his diseases are imaginary, he imagines he has been poisoned and he is taking medicine to counteract the effect of those poisons.

Q Do you think his condition of mind could have anything to do with his condition of health? A Well, of course one always affects the other.

Q Is it not a bad sign, to see a lunatic in good health; I mean as to their probable recovery? A I have seen lunatics that have been insane for a long time whose physical condition was very good outside of the mental condition. but very frequently we find that there are other complaints as well as mental diseases.

Q What do you think about the prospect of the recovery of this man's health? A It is extremely doubtful.

Q You think it is a permanent case? A Yes, sir.

The Court then charged the Jury as follows:

Gentlemen of the Jury: The Code provides that a person cannot be tried and sentenced to any punishment or punished for a crime while in a state of idiocy, imbecility, lunacy, or insanity, so as to be incapable of understanding the proceedings and making his defense. From what these physicians have stated, if you are satisfied that the condition of this defendant's mind is such that

he is incapable of properly advising his counsel so as to make a defense to the charge for which he has been indicted, you will say by your verdict that you find the defendant insane. If you have any doubt about it, then you will say that you find him sane.

The Jury found the prisoner to be now insane.

115 East 48th St. New York, City
March 22/88

Hon John R. Fellows
District Attorney
Dear Sir.

In compliance with
your request I visited William Killinger
now confined in the City Prison charged
with assault and made a careful
examination of his physical & mental
condition. I also interviewed his brother
& his wife & went to P.O. Station "A" &
to the scene of the assault & made
inquiries.

The results of my examination & inquiries
force me to but one conclusion viz.
that Mr. Killinger is insane & irre-
sponsible. He is very much de-
pressed with hallucinations of
sight & hearing & delusions of
persecution.

Respectfully Submitted

Matthew D. Field (M.D.)

1107

Police Court—2 District.

City and County { ss.:
of New York,

Edward Hart

of No. 608 Broadway Street, aged 21 years,

occupation Barkeeper being duly sworn

deposes and says, that on the Second day of March 1888 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and BEATEN~~ by William

Mullinger (now here) who wilfully and

maliciously pointed armed and

discharged a pistol loaded

with powder and ball at

deponent—

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

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

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

Sam'l Clifford Police Justice.

1108

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William Mullinger*

Question. How old are you?

Answer. *31 years*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *311 East 80th St. 6 months*

Question. What is your business or profession?

Answer. *Letter Carrier.*

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

Answer. *I have nothing to say*
William Mullinger

Taken before me this

day of

March 1888

Samuel H. Murphy Police Justice.

POOR QUALITY ORIGINAL

11016

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated March 2 188 Police Justice.

Police Court 2 District. 343

THE PEOPLE, & C.,
ON THE COMPLAINT OF
Edward Hart
608 Broadway
Wm Willinger

Offence Assault

2
3
4

Dated March 2 188
Magistrate O. Reilly
Officer John Finley
Precinct 17

Witnesses Sams Cappabone
No. 116 Street Abatl
John Manning
No. 770 Street Broadway
John W. Quinn
No. 1585 Street Manhattan
John R. Samson to answer 21 20 58 11 St

Camillea
Dr J. J. Trice 17 6 127
Dr Pierce 2072 = 6 Ave

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

POOR QUALITY
ORIGINAL

1110

<i>Court of General Sessions of the Peace County of New York,</i>	
<i>People of the State of New York</i>	
AGAINST	<i>William Mulligan</i>
<i>order demanding indictment</i>	
EDWARD S. HULL, <i>Attorney for</i> <i>def.</i>	
32 BROADWAY, Borough of Manhattan, NEW YORK CITY.	
Due service of the within	is
hereby admitted, this	day of
190 .	
<i>Attorney for</i>	
<i>Filed, Mar 13/1903</i> <i>Attorney for</i>	

Sir :
Please take notice, that
of which the
within is a copy, was this day duly entered in
the office of the Clerk of this Court.
Dated, New York, 190
Yours, etc.,
EDWARD S. HULL,
Attorney for
32 BROADWAY,
Borough of Manhattan,
New York
Attorney for

Fol.1

(139) At a Special Term of the Court of
General Sessions of the Peace, held
in Part I thereof, in the Criminal
Court Building in the City and Coun-
ty of New York on the 13th day of
March, 1903.

