

0755

BOX:

417

FOLDER:

3858

DESCRIPTION:

Malone, Dennis

DATE:

11/26/90



3858

0756

BOX:

417

FOLDER:

3858

DESCRIPTION:

McFarlane, Henry

DATE:

11/26/90



3858

0757

Witnesses:

Counsel,

Filed

day of

1890

Pleads,

Not Guilty (28)

THE PEOPLE

vs.

Dennis Malone

CRIME AGAINST NATURE.

[Sec. 303, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

J. J. Benjamin
D. 10790 Foreman.
Fined & convicted
S.P. 5 yrs & 6 mo
R.B.M.

0758

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

Police Court, District.

James F. Gargan
of No. *20 1/2 Precinct Police* Street, being duly sworn, deposes and
says, that on the *13* day of *July* 1890

at the City of New York, in the County of New York.

Jenniss Malone & Henry M. Hurlane
(both now here) did unlawfully
and feloniously commit ~~the~~ *a* ~~deliberate~~
and ~~obnoxious~~ *obnoxious* Crime against
Nature, in violation of Section
303 of the Penal Code of the State
of New York.

From the fact that at
or about the hour of 10 P.M. on
said date, deponent saw the
said *Malone & M. Hurlane* in
West 117th Street near 7th Avenue
that the said *Malone* saw the
 penis of the said *M. Hurlane* in
his mouth and that the said
M. Hurlane voluntarily submitted
to the act of the said *Malone*
deponent. Therefore charges that
the said *Malone & M. Hurlane*
have carnal knowledge of each other
contrary to nature and in violation
of Law.

I swear before me } *J. F. Gargan*,
This 14th day of July, 1890

M. M. M.
Police Justice

0759

Sec. 198-200.

✓ District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Dennis Malone

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

Question. What is your name?

Answer. *Dennis Malone*

Question. How old are you?

Answer. *35 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *125 St 410 Room 35 Years.*

Question. What is your business or profession?

Answer. *Labourer.*

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

Answer. *I am not guilty -*
Dennis Malone

Taken before me this

1st

day of

188

Police Justice.

0760

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I have nothing to say.
Henry M. Furman

Taken before me this

day of

14
May 1886
Police Justice.

0761

Handwritten notes:
I recommend the discharge of the defendant on his own recognizance. He can be located by his family and friends. He is a respectable man and has no previous record.
July 15, 1890.
Residence: _____ Street.
No. 4, by _____
Residence: _____ Street.
No. 3, by _____
Residence: _____ Street.
No. 2, by _____
Residence: _____ Street.

Police Court... District...
THE PEOPLE, &c.,
vs. *James McLeod*
Defendant.
Dated July 14, 1890.
Magistrate: *James McLeod*
Offense: *Sum against Nature*
Witnesses: *William H. Hall*
No. 235, Street.
No. 24, Street.
No. 24, Street.
No. 24, Street.
No. 24, Street.
No. 24, Street.

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

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

Dated, *July 14* 1890 *W. H. Hall* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

82

The People
 Dennis Malone } Court of General Sessions. Part I
 Indictment for crime against nature. } Before Judge Martine: Dec. 10. 1890

Patrick J. Gargan, sworn and examined, testified. I belong to the 30th precinct, and on the 13th of July I arrested the defendants in 117th street between Lenox and Seventh Avenue about ten o'clock at night. I saw a man and woman going through 117th street. I was on 116th st., there are vacant lots there. I heard a woman make some little outcry. I ran across the vacant lots towards 117th st., I saw the man (not the defendant) have hold of her up against this fence. At that time this defendant and a man named McFarland came along on the north side of 117th st. from Lenox Avenue towards where this man and woman were. At that time when they got there the man and woman walked away towards Lenox Ave., passed the defendant and McFarland. When they moved away the defendant caught hold of McFarland. I was on the opposite side of the street. I was concealed below the embankment, the street is raised probably about eight or ten feet above the level of the lot. I went over there I saw the witness

Hall was in the lot when I got there, and we stood together and looked across the place even with the sidewalk at the action of these two men. I saw this defendant take the other's (McFarland's) private part in his mouth. I waited till he let go of it. I went across the street. I was there three or four minutes. McFarland was urinating. I asked them what they were doing. The defendant said, "nothing." McFarland made an explanation he did not think it was any harm. McFarland said that the defendant met him in the Park; he (McFarland) was sitting on a bench and he (Malone) came and sat alongside of him. Malone spoke to him and put his hand over and felt him, and he felt like doing that, and instead of doing it there, they moved away - they thought it was unsafe; they came out of the Park and came up Lenox Avenue; they came out of Central Park. McFarland was standing; his back was not to the fence, his side was to the fence. Malone got down on his knees and took the man's private person in his mouth and

Kept it in for some time. McFarland stated to me at that time that he (the defendant) wanted to do it with him again. McFarland made the same statement in the presence of the defendant in Court. Judge Helde asked Malone what he had to say? He had not any thing to say, only it was not as bad as I told. The Judge asked McFarland what he had to say, and he said he was sorry, he did not think it was any offence. Mr. H. Hall was a witness of the occurrence; he told me he was an engineer on the Elevated Road; he gave his address as Eighth Avenue and 126th St. I don't know whether he lived there or not. I learned from the subpoena server this morning that he went to Long Island.

Cross Examined. Mr. Hall and I were the full width of the street and sidewalk away from him when the act was committed. I was where the fence was. There are no lamps on that block. I had never seen the defendant before to my knowledge. It was not a very dark night, but it was damp; it was not raining; it was a little cloudy and

misty. There were no houses on either side of the street, only one shanty. If I had seen him a distance of sixty feet with no lights around I could not distinguish his face very readily if he went away. I could tell from that distance whether a man had whiskers or a smooth face because there was a light between where I was and the other side on 118th street. Malone has never confessed to me that he was guilty of the act charged. I saw him stoop over and I saw him rise again to his feet. McFarland was urinating when I put my hand on him. I saw his person exposed when the defendant had hold of him, and when he got up I saw his person exposed. At the time I was looking over the fence McFarland had his back towards Seventh ave. and Malone had his back towards Lenox Avenue; they were standing sideways toward me. McFarland had an overcoat on and it was a little bit open. I could not say positively that the coat was double breasted; it did not hide the whole proceeding. I did not see McFarland unbutton his pants

but I saw him button them after urinating
 I could see distinctly what happened.
 The men were between me and the
 light. M^cFarland told me that the
 man had connection with him in
 the way I have told, and that he did
 not think it was any harm. He told
 me how he first met the defendant
 in Central Park, that he belonged in
 Albany, N. Y. that he was a cutter
 by trade, that he was sitting on a
 bench in Central Park and belonged
 in Albany, N. Y. that he was a cutter
 by trade, and the defendant came
 along and sat on a bench beside
 him and got talking with him, and
 then put his hands on him in front
 of him and caught him in that
 excited way. That he should do that.
 He said he never had done it
 before but often heard of it, and so
 on, and he walked with him at
 this man's advice to 114th st.
 and there he said he felt of him
 again and got him feeling like it,
 and then he got down. Those
 were his words also to Judge Welle.
 The defendant did not have anything

to say; he stood quite still, all nervous and commenced to spit out, he could not talk. I turned him over to Mr. Hall, who was looking on the performance the same as I was. I told him to assist me in making the arrest. He took Malone to the station house ahead of me a short distance and I walked with Mr. Farland.

Dennis Malone, sworn and examined in his own behalf testified. I am a laborer on buildings. I have been in the Tomb five months. I took a walk after my supper and I went as far as Third Avenue. I had a glass of soda water and from there went to the Park and sat down on the bench in Mount Morris Park. I saw the young man (Mr. Farland) there. I sat on one end and he was on the other. I took out my pipe and asked him for a match. I had no matches and he handed me a match. We sat there I guess half an hour. I then made the remark that it was time to go home, and I came outside the Park on 120th street. That was my way home. He said he was going as far as the Elevated, and if I had no objection that he

would go that far. I said, "I aint." He walked along and went down Lenox Ave. to the street that the officer says, and we were going through the street; we stayed there to make water. There was a girl and a fellow standing there on one side, and it seems seen the officer inside and they walked away. In the mean time after making our water we walked on. The officer came out and says, "Hold on there." I says, "In what?" He says, "Come along." I said, no more only to go along with the officer. So that is my statement of the whole thing. I did not do the act charged against me here. I have never been arrested in my life and always worked hard for an honest living. I had no money to employ a lawyer to defend me. I worked for Cowing a builder and for Isaac Hopper, carrying the hod. I have lived in New York all my life and was born here.

Cross Examined. I guess it was in the neighborhood of ten o'clock at night when I left Mount Morris Park. My home is 125th St. and ~~125th~~ ^{125th} Avenue, the 120th street gate was the nearest gate for me to go out by.

and that is the reason I went that way. I meant to cross over St. Nicholas Avenue and go home that way. I don't know why I went that way. I heard the officer's statement here today as to what Mr. Farland said in my presence. I did not say any such thing, and Mr. Farland did not say any such thing. That the officer said about that is not true. I heard what the officer said happened in the Police Court before Mr. Justice Helde but it is not so. I did not hear Mr. Farland speak a word there. I heard the officer say he did, but he is wrong. I say it never happened. The officer took Mr. Farland before the Clerk to make his complaint against me; they were a couple of feet away. There was quite a number of people there. I did not hear anything Mr. Farland said to the officer. He might have had a conversation for all I know and Mr. Farland might have told the officer all he said he did and I not know it. The witness Hall, who is not here today, was also at the Police Court. I heard the officer say that Mr. Farland said I had done this thing to him and he thought it was no harm.

but I did not hear M^r Garland say anything at all to the officer. There was a lady came to me in the Tombs, but she did not promise me employment.

The jury rendered a verdict of guilty. The defendant was sentenced to the State prison for five years and five months.

0771

Testimony in the
case of
Dennis Malone
filed Nov.
1890.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry McFarlane

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

indictment, accuse *Henry McFarlane*

of the CRIME AGAINST NATURE, committed as follows:

The said *Henry McFarlane*,

late of the City of New York, in the County of New York aforesaid, on the

thirteenth day of *July*, in the year of our Lord one thousand
eight hundred and ninety — , at the City and County aforesaid,

with force and arms, in and upon one *Dennis Malone*;

a male person, then and there being, feloniously did make an assault, and

him, the said *Dennis Malone*, in a manner
contrary to nature, then and there feloniously did carnally know; against the form of
the Statute in such case made and provided, and against the peace of the People of
the State of New York, and their dignity.

0773

SECOND COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment further

accuse the said *Henry McSadane*

of the same CRIME AGAINST NATURE, committed as follows:

The said *Henry McSadane*,

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did voluntarily submit to carnal knowledge of himself by one *Dennis Malone*, a male person, in a manner contrary to nature; 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.

0774

Let a Bench warrant
open
Nov 28/90 *EH*
Witnesses:

Counsel,

Filed *26* day of *Nov* 189*0*

Pleads,

THE PEOPLE

vs.

Henry McFarlane

CRIME AGAINST NATURE.

[Sec. 303, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Foreman.

J. W. Baughman

0775

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Dennis Malone

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

indictment, accuse *Dennis Malone*

of the CRIME AGAINST NATURE, committed as follows :

The said *Dennis Malone*,

late of the City of New York, in the County of New York aforesaid, on the

thirteenth day of *July*, in the year of our Lord one thousand
eight hundred and ninety ———, at the City and County aforesaid,

with force and arms, in and upon one *Henry McFarlane*,
a male person, then and there being, feloniously did make an assault, and

and the said *Henry McFarlane*, in a manner
contrary to nature, then and there feloniously did carnally know; against the form of
the Statute in such case made and provided, and against the peace of the People of
the State of New York, and their dignity.

SECOND COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment further

accuse the said *Dennis Malone*—

of the same CRIME AGAINST NATURE, committed as follows:

The said *Dennis Malone*,—

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did voluntarily submit to carnal knowledge of himself by one *Henry McFarlane*, a male person, in a manner contrary to nature; 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.

0777

BOX:

417

FOLDER:

3858

DESCRIPTION:

Marron, Michael

DATE:

11/21/90



3858

0778

Witnesses :

Counsel,

Filed

21

day of

Nov 1890

Pleads,

THE PEOPLE

vs.

Michael Marron

Burglary in the THIRD DEGREE
Michael Marron
(Section 498, 506, 507, 531)

27th Nov 1899

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

John J. Harrigan
Nov 24/90
Plead'd Guilty
27th Nov 1899

Police Court— 5 District.

City and County } ss.:
of New York,

of No. 1927 2nd Avenue Street, aged 33 years,

occupation Saloon Keeper being duly sworn

deposes and says, that the premises No. 1927 2nd Avenue Ward

in the City and County aforesaid the said being a five story brick

house in part and which was occupied by deponent as a liquor saloon

and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking a

pane of glass in the window leading

from the rear yard into said saloon then

putting their hands in and pulling back

the catch and raising the window

on the 5th day of November 1890 in the night time, and the

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

Seven + 75¢ worth of beer in good and

lawful money of the United States. one

keg of Lager beer. two coils of pipe

one box of cigars four bottles of whiskey

two gallons of blackberry brandy one

wrench all of the value of twenty five

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

Michael Maran (now here) Mc Hogan

and an unknown man not yet arrested.

for the reasons following, to wit: that- at the hour of 10

O'clock P. M. November 4th 1890 said

saloon was closed and the doors and

windows securely locked. and at about

the hour of 1.30 O'clock A. M. Nov 5th

Deponent came along and discovered the

deponent standing in front of said

saloon near the hall door and also saw

the said Hogan and the said unknown man

Not get arrested in said saloon. Depnmt. tapped on the window when the said Hogan and said unknown man ran out and made their escape. This defendant then said to depnmt. that he would turn state evidence and if depnmt. would say nothing about the burglary he would get depnmt. the property back.

Depnmt. then examined his saloon and discerned that it had been entered as aforesaid and that said property had been taken therefrom.

Wherefore depnmt. charges this defendant and the said Hogan and the said unknown man not get arrested with being together and acting in concert with each other. and burglarious intent, said premises as aforesaid and feloniously taking stealing and carrying away said property.

Sworn to before me } Edward Eberly
this 10th day of Nov 1890 }

Dated 1888 Police Justice. *Edw. Eberly*

I have admitted the above named guilty of the offence within mentioned, I order he to be discharged.

Dated 1888 Police Justice. *Edw. Eberly*

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

Dated 1888 Police Justice.

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

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, District, Office—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.

0781

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Michael Maran

Question. How old are you?

Answer.

26 years old

Question. Where were you born?

Answer.

New York

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

Answer.

225 E. 99th St. 2 years

Question. What is your business or profession?

Answer.

Curtain

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

Michael Maran

day of

Taken before me this

189

Police Justice.

0782

CITY AND COUNTY }
OF NEW YORK, } ss.

POLICE COURT, 3 DISTRICT.

George A. Doran

of No. 24th Precinct Police Street, aged _____ years,
occupation Police Officer being duly sworn deposes and says
that on the 6th day of November 1898

at the City of New York, in the County of New York, Depnent arrested
 Michael Madden (now held
 on suspicion of having committed
 a burglary on the premises no
 1927. 2-Avenue in company with
 two other men.
 Depnent further says that he has
 not yet apprehended the other two
 men and has not the necessary
 evidence now in court to make a
 complaint against this defendant.
 Depnent therefore prays that this

Subscribed and sworn to before me this 6th day of November 1898

Police Justice

0783

315
Police Court, 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.
Michael Madden

AFFIDAVIT.

Bringing

Dated Nov 8 1880
Meade Magistrate.

