

0455

BOX:

39

FOLDER:

461

DESCRIPTION:

Ray, Ida

DATE:

05/23/81



461

0456

214

Counsel,
Filed *23* day of *July* 188*1*
Pleads *at 11 July 24.*

INDICTMENT—Larceny from
the Person.

THE PEOPLE

vs.
28.
129 Canal

John Ray.

DANIEL C. ROLLINS,
District Attorney,
New York City.

part in June 1, 1881
pleads T.C.
A TRUE BILL

W. J. Palmer
Foreman.

✓

0457

Form 112.

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

Police Court—First District.

of No. 141 Fulton Albert Clark Street, being duly sworn, deposes
and says, that on the 16th day of May 1871

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried
away from the possession of deponent, and from his person

the following property, viz: one silver cased watch

of the value of Ten Dollars,
the property of deponent

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

deponent's own narrative
for the person following Edw. Stark on said
day at about 4.15 P.M. deponent just
previous to entering a saloon in house No
38 1/2 Elizabeth Street, had said watch
in the right side watch pocket in the
pantaloons then and there worn by deponent
as part of his personal apparel, that immediately
after deponent had entered said saloon said John Ray
approached deponent, and placed her hand upon and
about his clothing and body, that when after
a stay of about ten minutes deponent left
said saloon, he missed said watch from

deponent's own narrative

0458

Deponent therefore charges that
said watch was taken, stolen and
carried away from his possession and
from his person by said John Ray
sworn to before me Albert Clark
this 17 day of May 1871.
Wm. C. C. Leary
John J. Turner

0459

Police Court—First District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Ida Ray

being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to her, states as follows, viz:

Question. What is your name?

Answer. *Ida Ray*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *England*

Question. Where do you live?

Answer. *129 Canal Street*

Question. What is your occupation?

Answer. *housemaid*

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

Answer. *I am not guilty*
Ida Ray

Taken before me, this *17* day of *May* 18*87*
Maxim Beersbury
Justice.

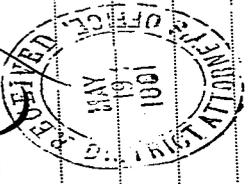
0460

214
Police Court—First District.

THE PEOPLE, &c,
ON THE COMPLAINT OF

Albert Clark
141 Fulton St

John Ray



Affidavit—Larceny.
from the Prison

BAILED:

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

COUNSEL FOR COMPLAINANT.

Name

Address

COUNSEL FOR DEFENDANT.

Name

Address

Dated May 17 1897

Magistrate

Officer

Clerk

Witnesses

\$ 1000 to answer

at General Sessions

Retained at Dist. Atty's office

John

0462

BOX:

39

FOLDER:

461

DESCRIPTION:

Ray, John

DATE:

05/03/81



461

0463

16
1962

made
Filed 3 day of May 1881
Plends to the Grand Jury 4.

THE PEOPLE
vs.
John Ray
Assault and Battery - Felonious.

Daniel G. Johnson
BENJ. K. PHELPS

District Attorney.
Part Pro. v. May 1881
Arrested & Committed to Court
A True Bill.

Mr. Felton

Foreman.
Elihu Tommings

0464

AFFIDAVIT—FELONIOUS ASSAULT, &c.

Second District Police Court.

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

James Kelly
of No. *309*

Mott Street, being duly sworn, deposes and says
that on the *21st* day of *April* in the year
18*81*, at the City of New York, he was violently and feloniously assaulted and beaten by

John Ray, (now here),
who did wilfully and maliciously
aim and point at deponent a
certain revolving pistol then
and then loaded and charged
with powder and ball, which pistol,
he, said Ray, then and there had
and held in his right hand, and
did then feloniously shoot and
discharge at this deponent the con-
tents of four chambers of said
pistol. That deponent was
so assaulted

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

Wherefore this deponent prays that the said assailant may be ~~apprehended~~ and dealt
with according to law.

Sworn to before me this *21st* day } *James Kelly*
of *April* 18*81*

John Munn Police Justice.

0465

Police Court—Second District.

CITY AND COUNTY OF NEW YORK, ss.

John Ray being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him states as follows, viz:

QUESTION.—What is your name?

ANSWER.—

John Ray

QUESTION.—How old are you?

ANSWER.—

Twenty one years of age.

QUESTION.—Where were you born?

ANSWER.—

Wales

QUESTION.—Where do you live?

ANSWER.—

Cleveland, Ohio.

QUESTION.—What is your occupation?

ANSWER.—

Architect

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

ANSWER.—

I am not guilty of the charge. I am guilty of giving the pistol.

John Ray

Taken before me, this

27th day of June 1887
H. W. Lawrence
Police Justice.

0466

16 July

POLICE COURT—Second District.

OFFENCE—Felonious Assault and Battery

THE PEOPLE, &c.,

vs. THE COMPLAINANT OF

James Kelly
307 Market St.

John Jay
Dated July 21 1881

U. S. Hammond Magistrate.

Thammy Officer.
W. A. Clerk.

Witnesses,
Thomas Albre
W. of Stanton Street



Committed in default of \$20 bail.

Bailed by

No. Street.

0467

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

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
*in and for the body of the City and County of New York, upon
their Oath, present:*

That *John Ray*

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

on the *twenty first* day of *April* in the year of our Lord
one thousand eight hundred and eighty *one* with force and arms, at the City and
County aforesaid, in and upon the body of
in the peace of the said People then and there being, feloniously did make an assault
and to, at and against *him* the said *James Kelly*
a certain *pistol* then and there loaded and charged with gunpowder and one
leaden bullet, which the said *John Ray*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge,
with intent *him* the said *James Kelly*
thereby then and there, feloniously and wilfully to kill, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

SECOND COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County
aforesaid, the said *John Ray*

with force and arms, in and upon the body of the said *James Kelly*
in the peace of the said people then and there being, wilfully and feloniously did make
an assault and to, at and against *him* the said *James Kelly*
a certain *pistol* then and there loaded and charged with gunpowder and one
leaden bullet, which the said *John Ray*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously, did then and there attempt to discharge,
with intent *him* the said *James Kelly*
thereby then and there, feloniously and wilfully to kill, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

0468

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

John Ray
with force and arms, in and upon the body of the said *James Kelly*
then and there being, wilfully and feloniously did make an
assault and to, at and against *him* the said *James Kelly*
a certain *pistol* then and there loaded and
charged with gunpowder and one leaden bullet, which *pistol* the said
John Ray
in *his* right hand, then and there had and held, wilfully and feloniously, and
without justifiable and excusable cause, did then and there shoot off and discharge,
with intent, then and there, thereby *him* the said *James Kelly*

wilfully and feloniously then and there to injure, 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 Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

John Ray
with force and arms, in and upon the body of the said *James Kelly*
then and there being, wilfully and feloniously, did make an
assault and to, at and against *him* the said *James Kelly*
a certain *pistol* then and there loaded and
charged with gunpowder and one leaden bullet, which *pistol* the said
John Ray
in *his* right hand, then and there had and held, wilfully and feloniously, and
without justifiable and excusable cause, did then and there attempt to shoot off and
discharge, with intent, then and there, thereby *him* the said *James Kelly*

wilfully and feloniously then and there to injure, 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.

Daniel G. Rollins
BENJ. K. PHELPS, District Attorney.

0469

BOX:

39

FOLDER:

461

DESCRIPTION:

Redington, Thomas

DATE:

05/25/81



461

0470

Feb. 24th
Filed 25 day of Dec 1881
Pleads Not Guilty 26

vs. THE PEOPLE,
vs. vs.
Shuman
Bedington,
Assault and Battery, Felonious,
Firearms.

DANIEL G. ROLLINS,

District Attorney.

part to May 31, 1881
plead. Not Guilty.

A True Bill. Subsequent suspended
and judgment discharged.

Wm. J. Palmer
Foreman.