PRESENT:

HON. RUFUS B. COWEN,

Justice.

----- x On indictment for
: THE PEOPLE OF THE STATE OF NEW YORK : the crime of assault
: :
: --vs.-- : in the first degree,
: :
: WILLIAM MILLINGER. : committed upon Ed-
: :
----- x ward Hart.

- "2. An indictment for the crime of felonious assault in the first degree committed upon one Edward Hart having been found against the above named defendant on the 6th day of March, 1888, and an inquisition having been had to test the defendant's sanity before trial, before Mr. Justice Henry A. Gildersleeve and a jury in this Court on the 26th day of March, 1888, and the defendant having been found to be then insane and an order of this Court to that effect having been duly entered on the said 26th day of March, 1888, committing said defendant to the Hudson River State Hospital to be there kept until sane and then to be returned to the City Prison of the City of New York, and an inquisition into the sanity of said defendant by writ of habeas corpus having been had before Mr. Justice Henry A. Gildersleeve, one of the Justices of the New York Supreme Court, at a Special Term held in Part II thereof, on the 23^d day of January, 1903, and the
- "3.

1112

"4. 2d day of March, 1903; and the said defendant having been found to be now sane, and an order to that effect having been duly entered in the office of the Clerk of the County of New York on the 9th day of March, 1903, and it further appearing that the District Attorney of the County of New York has not sufficient evidence to secure a conviction, and that fourteen years have elapsed since said indictment was found against said defendant;

NOW, on motion of William Travers Jerome, Esq., District Attorney of the County of New York, it is

ORDERED, That the indictment found on the 6th day of March, 1888, against the defendant, William Millinger, for the crime of felonious assault in the first degree, committed against one Edward Hart, be and the same is hereby dismissed.

Refus B. Cowing
City Judge

The defendant, William Millinger is at present confined in the Matteawan State Hospital, to which place he was transferred from the Hudson River State Hospital. His relatives wish the indictment dismissed in order that he may be placed in an asylum near New York. The indictment was found in March, 1888. The alleged assault was the shooting of a pistol in a barroom. No one was injured. The two doctors, Dr. Field and Dr. Truax, who investigated the case at the time reported that the defendant was insane at the time that the assault was committed. In view of all these circumstances I see no objection to the granting of an order dismissing the indictment, provided that the order further provides that the defendant be transferred to some other Hospital for the insane to be there detained until sane.
November 21st, 1902.

Henry G. Gray,
Dep. Asst. District Attorney.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Millinger

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

William Millinger

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

The said *William Millinger*

late of the City of New York, in the County of New York aforesaid, on the
second day of *March*, in the year of our Lord
one thousand eight hundred and eighty *eight*, with force and arms, at the City and County
aforesaid, in and upon the body of one *Edward Hart*,
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against *him* the said *Edward Hart*,
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said *William Millinger*,
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent *him* the said *Edward Hart*,
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

William Millinger

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

The said *William Millinger*

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 *Edward Hart*, in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and to, at and against *him* the said

Edward Hart

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,
which the said *William Millinger*

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 shoot off and discharge, 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.

1115

my own investigation has confirmed that view, I
recommend the dismissal of this indictment.
I was unable to find the complainant.

March 9-1903.

Henry G. Gray,

Dep. Ass. District Attorney

Approved: [Signature] 1/13.
J. W. Travels [Signature]
[Signature]

1116

BOX:

300

FOLDER:

2861

DESCRIPTION:

Mitchell, Charles

DATE:

03/23/88



2861

Witnesses:

John Arch
off Kelley

No. 291

Counsel,
Filed 23 day of March 1888
Pleads,

THE PEOPLE

vs.

R

Charles Mitchell

John
R. Fellows

JOHN R. FELLOWS,

District Attorney.

Burglary in the 2^d degree,
Stealing and
Carrying -
[Section 497498, 506, 528, 532, 533]

A True Bill.