Officer.

Witness,

Disposition,

1000. \$4 Nov 10 - 2.50

defendant. he held a reasonable time
to enable defendant to secure further
evidence and meet the other two
defendants.
Sum to before me) James A. Downes.
this 8th day of Nov 1880)
J. W. Meade
J. W. Meade
J. W. Meade

0784

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

Police Court _____ District _____
5-1900

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Edman Develly
Michael Mannan
1 _____
2 _____
3 _____
4 _____
Offense *Burglary*

Dated *Nov 10* 189 *0*

Prucade Magistrate.
Ego & Mann Officer.

Witnesses
Ego & Mann Precinct
No. *27* Street *Pack-Pack*

No. _____ Street _____
No. _____ Street _____
\$ *1,000* to answer
RECEIVED
NOV 13 1890
CLERK'S OFFICE

Edman

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

Dated, *Nov 10* 189 *0* *Edmond* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Michael Marron

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

Michael Marron

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

The said

Michael Marron

late of the *Twelfth* Ward of the City of New York, in the County of New York aforesaid, on the *fifth* day of *November* in the year of our Lord one thousand eight hundred and eighty *ninety*, with force and arms, in the *night* - time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *saloon of one Edward Eberly*

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 *Edward Eberly*, in the ~~said~~ *said saloon* 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

Michael Marron

of the CRIME OF *Petit* LARCENY _____, committed as follows:

The said *Michael Marron*

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

the sum of seven dollars and seventy-five cents in money, lawful money of the United States and of the value of seven dollars and seventy-five cents, one keg of lager beer of the value of four dollars, two pieces of pipe of the value of one dollar each piece, fifty cigars of the value of five cents each, four bottles of whiskey of the value of one dollar each bottle and two gallons of brandy of the value of two dollars each gallon of the goods, chattels, and personal property of one *Edward Eberly*

saloon *Edward Eberly* in the dwelling-house of the said

in the saloon 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.

John Q. Hollows,
District Attorney

THIRD COUNT.

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

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

The said

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,

of the goods, chattels and personal property of

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

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

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.

0788

BOX:

417

FOLDER:

3858

DESCRIPTION:

Mayer, Alexander

DATE:

11/20/90



3858

0789

Witnesses;

Counsel,

Filed

day of

18

Pleads,

THE PEOPLE

28
Grand Jurors

252
single from D. Y. City

Alexander Mayer

Grand Larceny, Second Degree,

[Sections 523, 534, Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. H. Briggins

Feb 2 - Nov. 24, 1899 Foreman.

Pleas Entered

Simon Ref.

0790

Police Court 2 District

Affidavit—Larceny.

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

Morse Kalm

of No. 1716 Third Avenue Street, aged 35 years,
 occupation Butcher being duly sworn
 deposes and says, that on the 21 day of October 1887 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the day time, the following property, viz:

Good and lawful money of the United
States of the amount and value
of one hundred & forty 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 Alexander Moyer (nowhere)

deponent says that said defendant
 was in his employ and by virtue
 of such employment deponent gave
 him the aforesaid sum of money to
 deposit in the Harlem River Bank

deponent says that said Moyer
 returned with said deposit bank
 with an entry written thereon of the
 aforesaid sum of money purporting that
 the same ^{had been} deposited in said
 Bank. deponent says that said
 defendant did not deposit said
 money and acknowledged and confessed

of
 sworn to before me, this
 day
 1887
 Police Justice.

0791

in the presence and hearing of the
 officers who took him in custody
 that he unlawfully appropriated
 said sum of money to his own
 use with intent to deprive defendant
 of the same

Charles H. B.

Brought to before me
 this 12 day of Nov 1890
 I do certify Police Justice

0792

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Alexander Mayer

Question. How old are you?

Answer.

28 Years

Question. Where were you born?

Answer.

NY-S

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

Answer.

252 Fulton St 2 weeks

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 think will tend to your
exculpation?

Answer.

*I am guilty of the charge**Alexander Mayer.*

Taken before me this

day of NOVEMBER, 1890

So J. P. [Signature]
Police Justice.

0793

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

Police Court... 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

House of Representatives
1716 - 3rd Ave.

Alfred H. Hays

2 _____
3 _____
4 _____
Offence _____

Dated NOVEMBER 12 1890

D. O. Kelly Magistrate.

Bureau of Prisons Officer.

9 Precinct.

Witnesses.

No. _____ Street.

OFFICIALS RECEIVED

No. _____ Street.

No. _____ Street.

\$1000 to answer

COMMITTED

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

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

Dated NOVEMBER 12 1890 D. O. Kelly Police Justice.

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

Dated NOVEMBER 12 188 _____ 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 NOVEMBER 12 188 _____ Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Alexander Mayer

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse Alexander Mayer
of the CRIME OF GRAND LARCENY IN THE second DEGREE,
committed as follows:

The said Alexander Mayer,

late of the City of New York, in the County of New York aforesaid, on the 21st
day of October in the year of our Lord one thousand eight hundred and
ninety, at the City and County aforesaid, with force and arms, in the
day time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of Seventy

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

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

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

of the goods, chattels and personal property of one Mouie Kahn
then and there being found,

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

JOHN R. FELLOWS, *District Attorney.*

0795

BOX:

417

FOLDER:

3858

DESCRIPTION:

McDermott, Frank

DATE:

11/03/90



3858

0796

Witnesses;

Deaf for
Robert Stone
Essex Street
138 Boney -
Hayward & Wagon
20th & 1st Ave
L. R. F. F. F.

Counsel,

Filed

day of

1890

Pleads,

THE PEOPLE

vs.

Frank Mc Dermott

Grand Larceny Second degree
[Sections 528, 537, Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. J. F. F. F.
1005/90 Foreman.
Plead 1st & 2nd deg
El. Ref. J.
May 1900

Police Court 1st District.

Affidavit—Larceny.

City and County } ss:
of New York, }

Alexander F. Sheridan
of No. 144 Elizabeth Street, aged 31 years,
occupation Police being duly sworn,
deposes and says, that on the 1st day of October 1890 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the night time, the following property, viz:

*Good & lawful money of the
United States consisting of
Bank notes & silver & gold
pieces & coins together of the value of
Twelve \$100 Dollars and
One suit of clothes of the value of
Forty Dollars
Being together of the value of
Fifty \$100 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 *Frank M. E. Herriott (now
here)* for the reason following to wit:

*That on the night of the said said
property was in a room on the 3^d floor
been, and said money was in the
pant pocket of a pair of pants lying on
a chair in said room, & that said
defendant opened said door, and
pushed the chair which kept said
door closed away, and entered said
room & took said property. That
defendant admitted and confessed
to deponent in the presence of
Thomas Schoenike a police officer
of the 10th precinct that he had taken*

0798

a pair of pants. Undersaid money aforesaid
represents therefore charges herein
with the treasury aforesaid

Sworn to before me
this 29th day of October 1900
A. J. White
Police Justice

0799

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 28 years, occupation Police officer of No.

10th Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Cleveland F. Sheridan

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

Sworn to before me, this

day of

29
October 1898

John A. Deering
Police Justice.

08000

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am guilty of taking the
money and the job of
gangs*
Frank Mc Dermott

Taken before me this
day of

Police Justice.

0801

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

Police Court District.

1635

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Veranda St. ...
Frank ...

3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____

Dated *Oct 29* 18*90*

White Magistrate.

Alvance Officer.

10 Precinct.

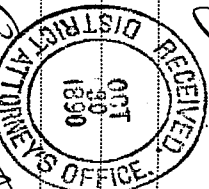
Witnesses *Alvance*

No. *10* Precinct

No. _____ Street.

No. _____ Street.

No. *5200* Street.



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

Defendant

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

Dated *Oct 29* 18*90* *A. White* Police Justice.

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

Dated _____ 18 _____ 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 _____ 18 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank Mc Dermott

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

Frank Mc Dermott

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

The said

Frank Mc Dermott

late of the City of New York, in the County of New York aforesaid, on the *fourteenth* day of *October* in the year of our Lord one thousand eight hundred and *ninety*,
 _____, at the City and County aforesaid, with force and arms,

one coat of the value of twenty dollars, one vest of the value of ten dollars, one pair of trousers of the value of ten dollars and the sum of twelve dollars and fifty cents in money, lawful money of the United States and of the value of twelve dollars and fifty cents

of the goods, chattels and personal property of one

Alexander C. Sheridan

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

John R. Bellows
District Attorney

SECOND COUNT—

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

The said

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,

of the goods, chattels and personal property of one

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

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

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.

0804

BOX:

417

FOLDER:

3858

DESCRIPTION:

McDermott, Mamie

DATE:

11/06/90



3858

0805

16

Witnesses;

*For
Frank R. Hays
& Stump, 1896*

Counsel,

Filed

day of

18

Pleads,

THE PEOPLE

vs.

*16.
328 678*
Mamie Mc Dermott

Grand Larceny Second degree.
[Sections 538, 539, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

1006/90
J. H. Berney
Foreman.

1007/90
V. H. J. J. J. J.
Honn Wood Ship
10

0806

Police Court— District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Isaac K. Harris
of No. 267 South Avenue Street, aged 25 years,
occupation Cloak Manufacturer being duly sworn
deposes and says, that on the 1st day of October 1890 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:

Your cloaks
the value of Seventy five
dollars \$ 75. ⁰⁰/₁₀₀

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 Mannix McDermott

from the fact that deponent has
missed the said property and has
since seen one of the said cloaks
in the possession and worn by
the said Mannix McDermott and
identified the said cloaks as part
of the property taken stolen and
carried away from deponent's possession.
Deponent therefore accuses the said
Mannix McDermott with having taken
the said property and asks that he
may be apprehended and dealt
with as the law directs.

Isaac K. Harris

Sworn to before me, this
27th day of
October 1890

Police Justice.

0807

Sec. 198-200.

5th

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *Mamie McDermott*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *323 E 88th St. 6 years*

Question. What is your business or profession?

Answer. *Clerk*Question. Give any explanation you may think proper of the circumstances appearing in the testimony
against you, and state any facts which you think will tend to your exculpation?Answer. *I am guilty of the charge**Mamie McDermott*

Taken before me this

27

day of

October 17

1899

Police Justice.

0808

Sec. 151.

Police Court 5 District.CITY AND COUNTY }
OF NEW YORK. } ss.*In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Isaac R. Harris of No. 267 6th Avenue Street, that on the 27 day of October 1890 at the City of New York, in the County of New York, the following article to wit:

Four Cloaks

of the value of Seventy five Dollars,
the property of Deposited
w as taken stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Manus McDermott

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the bod of the said Defendant and forthwith bring him before me, at the 5 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 27 day of October 1890McDermott POLICE JUSTICE

0009

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

302
1640
Police Court, District,

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James A. Thompson
267 - 6th Ave.
Maurice H. Schwartz

1
2
3
4
Offense, _____

Dated Oct 30 1890

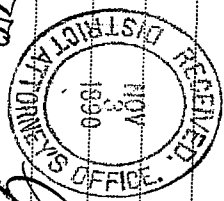
Magistrate,
Officer,
Precinct,

Witnesses _____

No. _____
Street _____

No. _____
Street _____

No. 20500
to answer _____
Street _____



4430 - 2nd Ave
7000 Bail
Criminal

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

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

Dated, Oct 30 1890, M. A. Prude Police Justice:

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Convent of the Good Shepherd
Foot 90th Street - East River
New York - Feb 9th 1891

Judge Fitzgerald
Honorable Sir -

We are please to say that
Mamie. W. Dermott has been much edifying
in her deportment, and conduct, and since
she has been with us - and thinks she will
comfort her Mother - when released from us -
her desire is to do what is right - and we
feel assured she will endeavor all in her
power to be a dutiful, and obedient daughter

Very Humbly and Respect-
Sister of the Good Shepherd

0811

• Church of the Epiphany. •

RECTORY, 239 EAST 21ST STREET,
NEW YORK.

Jan 3rd - 1891

Hon. J. F. Fitzgerald.

Dear Sir,

Mrs. M. De Bern. St. who
will deliver this, has been sent to me
by her pastor Rev. W. O'Kelly in
the supposition that you were a mem-
ber of my congregation and that
I therefore enjoyed your acquaintance.
Whilst I have not had the opportunity
of being known to you personally I
believe I may venture to solicit
your good offices in a matter of
Charity. Mary M. De Bern. St. aged
17, the oldest of eight children

The family, was last Nov. brought
before you charged with Abduction
of her employer (of which she was guilty)
and committed to the house of the
Good Shepherd. Her mother claims
that the girl is now in ill health
repentant and, probably, has been so
effectually taught by her better experience
of the hardness in a temporal sense of the
way of the transgressor that she will
in the future lead an honest life.

For the poor mother's sake as
well as the girl's own I beg you
Hon. to examine into the case and
see whether you may not conscientiously
increase clemency in authorizing
her release?

Yours Respectfully
J. J. Brundage
Pastor.

08 13

Church of
Our Lady of Good Counsel,
260 East 90th St.,

New York, Dec. 23^d 1890

To Whom It May Concern

The Bearer, Mrs. Annie M^{rs} Dermott,
is well known to me - and I can
truly say she is honest, trustworthy
and respectable.

I cheerfully recommend her
to any one who can give her
aid.

Michael J. Welsh
Assistant Pastor

0814

ST. LAWRENCE'S CHAPEL,
1480 PARK AVENUE,
NEW YORK CITY.

New York, Dec 22nd 1890

To Whom it may Concern.

Mrs. M^{rs}. Dermott is in
trouble concerning her daughter.
I am able to certify ~~from~~ my
own knowledge that Mrs. M^{rs}. Dermott
is a worthy person, and I take
great pleasure in recommending
her to any one who can give
her aid.

J. S. Quinn S. J.

08 15

* St. Stephen's Church *

PASTORAL RESIDENCE,
142 East 20th Street.New York, Jan'y 20th 1891.

Dear Judge.

I have been asked by Mr. M. M. Dermott to intercede with you in their behalf & that of their child Annie who was sent by your commitment to Sisters of the Good Shepherd some three months ago. - All three feel that it will be best for the girl that she be discharged & given to the care of her parents, who will keep her safely under their care. The child is present & promises to lead henceforward a good & happy life, - moreover her health is feeling - The strongest reason, I think, for seeking her discharge is the fact that though only sixteen she is the eldest of six children all living, & it must needs be discouraging to her brothers & sisters to know that she to whom they ought be able to look up to next their parents, is a prisoner in disgrace away from

TORN PAGE

08 16

The family thank you who I see of
Mr. John W. Donnell, for the
commutation of most worthy friends, I
beg you to give him the liberty & trust
the spirit will be most satisfactory
With kindest regards I am

Yours very sincerely
Chas. G. Latham

Howards Fitzgerald
N York

*Court of General Sessions
The People*

*vs
Mamie M^c Dermott*

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

100 EAST 23^d STREET,

New York, November 9th 1890.

CASE NO. *52890*

DATE OF ARREST

CHARGE

OFFICER

King

November

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

*Grand larceny
sixteen*

Catholic

Patrick

Annie

323 East 88th Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

*that girl
lives with her parents in a comfortable home.
Her mother is well spoken of but her father who is
a cardriver has been drunk the past three weeks.
Girl is said to be wild and remains out late at
night in the company of young men.*

All which is respectfully submitted,

To Dist atty

*Henry E. Stocking
asst Supt*

POOR QUALITY
ORIGINAL

00 10

Count of
General Sessions
The People
vs
Mannie M^cDemott

Grand Larceny
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.