0471

Police Court—Fourth District.
STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

Bridget Redington

of No. 221 East 46 Street,

on Sunday the 17 day of April being duly sworn, deposes and says that
in the year 1871 at the City of New York, in the County of New York.

She was violently ASSAULTED and BEATEN by Thomas Redington
(now present) from the fact that
Said Thomas armed and fired
a pistol loaded with powder
and ball at deponent.

with the felonious intent to take the life of deponent, or to do him bodily harm; and without any
justification on the part of the said assailant :
Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, &c., and be dealt with according to law.

Sworn before me, this 23 day
of May 1871

[Signature] Police Justice
[Signature] Bridget Redington

0472

Police Court, Fourth District.

CITY AND COUNTY }
OF NEW YORK } ss.

Thomas Redington being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was
at liberty to answer, or not, all or any questions put to him *he* states as follows, viz:

Question. What is your name?

Answer. *Thomas Redington*

Question. How old are you?

Answer. *45 years*

Question. Where were you born?

Answer. *Ireland*

Question. Where do you live?

Answer. *221 East 46 Street*

Question. What is your occupation?

Answer. *laborer*

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

Answer. *I am not guilty*

Thomas Redington
Sworn

+

John J. [Signature]
Taken before me this
day of May
1877
Police Justice.

0473

2004

Police Court—Fourth District.

THE PEOPLE &c. vs.

ON THE COMPLAINT OF

*Prudget Redington
221 East 4th St.*

Thomas Redington

BAILABLE:

No. 1, by.....

Residence.....

No. 2, by.....

Residence.....

No. 3, by.....

Residence.....

No. 4, by.....

Residence.....

No. 5, by.....

Residence.....

No. 6, by.....

Residence.....

Dated *May 23* 18*97*

Murray Magistrate.

Ward Officer.

19 Clerk.

Witnesses
John J. Goney
Edw 46 St.

1000 Paid to Court

Received in District Atty's Office.

Office, Police Court

0474

CITY AND COUNTY }
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK.
*in and for the body of the City and County of New York, upon
their Oath, present :*

That

Thomas Redington

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

on the *seventeenth* day of *April* in the year of our Lord
one thousand eight hundred and eighty *one* with force and arms, at the City and
County aforesaid, in and upon the body of *Bridget Redington*
in the peace of the said People then and there being, feloniously did make an assault
and to, at and against *her* the said *Bridget Redington*
a certain *pistol* then and there loaded and charged with gunpowder and one
leaden bullet, which the said *Thomas Redington*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge,
with intent *her* the said *Bridget Redington*

thereby then and there, feloniously and wilfully to kill, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of New
York and there dignity.

SECOND COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present : That
afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid,
the said

Thomas Redington
with force and arms, in and upon the body of the said *Bridget Redington*
in the peace of the said people then and there being, wilfully and feloniously did make
an assault and to, at and against *her* the said *Bridget Redington*
a certain *pistol* then and there loaded and charged with gunpowder and one
leaden bullet, which the said *Thomas Redington*

in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously, did then and there attempt to discharge,
with intent *her* the said

Bridget Redington

thereby then and there, feloniously and wilfully to kill, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

0475

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

Thomas Redington
with force and arms, in and upon the body of the said Bridget
Redington then and there being, wilfully and feloniously did make an
assault and to, at and against her the said Bridget
Redington a certain pistol then and there loaded and
charged with gunpowder and one leaden bullet, which pistol the said
Thomas Redington
in his right hand, then and there had and held, wilfully and feloniously, and
without justifiable and excusable cause, did then and there shoot off and discharge,
with intent, then and there, thereby her the said
Bridget Redington
wilfully and feloniously then and there to injure, 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 Jurors aforesaid upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in year aforesaid, at the City and County aforesaid, the said

Thomas Redington
with force and arms, in and upon the body of the said Bridget
Redington then and there being, wilfully and feloniously, did make an
assault and to, at and against her the said Bridget
Redington a certain pistol then and there loaded and
charged with gunpowder and one leaden bullet, which pistol the said
Thomas Redington
in his right hand, then and there had and held, wilfully and feloniously, and
without justifiable and excusable cause, did then and there attempt to shoot off and
discharge, with intent, then and there, thereby her the said
Bridget Redington
wilfully and feloniously then and there to injure, 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.

DANIEL G. ROLLINS, District Attorney.

0476

BOX:

39

FOLDER:

461

DESCRIPTION:

Reilly, John

DATE:

05/24/81



461

0477

May 26 1881

Counsel,
Filed 24 day of May 1881
Pleads Act July 20.

INDICTMENT
Larceny from
the Person.
vs.
THE PEOPLE
vs.
John Reilly
This boy escaped from
Catholics Institute

DANIEL G. ROLLINS
BENJAMIN K. PHILLIPS
ATTORNEYS AT LAW

District Attorney.

May 26 1881
This is certified
A True Bill. Name of Refugee

Foreman.
M. J. [Signature]

0478

Form 112.
STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK } ss: Police Court—First District.

of No. 27 Montgomery Street, being duly sworn, deposes and says, that on the 10th day of May 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, And from deponent's

person the following property, viz: one silver watch

of the value of eighteen Dollars,

the property of deponent

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

here and another not arrested

that as deponent was passing along

Worth Street on the day in question

and while looking for a moment

at a quarrel on the street deponent

fell and saw said other person take

the watch from a pocket of deponent's

vest and run away - that when

deponent attempted to pursue said other

the prisoner threw himself in deponent's

way and prevented deponent from following

said other until he had effected his escape

deponent therefore charges the prisoner with acting in

conceal and collusion with said other in the taking stealing

and carrying away of said property. Ate Hutchinson

Sworn to before me this 10th day of May 1887
Ate Hutchinson
Police Justice

0479

Police Court—First District.

CITY AND COUNTY OF NEW YORK.

John Reilly

being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

John Reilly

Question. How old are you?

Answer.

13 Years

Question. Where were you born?

Answer.

New York City

Question. Where do you live?

Answer.

118 Mulberry Street

Question. What is your occupation?

Answer.

I work in a printing office

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

Answer.

I am not guilty. I did not prevent or try to prevent him from following the boy who took his watch. On the contrary I pointed out the way the boy had ~~went~~ gone. And waited on the corner till he returned when he said he did not catch the boy who stole his watch but he knew him. He was stopped from following the boy by ropes which extended across the sidewalk from a building into which a safe was being put.

John Reilly

Taken before me, this *12* day of *May* 18*87*
Abel C. Munn Police Justice

0480

180

Police Court—First District

THE PEOPLE, &c,
ON THE COMPLAINT OF

Affidavit—Larceny

*The Hutchinson
24 Chestnut Street*
John C. Kelly

BAILED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

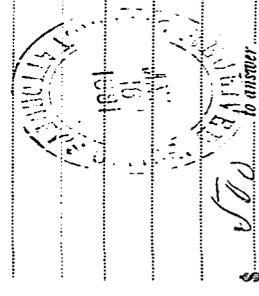
No. 5, by

Residence,

No. 6, by

Residence,

Date *May 12 1887*
J. L. Linn Magistrate.
J. M. M Officer.
M H Clerk.



\$ *500* to answer
at .. Sessions
Received at Dist. Atty's office
Com

COUNSEL FOR COMPLAINANT.

Name

Address

COUNSEL FOR DEFENDANT.

Name

Address

0481

Thomas Seever 13 years
his name now John Riley 4th born
to John P. 110 Mulberry St. com^d
Catholic Protestan Jan 12/81
ran away 1872 Sunday May 8th
The boy threw himself in the way of the
com^d 4th 56 so he could not get the boy
The boy has words =

0482

John Reilly
right name Thomas
Tewan

0483

CITY AND COUNTY } ss.
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present :

That *John Reilly*

late of the First Ward of the City of New York, in the County of New York, aforesaid,

on the *twelfth* day of *May* in the year of our Lord one
thousand eight hundred and eighty *one* at the Ward, City, and County aforesaid,
with force and arms

*One watch of the value of eighteen
dollars*

of the goods, chattels, and personal property of one *Abe Hutchinson*
on the person of said *Abe Hutchinson* then and there being found,
from the person of said *Abe Hutchinson* 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.