(H. J. S. Moore)

Foreman.

March 23/88
Charles Henry Selig
2. H. S. Moore
H. J. S. Moore

1117

1118

Police Court— District.

City and County } ss.:
of New York,

of No. 228 *Amoy Street*, aged 26 years,
occupation *Watchmaker* being duly sworn

deposes and says, that the premises No. 228 *Amoy Street*, 10 Ward

in the City and County aforesaid the said being a *five story tenement*
house

and which was occupied by deponent *on the 1st floor as a jewelry*
shop and in which there was, at the time a human being, by name—

this deponent and others

were BURGLARIOUSLY entered by means of forcibly

making opening a rear window
of said premises leading into deponent's
apartment and work shop

on the 21 day of *March* 1888 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

one box of a watch. one movement
of a watch. and two pairs of eye glasses
to the value of six dollars

the property of *deponent*

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

Charles Mitchell (prosecutor)

for the reasons following, to wit: *that about the hour*

of one o'clock, deponent was
a wake, by his mother who
informed him that there was some
one in his shop. and deponent
on getting up and opening his
door leading into the hallway
he there found the deponent and on
grasping the deponent and the above
property was found in his possession
which deponent identifies as his
watch

deponent before me this 21st
day of March 1888

James D. Kelly
Police Justice

1119

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK } ss.

3 District Police Court.

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

Question. What is your name.

Answer.

Charles Mitchell

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

New York

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

Answer.

Hudson St 2 months

Question. What is your business or profession?

Answer.

Polisher

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

Answer.

I am not Guilty

Charles Mitchell

Taken before me this

day of *March*

188

Ed. J. Connelley Police Justice.

0211

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.

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

Dated 188 Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of \$1000 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.

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Charles Mitchell
1228 Chryste

Dated 188
Magistrate.
Officer.
Precinct.
Witnesses
No. Street.

RECEIVED.
MAR 22 1888
DISTRICT ATTORNEY
\$1500
COMMITTED

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

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Mitchell

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

— Charles Mitchell —

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

The said *Charles Mitchell*,

late of the *— South —* Ward of the City of New York, in the County of New York aforesaid, on the *— twenty first —* day of *— March —*, in the year of our Lord one thousand eight hundred and eighty-*eight*, with force and arms, about the hour of *one* o'clock in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *John Bradu.*

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

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

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away;

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

1122

SECOND COUNT—

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

Charles Mitchell —

of the CRIME OF *Robbery* LARCENY, —

committed as follows:

The said *Charles Mitchell*,

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 *month* time of the said day, with force and arms,

the moneys of a watch, of the value of two dollars, one watch movement of the value of two dollars, and two pairs of eye glasses of the value of one dollar each pair,

of the goods, chattels and personal property of one *John Bader*. —

in the dwelling house of the said *John Bader*. —

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.

1123

52nd COUNT.

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

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

The said Charles Mitchell

late of the 5th Ward of the City of New York, in the County of
New York, aforesaid, on the Twenty-first day of March, in the year of
our Lord one thousand eight hundred and eighty nineteen, with force and arms, at the Ward,
City and County aforesaid, a certain building there situate, to wit: the Store of one

John Bader,

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

John Bader,

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

1124

Fourth
~~SECOND~~ COUNT—

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

— Charles Mitchell —

of the CRIME OF *Petit* LARCENY,—

committed as follows:

The said *Charles Mitchell,*

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 moneys of a watch, of the value of two
dollars, one watch movement of the value
of two dollars, and two pairs of eye
glasses of the value of one dollar each
pair,*

of the goods, chattels and personal property of one *John Bradu,*—

in the *House* of the said *John Bradu,*—

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

~~THIRD~~ COUNT—

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

Charles Mitchell —

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

The said *Charles Mitchell*,

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 notes*

of a note . of the value of two dollars, one note movement of the value of two dollars, and two pairs of any boxes of the value of one dollar each pair.

of the goods, chattels and personal property of one *John B. B. B.* —

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

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

Charles Mitchell , —

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.