08 19

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Mamie Mc Dermott

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

Mamie Mc Dermott

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

The said

Mamie Mc Dermott

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

*four cloaks of the value
of eighteen dollars each*

of the goods, chattels and personal property of one

Isaac K Harris

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

John R. Fellows
District Attorney.

SECOND COUNT—

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

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

The said

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,

of the goods, chattels and personal property of one

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

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

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.

0821

BOX:

417

FOLDER:

3858

DESCRIPTION:

McGowan, George

DATE:

11/20/90



3858

5 yrs. M.P. Jy. Dec. 22

0823

Police Court 1 District.

Affidavit—Larceny.

City and County } ss:
of New York, }

Theophilus J. Gishburn

of No. 35 Vesey Street, aged 48 years,
occupation Bookbinder being duly sworn,
deposes and says, that on the 11 day of November 1890 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 Evening time, the following property, viz:

One Silver Watch of the Value of
Twenty dollar \$ 20.⁰⁰/₁₀₀

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 George McGowan (now here)
from the fact that deponent leaving
a Rail Road Car of the Brooklyn Bridge
when deponent had said Watch attached
to a Chain in the left hand pocket
of the Vest then worn upon deponent
person, deponent felt a jerk in
his pocket and immediately discovered
that his Chain was hanging down and the
Watch stolen, said deponent was
near to deponent and deponent seized
hold of him and found the Watch
in his hand.

Theophilus J. Gishburn

Sworn to before me, this

11

day

of November 1890

11

Police Justice.

0824

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

George McGowan 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. *George McGowan*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *Newark N.J.*

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

Answer. *249 Railroad Avenue Newark N.J. 10 years*

Question. What is your business or profession?

Answer. *Plumber helper*

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 and demand*
an Examinatory

George McGowan.

Taken before me this

day of

October 11
188*8*

Police Justice.

0825

Police Court... 1692 District.

THE PEOPLE, &c.,
OF THE COMPLAINANT OF

New J. Hoffman
635 1/2 Broadway
George McGowan
Larry Kaufman
in a day time

1
2
3
4

Dated *Nov 11* 1890

Powers Magistrate.

Chris Sporis Officer.

Henry Powers Present.

Witnesses

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____



No. _____ Street _____

Committee

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 _____

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

Dated *Nov 11* 1890 *W J Powers* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0026

WILLIAM RUSSELL,
Expert Cocoanut Handler

AND STEVEDORE,

Office, ~~REAR~~ ST., N. Y.

155 Maiden Lane

REFERENCES:—DeLong, Mayer & Co., 51 Broad Street; John Marsh, 165 Maiden Lane; Eggers & Heinlein, 45 Beaver Street; R. A. Robertson, 9 Old Slip.

N. Y. General Sessions
 The People
 vs

George McGowan

City and County of New York ss:
 William Russell
 being duly sworn says:

That he is a stevedore that his office is at number 155 Maiden Lane in the City of New York. That he is and has been for the past two years well acquainted with the defendant above named. That on two several occasions when the above entitled case was upon the calendar of this court deponent attended as a witness on behalf of defendant for the purpose of testifying to what he knew of the previous character of said defendant and he here avers in that direction that said defendant did during the period of deponent's acquaintance with him, work in the employ of deponent as a laborer or longshoreman, and deponent declares that he always

found said defendant to be a willing and industrious youth. Depoant desires however to have it understood that the employment by him of defendant was not continuous during all of said period. That his (deponent's) own work is not continuous but that every time during said period he had occasion for and could secure the services of said defendant he willingly employed him.

Depoant has annexed hereto his business card.

~~Sworn to before me~~
This 13th day of December, 1890

Wm Russell
Herman F. Brown

Court of Sessions
N.Y. Co

**POOR QUALITY
ORIGINAL**

0829

City and County
of New York. ss.

_____ said city, being duly sworn, says that he is the _____ in this action, that he has heard read, and knows the contents of the foregoing _____ and that the same is true to _____ own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

Sworn to before me this
day of 18 }

POOR QUALITY
ORIGINAL

0830

CITY AND COUNTY OF NEW YORK, ss.:
being duly sworn, deposes and says: That he is _____ years of age and upwards
That on the _____ day of _____ 189____ at No. _____
in the City of New York, he served the annexed _____
upon _____
the _____ therein by
delivering to and leaving with _____
_____ a true copy thereof _____
Deponent further says that he knew the persons so served to be _____
Sworn to before me this
day of _____ 189____

| | |
|--|------------------------------|
| N. Y. General Sessions | |
| The People Plaintiff, | George McSwain Defendant. |
| Affidavit | |
| J. C. Costello MORRIS & KEANE Attorneys. | |
| 132 Nassau Street, N. Y. City. | |
| Due and timely service of a copy within _____ | |
| _____ is hereby admitted. | |
| Dated N. Y. _____ 189____ | |
| To _____ Esq. | |
| _____ Atty. | |

Sir: Please take notice that the within is a true
copy of an _____
this day duly _____ in the office of the
Clerk of this Court in this action,
Dated N. Y. _____ 189____
Yours, &c.,
MORRIS & KEANE,
Attorneys for _____
To: _____ Esq.
Atty for _____

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George McGowan

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

George McGowan
of the CRIME OF GRAND LARCENY in the second degree committed as follows:

The said *George McGowan*,

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

*One watch of the value
of twenty dollars*

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

John R. Feltow,
District Attorney

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

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,

of the goods, chattels and personal property of one

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

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

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. FELLOYS,
District Attorney.

0833

BOX:

417

FOLDER:

3858

DESCRIPTION:

McGuinness, Thomas

DATE:

11/25/90



3858

0834

BOX:

417

FOLDER:

3858

DESCRIPTION:

Kearney, Joseph

DATE:

11/25/90



3858

Witnesses;

R A P E.
(Sections 278 and 218, Penal Code.)

any 7/9/11

A TRUE BILL

Part 2 Feb. 27, 1891
 Part 2 Feb. 27, 1891
 No. 17 yrs 50.
 Feb. 27, 1891
 Part 2 Feb. 27, 1891
 Part 2 Feb. 27, 1891

COURT OF GENERAL SESSIONS

-----X

The People &c.

vs.

Thomas McGuinness.

-----X

City and County of New York, SS:

Henry D. Macdona, Deputy Assistant District Attorney for the City and County of New York, being duly sworn, says; that during the month of January 1891, he was assigned to Part One of the above Court to represent the People; that on the 5th day of January 1891, the case of the People against Thomas McGuinness and Joseph Kearney indicted for Rape, was upon the Calendar in Part One of the above Court; that deponent moved the case for trial, when Ambrose H. Purday, Esq. representing the first named defendant, Thomas McGuinness, moved for an adjournment on the ground that he was not then ready to proceed.

Deponent refused to consent to an adjournment unless counsel stipulated to proceed on the following day, (January 6th) Ambrose H. Purday, Esq. thereupon stipulated, in the presence and hearing of the Court, to proceed with the trial on the following day, and the case was thereupon set down for that day.

On Tuesday, January 6th, the case was called, and in the absence of Mr. Purdy, the Court assigned Hooper, Esq., to defend the accused. Mr. Hooper thereupon moved for a further adjournment, and all the proceedings had upon that motion are contained in Exhibit "A" herewith,

which contains a transcript of the stenographer's notes of all the proceedings had thereon.

The statement made in the affidavit of Ambrose H. Purday, Esq., that on the 6th day of January 1891, the case of the People against Otto Rheun was on the Calendar of Part Three of this Court, in which case said Ambrose H. Purdy Esq. was attorney and counsel, is true; but this deponent is informed and verily believes that the said Ambrose H. Purday Esq., on said sixth day of January, made no statement to the Presiding Justice in Part Three of this Court, that he was under engagement and stipulation to appear in Part One in the case of the People against McGuinness, as more fully appears by Exhibit "A" herein.

Sworn to before me this
25th day of February, 1891.

Henry D. Maedona
Dep. Sec. Dist. Ct.

Henry J. Langer
Notary Public
N.Y.C.

POOR QUALITY
ORIGINAL

0030

THE PEOPLE OF THE STATE OF
NEW YORK

against

Thomas M. Guinness

Affidavit
of

Henry D. Macdonald
Deputy District Attorney
John R. Fellows

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY

Refers no decess
July 27 1891

COURT OF GENERAL SESSIONS. PART III.

92 93 94 95 96 97 98 99 00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

The People of the State of New York " B E F O R E
 "
 " Hon. James Fitzgerald
 "
Joseph Kearney, impleaded with Thomas " and a jury.
McGuinness "

Indictment filed November 25th, 1890.

Indicted for rape.

New York, January 16, 1891.

APPEARANCES :

For the People, Assistant District Attorney Gunning
S. Bedford.

For the defendant, Mr. Frank Keller.

M A R Y McGILL L L, a witness for the People, sworn, testified:

I am a married woman, and have been so since the 25th of November last. On the evening of the 17th of November, at half past ~~ten~~ o'clock, I left my gentleman friend at the door. We were engaged to be married at that time. He and I had some angry words, and he went away angry. He works in 35th street, and he left me to go to his work. I went down after him to see if he would not speak to me. I walked down 36th street to Tenth avenue, crossed Tenth avenue, and went down to 35th street. It was quite dark on the street. John Fleming is the name of the man I was looking for. I have since married him. I remember walking down by the market at 34th street. McGuinness came up to me first; he took me down on the dock and threw me down on my back. The

defendant Kearney put his hand over my mouth, and held my throat with his hand. While I was thus held by Kearney McGuinness succeeded in tearing my dress and my underclothes and had connection with me against my will. I was struggling all the time and was powerless in their hands. There was no word spoken by either of the men while McGuinness was doing this to me, except that Kearney said, "Hurry up, is she any good." After McGuinness had got through he then held me, putting his hand over my mouth, while the defendant Kearney had connection with me. I am positive in my identification of both the men. The dock was muddy and I got my dress all dirty. When the two men had got through they left me lying on the dock and went off. As soon as I could recover myself I got up and walked towards Twelfth avenue on my way to my house in W. 36th street. As I was on my way, Kearney ran after me, seized me around the waist and wanted me to go with him to the foot of 34th street. I said, "If you leave me alone and come home with me I will give you all the money I have in the world." I put my hand in my pocket and took out seventy-five cents and gave it to him. The defendant Kearney put that money in his pocket; while he was putting it in his pocket I got a chance and I ran away from him. When I reached the little railroad shanty on Eleventh avenue I spoke to a man who was swinging a lamp and made complaint to him that a man had assaulted me. As I was talking to that man the defendant Kearney came up, slapped me in the face, and said, "You damn son-of-a-bitch, go home." I am positive that the defendant at the bar is the man who addressed that remark to me as I stood talking to the man at the railroad shanty. I made complaint to the men at the shanty of what

had happened to me.

CROSS EXAMINATION:

Q You have been married since the 19th of November?

A Yes, sir.

Q Your husband had knowledge of this matter? A Yes, sir.

Q Did you ever see Kearney before that night? A Not to my knowledge.

Q Is it not a fact that the first time you saw Kearney was after you had a struggle with McGuinness lasting ten minutes?

A I saw him standing on the dock, but I did not know him until he came right up to hold me down.

Q Did you go into a saloon that night? A Yes, sir; I went into a saloon and made complaint to the bartender. I recognize the man who is now shown me as the bartender whom I saw in that saloon.

Q Did you not see a man named Davis and this defendant in that barroom that night? A No, sir. There were two men there, but I did not see their faces.

Q Will you swear that you did not look at two men in that barroom that night, of whom the defendant was one, and declare that neither of those men assaulted you? A I did not. I had no conversation about the men at all. I simply told the bartender of what had happened me, and in a moment after an officer came in the store and I went out with him.

Q What was the name of the saloon you were in that night?

A It was at 35th street and Eleventh avenue.

Q How far did you run before you met this man with the swinging lamp? A I ran as far as Eleventh avenue.

Q Did you point the defendant out as one of the men who had assaulted you? A Yes, sir.

Q Did you make a complaint to the bartender in that saloon of what had happened? A Yes, sir; but I don't know whether he could hear or not as there was a dog barking behind the bar.

Q Did you identify the defendant in the station house as the man who had assaulted you? A Yes, sir.

Q You will not swear that Kearney was not one of the men who, was in this barroom at the time when you were there?

A I did not see him. I will swear that no question was asked me by the bartender in relation to those two men. I recognize the man who is here now as the bartender whom I spoke to on that night.

E D W A A R D G A M E L, a witness for the People, sworn, testified:

I am a flagman on the Central Railroad at the foot of 34th street. On the night of November 17th I was at my post. At about half past eleven the complainant came to me; she was crying. She asked some of us men to take her home, but we could not leave our posts. She went away and I could not say where she went to. She was sobbing just like a child. There were three or four men present at the time she came up. I did not see the woman after she left us. I did not see anyone else come up during the time the woman was there.

CROSS EXAMINATION:

Mr. Lore was with me. During the time that this lady was speaking to us I did not see the defendant at all. I went down to the Tombs to endeavor to identify this man,

but I could not do it.

REDIRECT EXAMINATION:

I had an interview with the District Attorney before this trial began. I told him my story. I told him the truth, and what I have now stated is also the truth.

J O H N L O R E, a witness for the People, sworn, testified:

I am a swiethman employed at the same place as the last witness. On the evening of November 17th, in the neighborhood of midnight, my attention was attracted by the complainant who came up to us. She was crying and wanted to know if some of us would not take her home. While she was standing there talking with us three men, and this defendant came up. When he came up the complainant grabbed me by the arm, and I heard the defendant say, "You son-of-a-bitch, come home." I could not understand what she said, but she held me by the arm and asked me to go home with her. She was running at the time she came up to our shanty and spoke to us. There was three men there at the time. She was trying to tell us her story of what the trouble was at the time the defendant came up. I do not know what became of the defendant after he had made the remark which I have just stated.

CROSS EXAMINATION:

I remember giving evidence in the case of McGuinness. My evidence there was the same there as it has been here. I am positively sure that the defendant is the man whom

I saw at the shanty, and he made this remark to the woman. I went down to the Tombs to endeavor to identify this defendant, but was unable to do so. It was late at night and there was a very poor light in the Tombs. The last witness was in my company at that time and neither of us were able to identify the defendant. I am positive now that he is the man. On the night in question I saw him by the light of a lantern.

W I L L I A M F. D E E R I N G, a witness for the People, sworn, testified:

I am a police officer attached to the Twentieth Precinct. I have been on the force seven years and eight months. On the night of November 17th I was on post on Eleventh avenue between 35th and 36th streets. At about midnight my attention was attracted by the complainant coming across the street in company with Kearney, the defendant. She went into one door of a liquor store and he went into another. I looked in over the shades and I saw her inside crying. I went in the store, and when I got in there I did not see Kearney; I don't know where he went to. In the store was the bartender, Edward Davis and the defendant came in in a moment. The woman was crying and she made a complaint to me of what had happened to her. The defendant stood in the upper end of the store with his back to the complainant. Immediately after the woman had made a complaint to me I took her out of the store. As soon as we arrived on the outside she pointed out to me a man on the other side of the street and I went over and arrested the co-defendant, McGuinness. There was mud upon the clothing of the com-

Plaintant, a few marks of mud on her face, and her hat was all dirty. It was in consequence of what she told me that I arrested McGuinness and brought him to the station house. The complainant came with me, and at the station house reiterated the complaint which she had previously made to me. The following day at five o'clock Miss McGill came to the station house and there identified Kearney, who had been arrested. Before I arrested Kearney I had a conversation with the complainant which led me to go in search of him. After fifteen hours search I found the defendant working on board of a canal boat at the foot of 34th street, North river. I had him locked up at the station house, and then went around and brought the complainant there. I placed the defendant in line with three other men in the Captain's room, and the complainant immediately picked him out. When I arrested Kearney he asked me if he was arrested for that racket, and I said yes; he then said he had nothing to do with it, that he had been asleep on the canal boat. He then called for a man named Finnegan whom he said could swear that he was asleep on the canal boat. He told me that he was awakened by the cry of a woman on the dock, that he got up, stood on the canal boat and looked at the men with a woman on the dock. He said he followed them as he was going up to get something to eat. He told me he could not tell the names of the men who had the woman on the dock.