DANIEL C ROLLINS,
~~DEPUTY DISTRICT ATTORNEY~~ District Attorney.

0484

BOX:

39

FOLDER:

461

DESCRIPTION:

Riely, Maggie

DATE:

05/11/81



461

0485

W. H. - 7 - 8.
108

Counsel, *E. E. P. (ca)*
Filed *11* day of *May* 188*1*
Pleads *at 10:00 AM* 11.

INDICTMENT - Larceny from
the Person.

THE PEOPLE

vs.

M. H. H. H. H.
Maggie Riley

DANIEL C. ROLLINS,
DISTRICT ATTORNEY.

Part pro May 13, 1881
A True Bill. *file adu P.L.*

M. Palm
Foreman.

Geo. F. Pimental

Bill

0486

Form 112.

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

Police Court—First District.

of No. House of Detention Street, being duly sworn, deposes
and says, that on the Night of the 14 day of May 1888
at the City of New York, in the County of New York, was feloniously taken, stolen, and carried
away from the possession of deponent, And from deponents
person
the following property, viz: a Silver Watch

of the value of fourteen 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 Maggie Keilly
now here from the fact that
deponent was in a room of premises
at 42 Baxter Street with said
Maggie and two other women
who all surrounded deponent and
solicited and importuned deponent
to go to another room for an immoral
purpose to wit to have sexual connexion
with one of them said women that while
deponent was parleying with them he saw
the prisoner snatch the chain attached to
said watch and pull the watch from a pocket
of deponents vest after which all three said
women kicked deponent from the room At this
time

Sworn to, before me, this

1888

of
1888
Police Justice

0487

Police Court—First District.

CITY AND COUNTY }
OF NEW YORK. } ss.

Maggie Keilly being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was at
liberty to refuse to answer any question that may be put to her, states as follows,
viz:

Question. What is your name?

Answer.

Maggie Keilly

Question. How old are you?

Answer.

19 Years

Question. Where were you born?

Answer.

New York City

Question. Where do you live?

Answer.

11201 Houston Street

Question. What is your occupation?

Answer.

I live out

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

Answer.

*I am not guilty of the
charge. I went into a girls
room and saw the complainant
there. I saw no watch nor do
I know anything about it.
Maggie Keilly*

Taken before me, this

25
day of *May* 18*99*

Marcus C. Burbank
Police Justice.



0488

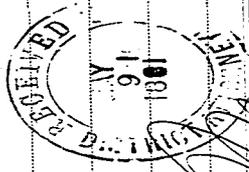
108
Police Court—First District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Jones
House of Deputies

Maggie Kelly
Aidavit—Larceny.



Date: *May 25 1881*
Johnson, Magistrate.

Green of *14* City

Witness: *Green*

1000 to answer
at *General* Sessions

Received at Dist. Atty's office

COUNSEL FOR COMPLAINANT.

Name:
Address:

COUNSEL FOR DEFENDANT.

Name:
Address:

BAILED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

0489

CITY AND COUNTY } ss.
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present :

That *Maggie Riely*

late of the First Ward of the City of New York, in the County of New York, aforesaid,

on the *fourth* day of *May* in the year of our Lord one
thousand eight hundred and eighty *one* at the Ward, City, and County aforesaid,
with force and arms

*One watch of the value of fourteen
dollars*

of the goods, chattels, and personal property of one *Ah Sing*
on the person of said *Ah Sing* then and there being found,
from the person of said *Ah Sing* 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.

DANIEL C. ROLLINS,
BENJ. K. PHELPS, District Attorney.

0491

BOX:

39

FOLDER:

462

DESCRIPTION:

Roach, Michael

DATE:

05/23/81



462

0492

Jan 20 1882

Metropes not found

Defendant gives to

Custody of Sheriff in

Order of

of Orleans

Apr 21 1882

on 12th of April 1882

Col. Fuller endorses

the affidavit for

search that the

same is a civil

action

The indictment

found in 1881

The present when

about of complaint

are understood as

well that this indictment

be dismissed 3. 1882

Feb 24 1883

aba

W. J. K.
Filed 23 day of May 1881
Plends vs. Gully 257

THE PEOPLE
vs.
Michael Koch.
Assendant & Vice of ny

DANIEL C. ROLLING
vs. BENJAMIN PHELPS
District Attorney

March 2 1883
Indictment
A True Bill. Dismissed

Mr. Palmer
Foreman.

F. J. Green 1881
American

0493

Form 47.

THIRD DISTRICT.

RECOGNIZANCE TO ANSWER.

CITY AND COUNTY }
OF NEW YORK. } ss.

BE IT REMEMBERED, That on

the 19 day of April in the year of our Lord 1891

of No. 110 MacDougal Street in the City of New York,

and George Foley

of No. 910 Second Avenue Street, in the said City,

personally came before the undersigned, one of the Police Justices in the City of New York, and

acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the

said Michael

the sum of five Hundred Dollars,

and the said George

the sum of five Hundred Dollars,

separately, of good and lawful money of the State of New York, to be levied and made of their

respective goods and chattles, lands and tenements, to the use of said People, if default shall be made

in the condition following, viz.:

WHEREAS, the said Michael Foley was charged before the

undersigned, Police Justice as aforesaid, on the oath of Isaac B. Burnett

with felony for having, on the 12 day of April 1891

in the City and County of New York, aforesaid, by false pretence and

representations obtained from said Complainant

good lawful money of the value of Sixty

dollars

AND WHEREAS, he has been brought before said Justice to answer said charge, and upon examination

of the whole matter, pursuant to the statute, it appearing to said Justice that the said **Offence has been**

committed, and that there is **probable cause** to believe said defendant to be guilty thereof; and the

said offence being bailable by said Justice, he did thereupon order the said accused to find **Sufficient**

Bail in the sum of five Hundred Dollars, for his appearance at the

COURT OF GENERAL SESSIONS, to be held in said City and County to answer to any indictment to be

preferred against him for said offence.

Now, therefore, the condition of this recognizance is such, that if the above

named Michael Roach shall personally appear

at the next Court of General Sessions, to be held in said City and County, on the First Monday

of May next, to answer to any indictment that may be

preferred against him for said offence, and abide the order of the said Court, and not depart therefrom

without leave, then this recognizance to be void; otherwise to remain in full force.

Taken and acknowledged before me }
the day and year aforesaid.

Solov D. Smith

CLERK OF JUSTICE.

Michael Roach
his mark

George Foley

0494

CITY AND COUNTY }
NEW YORK. } ss.

John W. Smith
1871

Sworn to before me this

the within-named Bail, being duly sworn, says that he is a free holder in
said City, and is worth ten **Hundred Dollars,**
over and above the amount of all his debts and liabilities; and that his property consists of

House & lot situate and known
as No 236 East 40 Street of the value
of Eight Thousand Dollars, clear
over all incumbrances.

George Foley

Form 47.

New York General Sessions.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Recognizance to Answer.

Taken.....day

of.....187

.....JUSTICE.

Filed.....day of.....187

0495

The People on Compt of Isaac Barnett
vs
Michael Roach -

The def is held to beil in the
sum of \$500 to answer a
charge of obtaining money
by false representations -

The property it is now shown
belonged to Emma Barnett
& consisted of money &
a check made by A L Demarest
& Co.

