

0290

BOX:

450

FOLDER:

4145

DESCRIPTION:

McDonnell, Henry

DATE:

09/16/91



4145

0291

Witnesses:

J. H. Hertz
E. Englewood
A. J.

Counsel,

Filed

189

W. J. Berry
day of
Pleads, *August 17*

THE PEOPLE

vs.

Henry Mc Donnell

~~XX~~

Grand Larceny,
[Sections 528, 531
Degree,
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Wednesday, Sept.

A TRUE BILL.

W. J. Berry
Foreman.

Paris 3. September 25/91
if tried and acquitted

W. J. Berry
for

0292

Police Court 3 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. Englewood N.Y. Street, aged 28 years,
occupation Gardner being duly sworn,

deposes and says, that on the 16 day of August 1891 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 lawfull money of the
United States amounting to two hundred
dollars and one silver watch and
plated chain worth eight dollars
altogether of the value of two hundred and
eight dollars (\$208⁰⁰)
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 Henry McDonnell (nowhere) and three
other persons not yet arrested - for the reasons
following to wit, on said date deponent
deponent was sitting on a stoop at ~~the~~ 102
Market Street, and had in ~~his~~ the Pockets
of his clothing which he then wore, the said
property. Deponent went to sleep and was
aroused by feeling some one ~~putting~~
fumbling in his pockets. Deponent further
swears that he saw the Defendant McDonnell
pulling his hand out of the inside pocket of
Deponent's coat in which pocket the said sum
of money was, the Defendant McDonnell and
the three other persons not yet arrested ran away
and the property was ~~gone~~
Deponent saw officerweeney of the 7th Precinct

Subscribed before me this

1891

A

0293

and caused the arrest of Defendant
McDonnell. Deponent further says
that he fully identified Defendant McDonnell
as the person who had his hand in his
pocket

Sworn to before me
this 17th day of August 1891 Joseph E. Kelly
John Ryan
Police Justice

0294

3

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Henry M. McDonnell 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. Henry M. McDonnell

Question. How old are you?

Answer. 28 yrs

Question. Where were you born?

Answer. Ireland

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

Answer. 52 Oliver St 3 yrs

Question. What is your business or profession?

Answer. Plasterer

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

Answer. I am not guilty

Henry M. McDonnell

Taken before me this

day of

John M. Ryan

Police Justice

0295

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

Dated *Aug 17* 18*91* *John Ryan* 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.

0296

Police Court ²⁴⁴ 3 District. ¹¹¹³

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Holley

vs.
Henry McDowell

1
2
3
4

Office of
from the Prison

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated Aug 17 1891

Ryan Magistrate.

Sweeney Officer.

Precinct.

Witnesses
Complains to
to the House of Detention
in default of \$1000 bail

No. _____ Street.

No. _____ Street.

\$ 1000

1000 of Aug 19 91



0297

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

RECOGNIZANCE TO TESTIFY.

BE IT REMEMBERED, That on
the 18th day of August in the year of our Lord 1921
of No. Englewood, New Jersey Street, in the City of New York,
and Charles Bruntz
of No. 122 Broome Street, in the said City,

personally came before the undersigned, one of the Police Justices in and for 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

Joseph Holtz
the sum of One Hundred Dollars,

and the said Charles Bruntz
the sum of One Hundred Dollars.

separately, of good and lawful money of the State of New York, to be levied and made of their respective goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally appear at the next COURT OF 3rd District Police Court sessions of the Peace, to be holden in and for the City and County of New York, and then and there Testify and give such evidence, in behalf of the People of the State of New York, as he may know concerning an Offence or said to have been lately committed in the City of New York aforesaid by

Henry McDonnell

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

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

Joseph Holtz
Ch. Bruntz

John J. Ga Police Justice.

0298

CITY AND COUNTY } ss.
OF NEW YORK,

Charles Holtz

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

stock and fixtures of liquor business
in premises No 122 Broome St in said
City, worth one thousand dollars
free and clear

Ch. Brunty

Wm. [Signature]
Sworn before me this
18th day of
1881
Police Justice

New York Sessions,
THE PEOPLE, &c.
Recognizance to Testify.