CROSS EXAMINATION:

I saw the defendant walking in company with the complainant and she was crying. The defendant was standing in the barroom in company with Edward Davis at the same time the woman was in there. I don't know what took place in the sa-

loon before I got in there. When I saw Finnegan he verified what Kearney had told me. When I arrested the defendant I found him at his work unloading cabbage from a canal boat. At the time I arrested McGuinness he told me that Kearney was with him. I have known Kearney for about two years. As far as I know he is a hardworking, industrious young fellow. The complainant described McGuinness to me before I arrested him, and when I arrested McGuinness he told me that Kearney was with him.

D E F E N C E : -

J A M E S C O X, an iron moulder, of No. 476 W. 34th st., William Noofer, a foundry carpenter, of W. 32d street, and Richard Harbury, a night watchman, all testified to the good character of the defendant.

G E O R G E L A V E R Y, a witness for defendant, sworn, testified:

I am a bartender living in this city. On the 17th of November last I was employed in Jerry Hardy's saloon on the southeast corner of 35th street and Eleventh avenue. I remember the occasion of the complainant coming into that saloon. At the time she came in Davis was in there, and immediately afterwards the defendant Kearney came in. The woman complained to me that she had been assaulted; I asked her if she would know any of the men; she looked at Kearney and Davis and said no. I am quite positive that the woman actually looked at those two parties in the saloon on that night. The two men were standing at one end of the bar, and she was standing at the other. Shortly afterwards a

police officer came in and took the complainant out of the store.

CROSS EXAMINATION:

- Q You positively tell this jury that you pointed out Kearney and Davis to this woman, asked her if either of those were the men, she looked at the men and said no? A Yes, sir.
- Q Where was Kearney standing when you and the complainant were talking? A Standing at the bar, about four or five feet apart from the lady.
- Q Kearney never went toward you or the officer to ascertain what this crying woman was talking about? A No, sir.
- Q Was Kearney's back turned to the woman when she looked at him? A I could not exactly say. I was standing behind the bar, the woman was facing me, directly in front of me, and Kearney and the other man were at the upper end of the bar, facing in the same direction as the woman was.

EDWARD DAVIS, a witness for the defendant, sworn, testified:

I am 23 years of age, am a plumber and roofer by occupation, and live with my parents at No. 426 Eleventh avenue. I have never been arrested in my life. I was in the saloon of Mr. Jerry Hardy on the night of the 17th of November last. About twenty minutes of 12 o'clock the complainant in this case entered that saloon; she was almost immediately followed by Kearney, who came in another door. The woman came in crying, said she had been assaulted. Mr. Lavery, the bartender, was asking her where it happened, and she was telling him; I could not tell exactly what she said, as she was crying, so that you could not understand her. Mr. Lavery said,

"Is it either of these young men here?" She turned around and looked and said no. Then the officer came in and she told him her statement; he went out with her; Kearney remained in the store, drinking a glass of beer. I distinctly heard this young woman say, in answer to the question of the bartender, that it was neither of us two men who committed the assault upon her. I had spent that evening at the Park Theatre, and knew nothing whatever about the affair. The complainant made no accusation whatever against Kearney in that store at that time.

CROSS EXAMINATION:

- Q Where were you standing when the woman was asked that question? A I was standing pretty close to the woman.
- Q Who was behind the bar? A Mr. Lavery.
- Q Who was in front of the bar? A Mr. Kearney, myself and the lady.
- Q All in a row? A Pretty near in a row.
- Q How near to each other were you standing in a row?
A Kearney was about five feet from the woman, and I was pretty close to her.
- Q You were in the middle? A Yes sir; I was alongside of the woman.
- Q Between the defendant and the complainant? A Yes, sir.
- Q How far from the bar were you? A About six inches from the bar. We had just been drinking at the bar.
- Q How far was the woman from the bar? A She was a foot away, I guess.
- Q When the bartender asked her if either of you were the men was Kearney facing Lavery at that time? A He was half way leaning on the bar, with his arm holding the beer.

Q When the woman was asked to look at him, did he turn full around to give her a good chance to look? A I could not say; he turned his head, I believe; I ain't sure.

Q You saw the woman crying? A Yes, sir.

Q Did you make any inquiries of Lavery to ascertain what was the matter? A No, sir. I heard the woman telling him that she was assaulted on the dock, and then the officer came in and took her out.

J O S E P H K E A R N E Y, the defendant, being duly sworn, testified as follows:

I am the defendant in this case. I was arrested on the 18th of November and have ever since lain in jail. I am 22 years of age. I was born in this city, and have lived here all my life. I have never been arrested or convicted of any offence. I am an iron moulder by occupation. When I was called upon in the police court to make a statement in answer to this charge I said, "I am not guilty; I had nothing to do with it; I have proof that I was asleep in bed at the time the woman shouted." That is the same statement which I made to the officer, and that is the truth. I first started in to work when I was 13 years of age, and have worked steadily ever since. I have been employed at Colwell's iron foundry in 36th street, and also at the West-side Architectural Iron Works. I have never been discharged from any place for any cause whatever. I was out of employment at the time this affair happened, but when I could I procured work unloading boats. On the night of the 17th of November I went on board a cabbage boat the foot of

34th street at about half past 10 o'clock. I had been working on that boat during the day, and my intention was to sleep there for the night. I had been in bed a short time when I heard the voice of a woman screaming and hollering on the dock. I got up. As I got to the end of the canal boat I jumped off and saw two men with this woman on the dock. When the men saw me they ran away towards 35th street and Eleventh avenue. I then started over to a restaurant to get something to eat. On my way I met this woman and she began telling me what happened to her on the dock. She went in one door of Hardy's liquor store and I went in the other. I saw her in conversation with the bartender. I then heard the bartender say, "Are either of those two men the men who were there?" She said no. Then the policeman came in there and she went out with him. The following night I was arrested by Officer Deering. It is true that I asked him if I was arrested for that racket. I had seen some of the racket on the dock and I thought perhaps it was that he was arresting me for. I did not assault this woman, nor did I aid, abett or assist McGuinness or any other man to assault her. I accompanied the woman from the corner of the dock to this liquor store at Eleventh avenue and 35th street, and during the time I was with her she never made any accusation against me at all. I am entirely innocent in this matter. At the time of my arrest I was handling cabbage on the boat at the foot of 34th street.

CROSS EXAMINATION:

- Q How did you come to pick out that particular barge on the night of the 17th? A The job was given us by contract to clean out the boat, myself and five other men.

- Q Where did you sleep on the night of the 16th? A I slept at home.
- Q Why didn't you sleep at home on the night of the 17th?
A I did go home, but I had no key and I was locked out. My father locks the house up at 10 o'clock, and if I am not in by that time I cannot get in at all.
- Q When this woman was asked by Lavery in the saloon if either you or Davis was the man who assaulted her, were you facing her? A Not exactly, I stood sideways.
- Q Did you hold the complainant by the throat and put your hand partially over her mouth while McGuinness raped her?
A No, sir.
- Q Did you rape her while McGuinness held her? A No, sir.
- Q Did the complainant give you two quarters, two tens and a five cent piece? A No, sir.
- Q Did the complainant run away from you? A No, sir.
- Q Did you run after her? A No, sir.
- Q Did you have any conversation with the switchman? A No, sir.
- Q How long have you known McGuinness? A I went to school with him.
- Q Was the woman's dress muddy when she came into the barroom?
A Yes, sir; it was still muddy.
- Q You cannot tell who it was that assaulted this woman?
A No, sir.
- Q Who was with you on this barge when you were awakened by the cry of the woman? A A man named Finnegan.
- Q Did he get up? A No, sir; he remained in bed. I found him still in bed when I returned.
- Q Have you been an associate of McGuinness's lately? A No, sir.

Q Did you get anything to eat that night? A No, sir; I went into the saloon instead and did not go to the restaurant.

W I L L I A M F I N N E G A N, a witness for the defendant, sworn, testified:

I am a cabbage handler by occupation. On the night of the 17th of November I went to sleep on the canal boat which the last witness has described. While I was asleep Kearney woke me up and said, "There is a woman hollering on the dock." I says, "It is none of your business, you lay down and go to sleep". He says, "No, we have got sisters, too, and it is only right we will go and protect the woman." I says, "If you go out you will only get yourself into trouble." He opened the door and went out. I am positive that I heard the screaming of the woman before Kearney left the boat. In about an hour he came back and slept on the boat that night.

CROSS EXAMINATION:

Q What time did Kearney go to bed that night? A It was about half past 10 when I let him in.

Q Did you go up on the dock when you heard the woman scream? A No, sir; I did not.

Q Kearney told you that a woman was being assaulted? A He said a woman was screaming on the dock.

Q Didn't you use the word "assaulted"? A I don't know; I know he told me there was a woman screaming on the dock.

Q When Kearney returned to that barge what did he say to you?

A He said it was a shame to abuse a woman in that way; I did not say anything to him; I went to sleep.

M A R Y M c G I L L, the complainant, recalled in rebuttal:

At the time I went into the saloon there were two men drinking at the bar. My attention was not called to either of those two men by the bartender or any other person. Mr. Lavery did not ask me if either of those two men were the men who had assaulted me. The officer did not ask me to look at anybody. The statement of George Lavery in that respect is not true. The defendant Kearney did not treat me to sarsaparilla in Jerry Hardy's saloon, as the witness Finnegan has testified. I did not have anything to drink from the time I left my own house until I went home, not even a drink of water. The defendant Kearney was close after me at the time I ran in the saloon and complained to the bartender of having been assaulted on the dock. It was Officer

Deering who came into the saloon, and it was to him to whom I made a complaint. I am certain nobody in that saloon asked to look at any men for the purpose of identifying them.

J O S E P H K E A R N E Y, recalled:

The witness Finnegan in his testimony made a mistake in saying that I had treated the woman to a glass of sarsaparilla. I told him that myself had a glass of sarsaparilla in Jerry Hardy's saloon. I meant that I had a glass of beer, but I said sarsaparilla in a fooling way. He made that mistake in the testimony which he has given.

Three additional witness testified to the good character of the defendant.

The jury returned a verdict of guilty, as charged in the indictment.

M A R Y Mc G I L L, the complainant, recalled in rebuttal:

At the time I went into the saloon there were two

men drinking at the bar. My attention was not called to it before.

either of those two men by the pretender or any other persons.

Mr. Lavery did not ask me if either of those two men were the

men who had assaulted me. The officer did not ask me to

look at anybody. The statement of George Havery in that

respect is not true. The defendant Kennedy did not treat

me to participate in Jerry Hardy's action, as the witness

Tinnegan has testified. I did not have anything to drink

from the time I left my own house until I went home, not even

a drink of water. The defendant Kearney was close after me

at the time I ran in the saloon and complained to the bartender-

er of having been assaulted on the dock. It was Officer

Deering who came into the saloon, and it was to him that I

I was a camp guard. I saw a lot of things.

PARTIAL TRANSCRIPTION

-has no set as it is not a book -

ed to look at any material for the purpose of identifying it.

[illegible]

102 EPH KTA No. 102 EPH

The witness, Finnegan, in his testimony made a mistake

in saying that I had treated the woman too as a class of men

...as to deal a heavy blow to the ...

garrilla in Jerry Hays' a 1500. I went that I had a glass

of beer, but I said asparagus in a fooling way

that mistake in the testimony which he has given.

Three additions] witness

... of the defendant.

The jury returned

THE PEOPLE

vs.

THOMAS MC GUINNESS.

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTH.

Tuesday, January 6, 1891.

Jointly indicted with Joseph Kerney for rape.

Asst. Dist. Atty. Macdonna for the People.

Mr. Hooper for the Defendant.

The case was called and in the absence of Mr. Purdy the Court assigned Mr. Hooper to defend the accused.

The Defendant: Judge, your Honor, can't I have Mr. Purdy?

The Court: Mr. Purdy agreed to be here yesterday.

Defendant: His clerk went down to see him, he will be here in ten minutes. It is a serious question, I would like to have him defend me.

The Court: Have you any witnesses?

Defendant: No sir.

The Court: I am not going to put all the public business back for Mr. Purdy.

Defendant: The clerk will be back in a few minutes he told me.

The Court: Go on with the case.

Mr. Hooper: I don't know anything about the case.

The Court: Mr. District Attorney, state the facts briefly.

Mr. Macdonna: Gentlemen of the Jury, on the 17th of November at the foot of 34th Street North River, a woman named Mary McGill was assaulted by a number of people among others the defendant at the bar now and raped; they dragged her down on the dock and assaulted her about half past eleven o'clock at night. Have any of you gentlemen heard of such a case?

The Court: If any gentleman of the Jury has heard anything of

that case or read anything about it in any of the newspapers, he will please say so.

A Juror: I read of that case.

Mr. Macdonna: The fifth gentleman says he read of it.

The Court: You had better retire; we will get a jury that heard nothing about it. Call another juror.

The Clerk called another juror.

By the Court. Q. Mr. Cunningham, this defendant is charged with the crime of rape, did you hear the statement that was made by the District Attorney to the other jurors in reference to the case? A. I did not.

Q. Have you read anything about it in the newspapers; or have you heard anything about it? A. Nothing.

Q. Neither read nor heard of it, you know nothing of the case? A. No sir.

Mr. Hooper: Gentlemen, I will ask you this question further, if any of you have such a prejudice against a man charged with the commission of the crime of rape that it might influence your verdict either one way or the other. The mere charge sometimes influences a man and affects his mind. If not, I think the jury is satisfactory, I know no objection.

The Court: Gentlemen, the meaning of that question is this, he wants to know if a man who is merely charged with the commission of a criminal act, whether the mere charge without proof of the perpetration of that act would prejudice his case in your mind ---- you understand the question?

A number of jurors: Certainly.

Mr. Hooper: My question was intended to go even further than a man charged with the commission of the crime of rape.

1 3
The jury is satisfactory.

The Court: Would the mere fact, gentlemen, that a man was charged with the commission of the crime of rape before you heard any evidence in the case, before you knew whether he was guilty or not, would that of itself create a prejudice in your mind against him?

A number of jurors replied: Certainly not.

The Jury was sworn.

Mr. Hooper: If your Honor please, the Defendant desires me to enter an objection and a protest against being compelled to go to trial without his counsel who has been regularly retained. May I have that on the minutes?

The Court: Yes, to which the Court replies that when the case was called for trial yesterday Mr. Purdy, who represented the defendant, asked to have the case postponed until this morning, stating that he would then be ready and proceed with the trial of the case, and that the case was postponed by the Court on Mr. Purdy's application with the assurance on his part that he would proceed with the trial of the case when it was reached to-day.

Mr. Hooper: And we except to the direction.

The Court: Of course.

Mr. Macdonna opened the case for the People.

Wednesday, January 7, 1891.

The case of Thomas McGuinness resumed.

Mr. Hooper: If your Honor please, I asked the District Attorney to concede the fact that Mr. Purdy was the counsel engaged in the case and he declined to do that.

The Court: I cannot make him concede anything, I do not think he has got any right to do so.

Mr. Hooper: I will call Captain Lindsay.

The Court: Where is Mr. Purdy himself?