0496

City and County of New York, ss.:

J O H N B R A N D, being duly sworn, deposes and says:

I reside at 585 Grand street, Brooklyn: my father and I went to 222 East 6th street and bought a horse for one hundred dollars. We were to have him for a week's trial: he was bought for sound and kind: after we had bought him I paid \$25: after the horse was bought and we paid \$25 down they said that I could have the horse ~~on the money back~~ if I paid the full amount of \$100: after the horse was bought and we wanted to take him away a boy came and told us that the horse was wind broke and had the heaves: there was another young fellow with a red nose and a bald head present when we bought him: the horse was represented to be sound and kind: after we had him I wanted a boy to ride him up and down the street: then I found out that the horse had the heaves and was wind broke: that was between six weeks and two months ago: he was a big dark brown horse, with a heavy tail and a heavy mane, and a white spot on the forehead: the tail came within two or three inches of the ground, was very bushy and curly: the spot in his forehead was about two inches square: I looked into his mouth and I think he was between seven and eight years of age: when he was taken out of the stable he did not show any indications of being wind broken, not until he ran up and down the block, then he stretched his legs out and began to puff and blow, and

0497

you could hear him a block off: if he had run him a block or two he could not get him any further: he was between fourteen and sixteen hands high: he was a large tall horse heavily built: I received a paper signed by Roach and another name that I do not remember: the young man who wrote it gave it to the other gentleman and he signed it: I cannot say whether it was John or Michael Roach that signed it: I threw that paper away: it did not contain any representations as to the horse: the horse was recommended as sound and kind and true, in any way you would put him to a light or heavy wagon: when I discovered the unsoundness of the horse I told him I could not use him: then the man who sold him to me said it was none of his business: I believe this is the young man here: he said if I did not take the horse I could leave him there: I demanded my money back: he wanted to give me \$70, or leave him \$70 and he would give me \$30 and take the horse: I told him I could not make any use of the horse: he then agreed to give me \$60 and let me leave the horse where he was: then I took \$60, for he said if I did not take that I would not get anything at all: I was a loser by \$40: the persons I saw at that stable were Roach and the other man that I have already described.

Cross-examined:

Q How much money do you say you paid?

A One hundred dollars, and I received \$60 back: that was not with this gentleman Michael Roach I believe: I never

0498

went near them since: I tried to get the balance of my money at the time but it was refused: he said that if I would not take it in five minutes time I would not get anything: a man named Roach told me that: I am pretty sure that the name of Roach was on the receipt that I received: I threw the receipt away the same evening.

Q You considered that a settlement between you and whoever you paid the money to?

A Yes, sir, at the time.

Q (Court.) In other words you thought that was all the money you could get?

A Yes sir.

Sworn to before me this :
18th day of April, 1881. :

Police Justice.

0499

City and County of New York, ss.:

Isaiah Barnett, being duly sworn, deposes and says:---I live at 141 West 49th street: I am the complainant against Michael Roach: I made the affidavit now shown to me on the 13th of April: in my complaint I spoke of having bought of Mr. Roach a brown horse: he is a large brown horse, I should judge about sixteen hands and an inch high, very fleshy, very fine head, tail and mane: the tail and mane were dark and very heavy: the tail came within two inches of the ground: I have some slight recollection that there was a small spot in his forehead, but I am not positive: there was a mark on the side of his neck in shape something like the letter C, as if branded on the side of his neck: it was on the opposite side from the mane: I discovered that he was wind broken on the corner of Broadway and 9th street, about six blocks distant from the stable: I rode him away from the stable: he was panting, ready to fall and trembling: he was clashing his sides as if he would fall in the street: I never saw in all my experience of horses, a horse in the condition in which that one was: he pawed and struck out with his fore feet. I have owned horses and handled them myself for over five years. There have been requests made to me to settle this case within the past two or three days: since I was arrested on a civil proceeding offers have been made to me to settle the case: I was told that if I did not settle it that I would likely be arrested on a

0500

warrant for false imprisonment of this man Watson:
Mr. Ferguson made that statement, I believe a week ago to
day: Mr. Ferguson came to my stable on Monday about
eleven o'clock: I saw him in the office in the presence
of Mr. Hettrick the owner or manager of the stable: he
said he wanted to see me and Mr. Hettrick: he stated to
me it would be better for me to make a settlement of the
matter, that I had no right to dispose of the horse,
that he was given to me by the court: he said it would
be better for me to come down to the civil court and
give a bond for \$250 and save myself from being locked
up: I went with Mr. Ferguson as far as 14th street, and
I told him if I found my bondsmen there I would go down
to the court at Second Avenue and ~~1st~~^{10th} street: I did not
find my bondsmen and I went back home: before getting
to 14th street, Mr. Ferguson said if there was not a set-
tlement made Mr. Watson would have the right to proceed
against me on an order of arrest for false imprisonment:
I told him it was a matter I did not know anything about:
that is the substance of what Mr. Ferguson said to me the
day before I was arrested: I do not know the name of
the marshal who arrested me: I paid him a fee of \$12.50
he came to me about half past nine o'clock in the morn-
ing: I knew he was on the lookout for me, and I sent
up word by my brother to tell him to come down: Mr.
Ferguson came down and the marshal with him: I went with
him to the Court in Second Avenue and 1st street and I
gave a bond for my appearance: I was in the Marshal's
custody from about nine o'clock until not later than

0501

eleven o'clock. We came down together on the elevated railroad, and I paid his fare and my own: I will swear positively that he did not make any expenditure on my account in any way: he wanted to know after leaving the stable if I had the necessary amount with me, and I asked him how much it was and he said \$15 "You know I have been up here since Saturday."

Cross-examined:

Q You say that I at one time advised you to settle?

A I do: that was the complaint of Watson on a civil suit.

Q Didn't I tell you to see Watson and talk it over, and see if you could not settle it and stop it?

A I do not recollect that you said that: you said I had better settle it up with Watson: you did not tell me specially to see Watson.

Q Didn't I tell you that I took the trouble to call at your stable to prevent you being locked up over night?

A You might have told me on Wednesday: I have already stated that you went there and told me it would be better to go down and give a bond for \$250 and save myself from being arrested.

Q If that was a sound horse how much do you think he would be worth in the market?

A I would consider him worth \$150 for my purpose, that is for a coupe: I was buying him for my wife: it was her money, earned by her in her business: I sold the horse for her, and applied the money to her use.

Q Commence at the beginning and state about buying this

0502

horse?

A I went to Mr. Roach's place on a Saturday, two days previous to the day of buying: I saw Mr. Michael Roach, the gentleman who sits there: I told him that I saw an advertisement of some horses for sale and he said yes, that he was selling out his business, a cracker baking business: he said all the horses in there were his, I think there were five: the stable was in the rear of 222 East 6th street on the ground floor. This brown horse was amongst the lot standing in the first stall: he led the horse out and examined him, and said his price was \$175: he led him to the street and exercised him a little, that was on Saturday: I told him I would call down on Monday and see the horse: on Monday I went down and took my friend with me who is now in Court: we examined the horse and could not see anything defective, no outward sign of unsoundness: I paid Mr. Roach \$40 in cash, and the other \$120 was given in a check drawn by Mr. A. T. Demarest: ~~Mr. Roach sent his clerk to have the check certified:~~ I took the check with this man Watson to the Bank to be certified, on a Monday. I got on the horse in the stable after the receipt was made out by Mr. Watson: I said to Mr. Roach everything is all right? And he said "Yes, everything is all right." I passed out then and rode up Broadway: at 9th street a man called my attention and the attention of my friend to the horse: I then turned around and went back: I then examined the horse and he was in the condition that I have already described: I had not been more than

0503

fifteen or twenty minutes out of the stable until I returned: when I got back to the stable Mr. Roach was not there: I saw Mr. Watson there: he told me that Roach had gone to Philadelphia.

Q What became of the receipt?

Objected to: overruled: exception.

Q Now what became of that receipt?

A We had a contention at 6th street and the Bowery: they wanted the receipt and I refused to give it to them, or to give up the horse until I got the money: I think in the contention they got possession of the receipt: the fellow who was with Watson and I had a clinch: when I paid the money to Roach he represented the horse to be sound and kind and good in any harness: I first discovered his unsoundness at 8th street and Broadway.