Mr. Hooper: He is engaged in a trial in Part III., it was not concluded last night, I went down when the Court adjourned nearly half past four. I shall make no formal motion. I propose to prove by Captain Lindsay that Mr. Purdy was counsel in this case and that I went into the case by direction of the Court, and that I found him (Mr. Purdy) actually engaged in the trial of a case at that time in Part III of this Court.

The Court to Mr. Macdonna: I suppose you will concede that the officer went down to Part III of this Court and found Mr. Purdy engaged in the trial of a case yesterday when this case was called; he cannot testify to the fact that he (Mr. Purdy) was his (the defendant's) counsel.

Mr. Hooper: I say I found him engaged at the time this case was called.

The Court: The District Attorney will concede, as I understand it, that Captain Lindsay would testify that by direction of the Court he went to Part III of this Court and found Mr. A.H. Purdy actually engaged as counsel in the trial of a case before that Court. Let that be noted.

Mr. Hooper: I will call Mr. Hall, the Clerk of the Court, to show

that Mr. Purdy was the counsel in this case, simply for that one fact unless the District Attorney concedes it.

Mr. Macdonna: I wont concede it because Mr. Hall is not competent to testify to that fact.

The Court: There is no use of calling Mr. Hall.

Mr. Hooper: I offer to prove by Mr. Hall this fact, that Mr. Purdy appeared in this Court as the counsel for this Defendant.

The Court: He is, I believe; is that the fact, Mr. Hall?

Mr. Hall: Yes sir.

Mr. Macdonna: I will make the concession that he did appear in this Court as counsel for this defendant and asked for an adjournment upon the stipulation yesterday morning that he would be ready to try the case.

The Court: You can make that concession.

Mr. Macdonna: The District Attorney concedes that Mr. Purdy appeared in court on Monday and procured an adjournment of the case of the People against McGuinness and another until the following day on the understanding and the stipulation that he would then try the case.

Mr. Hooper: And at that time he was counsel for this defendant.

The Court: No, he concedes all that he can concede.

Mr. Hooper: If your Honor please, I move the Court direct a verdict of acquittal on the ground that there is not sufficient corroborative evidence to go to the Jury.

The Court: That is for the jury to determine -- motion denied.

Mr. Hooper: I also move that the Jury be directed to acquit on the ground that the defendant has not had a fair trial.

The Court: Denied also.

Mr. Hooper: Note an exception.

0860

Ex 4

The People
v.

Thomas McGuinness

The People
to
James McGinness

Exhibit A

0862

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

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, *April 29* 1890.

*Court of General Sessions of the Peace in and for the
City and County of New York.*

*The People
against
Giovanni Mammaro.*

Notice of Prosecution.

*To the District Attorney of the
City and County of New York,*

*Sir. This Society is interested in the prosecution of
the above defendants, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to the Grand Jury, fixing the day of trial, consenting to
any postponement thereof, or to any reduction of bail, or
final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1886, Chapter 30, Section 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

*Elbridge T. Gerry,
President, &c.*

0063

N. Y. GENERAL SESSIONS

THE PEOPLE



CRUELTY TO CHILDREN

Education

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

0064

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Thomas Mc Enness*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *N.S.*

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

Answer. *452 West 32nd St 12 years*

Question. What is your business or profession?

Answer. *Brain Police*

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

Answer. *I am not guilty - I never
saw the couplement until
I was arrested.**Thos M Enness*

Taken before me this

18th

day of

March 1892

John J. Enness
Police Justice

0866

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

Police Court--- 2
District. 134

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Charles H. Zell
439 West 36 St.
Thomas H. Ennis
Paul Kearney
Offence Rape

Dated Nov 18 1880
Corman Magistrate.
Mr J. Dennis Officer.
20 Precinct.

Witnesses, M. M. Jones, Thomas H. Ennis
House of Deputies, Can. 16/14
No. 4, by _____
Residence _____
Street _____

John H. Jones, 411 West 33 St.
No. 4, by _____
Residence _____
Street _____
1890
DISTRICT ATTORNEY
TO 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

Thomas H. Ennis

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

Dated Nov 18 1880 John H. Jones 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

Paul Kearney

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

Dated Nov 19 1880 John H. Jones Police Justice.

guilty of the offence within mentioned, I order h to be discharged.

Dated _____ 188 _____ Police Justice.

0867

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

Mary Mc Gill

of No. 439 West 36th Street, aged 25 years,
occupation Domesticbeing duly sworn deposes and says
that on the 19 day of November 1890

at the City of New York, in the County of New York, that Joseph Kearney now here is one of the two persons referred to as men whose names were unknown to deponent, in deponent's affidavit of Nov 18 in this court, wherein deponent charges three men with the crime of rape upon her person on the 17th day of November 1890, and deponent now fully recognizes the defendant Joseph Kearney as one of the men who committed the said rape on her person on said date.

Mary Mc Gill
mark

Sworn to before me, this
of November

1890

day

Police Justice.

0868

Police Court, 2 District.City and County } ss.
of New York,of No. 439 West 36th Street, aged 25 years,
occupation Domestic being duly sworn, deposes and says,that on the 17 day of November 1880, at the City of New
York, in the County of New York, at about the hour of

✓ half past eleven o'clock P. M.
 deponent was in West Thirty fourth
 street near the north river, when
 deponent was accosted by Thomas
 Mc Guinness now here, who knocked
 ✓ deponent down, and placed his
 hand over deponent's mouth, and
 ✓ the said Thomas Mc Guinness, then
 ✓ and there, with the aid of two
men whose names are unknown
 to deponent, and with force and
 violence, and against the will
 of deponent, did have sexual
 connection with deponent, and
 ✓ then and there three of the
 said defendants did by force
 and violence have sexual con-
 ✓ nection with deponent against the
 will, and the said defendants
 prevented deponent from making
 ✓ any outcry by placing their hands
 over deponent's mouth. Deponent
 therefore charges said defendants
 with the crime of rape, in that he did
 ravish deponent as aforesaid.

Subscribed and sworn to before me this..... day

of November 1880

John J. Hoffman

Police Justice.

Mary Mc Gill
deponent

0869

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer. *Joseph Kearney*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *45 West 92nd St - 10 years*

Question. What is your business or profession?

Answer. *Iron moulder*

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

Answer. *I am not guilty, I had nothing to do with it. I have proof that I was asleep in my bed at the time the woman shouted**Joseph Kearney*

Taken before me this

19

day of

March

1881

John W. Warden

Police Justice

0870

Dr. Samuel Rapp.

*Office Hours
8 to 10 A.M.
12 to 1.30 P.M.
5 to 7 P.M.*

352 East 50th Street.

COURT OF GENERAL SESSIONS.

THE PEOPLE

VS.

THOMAS MCGUINNESS.

City and County of New York ss.

AMBROSE H. PURDY, being duly sworn, says that he is the Attorney for the above named Defendant. That some-time before the date hereinafter mentioned he was retained by the defendant and had consulted with him and prepared himself for trial. That on the 6th day of January, 1891, the case was on the Calendar of Part I of this Court; that at the same time the case of the people vs. Otto Rheum was on the Calendar of Part III of this Court, in which case the deponent was also attorney and counsel. That while waiting for the case of McGuinness to be reached, the District Attorney in charge of Part III moved the case of Rheum. Thereupon the case in Part III proceeded to trial. While ^{that} the case was being tried, and while deponent was actually engaged in the trial of the case, the case against McGuinness was moved in Part I.

It was impossible for deponent to leave the trial where he was actually engaged, and the consequence was that counsel was assigned to defend McGuinness. A clerk in deponent's office was attending for him in Part I, and he is informed and believes that the Court was notified that deponent was actually engaged in the trial of a cause in Part III.

Deponent further says that one of the Court Officers from Part I came down to Part III and was informed by deponent that he, deponent, was actually engaged, as the said Court Officer could himself see.

Deponent further says that it has been the custom in the Court of General Sessions, where an attorney was actually engaged in another part of that Court, that any case in any other Part was not forced on under the circumstances. That Justice Cowing has stated the rule, in deponent's presence and to deponent, in substance, as follows: "If you have a case in another Part of the Court and one here, the one that is reached first will go to trial." Under similar circumstances, Judge Martine has frequently said, "Of course counsel cannot be in two places at once."

Deponent believes that the rights of McGuinness were jeopardized by his not being able to avail himself of the services of deponent, who was familiar with his case, who had consulted with him and who was prepared to defend him, and that a stranger to the case, no matter what his legal ability might be, could hardly be possessed of the facts as well as deponent.

Sworn to before me this :
12th day of January, 1891.:

A. H. Purdy
Jacob Mankin
notary Public,
N.Y.C.

COURT OF GENERAL SESSIONS.

-----0
 THE PEOPLE
 VS.
 THOMAS Mc. GUINNESS.
 -----0

CITY AND COUNTY OF NEW YORK, SS:

THOMAS Mc. GUINNESS, being duly sworn, says: I am the defendant in the above entitled action. On the 6th day of January, 1891, my case was called for trial in part I of this Court. I had theretofore retained Ambrose H. Purdy as my Attorney. When the case was called the said Purdy was engaged in the actual trial of a case in another Part of this Court.

An entire stranger to me was assigned to defend my case a person of whom I knew nothing, with whom I had no consultation and who was not familiar with the facts of my case.

The case being forced on for trial, I was greatly embarrassed in my defense and did not ^{know} what to do. I openly in Court protested against being forced to trial in this way. I declined to take the witness ^{stand} in my own behalf, as I thought by so doing I might, in some sort, acquiesce in what appeared to me to be an alleged proceeding. I am entirely innocent of the charge against me; and I am satisfied that had I been able to avail myself of the services of the Attorney of my choice, the one that I had retained, I could have demonstrated my innocence to the Jury.

Sworn to before me this)
 23rd day of January, 1891)

Abraham D. Levy
 Comm'r of Deeds, N.Y. Co.

0874

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

_____ being duly
sworn, says that he resides at No. _____ Street, in the City of
New York; that he is _____ years of age; that on the _____ day of _____
18 _____, at Number _____ in the City of
New York, he served the within _____ on _____
the _____ by leaving a copy thereof with _____

Sworn to before me this
day of _____ 189 _____ }

U. S. Court of Civil Sec.
The People

Plaintiff

against

Thomas McDermott

Defendant

Affidavits

PURDY & McLAUGHLIN,

Attorneys for Defendant

No. 280 BROADWAY, New York City

Due and timely service of cop of the
within hereby admitted
this day of _____ 18 _____

Attorney.

To _____

THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs.

THOMAS MCGUINNESS.

BEFORE RECORDER SMYTH.

Tuesday, January 6, 1891.

Jointly indicted with Joseph Kearney for rape.

Asst. Dist. Atty. Macdonna for the People.

Mr. Hooper for the Defendant.

The case was called and in the absence of Mr. Purdy the Court assigned Mr. Hooper to defend the accused.

The Defendant: Judge, your Honor, can't I have Mr. Purdy?

The Court: Mr. Purdy agreed to be here yesterday.

Defendant: His clerk went down to see him, he will be here in ten minutes. It is a serious question, I would like to have him defend me.

The Court: Have you any witnesses?

Defendant: No sir.

The Court: I am not going to put all the public business back for Mr. Purdy.

Defendant: The clerk will be back in a few minutes he told me.

The Court: Go on with the case.

Mr. Hooper: I don't know anything about the case.

The Court: Mr. District Attorney, state the facts briefly.

Mr. Macdonna: Gentlemen of the Jury, on the 17th of November at the foot of 34th Street North River, a woman named Mary McGill was assaulted by a number of people among others the defendant at the bar now and raped; they dragged her down on the dock and assaulted her about half past eleven o'clock at night. Have any of you gentlemen heard of such a case?

The Court: If any gentleman of the Jury has heard anything of

that case or read anything about it in any of the newspapers, he will please say so.

A Juror: I read of that case.

Mr. Macdonna: The fifth gentleman says he read of it.

The Court: You had better retire; we will get a jury that heard nothing about it. Call another juror.

The Clerk called another juror.

By the Court. Q. Mr. Cunningham, this defendant is charged with the crime of rape, did you hear the statement that was made by the District Attorney to the other jurors in reference to the case? A. I did not.

Q. Have you read anything about it in the newspapers, or have you heard anything about it? A. Nothing.

Q. Neither read or heard of it, you know nothing of the case?

A. No sir.

Mr. Hooper: Gentlemen, I will ask you this question further, if any of you have such a prejudice against a man charged with the commission of the crime of rape that it might influence your verdict either one way or the other. The mere charge sometimes influences a man and affects his mind. If not, I think the jury is satisfactory, I know no objection.

The Court: Gentlemen, the meaning of that question is this, he wants to know if a man who is merely charged with the commission of a criminal act, whether the mere charge without proof of the perpetration of that act would prejudice his case in your mind ---- you understand the question?

A number of jurors: Certainly.

Mr. Hooper: My question was intended to go even further than a man charged with the commission of the crime of rape.

The Jury is satisfactory.

The Court: Would the mere fact, gentlemen, that a man was charged with the commission of the crime of rape before you heard any evidence in the case, before you know whether he was guilty or not, would that of itself create a prejudice in your mind against him?

A number of jurors replied: Certainly not.

The Jury was sworn.

Mr. Hooper: If your Honor please, the Defendant desires me to enter an objection and a protest against being compelled to go to trial without his counsel who has been regularly retained. May I have that on the minutes?

The Court: Yes, to which the Court replies that when the case was called for trial yesterday Mr. Purdy, who represented the defendant, asked to have the case postponed until this morning, stating that he would then be ready and proceed with the trial of the case, and that the case was postponed by the Court on Mr. Purdy's application with the assurance on his part that he would proceed with the trial of the case when it was reached to-day.

Mr. Hooper: And we except to the direction.

The Court: Of course.

Mr. Macdonna opened the case for the People.

MARY FLEMING sworn and examined.

By Mr. Macdonna: Q. Now Mrs. Fleming, you have got all the time you want to tell this story, you do not want to be nervous, you want to talk out loud, the Court will see that you get plenty of time to answer all the questions that are put to you, do not get excited or flurried, listen to what I say to you and answer the questions; talk out loud so that that last gentleman can hear you, let them all hear what you have got to say. Where did you live, Mrs. Fleming,

on the 19th of November last? A. I lived in 439 West 36th Street.

Q. In this city? A. Yes sir.

Q. At that time your name was Mary McGill? A. Yes sir, Mary McGill.

Q. Since then you have married Patrick Fleming? A. Yes sir, Patrick Fleming.

Q. Where were you married? A. I was married in 40th St. church; here is my marriage certificate (producing paper).

Q. 40th Street Roman Catholic Church? A. Roman Catholic Church.

Q. You areba Catholic and so is Fleming? A. Yes sir.

Q. When did this marriage take place?

Objected to as immaterial. Objection sustained.

Q. Now on the 17th 19th day of November last did you leave your house at 439 West 36th Street? A. I left my house where I board about ten minutes, well about half past eleven and I stood a few minutes and the remainder of the time at the door with Mr. Fleming; him, and I was arguing about a letter from home; he annoyed me about this letter

and he went away very angry and to get straight with him again, to see that he was not so angry, I went down to where he worked to see him so I would talk it over. I walked down and as 35th Street was dark ----

Q. What time did you have this conversation with him?

A. That was about half past ten o'clock.

Q. And then he left you, did he go to work? A. Yes sir.

Q. Where did he work? A. He worked at 35th Street between 11th and 12th Avenues in a packing house.

Q. In 35th Street? A. Yes sir, in 35th Street.

Q. About an hour after he left you went after him? A. It was not quite an hour.

Q. Half an hour? A. Yes sir, about half an hour.

Q. Eleven o'clock you went after him? A. Yes sir.

Q. How did you go to 34th Street and the North River, explain to the jury the route you took from 439 West 36th Street?

A. I walked up to 10th Avenue and across 10th Avenue to 34th Street.

Q. You mean down 10th Avenue? A. Down 10th Avenue to 34th Street, I went down 34th Street along on the plank road after I crossed 11th Avenue and I walked the plank road; it is high up by the market, along down to 12th Avenue and when I got to 12th Avenue there is right around the corner a bend cut off the corner and I had to go around that way to get off the plank walk which was up off the street in 34th Street.

Q. Just explain, you say from 11th Avenue down to 12th Avenue it runs along the market, does it not? A. Yes sir.

Q. That is the Manhattan Market? A. I do not know the name of the market.

- Q. There is a wooden way there? A. Yes sir, a wooden block.
- Q. Where wagons back up? A. Yes sir.
- Q. You walked down on that? A. Yes sir, I walked down on that.
- Q. There is no pavement on the street as there usually is? A. No sir.
- Q. You walked down to the end of the market, did you? A. To the end of the market and I wanted to turn the corner of the market to get down ----
- Q. You went on the 12th Avenue side? A. Yes sir on the 12th Avenue side and just as I turned the corner and got down off the steps --- I did not see where McGuinness came out of but right on 12th Avenue he came out, and the night was so wet I had my dress taken up in this hand, and he walked over to me and put his hand into my arm and he walked across 12th Avenue. I says to him, "you had better look out or I will have an officer to you." He did not speak to me; that is all I said to him, and he backed me, kept backing me back into the dark. Thirty-fourth Street is very light, there is four electric lamps on 34th Street from 11th to 12th Avenue.
- Q. Along the market front? A. Along the front of the market, the street is so light you could see to write in it. He backed me back until he backed me as far as he could. I fought with him all the way and after he knocked me down he put his right leg to my back and threw me back in the mud and he put his right hand on my mouth and Kerney rushed up and put his hand on my throat and kept me down while he (the defendant) insulted me.

Q. Where was this, tell us if they took you up all the way from the market on the west side of 12th Avenue to the side the market was on, did he force you across the avenue or did he keep you on the side the market was on?

A. He put me across on the other side, I walked across, that was the time he took my arm.

Q. Where did he force you?, did he force you off the sidewalk?

A. Off the sidewalk on the dock, there is a dock.

Q. Now is that dock lighted? A. Yes sir, there is a light in it but there was one large building that broke the electric light.

Q. The electric light from 12th Avenue? A. Yes sir, from 12th Avenue.

Q. But the light going from 34th Street was unobstructed?

A. It shed on the dock.

Q. But the light that was nearest you on 12th Avenue was obscured by this building? A. Yes sir, it kind of threw a dark shade.

Q. As soon as you were in the shadow you were thrown?

A. He threw me down.

Q. What was the condition of the dock? A. It was very dirty, very wet and dirty, my hair was dirty and the dirt was into my head and ear.

Q. You say that Kerney came up, had you seen Kerney before on the other side of the street? A. I did not notice him until he came up, I seen a man but I did not notice that it was Kerney until he ran up and held me down while this other man insulted me and kept his hand on my mouth and one hand on my throat.

By the Court. Q. You were forced back, thrown back, is that right?

A. Yes sir, that is right.

Q. When you were lying back that way on the dock was it?

A. It was on the dock, yes sir.

Q. You lay on your back? A. Yes sir.

Q. What was the position of this defendant at that time, where was he, McGuinness? A. McGuinness had my clothes up and insulted me.

Q. You mean that he had intercourse with you? A. Yes sir.

Q. Actual? A. Actual, yes sir.

Q. What was the other man doing? A. The other man held me down.

Q. How did he hold you? A. He held me with his hand on my mouth and his other hand on my throat.

Q. McGuinness was on top of you at that time? A. McGuinness was, McGuinness kept me so long down that Kerney cursed him, "God damn you", to hurry up, while I was on the dock, while McGuinness was committing the deed.

Q. After he got through with you what happened? A. He held me down and he opened my dress and McGuinness held me down while Kerney committed the next insult on me.

Q. Who opened your dress? A. McGuinness opened my dress, all down the front of my dress and searched me for money. I had three dollars, a two dollar bill and a one dollar bill in a jacket such as this, like this one only a little bit heavier, it had small pockets and in one of my pockets I had three dollars, which was a two dollar bill and a one dollar bill. I believe that he took it; it was gone when I got up and I had it when I left my boarding house.

By Mr. Macdonna. Q. It is necessary to know, Mrs. Fleming --- you say that this man insulted you, did he accomplish his purpose with you? A. Yes sir, he did.

Q. There is no doubt about it? A. No doubt that the two of them did it.

Q. He did enter your person? A. Yes sir.

Q. And the same is true of Kerney is it? A. Yes sir.

Q. Will you please tell the jury, Mrs. Fleming, what happened after Kerney got through, what did you do when Kerney got through? A. When I was getting up they all ran away and somebody hissed at the dock.

Q. Describe to the Jury what you heard? A. I heard somebody hiss as if there was a policeman or an officer ----

Q. You heard a hiss? A. Yes sir.

Q. They all scattered away, this man amongst the rest?

A. Yes sir, that man amongst the rest.

Q. What did you do? A. I got up and went towards 12th Avenue, which was only a little distance.

Q. How distant was the place you were thrown on the dock from the west side of 12th Avenue, how far had you been shoved off the avenue on that dock, you have not told us that?

A. I could not tell you, it was not so very far, it might be as far as from here to the stove.

Q. Then you got up and went to 12th Avenue? A. Went to 12th Avenue. Kerney followed me and put his arms around my waist and wanted to drag me across 12th Avenue. I was in the street, not exactly in the middle of the street, I was between 11th and 12th Avenue, not on the board walk, on the other side of the street, the down town side of the street. Kerney came up to me and he wanted to pull me

across the street over to 35th Street which was that way and I had in my pocket seventy-five cents, two twenty-five cent pieces, two ten cent pieces and a five, the key of my trunk and a button-hook and I took all out and gave him this money, seventy-five cents to let me go and asked him for God's sake to take me home and all the money I had at the house I would give it to him. When I gave him that he delayed as long as to see that he had no safe pocket to get it in which gave me a chance to get about as far as from here to there (pointing) a little ways ahead of him.

I ran for some one to protect me until I went to 11th Avenue. When I got to 11th Avenue it was all cars there and I could not go across it, I saw two men that was swinging red lamps and one of them I rushed up to and was crying as hard as I could, I was telling him all my troubles and he kind of pushed me away and he walked over to where there was a man standing at a little shanty and I went with him. With that ^aKerney came up now; I says to the man, "catch hold of him."

Counsel: Objected to.

By Mr. Macdonna. Q. Never mind the conversation, you spoke to this ^eman did you, in the shanty? A. Yes sir.

Q. Did you request them to take you home? A. Yes sir, I did.

Q. Did they go home with you? A. No sir.
By the Court.

Q. They were men at work on the railroad? A. Yes sir.

By Mr. Macdonna. Q. Did they explain to you why they could not take you home? A. No sir.

Q. Then what did you do after these men failed to go, did the cars go by near the avenue? A. No, I went across the market, I saw one store open on 35th Street on the uptown

side of the way and I ran into it. There was a dog commenced to bark at me, I was trying to get the bar-tender to go over to stop the dog from barking for him to hear what I was saying when he came over by the window; Officer Dearing came right in and I told Officer Dearing what happened to me.

By the Court. Q. Was there mud on you? A. Yes sir, my hair was all mud, all my clothes was all mud and Officer Dearing washed my face with a handkerchief.

Q. There was mud upon your clothing and upon your hair?

A. Yes sir.

Q. And I understood you to say in one of your ears?

A. Yes sir.

Q. One of the men held you by the throat and the one hand on your mouth while the first man, this defendant, outraged you, is that right?

A. Yes sir.

Q. Did you kick or scream?

A. Yes sir, all I was able to do.

Q. All you were able to do?

A. Yes sir.

Q. His weight I suppose kept you down, didn't it? A. Yes sir, I could not scream for they would not let me; my mouth was cut when I appeared in Jefferson Market and my throat was black.

Q. Your throat was black and your mouth cut?

A. Yes sir.

Q. And that prevented you from screaming loud?

A. Yes sir.

CROSS EXAMINED by Counsel.

Q. Do you know this man Kerney? A. No sir.

By the Court. Q. Was this done to you with your consent or against your consent? A. Against my consent.

Q. And against your resistance? A. Yes sir.

By Counsel. Q. How long have you known Kerney? A. I have never known him until this time.

By the Court. Q. You never saw him until you saw him then? A. NO.

By Counsel. Q. Or either of them? A. None of them, no.

Q. You do not know where they live? A. No sir.

Q. Where was your husband, as he is now, working at that time?

A. He was working in 35th Street, he is working there I believe going on five years.

By the Court. Q. He wants to know on that night where was he working? A. In 35th Street.

Q. What is the number? A. I do not know the number.

Q. It is a packing house? A. Yes sir, a packing house.

Q. You do not know what part of 35th Street he was working?

A. It was between 11th and 12th Avenue.

Q. Where did you live at that time? A. No. 439 West 36th St.

Q. What route did you take to get to your husband's place, your husband as he is now? A. I beg your pardon?

Q. What way did you go? A. I went 34th Street.

Q. You went 34th Street? A. Yes sir.

Q. You lived in 36th Street? A. Yes sir, I lived in 36th St.

Q. And he worked in 35th Street? A. In 35th Street.

Q. You went by the way of 34th Street to reach there, is that right? A. Yes sir.

Q. Now after you reached 34th Street what avenue did you go on

before you changed your course? A. 10th Avenue, I walked down 34th Street.

By the Court. Q. You kept down 10th Avenue until you got to 34th St.

A. Yes sir.

Q. And then you went towards the river when you got to 34th Street? A. Yes sir.

By Counsel. Q. You live in 36th St. and you walked down 34th St. to 10th Avenue and 35th St., is that right?

No answer.

By the Court. Q. Where is your house? A. 439 West 36th Street.

Q. When you left 439 West 36th St. which way did you go toward the river? A. I walked up to 10th Avenue and turned down 10th Avenue.

Q. You walked from your house to 10th Avenue, is that right? A. Yes sir.

Q. Then you walked down 10th Avenue until you got to 34th St.? A. Yes sir.

Q. And then when you got to 34th Street did you go then toward the river? A. Yes sir.

Q. How far did you go until you struck the market? A. Until Kerney met me I was on my way going back --- when that man there met me, I cannot remember his name.

Q. McGuinness? A. McGuinness.

By Counsel. Q. You walked down 34th Street to what avenue, I did not catch that?

No answer.

By the Court. Q. When you got into 34th St. did you go down to 12th Avenue? A. Yes sir.

Q. Did you keep on along 12th Avenue? A. Yes sir, on the plank walk.

- Q. Which was along in front of the market? A. Yes sir, the market.
- Q. Was it there that you met Kerney? A. No, as I crossed 12th Avenue I met Kerney and was coming back on the other side of the way, I came down off the plank walk.
- Q. When did you meet McGuinness? A. It was McGuinness I met then, not Kerney, McGuinness is the one that drove me back on the dock, McGuinness was the man that throwed me down.

By Counsel. Q. Where did you meet McGuinness, at what point?
the crossing
A. I met McGuinness on 12th Avenue as I crossed I cannot exactly explain it to you, the steps are down, right at the foot of the market.

- Q. Were you going toward the river then? A. No, I was on my way going back to cross up on the other side of the way, going back home again, as long as I did not see Mr. Fleming.
- Q. Was it at the corner of 35th Street? A. It was right on 34th Street, right opposite the dock.
- Q. What time of the evening was this when you met him?
A. That was half past eleven o'clock at night.
- Q. And did you see Kerney then? A. No, I did not see Kerney until after McGuinness throwed me down.
- Q. How far were you from the dock at that time when you first met McGuinness? A. I was the whole length of the dock for I was on 12th Avenue.
- Q. I understood you to say a moment ago Mrs. Fleming, that you were on 34th Street? A. I was on 34th St. on 12th Avenue when McGuinness caught hold of my arm and then he took me back about as far as from here to the stove.

Q. Then you were at the corner of 12th Avenue and 34th Street is that right? A. Yes sir, I was not on no corner, I was crossing the street, I was crossing 12th Avenue one side of the avenue on to the other.

Q. You were crossing 12th Avenue? A. 12th Avenue.

Q. Going toward the river? A. Yes sir.

Q. Now your husband's place is between 11th and 12th Avenue, isn't it? A. Yes sir, between 11th and 12th avenue in 35th Street.

Q. Then you were going further away from 11th And 12th Avenue than what your husband's place was? A. No sir, I was going back, on my way back home again.

By the Court. Q. Did you go to your husband's place that night?

A. No sir, I did not see my husband that night, not until the next evening.

Q. You were caught by those people before you got there?

A. Yes sir, before I got there.

By Counsel. Q. Let me see if I am right, Mrs. Fleming, you left your house and went down 10th Avenue to 34th Street and you went down 34th to 12th Avenue and crossed 12th Avenue, didn't you? A. Yes sir.

Q. And your husband's place was between 11th and 12th Avenues; was it not? A. His place was in 35th Street between 11th and 12th Avenue.

Q. So you went across 12th Avenue before you turned back to go to your husband's place, is that right? A. I cannot understand how you mean.

The Court: Where is this market?

Mr. Macdonna: 34th and 35th Streets and 11th and 12th Avenues.

The Court: It is between 11th and 12th Avenue?

Mr. Macdonna: Yes sir.

By Counsel. Q. Now Mrs. Fleming, will you tell us exactly where you first met McGuinness, whether it was on the west side or the east side of 12th Avenue, you understand that, don't you?

By the Court. Q. Do you know which is the west side and which is the east side of 12th Avenue, the west side is the side nearest the river, the east side is the side opposite?

A. Well, it was right as I crossed the avenue that he came up to me and put his arm into my arm.

By Counsel. Q. I asked simply where it was, as you were crossing 12th Avenue? A. Yes sir.

Q. Which direction were you going across 12th Avenue, from the river or toward the river? A. I was going towards the river to get on my way to go back up the same street again.

Q. Now does the dock come right to 12th Avenue, right to the street? A. I do not know.

Q. You do not know whether it comes right to the street or whether it is further west, do you? A. No sir.

Q. You have been in that neighborhood before, haven't you? No answer.

By the Court. Q. Did you ever go down to your husband's place of business before? A. Yes sir many a time I passed by.

By Counsel. Q. What avenue is next to 12th Avenue toward the river?

By the Court. Q. Is there any other avenue? A. There is no other, not that I know of.

By Counsel. Q. Do you know whether there is or not certainly?

A. I know so little about that part of it that I do not know, I never looked.

Q. That part of the city is frequented by quite a good many people, is it not, quite a good many people passing there?

A. Yes sir, there is a good many people passing there.

Q. Did you see anyone that night beside these parties that you speak of? A. No, them was the only two that I had seen,

Q. You saw these railroad men you have spoken of? A. They were on 11th Avenue.

Q. Was that after this assault had taken place? A. Yes sir.

Q. And that was when you were crying when you met them?

A. Yes sir.

Q. Are there any stores along 11th Avenue there?

A. Yes sir, a good many stores along 11th Avenue.

Q. Some saloons and bar-rooms? A. Yes sir, I believe so.

Q. Did you inflict any injury on this man, bite him or scratch him or anything of that kind? A. I do not know, not that I know of.