My wife's name is Anna Barnett

Cross-examined:

Q You say they ran the horse up and down the street before you purchased him?

A A short distance: I did not notice then that he was wind broken: I paid him \$40 in cash, and gave him a certified check for the balance: I went to the Bank, had it certified and endorsed it, and gave it to Mr. Roach: the warranty said the horse was good sound and kind and could be returned in six days if he was not so: I took him back to ~~the stable:~~ *6th Street & the Bowery* ~~when I got back to the stable~~ a boy ~~who was there~~ snatched the bridle.

there

Q Didn't you on the following Wednesday go back into that neighborhood and say "I have that receipt still and I

0504

will sell it for \$15?

A No sir: I do not remember being there except on Thursday: then I saw a lame man with a chin whisker: I will swear positively that I did not say that I would take \$15.

Q You sold the horse after waiting five or ten minutes?

A I did not sell him: I turned him over to Mr. Watson for what money I could get: I did not try to sell him to other parties on that day: I received \$100 for him on that day from Mr. Watson: I was not positive that I was getting \$160: I was offered the money, and told to take it or let it alone: I was led to believe that I was getting back either my money or the larger part of it, and that occurred at 6th street and the Bowery, not where I bought the horse: I had the horse with me then at 6th street and the Bowery: I had taken him to the stable, and this man followed me from the stable: I counted the money somewhere in the neighborhood of 8th street, and I found I had only \$100: I expected to get my money back: after I counted my money and found that I had only \$100, that was on Monday: I went back to the stable on Thursday, and I saw a lame man, I did not see Mr. Roach: I guess I remained two or three hours: after I sold the horse I did not demand any money from Mr. Roach: on the Friday following I made this complaint before Judge Bixby: before that I had not been to the Station House: I have received altogether from the sale of that horse \$170, I do not think I am anything ahead in the transaction, I think I am

0505

about even: I do not think I have lost anything by it
except my time: I saw Mr. Roach last Wednesday, after
his arrest: he did not tell me when I bought him how
long he had owned him: I do not recollect that he said

where he got him. - The Cheek was for \$120.00
signed by A. J. Bennett & Co. on the East River
Bank dated March 28th 1887.
Sworn to before me this

18th day of April, 1881.

A. J. Bennett

James Bennett

Police Justice.

0506

City and County of New York, ss.:

ROBERT DICKERSON, being duly sworn,
deposes and says:---

I reside at 53 West 49th street: I was present when Mr. Roach sold this horse to Mr. Barnett: he represented him as sound and kind: I was not asked to go there as an expert in horses by Mr. Barnett: I do not buy nor sell horses: I am a friend of Mr. Barnett's, and was subpoenaed to come here to-day: I board in the same stable: I am in the same business: I know how much a horse ought to be worth: if this horse in question was sound, kind and true, in my opinion he would be worth from \$150 to \$175: he had not any outward or visible defects that I saw: he was led up and down the street before Mr. Barnett took him away from the stable: he was led some eighteen or twenty feet by a halter: he did not show any evidence whatever of being wind broken: Mr. Barnett was riding the horse and I was walking, and I did not discover it until Mr. Barnett got off the horse at the corner of 9th street and Broadway: he was ^{then} puffing very badly and appeared to be in great distress inwardly.

Cross-examined:

Mr. Barnett and I were satisfied with the horse before we left the stable: I asked Mr. Roach to hook him to a wagon, and he said that he had driven him in the morning and he was all right.
Sworn to before me this
18th day of April, 1881.

Police Justice.

0507

City and County of New York, ss.:

A L O N Z O H O Y T, being duly sworn deposes and says:---

I reside No. 14 Conselyea street, Williamsburgh:
I bought a horse on the 7th of February last, at the stable No. 222 6th street, in the rear: the horse that I bought was a brown one with a very long tail, within about two inches of the ground: he had a spot on the neck branded like the letter C: his tail and mane were heavy: I could not swear which side of the neck was branded, I think it was on the side that the mane was on: I could see it without raising the mane: I have seen Mr. Roach before now: he was not present when I bought this horse: he was present on the Saturday when the note became due: I got a note for the horse: I paid him \$85, and I took the horse away: I took the horse to the market and then home: I did not work him until the next morning when I put him in my truck: when I got two blocks from the Roosevelt Street Ferry the horse commenced to tremble and shake, and I had to take him out of the truck: blood commenced to come out of his nose, and he commenced to paw with his fore feet: I had to unhitch him in the railroad track: I went over to Fulton Market with him in the morning: I returned the horse on the 8th day of February: I did not get my money back, but I got a note.

(The note was now shown to the witness: he identified it as the one which was given to him at the stable.)

0508

The note was made payable at the stable 222 6th street: when I went there with the note I saw that horse in the stable: I presented the note to the man who sold me the horse: Mr. Roach was present on the Saturday when the note became due, on the 12th of February: I asked Mr. ^{Bennett} Roach for the money, and he said his partner had gone to Philadelphia.

Q Who said that?

A Mr. Bennett.

Q Did you have any conversation with Mr. Roach?

A No sir: no conversation at all:

Cross-examined:

Q Was this a chunky built stout horse?

A No sir.

Q Was he a slim horse?

A He was in pretty good order: he is about 16 hands high.

Q Wasn't he a long slim built horse?

A Yes sir: he was brown in color: I think he had a little white spot right in the center of his forehead:

when I went back with the note I saw Mr. Roach on the sidewalk: I may have showed it to him: he said that he would find me the man who gave me that note, that was Bennett: he found him: he owed me \$85.

Q Was he a stout built horse?

A Yes sir: I suppose that he would make a very big horse if you would put food enough into him: he was a little

thin when I got him.
Sworn to before me this
18- day of April, 1881.

Police Justice.

0509

ROBERT DICKERSON (recalled).

Q Can you say whether this horse had a mark on the forehead?

A I think there was a slight mark.

ALONZO HOYT (recalled.)

Q Is that the receipt you received (shown)?

A Yes, sir, that is the receipt I received on the day I took the horse.

Q Then you bought the horse from a man named Hadley?

A I bought it from Bennett: he said Hadley had gone to Philadelphia.

Q The same man who gave you the receipt gave you the note for the horse?

A Yes sir: he was a red faced man with a moustache: his nose was very red and his face was red, and his moustache was black.

ISAIAH BARNETT (recalled.)

Q Look at that receipt (shown), and state whether or not, in your opinion, it is in the same hand-writing as the receipt you received?

A Yes, sir, I believe it is: the S. C. and B were at the bottom of the receipt I received: the handwriting has the appearance of the handwriting on the receipt that I received: I will swear to the best of my knowl-

05 10

edge that it is the actual handwriting of the party who wrote the receipt that I received: that man's name is Watson: I do not think Roach wrote this: the receipt I received was signed Roach per S. C. B.

(Defendant's Counsel now moved to strike out all this evidence, on the ground that the prisoner did not write it: Motion denied.)

(Defendant's Counsel says he will waive any further examination in the case of Barnett against Roach.)

0511

City and County of New York, ss.:

Mr. Ferguson volunteered the following statement in the matter of Kulber:--

On Friday the 15th of April I called upon his Honor Judge Bixby at this Court in relation to complaints against this prisoner Michael Roach: his Honor said to me that another complaint had been made by a man named John C. Kluber: that Kluber had been to the Court on that morning: that he had taken the complaint, and had advised Mr. Kluber to settle it and get his money: I stated to his Honor that I would settle it, if there was \$40 due him, he should have his money: Judge Bixby told me he ^(Kluber) was to meet a party at Third Avenue and 13th street on the following morning at nine o'clock: I went there but the gentleman did not keep his appointment.

On the following day I saw Mr. Kluber at the District Attorney's office: I stated to him there, that in case he was not going to prosecute or make any complaint against Mr. Roach I would give him his \$40: he said that he did not desire to prosecute the man, all he wanted was his money: I said very well I will get Justice Bixby's consent that you shall withdraw the affidavit you have made, and I will meet you at my office at twelve o'clock and give you the \$40: I was engaged *there* in Court and I am ready now to pay the \$40 with the consent of his Honor.

Sworn to before me this
18 day of April, 1881.

Police Justice.

05 12

G. W. Toney, Stationer and Law Blank Publisher, 77 Chatham St., N. Y.

The People of the State of New York, TO
Hon Butler H Pixby, Police Justice, and
to Samuel G Rollins Esq District Attorney
of the City and County of New York

CERTIORARI
TO CERTIFY CAUSE OF
DETENTION.

GREETING:

We Command you, That you certify fully and at large to the Supreme Court of the State of New York, or to one of the Justices of said Court, at the chambers of said Court to be held at the City of New York at the Court House in the City of New York on the 14th day of April 1881, at 2 O'clock in the afternoon, the day and cause of the imprisonment of Michael Rouch

by you detained; as is said, by whatsoever name the said Michael Rouch

shall be called or charged; and have you then this writ.

Witness, Hon George L Barrett Justice
the 14 day of April 1881
Hiram B Ferguson Attorney

By the Court
Wm A Butler Clerk

05 13

In the matter of
Michael Beach

I allow the within writ
& Dated April 14th 1881

Prothonary
R

05 14

City and County of New York, ss.

I, Rutter N Ripley the Police Justice
served on me at 10 minutes who christ the Ph
named in the annexed writ, do certify and make return to the Supreme Court that on the
13th day of April 1887

Michael Roach
named in said writ, was brought before me at the 3^d District Police Court in said
City, and then and their

charged before me, as one of the Police Justices aforesaid, upon the oath of Isaiah
Barnett

for that he the said Michael Roach
did, on the 28 day of March 1887, at the City and County aforesaid

designedly & feloniously and by the false
pretense that a brown horse then there
sold by said Roach to said Barnett
was ~~obtained~~ ^{obtained} from said Barnett good &
lawful money to the amount of
one hundred & sixty dollars the
property of Barnett, said he Roach
then knowing that said horse was
enslaved & making such false
representations with intent to cheat
& defraud said Barnett

And I, the said Police Justice, having in due form of law examined the said complainant and
the witnesses before me produced, and the said Michael Roach

and it appearing that an offence has been committed, and that there is probable cause to believe the
prisoner aforementioned to be guilty thereof, I fixed the amount of bail to be given by the said
prisoner at the sum of Twenty hundred dollars; and he having failed and
neglected to find surety in the sum of Twenty hundred dollars I did thereupon
commit the said Michael Roach

to the City Prison, to answer the said complaint until he be thence delivered by due course of law.

The complaint is hereto annexed and made a part of this return.

New York Apr 14 1887

Rutter N Ripley Police Justice.

05 15

City & County of New York.
John Brandt of 585 9th Avenue
Brooklyn being duly sworn
says that about six weeks
ago he purchased at the stable
222 East Sixth Street a brown
horse answering exactly the
description of the horse sold
by Roach to Barnett. Roach
was present when the sale
took place & his name was
signed to the warranty of the
horse soundness. The horse
was ridden up & down the
street when defendant discovered
that he was wind broken &
defendant refused to take him
& gave this as a reason to
Roach & others why he
would not take him. They
refused to give me ~~only~~
all my money back. Keeping
\$4000 of the \$5000 paid by me

John Brandt

Sworn to before me this
16 day of April 1881
R. W. Smith
Police Justice

05 16

city & county of New York ss.

Alonzo Hoyt of 14 Conservee Street Williamsburgh being duly sworn says that on the 7th day of February 1881 he purchased at the Stable No 222 East 4th Street a brown horse answering in every particular the description of the horse sold by Roach to Barnett and the horse being wind broken the same as the horse sold to Barnett. I returned this horse the day after I purchased it to the Stable in Lieta Street informing the party that it was unsound - I drove the horse about three blocks when it fell from exhaustion being badly wind broken This horse outwardly appeared to be sound, & the soundness could not be discovered until he had been walked or driven three or four blocks.

Alonzo Hoyt

Subscribed to before me this
 16th day of April 1881
 R. W. Smith
 Clerk for the

0517

City & County of New York.

John C. Kluber of 1021
Broadway Brooklyn being
duly sworn says. Michael
Roach now here cheated me
out of \$40⁰⁰ Dec 6th 1880 in
the sale of a horse at the
Stable 222 East 6th Street
Sam Watson was there at the
time, and drew the receipt.

John C. Kluber

Sworn before me
this 14th April

1881.

R. H. Pixley
Police Justice.

05 18

City and County of New York 505'

Isaiah Barnett being sworn says that he resides at 141 West 49th Street.

That in the City and County of New York on the 28th day of March 1881 one Michael Roach did feloniously obtain from deponent one hundred and sixty dollars in good and lawful money of the United States by means of false pretence. That at the time and place aforesaid said Roach falsely represented that a certain Brown horse which he then offered for sale to deponent for the sum of one hundred and sixty dollars was sound kind and true. That deponent relying upon the truth of such representations so made by said Roach did purchase from him said horse and pay therefor one hundred and sixty dollars. That such representations were false and untrue the said horse being unsound and unfit and unable to work. That said horse after he was ridden by deponent a few blocks was

Michael

0520

discovered. So I examined
for outward defects & took
Mr Roach word as sound.
rep. He ran the horse
about 150 feet once or
twice before I made
the purchase. I know
what the ordinary class
of horses bring. The horse
if sound would be worth
to some men \$200. to other
\$300 & to some \$150. depending
what they wanted him for
& what they could afford to
pay. If he had been sound
I would consider him worth
from \$150 to \$160. I got a
written guaranty - I read
it. The written guaranty
was taken from me by
Watson & another person
as I was on my way taking the
horse back. I could not
find Roach & therefore could
not return him the horse.
I did not further search for
him on that day except the
57-70 - minutes. I have

0521

not since I paid the \$160
seen Roach, until today.
I got what money I did
from Watson. I have received
the horse back since then. I
have sold him. I got \$7000
for him representing the horse
musement. I asked \$100 for
him - I am not now in
money, out of pocket.
I received \$100 from Watson -
Direct,

Watson was present when
I bought this horse. Watson drew
the guarantee that was given
to me. I was about 50 feet from
the stable door, ^{coming back with the horse} when I saw
Watson. He told me then that
Roach had gone to Philadelphia
This was 15 or 20 minutes, only
after I gave Roach the \$160.
for the horse. I saw the horse
on Saturday previous to the
day of purchase - I had a friend
with me who I took them to
examine the horse - The horse
outwardly appeared sound -

Subscribed before me this } Isiah Barnett
13 day of April 1881 }
I 2 W 7th } Police Justice

0522

County of New York.

Michael Roach being sworn says I live at 110 Madison Street. I sold the horse to Barnett for \$160. I gave a warranty that the horse was kind & gentle. I did not warrant him sound. I have dealt in horses a good many years & know their value - If this horse was sound he would be worth \$300⁰⁰. Warranty was if the horse was not kind that he could return him. He never turned ^{up} the horse in to the place where he bought him. He never asked me for the money back. I never saw him after that until I saw him here today to the justice - I don't know whether the horse was sound or unsound. I only had the horse a couple of days - I can't hardly think of the man's name - I bought the horse on 24th Street near Lexington Ave. I did not know any one that was then present, I gave \$120⁰⁰ ^{for the horse} I don't know

0523

The Stable - Isaac Gartling
briest it. He lives on 33 Street
or did live there - This is the
only horse I then had in this
Stable - This horse had been
in this stable from 2 to 4 days.
I was not in the Stable every
day. I never sold him before
this. I have not seen him
since. I might have sold
one horse from that Stable
might have sold two. Don't
know whether or not I
sold two - The one horse I
sold did not come back.
I never was arrested for
once in my life & that
was for intoxication
I have not been in Philadelphia
in seven years. I know Watson
by the name of Sam - He was
there when the sale took
place - He drew the receipt
for ^{the} money - My name was
signed with, but I did not
sign it. Watson signed my
name - I told him so. I can't
write - I had nothing to do with
putting in the advertisement

0524

Three or four men stable
in this stable

Michael ^{to} Poach
man

Seen to before me
this 13th day of April 1887
B. W. B. by

Police Justice

0525

Police Court—Third District.