Q. You did not try to bite or scratch him? A. I tried not to let him knock me down.

Q. That is all you did when you were down on the wharf, you tried to prevent his knocking you down? A. Yes sir.

Q. And the crying which you have spoken of in answer to the Judge's question was after it happened? A. I cried before that man knocked me down.

Q. You cried then? A. Yes sir, and after he knocked me down, I cried as long as I could until they prevented me, putting their hand on my throat and a hand on my mouth.

Q. I understood you to say that he was the first man you saw?

A. Yes sir.

Q. And he had his hand on your mouth and on your throat both, is that correct? A. That was while Kerney was doing the act.

- Q. Not while he was doing the act? A. No, Kerney held me down while he committed his act.
- Q. Now is it light or dark down on the wharf, on the dock where this happened? A. It is light.
- Q. It is off the street, isn't it? A. Yes sir, it was off the street.
- Q. There was no business going on there that night that time? A. No.
- Q. I understood you to say it was in the shadow? A. I was in the shadow of the house.
- Q. So that there was no light striking directly there where you were? A. NO.
- Q. The first time you saw Kerney was by the wharf, wasn't it, he came up then? A. Yes sir, he came up then.

RE-DIRECT EXAMINATION.

By Mr. Macdonna. Q. Mrs. Fleming, when you say you cried, you mean you wept or that you called out? A. I hallooed hard, as hard as I could.

Q. And you cried? A. Yes sir.

By the Court. Q. What did you halloo, what did you say when you hallooed? A. I cried, O God, everything like that.

By Mr. Macdonna. Q. Did you call police?

Objected to.

Q. Let me ask you about McGuinness, the defendant, was he bare-headed or did he have a hat on? A. He had a hard hat on him.

Q. He had a hard hat on him when you first saw him?

A. Yes sir.

Q. After Kerney got through did he have a hat on?

A. Who?

18 Q. McGuinness, this man, did he have his hat on? A. No,

bb McGuinness had no hat on.

Q. He lost his hat in the scuffle, did he? A. Yes sir.

By Counsel. Q. Did you leave them there when you left? A. Yes sir, they were behind me.

Q. You went off the dock first? A. Yes sir, I went off the dock first.

Q. You left them on the dock? A. On the dock.

By the Court. Q. Did you run off the dock? A. I run off the dock as hard as I could until I was overtaken by Kerney just crossing 12th Avenue.

WILLIAM F. DEARING sworn and examined.

By Mr. Macdonna. Q. Officer Dearing, you are attached to the 20th precinct, are you? A. Yes sir.

Q. Is the Manhattan Market in this city in your precinct?

A. Formerly it was the Manhattan Market, now it is used as a potato market and the Chicago Beef Company.

Q. Will you describe to the Court and Jury the exact location of that market, you have heard the testimony of this other witness about having walked down 34th Street, where is the market? A. The west side of 11th Avenue and the east side of 12th Avenue on 34th and 35th Streets.

Q. Is that market on your beat? A. Yes sir.

Q. You are familiar with the lights and lamps on 34th Street, are you? A. Yes sir.

Q. Is 34th Street better illuminated than 35th and 36th Sts. from 10th Avenue to the river? A. Yes sir.

Q. How is it illuminated? A. By electric lights.

Q. Are either of those streets lit by electric lights?

A. Not 35th Street.

Q. How far from the extreme western end of the market building that you have described on 34th Street and 12th Avenue is the head of the dock? A. About seventy-five feet.

Q. Is that the bulkhead just beyond the west side of 12th Ave.? A. No, the dock starts at 12th Avenue, the west side of 12th Avenue.

Q. There is a bulkhead and it runs out? A. Yes sir, runs down.

By the Court. Q. It runs to the river, does it not? A. Yes sir, to the river.

By Mr. Macdonna. Q. Now Officer, on the night of the 19th of November where did you first see this man McGuinness?

A. Standing on the east side of 35th Street and 11th Avenue.

Q. Previous to seeing him you had met the complainant? A. Yes sir.

X Q. Where did you meet her? A. At a liquor store on the southeast corner of 35th Street and 11th Avenue.

Q. Describe to the Jury what condition she was in when you saw her in this liquor store at 35th Street?

By the Court. Q. Did you see her inside of the saloon or outside? A. I seen her running into the saloon coming down the avenue.

Q. What was the first you saw of the complainant, just tell us that? A. She came running across 35th Street into the liquor store and I walked down.

Q. You saw her running? A. Yes sir, running.

Q. In what direction? A. Towards this liquor store, towards theeast.

Q. From where was she running? A. From the opposite side.

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Q. That is what attracted your attention? A. Yes sir, I looked over the window, I seen her in the store.

By Mr. Macdonna. Q. You went into the store? A. Yes sir, I went into the store and found her in the store.

Q. Was she crying? A. Yes sir, she was crying and halloing.

I asked her what was the matter and she told me she had been assaulted down on the dock. I asked her if she would know the man and she said yes. She gave me a description of a dark complexioned man, smooth face, without a hat on. I walked outside and saw three of them standing on the west side of the avenue and 35th Street.

By the Court. Q. You haven't told us about this woman's clothing and hair? A. It was all full of mud and you could see the marks on the face.

By Mr. Macdonna. Q. Finger marks? A. Yes sir, I did not look at her throat and back, her dress and hair were full of mud; I walked on the opposite side.

Q. With her? A. No, I left her in the saloon, I walked over before her.

Q. Whose saloon was that? A. Jeremiah Hardy.

Q. Who was in the saloon? A. The bar-keeper and another young man.

Q. What was the bar-keeper's name? George Lavery.

Q. You left her there and went out on the street after getting a description of the people who assaulted her, is that right? A. Yes sir.

Q. And who did you see when you got on the street? A. I noticed three men on the opposite side of 35th Street and 11th Avenue; I seen McGuinness there, he went to run and

I told him to stop or I would fire.

Q. Then this man here attempted to run? A. Yes sir, I told him to stop or I would fire.

Q. Describe what condition he was in, did he have a hat?

A. He had no hat on, I just fetched him over to the woman. I asked her if this was the man and she said, yes.

I asked her if she was certain. I looked at McGuinness and his knees were all full of mud and wet. I asked him who was with him? He said Kerney was; going up to the station house; I asked him what he was doing on the avenue there; he said he was going to get something to eat. Going up to the station house he told me nobody, he would not tell me; he said he was working on the barge Spears and that he had lost his hat there. I fetched him to the station house and had him locked up. I went down aboard the barge and searched the barge and found no hat and nobody aboard the barge.

Q. George Lavery is in Court? A. Yes sir.

By the Court. Q. What became of the other two men? A. They ran.

Q. They ran away and you stopped this man? A. Yes sir, one went toward 36th Street and the other to 34th Street on the other side of the Avenue.

By Mr. Macdonna. Q. Did you know the other two men? A. No sir.

Q. Did you know McGuinness? A. Yes sir.

Q. Did you call him by name to stop or you would shoot?

A. Yes sir, I did.

By the Court. Q. Was not Kerney arrested? A. Yes sir, he was arrested the following day.

Q. Was he one of the three men that you saw on the corner?

A. I saw Kerney with the woman before that.

Senter case

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Q. Was he one of the three men that were on the corner?

A. No, he was with the woman at the time when she went into the store, he was not with the gang.

Q. Did she identify him too?

A. Yes sir, in the station house.

Q. What time was it when you met this woman in this saloon?

A. Twenty minutes to twelve.

Q. Did you look at the watch?

A. No sir.

Q. How do you know the time?

A. It was five minutes to twelve when I got to the station house.

WILLIAM FINNEGAN sworn and examined.

By Mr. Macdonna. Q. Finnegan, what is your business? A. Handling cabbage in the winter time.

By the Court. Q. What do you work at?

A. I generally work

in a paper factory.

By Mr. Macdonna. Q. In a paper factory in the summer time?

A. Not in the summer time, generally in the Fall.

Q. Where are you a native of, where do you belong? A. Up in the 20th ward.

Q. Now what were you doing on the 18th of November last; were you employed in this city? A. Yes sir.

Q. Where? A. I was working for William Strobbridge, cabbage dealer.

Q. At the barge anchored at the foot of 34th Street?

A. No sir, he had a canal boat.

Q. Were you on the dock on the night of the 18th of November about half past eleven o'clock? A. Yes sir, I was.

Q. Was your attention attracted by any noise while you were

on board the barge? A. Yes sir.

Q. What did you hear? A. Round about twelve o'clock by a woman screaming.

Q. Was it not quite before twelve?

Objected to..

A. I would not say, it was about twelve o'clock.

Q. You had not a watch, had you, or a clock? A. No sir, I had no watch, I had a clock in the cabin.

Q. You did not look at it. A. Yes sir, it was five minutes to twelve by the clock.

Q. Now you heard a woman call? A. I heard a woman screaming.

Q. You came up? A. No sir, I did not come out at all.

Q. Didn't you? A. No sir.

Q. When did you come out after hearing this noise? A. I did not come out until the next morning.

Q. The next morning? A. Yes sir.

Q. I am afraid you have a failure of memory?

Objected to.

Q. Do you remember yesterday morning having a conversation with me against that window? A. Yes sir, I do.

Q. Do you remember stating to me that you came out of the barge after you heard the noise?

Objected to.

A. No sir, you must be mistaken, I did not say nothing of the kind.

By the Court. Q. What time the next morning did you leave the barge? A. Seven or a quarter past seven..

Q. You stayed there while you heard the woman scream?

A. Yes sir, I thought if I went out I would get myself

into trouble, so I stayed in.

By Mr. Macdonna. Q. Where did you spend the recess of this court, will you tell us, tell the Recorder?

Objected to. Objection overruled. Exception.

A. I spent it walking around the park.

Q. You did not speak to a single man? A. Yes sir.

Q. Do you remember which door of this court-room you went out of? A. Yes sir, I went out on the Chamber Street side.

Q. From the door of this office where did you go? A. I went across the corner.

Q. Across to the other side of Chamber Street? A. Yes sir.

Q. What number? A. I do not know, it is on the corner.

Q. What building? A. It is in a liquor store.

By the Court. Q. Did you go into the building? A. Into the liquor store.

Q. Did you have a drink there? A. I had a glass of ale.

Q. Who did you have the glass of ale with? A. With McGuinness's father.

Q. With McGuinness's father? A. Yes sir.

Q. How long were you with McGuinness's father? A. Well, about fifteen minutes.

Q. Who paid for the glass of ale? A. McGuinness's father.

Q. Did you have anything else with McGuinness's father?

A. No sir.

Q. Did you have a talk with him? A. No, he only said he hoped his son would get out and I said I hoped so too; that is all the talk we had.

Q. Did you know McGuinness's father before? A. I knew him by sight, never to speak to him.

Q. Do you know McGuinness on trial, and how long have you known him? A. Yes sir, about a year or so.

EDWARD GAMMEL sworn and examined.

By Mr. Macdonna. Q. What is your business, how are you employed?

A. Flagman on the corner of 34th Street.

Q. What railroad, are you employed by the New York Central and Hudson River Railroad? A. Yes sir.

Q. Where is your station, at 34th Street and 11th Avenue?

A. Yes sir.

Q. Were you at the corner of 34th Street and 11th Avenue between the hours of eleven and twelve o'clock on the night of the 18th of November last? A. Yes sir.

Q. Do you remember on that night having seen the complainant, Miss McGill at that time, that lady sitting in the box there? A. Yes sir, I saw her going running up 34th St.

Q. Now you keep a pretty close watch of the time of the train coming in and going out? A. Yes sir.

Q. About what time was it when you saw her running up 34th Street, when you say running up you mean from 12th Avenue towards 11th Avenue? A. Yes sir.

Q. About what time was that? A. Between eleven and twelve o'clock.

Q. Could you fix it any nearer than that? A. About half past I should say.

Q. About half past eleven? A. Yes sir.

Q. Now did she come up and speak to you? A. Yes sir.

Q. She was running as fast as she could? A. She was running as fast as she could run and she was crying at the same time

Q. Do you mean crying and calling aloud or sobbing and weeping? A. Yes sir.

Q. When she came up to you what was her condition? you looked

at her. A. Yes sir, her dress was all turned up this way (illustrating), you could see her skirt but I could not see the head or the shoulders nor her back because her face was turned to me, I could see some of the small bunches of dirt on her face somewhere here (pointing

Q. Did she ask you to go home with her, to take her home?

A. She asked three or four of us to take her home.

By the Court. Q. Did she ask you, how did she ask? A. Well, "one of you take me home."

By Mr. Macdonna. Q. Did she tell you why she wanted you to take her home?

. Objected to.

By the Court. Q. You did not? A. NO.

Q. Why, you could not leave your post, is that right?

A. Yes sir.

Q. Did you say that to her? A. No sir.

Q. You did not say that you could not leave your post?

A. No sir.

By Mr. Macdonna. Q. Who else was there with you when she came up, was Lore with you? A. Yes sir, he was in the same place with me, in the same shanty.

By the Court. Q. What are you? A. A flagman.

Q. You have to stay to flag those trains? A. Yes sir.

Q. In the shanty or what? A. When the train comes we have to go in the center of 34th Street.

Q. You are posted where, is there a shanty there?

A. Yes sir, there is a shanty there.

Q. Shelter for you? A. Yes sir.

Q. And then when the trains are passing up or down you have to go with your light ahead of the train, is that right?

A. Yes sir.

Q. Trains are passing up and down there all the time?

A. Yes sir.

Counsel: No questions.

JOHN LORE sworn and examined.

By Mr. Macdonna. Q. Mr. Lore, you are employed as a flagman by the New York Central Railroad, are you? A. Switchman.

Q. Where are you stationed? A. My work runs from 34th to 35th on 11th Avenue.

Q. You have seen the complainant Mary McGill here to-day?

A. Yes sir.

Q. Do you remember having seen her on the night of the 18th of November, 1890? A. I do not remember the day but I remember the hour of the night between eleven and twelve o'clock I heard her coming up; she was squeeling, Hallooing and screaming as hard as she could scream.

Q. Coming up where? A. Coming up 34th Street over to 11th Avenue; she came over there and told us not to let these people hurt her, for protection. Well, about four or five minutes I do not know which, two or three men came up and after a while one man came up and that one man when he came up he said, "why in the hell don't you go home."

By the Court. Q. Who did he say this to? A. To this lady, and this ere lady she made a break ----

Counsel: I object to that, what this lady said.

By Mr. Macdonna. Q. Did you know the man who came up, if you saw him in court would you know him? A. I do not believe I would, no sir.

Q. Is that the man. (Pointing to the defendant.)

A. I could not say it was.

By the Court. Q. Had he a hat on at the time he said, "why in the hell don't you go home"?

A. I think he had a hat on.

By Mr. Macdonna. Q. Then what became of the woman?

A. The

woman asked -----

Objected to.

By the Court. Q. What became of the woman?

A. The woman grasped

the man by the arm for protection; she said, "I don't want to go with him." He came around again and said, "you son of a bitch go home."

Q. Who said this? A. This man.

Q. Who did he call son of a bitch too? A. To the lady; there was about four or five minutes and the lady started up 11th Avenue towards 35th Street.

By Mr. Macdonna. Q. How long did she remain there with you?

A. To the best of my judgment about a quarter of an hour.

Q. About a quarter of an hour? A. Yes sir.

CROSS EXAMINED by Counsel.

Q. You are quite certain that the language used was, "you son of a bitch go home?" A. Yes sir, that is sure.

Q. You could not be mistaken about that? A. No sir, I am not.

Q. You did not see this man that night? A. I could not say who it was, I never saw the man or I never saw the lady before.

Q. You were at the corner of 34th Street and 11th Avenue?

A. Yes sir, I was at the corner of 34th Street when the lady came up.

CHARLES MOORE sworn and examined.