CITY AND COUNTY } ss.
OF NEW YORK, }

Michael Roach being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was
at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—Michael Roach

Question.—How old are you?

Answer.—Twenty eight

Question.—Where were you born?

Answer.—New York

Question.—Where do you live?

Answer.—110 McDougal Street

Question.—What is your occupation?

Answer.—Speculator

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

Answer.—I am not guilty

Michael ^{Lee} Roach
mark

Taken before me, this

1875 day of April

Police Justice

R. W. Smith

0526

Form 115.

4065
POLICE COURT--THIRD DISTRICT.

THE PEOPLE, & C.,
ON THE COMPLAINT OF

Isaiah Barnett

141 N. 49th St.

Michael Barnett

1881



Offence *False Pretense*

Dated April 13 1911

Magistrate,
B. H. Birby

Officer,
L. Williams

Clerk,
C. J. Spauld

Witnesses,
Robert Pickens

No. 53 West 49 Street.

No. Street.

No. Street.

No. Street.

\$ ~~2000~~ 500 to answer committed.

Received in Dist. Atty's Office,

PAID

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Ferguson
for deft

0527

Third District Police Court.

April 18th, 1831.

The People on the complaint of
John C. Kluber
agst.
Michael Roach.

Before
B. H. Bixby,
Police Justice.

City and County of New York, ss.:

J O H N C. K L U B E R being duly sworn deposes and says: I reside at 1021 Broadway, Brooklyn: I know the defendant Michael Roach: I had dealings with him on the 6th of December 1830: On that day I saw an advertisement in the Herald stating there were six horses for sale at 222 East 6th street: my uncle and I went there, and I found this man Roach and another man, Samuel Watson in the stable: I cannot identify him: ^(meaning Watson) he is tall and slim and blood in his face and a black moustache, and a black derby hat: Mr. Roach showed us a roan horse and said he would sell him for one hundred dollars: he had the horse taken out on the street and run up and down so that we could see the kind of a horse he was: my uncle and I were satisfied with the horse, and we were going to buy him for a hundred dollars, but only having forty dollars in our possession we paid him that amount: he agreeing to send the horse to Brooklyn, and collect the other sixty dollars on delivery: the horse was to be delivered on that same afternoon to us:

0528

he was to send him over with me and my uncle: after he got the forty dollars he refused to deliver the horse until the other sixty dollars were paid on the spot: we did not pay the other sixty---I refused to pay it there: we said we would pay it upon the delivery of the horse in Brooklyn: he then refused to deliver up the horse, or the forty dollars: I asked him for the forty dollars or the horse and he said "Go and see where you can get the money, I will not give it to you." I then made a criminal complaint in the Police Court before your Honor: that was Thursday or Friday of last week I believe, before I was in the District Attorney's office: I was in the District Attorney's office on Saturday the 16th.

Q Since you made that complaint has any person offered you any money or property or made to you any promise or agreement express or implied that they would give you any money or property upon the condition that you would not prosecute this complaint?

A This gentleman here (Mr. Ferguson) made me a proposition: when I appeared in the District Attorney's office he came and asked me if I was going to appear against Roach, stating that if I did not appear in Court he would meet me at the corner of Chatham and Chamber streets at twelve o'clock on that day and settle my claim of \$40.

(Witness was now shown a paper which he identified as the complaint which he made in the police court, with his signature annexed: said complaint was sworn to before B. H. Bixby, Police Justice and is

0529

dated April 15th 1881, charging Michael Roach with grand larceny on the 6th day of December 1880.)

I did not take the forty dollars.

Cross-examined by Mr. Ferguson:

Q Didn't I tell you that I would not give it to you except the Judge consented that you should withdraw the complaint?

A No you did not state that: you said that I should go before the Judge and withdraw the complaint.

Q Did you take a receipt for the \$40 when you paid it?

A I did.

(The witness now produced the receipt which was marked Exhibit A, and reads as follows:--

"New York, December 6, 1880.

Sold to Mr. John C. Kluber roan horse for the sum of \$100: received on account \$40: balance due on delivery \$60: said horse is warranted sound, kind and true for three days, if not to be returned and money refunded.

M. Roach.

John C. Kulber."

Q He was willing to deliver you the horse here if you would pay the other \$60?

A Yes sir: he was willing to deliver it here: I refused to accept it here, and wanted it delivered in Brooklyn, because that was the agreement before hand.

Sworn to before me this :
18th day of April, 1881. :

Police Justice.

0530

Police Court—Third District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Michael Roach being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was
at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

Michael Roach

Question.—How old are you?

Answer.—

28-

Question.—Where were you born?

Answer.—

New York

Question.—Where do you live?

Answer.—

110 Marston Street

Question.—What is your occupation?

Answer.—

Speculating

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

Answer.—

I am not guilty
Michael ^{his} Roach
mark

Taken before me, this

18
day of April 1881
Police Justice

0531

Court of General Sessions.

THE PEOPLE

Michael Roach

City and County of New York, ss:

sworn, deposes and says: I reside at No.

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the

City and County of New York. On the *23rd* day of *Feb* 189*3*

I called at *141 West 119th St*

the alleged *residence* of *Isaiah Barnett* the complainant herein, to serve him with the annexed subpoena, and was informed by

the tenants of the house that they never knew of such party living at the above address, & could give me no information regarding him.

Sworn to before me, this *24th* day of *February* 189*3*

H. W. Illwitzer
Com. of deeds
N. J. Co

Jos. H. Shannon
Subpoena Server.

0532

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Mill Roach

Offense:

~~JOHN J. WILLIAMS,~~
Defencey Nicol District Attorney.

Affidavit of
J. W. Shannon
Solemn Swear.

Failure to find Witness.

0533

FORM 112.

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

Police Court—Third District.

John L. Kluber

of No. 1021 Broadway in Brooklyn, being duly sworn, deposes
and says that on the 6th day of December 1880

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried
away from the possession of deponent by trick and artifice

the following property viz.: good & lawful money
of the denomination of ones, fives
& tens. Number of each unknown
to deponent, name of bank
being unknown to deponent

of the value of 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 Michael Roach

for the following reasons.
Deponent purchased on said
day a roan horse, for the sum
of one hundred dollars paying
then & there to said Roach the said
forty dollars & agreeing to pay
the balance sixty dollars on
delivery of the said horse to deponent
at Brooklyn. Roach then & there
agreeing to send at once said
horse with me to Brooklyn
Deponent says that as soon

Sworn to before me this

Police Justice

0534

as said Roach got the said
forty dollars he refused to
send the horse to Brooklyn
but decided the balance
of the money (\$60⁰⁰). ~~The~~
~~agreement between the~~
~~parties.~~ We present then
decided that said
horse be sent to Brooklyn
or that the forty dollars
be returned to him. Roach
refused to pay back the
\$40⁰⁰ or deliver the horse
as agreed in Brooklyn
He Roach said to me go
and see if you can
get the money I will
not give it back to you,

John C. Kluber
Sum to be paid
this 15th day of
April 1881.
R. W. Pinsky
Police Justice

0535

Police Court—Third District.

CITY AND COUNTY } ss.
OF NEW YORK.

.....being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was at
liberty to refuse to answer any question that may be put to him, states as follows,
viz:

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live?

Answer.

Question. What is your occupation?

Answer.

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

Answer.

Taken before me, this

day of

18

POLICE JUSTICE.

0536

COUNSEL FOR COMPLAINANT.

Name, _____
Address, _____

COUNSEL FOR DEFENDANT.

Name, _____
Address, _____

298
POLICE COURT—THIRD DISTRICT.

THE PEOPLE, & C.,
ON THE COMPLAINT OF

John E. Huber
1021 Broadway
Brooklyn, N.Y.

AFFIDAVIT—LARCENY.

1. Michael Roach

2. *[Signature]*
Richard J. [unclear]

3. _____
4. _____
5. _____
6. _____
Dated April 13th 1935

Magistrate.

[Signature]
Richard J. [unclear]
Local Barrett, 141 W 49th Street.

Witnesses Robert Dickman, 53 W 49th

Frank Patry -
subscribed to
be sworn to
\$ 500 to answer

Sessions _____
Received at Dist. Att'y's Office, *[Signature]*

Apr 12, 1935

I do not think that
the evidence in the affidavit
of the complainant makes out
a case of larceny. It appears
that a fund was deposited
but the receipt it appears to me
is in a civil action
H. J. [unclear]
Capt. Patry

BAILED.
No. 1, by *[Signature]*
Residence _____

No. 2, by _____
Residence _____

No. 3, by _____
Residence _____

No. 4, by _____
Residence _____

No. 5, by _____
Residence _____

No. 6, by _____
Residence _____

Apr 16th
Ex. Apr 18th 2/1/35

0537

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[FACE OFFICIAL AND FOR OFFICIAL DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York. *Ask to see Mr. Bedford*
To *Isaac Burnett* At *11 1/2* o'clock *A. M.*
of No. *141 West 149th* Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the *24* day of *February* 189*3* at the hour of *10 1/2* in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Michael Roach

Dated at the City of New York, the first Monday of
in the year of our Lord 189 *3*

Felse Pretences
DE LANCEY NICOLL, District Attorney.

0538

The Grand Jury calls witnesses in whatever order its Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's Officer or Clerk in the witness room know this at an early moment.

If you do not obey this Subpoena, or do not explain your absence, the Court will enforce your attendance by attachment, and fine you.

If you are ill when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, and another case taken up, you may know—unless otherwise advised—that the Grand Jury do not care to examine you; and you may then retire, mentioning your withdrawal to the officer or clerk.

If the Grand Jury adjourn, and you have not been called without explanation, inquire of the Chief Clerk in the District Attorney's office, if you are wanted again and when.

Not there

0539

CITY AND COUNTY }
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That

Michael Roach

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *twenty eighth* day of *March* in the year of our Lord
one thousand eight hundred and ~~seventy-eight~~ *eighty-one* at the Ward, City, and County
aforesaid, with force and arms, on the day and year last aforesaid, with intent
feloniously to cheat and defraud one

Isaiah Burnett

did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend
and represent to *Isaiah Burnett*.

That a certain horse which he the said Isaiah Burnett
was then and there about to buy from him the said
Michael Roach was a sound, kind and true horse, and
was well adapted and fitted to be used in drawing wagons.
That the said horse went and travelled well in any
kind of harness.

That he the said Michael Roach had theretofore recently and
often driven the said horse great distances and that
said horse when ^{so} driven travelled well ~~and~~ over great
distances.

That he the said Michael Roach had never noticed
or knew that the said horse was unsound, distempered
or subject to any disease.

0540

CITY AND COUNTY }
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That

Michael Roach

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *twenty eighth* day of *March* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty one* at the Ward, City, and County
aforesaid, with force and arms, on the day and year last aforesaid, with intent
feloniously to cheat and defraud one

Isaiah Barnett

did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend
and represent to *Isaiah Barnett*.

That a certain horse which he the said Isaiah Barnett
was then and there about to buy from him the said
Michael Roach was a sound, kind and true horse, and
was well adapted and fitted to be used in drawing wagons.
That the said horse went and travelled well in any
kind of harness.

That he the said Michael Roach had theretofore recently and
often driven the said horse great distances and that
said horse when ^{so} driven travelled well ~~and~~ over great
distances.

That he the said Michael Roach had never noticed
or knew that the said horse was unsound, ditterpered
or subject to any disease.

0541

And the said Isaiah Barnett

then and there believing the said false pretences and representations so made as aforesaid by the said Michael Roach

and being deceived thereby, was induced, by reason of false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said Michael Roach, the sum of one hundred and sixty dollars in money and of the value of one hundred and sixty dollars.

of the proper moneys, valuable things, goods, chattels, personal property and effects

of the said Isaiah Barnett

and the said Michael Roach did then

and there designedly receive and obtain the said sum of one hundred and sixty dollars in money and of the value of one hundred and sixty dollars.

of the said Isaiah Barnett.

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Isaiah Barnett.

by means of the false pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said Isaiah Barnett

of the same.
Whereas in truth and in fact, the aforesaid horse was not then and there a sound horse, but on the contrary the said horse was unsound and distempred and then and there had, and was afflicted with and by, divers ailments, distempers, maladies and diseases to the jurors aforesaid unknown, and was wholly useless and worthless all which he the said Michael Roach then and there well knew: and
Whereas in truth and in fact, the aforesaid horse was not then and there kind or true but on the contrary the said horse was wholly bad, vicious and refractory and incapable of management, guidance or control by any one all which he the said Michael Roach then and there well knew: and
Whereas in truth and in fact, the aforesaid horse was not then and there well adapted or fit or at all adapted or fit to be used in any wagon or wagons whatever, but on the contrary said horse was not then and there adapted or fit to be used for any purpose whatever, but was wholly useless and worthless all which he the said Michael Roach then and there well knew:

0542

And Whereas, in truth and in fact, the said horse did not then and there or
therefore go or travel well in fact but on the contrary said horse was
then and there unable to go or travel at all as he the said Michael
Roach then and there well knew, and

Whereas in truth and in fact, he the said Michael Roach had not
recently or often or ever driven the said horse a great distance
or any distance whatever as he the said Michael Roach then and there well knew; and
Whereas in truth and in fact, the said horse had never when driven recently
or often by him the said Michael Roach or at any time whatever
travelled well or over great distances or any distance whatever as he the
said Michael Roach then and there well knew; and

Whereas in truth and in fact, he the said Michael Roach had then and there and
therefore often noticed, and then and there on the said twenty-eighth day of
March in the year of our Lord one thousand eight hundred and eighty-one
and therefore well knew, that the aforesaid horse was then and there unsound
distempered and had and was subject to divers ailments, diseases and
distempers to the jurors aforesaid unknown.

Whereas in truth and in fact, he the said Michael Roach had then and there
and therefore often noticed, and then and there on the said twenty-eighth day
of March in the year of our Lord one thousand eight hundred and eighty-one
and therefore well knew, that the aforesaid horse was then and there unsound
and distempered and had, and was subject to divers ailments, diseases and
distempers to the jurors aforesaid unknown and which were then and there not visible
but rendered the said horse wholly useless and worthless all which he the
said Michael Roach then and there well knew.

And Whereas, in fact and in truth, the pretences and representations so made as
aforesaid, by the said Michael Roach
to the said Isaiah Burnett was and were
in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at
the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said Michael Roach
well knew the said pretences and representations so by him made as aforesaid to
the said Isaiah Burnett
to be utterly false and untrue at the time of making the same.

And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said
Michael Roach by means of the false pretences
and representations aforesaid, on the day and year last aforesaid, at the Ward, City,
and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did
receive and obtain from the said Isaiah Burnett, the said sum
of one hundred and sixty dollars in money and
of the value of one hundred and sixty dollars.

of the proper moneys, valuable things, goods, chattels, personal property, and effects of
the said Isaiah Burnett
with intent feloniously to cheat and defraud him of the same, 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.

DANIEL G. ROLLINS,
BENJ. K. PHELPS, District Attorney.

0543

BOX:

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FOLDER:

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DESCRIPTION:

Roach, Michael

DATE:

05/31/81



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