By Mr. Macdonna. Q. What is your business, Mr. Moore?

A. Boatman.

Q. Do you own a boat? A. No sir, I run a hay barge for Myers' Excursion Company.

Q. What is the name of the barge? A. William Myers.

Q. Where was the barge located on the 18th of November last?

A. The north side of 34th Street dock.

Q. Were you on board that barge at about half past eleven o'clock on that night? A. Yes sir.

Q. Were you inside the barge or on the outside? A. Yes sir, I was in bed.

Q. What time did you get up? A. I got up exactly at half past eleven.

Q. Were you awakened? A. Yes sir.

Q. Will you tell the jury what awakened you? A. One of my men aboard the barge came in and woke me up and told me there was a disturbance on the dock. So I jumped up and went out in my underclothes, this man woke me up and I got up in my underclothes and went outside; there was seven or eight people on the dock at the time.

Q. How far down were you Mr. Moore from the bulkhead, how far out toward the pier head? A. One hundred and fifty feet.

Q. A hundred and fifty feet from the bulkhead? A. Yes sir.

Q. You saw how many people? A. About seven or eight people.

Q. At the head of the dock? A. No, right opposite my boat.

Q. Right opposite your boat? A. Yes sir.

Q. Did you see the complainant? A. No sir.

Q. Did you see any woman? A. I did not see no woman at all in the crowd.

Q. Did you see this defendant there? A. No sir, not in that crowd.

Q. Did you see him in the immediate neighborhood of your boat?
A. Yes sir.

By the Court. Q. Did you see him that night or that morning?

A. Yes sir, he was standing on the string piece alongside of my boat.

By Mr. Macdonna. Q. Did he have his hat on? A. No sir.

By the Court. Q. Have you seen the other man who was arrested?

A. Np sir.

The Court: Have you him in custody?

Mr. Macdonna: Yes sir.

By Hounsel. Q. I understood you to say there was seven or eight people near your boat when you got out? A. Yes sir.

Q. Were they using loud language? A. They were talking pretty loud.

Q. Isthat what disturbed you? A. No sir, one of my men woke me up and said there was a disturbance.

Q. So far as you know you heard no noise except what you heard from this party there of yours? A. That is all.

The Jury rendered a verdict of guilty.

McGuinness

Wednesday, January 7, 1891.

The case of Thomas McGuinness resumed.

Mr. Hooper: If your Honor please, I asked the District Attorney to concede the fact that Mr. Purdy was the counsel engaged in the case and he declined to do that.

The Court: I cannot make him concede anything, I do not think he has got any right to do so.

Mr. Hooper: I will call Captain Lindsay.

The Court: Where is Mr. Purdy himself?

Mr. Hooper: He is engaged in a trial in Part III., it was not concluded last night, I went down when the Court adjourned nearly half past four. I shall make no formal motion. I propose to prove by Captain Lindsay that Mr. Purdy was counsel in this case and that I went into the case by direction of the Court, and that I found him (Mr. Purdy) actually engaged in the trial of a case at that time in Part III of this Court.

The Court to Mr. Macdonna: I suppose you will concede that the officer went down to Part III of this Court and found Mr. Purdy engaged in the trial of a case yesterday when this case was called; he cannot testify to the fact that he (Mr. Purdy) was his (the defendant's) counsel.

Mr. Hooper: I say I found him engaged at the time this case was called.

The Court: The District Attorney will concede, as I understand it, that Captain Lindsay would testify that by direction of the Court he went to Part III of this Court and found Mr. A.H. Purdy actually engaged as counsel in the trial of a case before that Court. Let that be noted.

Mr. Hooper: I will call Mr. Hall, the Clerk of the Court, to show

McGuinness

that Mr. Purdy was the counsel in this case, simply for that one fact unless the District Attorney concedes it.

Mr. Macdonna: I wont concede it because Mr. Hall is not competent to testify to that fact.

The Court: There is no use of calling Mr. Hall.

Mr. Hooper: I offer to prove by Mr. Hall this fact, that Mr. Purdy appeared in this Court as the counsel for this Defendant.

The Court: He is, I believe; is that the fact, Mr. Hall?

Mr. Hall: Yes sir.

Mr. Macdonna: I will make the concession that he did appear in this Court as counsel for this defendant and asked for an adjournment upon the stipulation yesterday morning that he would be ready to try the case.

The Court: You can make that concession.

Mr. Macdonna: The District Attorney concedes that Mr. Purdy appeared in court on Monday and procured an adjournment of the case of the People against McGuinness and another until the following day on the understanding and the stipulation that he would then try the case.

Mr. Hooper: And at that time he was counsel for this defendant.

The Court: No, he concedes all that he can concede.

Mr. Hooper: If your Honor please, I move the Court direct a verdict of acquittal on the ground that there is not sufficient corroborative evidence to go to the Jury.

The Court: That is for the jury to determine -- motion denied.

Mr. Hooper: I also move that the Jury be directed to acquit on the ground that the defendant has not had a fair trial.

The Court: Denied also.

Mr. Hooper: Note an exception.

The Counsel for the Defendant opened the case to the Jury.

Counsel: I will not place upon the stand any witness in this case.

The Court: I shall instruct the Jury in this case in the language of the Statute, that the mere fact of this man refusing to go upon the witness-stand and become a witness in his own behalf, is not permitted to prejudice him in the slightest degree. That is the language of the Statute.

Mr. Macdonna summed up for the People.

The Court: Mr. District Attorney, there are several counts in this indictment; which count do you propose to go to the Jury on?

Mr. Macdonna: The first count, the count for rape.

(Ricardo's charge follows)

(Gollins Reading)
change

Friday, January 23, 1891.

THOMAS McGUINNESS was placed at the bar for sentence.

Mr. Purdy: If your Honor please, in behalf of the prisoner I move to set aside the verdict: 1. Because the verdict was contrary to law; 2, because the verdict was clearly against evidence; 3, because the Court at the trial misdirected the Jury on matters of law. I also move to set aside the verdict on the ground that the prisoner had not the benefit of Counsel of his own selection.

The Court: Are you moving on any papers?

Mr. Purdy: No sir.

The Court: Have you an affidavit?

Mr. Purdy: When I get ready with my motion I will have.

The Court: You are making a motion now.

Mr. Purdy: I make that on the record.

The Court: Motion denied ---- exception noted.

Mr. Purdy: Now I move on the affidavit.

The Court: Hand in the papers. If the District Attorney desires to answer those affidavits he must have time.

Mr. Purdy: They are really nothing but an amplification of the record.

Mr. Macdonna: They are a curtailment of the record.

The Court: I do not propose to let affidavits be submitted until the District Attorney has an opportunity to examine them.

The Defendant was remanded until Monday.

Testimony in the
case of
Thomas McGuinness

filed Nov. 1890.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Mc Guinness
and *Joseph Kearney*

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

indictment, accuse *Thomas Mc Guinness*
and *Joseph Kearney*
of the CRIME OF RAPE, committed as follows:

The said *Thomas Mc Guinness*
and *Joseph Kearney*, both
late of the City of New York, in the County of New York aforesaid, on the
~~seventeenth~~ day of *November*, in the year of our Lord one thousand
eight hundred and eighty ~~eighty~~ *ninety*, at the City and County aforesaid, with
force and arms, in and upon ~~a certain female not his wife~~ *the wife of them*, to wit: one *Mary*
Mc Gill, then and there being, wilfully and,
feloniously did make an assault, and her the said *Mary Mc Gill*,
then and there, by force and with violence to her the said *Mary*
Mc Gill, against her will and without her consent, did wilfully
and feloniously ravish and carnally know, against the form of the Statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further

accuse the said *Thomas Mc Guinness*
and *Joseph Kearney*
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *Thomas Mc Guinness*
and *Joseph Kearney*, both
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
~~female not his wife~~ *the wife of them*, to wit: her the said *Mary Mc Gill*, then
and there being, wilfully and feloniously did make another assault, with intent her the
said *Mary Mc Gill*, against her will and without her consent, by
force and violence, to then and there wilfully and feloniously ravish and carnally know,
against the form of the Statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further

accuse the said *Thomas McQuinness*
and *Joseph Kearney*
of the CRIME OF RAPE, committed as follows:

The said *Thomas McQuinness*
and *Joseph Kearney*, both
late of the City and County aforesaid, afterwards, to wit: On the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
female not his wife, to wit: her the said *Mary McRill*, then
and there being, wilfully and feloniously did make another assault, and an act of sexual
intercourse with her the said *Mary McRill*,
then and there wilfully and feloniously did commit and perpetrate, against the will of the
said *Mary McRill*, and without her consent; 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.

FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further

accuse the said *Thomas McQuinness*
and *Joseph Kearney*
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *Thomas McQuinness*
and *Joseph Kearney*, both
late of the City and County aforesaid, afterwards, to wit: On the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
female not his wife, to wit: her the said *Mary McRill*,
then and there being, wilfully and feloniously did make another assault, with intent, an
act of sexual intercourse with her the said *Mary McRill*,
against her will and without her consent then and there wilfully and feloniously to commit
and perpetrate, 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.*

09 14

BOX:

417

FOLDER:

3858

DESCRIPTION:

McPyke, Charles H.

DATE:

11/20/90



3858

09 15

172

Witnesses;

Counsel,

Filed

day of

1890

Pleads,

THE PEOPLE

vs.

Charles H. McPike

Grand Larceny Second degree.
[Sections 628, 59, Penn Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. D. Rogers
Foreman.
Henderson
Ed. Ref. Jr.

09 16

Police Court—2nd District.

Affidavit—Larceny.

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

of No. 306 West 18 Lizzie Alman Street, aged 27 years,
occupation None being duly sworn
deposes and says, that on the 15 day of November 1896 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:

One Diamond Ring of the Value of
Two hundred 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 Charles Mc Ryke (now here)

from the fact that said defendant
acknowledges to deponent in the
presence of witnesses that he
did steal said Ring and obtained
a loan upon the same in the sum
of fifty dollars

Lizzie Alman

Sworn to before me, this

17 day

of November 1896

Henry J. Almon Police Justice.

0917

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

Charles Earl Ryke 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 Earl Ryke*

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. *306 West 18 Street 1 1/2 months*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I am guilty of the charge*
Charles Earl Ryke

Taken before me this

day of

November

1890

John J. McNamee
Police Justice

0918

Police Court... 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Amie Flynn
306 West 18
St., New York

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

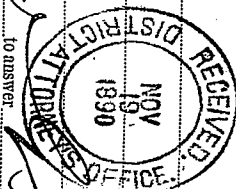
Offence *Larceny*

Dated *Nov 19* 1890

John S. Kearney
Magistrate.
Amie Flynn
Officer.

Witnesses
No. Street.
No. Street.

No. Street.
No. Street.
No. Street.
No. Street.



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

Amie Flynn
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 *November 19* 1890 *John S. Kearney* Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

09 19

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 H. Mc Pyke

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

Charles H. Mc Pyke

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

The said

Charles H. Mc Pyke

late of the City of New York, in the County of New York aforesaid, on the *fifteenth*
day of *November* in the year of our Lord one thousand eight hundred and *ninety*,
_____ , at the City and County aforesaid, with force and arms,

*one finger-ring of the value
of two hundred dollars*

of the goods, chattels and personal property of one

Lizzie Alman

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

John R. Tallows
District Attorney

SECOND COUNT—

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

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

The said

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,

of the goods, chattels and personal property of one

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

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

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.

0921

BOX:

417

FOLDER:

3858

DESCRIPTION:

Menges, Henry

DATE:

11/25/90



3858

0922

BOX:

417

FOLDER:

3858

DESCRIPTION:

Hoffman, Charles

DATE:

11/25/90



3858

Witnesses :

2 Juries / 1st Jury / 1st Jury

Counsel, 25 Nov 1890
 Filed day of Nov 1890
 Pleads, Not guilty

14 laborer
 144 Ridge
 1st Jury
 vs.
 Henry Menges
 and
 Charles Hoffman
 420

Burglary in the THIRD DEGREE
 (Section 498, NY Laws 1890)

JOHN R. FELLOWS,
 Dist. Atty.
 Pleads attempt Burg. 3rd deg

True Bill
 Part 2 - December 9, 1890.
 No. 2 Trial and Acquitted.
 Foreman.

J. J. Pennington
 No. 1 El. Act 1st Dec 11

0924

Police Court— 3 District.

City and County } ss.:
of New York,

of No. 92 Attorney Street, aged 66 years,
occupation none being duly sworn

deposes and says, that the premises No 92 Attorney Street, 13th Ward
in the City and County aforesaid the said being a Fin. Story brick
tenement home the second floor
and which was occupied by deponent as a dwelling apartment
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly breaking
the latch from said door and forcing
the same open

on the 8th day of November 1897 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of mens cloths
a Ladies shawl and one valued
spectacles the whole valued at
one hundred and sixty dollars
\$160⁰⁰ or

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

Henry Mangus and Charles Hoffman

for the reasons following, to wit:

Deponent says that said
property was in the front room on
said floor in aforesaid premises and
that the door of said room was
locked and bolted. Deponent was
in said room at the hour of 3 pm
on said date and found the door
broken open and said property
was missing. Deponent is

0925

informed by David Shulman that
he saw the defendant Manago with
a quantity of clothes in his possession
as he was returning said premises
Officer Sullivan arrested the defendants
and defendant Manago then told
said Officer that he and the other
defendants had taken said property
and had burned said property
in front of the charges the defendant
with burning property with intent
said premises to said burning taken
carried away and stolen said
property and money that they
he tried to answer

Wm. J. Sullivan

Subscribed before me
this 10th day of May 1894
Police Justice

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

| | |
|---|-----------------------------|
| 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, |
| No. | to answer General Sessions. |

0926

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 12 years, occupation School Boy of No. 93
Attorney Street, being duly sworn deposes and

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

Sworn to before me, this 10
day of Nov 1887 } David Schulum
My Deffly
Police Justice.

0927

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Henry Merges 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. *Henry Merges*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *147 Ridge St 11 years*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty**Henry Merges*

Taken before me this

day of

10

Police Justice

0929

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *Charles Hoffman*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *160 Stanton Street 5 years*

Question. What is your business or profession?

Answer. *Work on a Kears-Wagon*

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 Hoffman.*Taken before me this
day of *May* 1934*10*

Police Justice.

0930

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.....

Dated.....18.....*Police Justice.*

Justice.

Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Menger
and
Charles Hoffman

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

Henry Menger and Charles Hoffman

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

The said

Henry Menger and Charles Hoffman, both

late of the *Thirteenth* Ward of the City of New York, in the County of New York
aforesaid, on the *eighth* day of *November* in the year of our Lord one
thousand eight hundred and *eighty-ninety*, with force and arms, in the
day - time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *Samuel Took*

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 *Samuel Took*

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

Henry Menges and Charles Hoffman
of the CRIME OF *Grand* LARCENY *in the second degree*, committed as follows:

The said *Henry Menges and Charles Hoffman, both*

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

diverse articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of one hundred and fifty dollars, one shawl of the value of five dollars and one pair of spectacles of the value of five dollars

of the goods, chattels, and personal property of one

in the dwelling house of the said

Samuel Took
Samuel Took

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

Henry Menges and Charles Hoffman
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :

The said *Henry Menges and Charles Hoffman, both*

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,

divers articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of one hundred and fifty dollars one shawl of the value of five dollars and one pair of spectacles of the value of five dollars
of the goods, chattels and personal property of *Samuel Took*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said *Samuel Took*

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

Henry Menges and Charles Hoffman

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.

0934

**END OF
BOX**