Magistrate
Filed day of 188

0299

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, 3 DISTRICT.

Dennis Sweeney
of No. 7th Precinct Street, aged _____ years,
occupation Police officer being duly sworn deposes and says
that on the 17th day of August 1891
at the City of New York, in the County of New York Joseph Holtz

(nowhere) is a necessary and important witness
for the People in the case against Henry
McDonnell. Deponent further swears that
said Holtz is not a resident of this City
and may not be found when wanted
Deponent therefore prays that said
Holtz be committed to the House of
Detention

Dennis Sweeney

Sworn to before me, this

17th day of August

1891

Police Justice.

0300

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 Mc Donnell

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

Henry Mc Donnell

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

The said

Henry Mc Donnell

late of the City of New York in the County of New York aforesaid, on the ~~Eighteenth~~ ^{Eighteenth} day of ~~August~~ ^{August} in the year of our Lord one thousand eight hundred and ninety- ~~one~~ ^{one} at the City and County aforesaid, with force and arms, in the ~~day~~ ^{day} - time of said 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 ~~one hundred~~ ^{one hundred}

From

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 ~~one hundred~~ ^{one hundred}

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of ~~one hundred~~ ^{one hundred}

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of ~~one hundred~~ ^{one hundred}

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of ~~fifty dollars,~~ ^{fifty dollars,} ~~one watch of the~~ ^{one watch of the}

value of seven dollars, and one chain of the value of one dollar

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

DE LANCEY NICOLL, District Attorney.

0301

BOX:

450

FOLDER:

4145

DESCRIPTION:

McGartlin, Patrick

DATE:

09/21/91



4145

0303

Police Court 2 District.

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

Thomas Gahan

of No. 312 East 71st Street, aged 29 years,

occupation Stallman being duly sworn

deposes and says, that on the 27th day of August 1891 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Patrick

McGuthrie, now here, who struck deponent two blows on the head with a meat cleaver which he then had there held in his hand, thereby cutting deponent's head severely.

Deponent further says that such assault ~~was~~ committed

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

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

Sworn to before me, this 28th day }
of September 1891 } John E. Keel

John E. Keel Police Justice.

0304

THE ROOSEVELT HOSPITAL,

59TH STREET AND NINTH AVENUE,

JAS. R. LATHROP,
SUPERINTENDENT.

New York, 189

This is to certify that
Thomas Graham is
a patient at this
hospital suffering
from lacerated wound
of scalp with wound
of the outer table of
the skull. His
chance of recovery is
very good.

John McWaldron M.D.
Acting Surgeon.

0305

Police Department of the City of New York.

Precinct No.

New York, Aug 27 1891

This is to certify that
Thomas Graham has
received an injury
amounting to a
compound fracture of
vertex of skull.
H. C. Gray M.D.

0306

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, 2 DISTRICT.

Frederick Behr

of No. 19th Street, aged _____ years,
occupation officer being duly sworn deposes and says,
that on the 27 day of August 1891
at the City of New York, in the County of New York, he arrested

Patrick McGartlin nowhere
charged with Felonious Assault upon
complaint of Thomas Graham. Deponent
says that said Graham is now confined
at the Roosevelt Hospital from the effect
of injuries received. Deponent therefore
prays that the defendant be held
to await the result of such injuries

Frederick Behr

Sworn to before me, this
of August 1891

[Signature]
Police Justice

0307

Police Court, 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Park McArthur

AFFIDAVIT.

*Ex August 29th
1891 - 10 A.M.*

*Ex Sept 3rd
10³⁰ A.M.*

Dated *August 27* 1891

H. J. ... Magistrate.

Behr Officer.

19th for ...

Witness, _____

Disposition, _____

0308

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK ss.

Patrick McGurkin 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. Patrick McGurkin

Question. How old are you?

Answer. 40 years

Question. Where were you born?

Answer. Ireland

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

Answer. 1679 Broadway - 9 months

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
Patrick McGurkin
man

Subscribed before me this
1st day of
John S. Kelly

Police Justice

0309

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.....

Richard

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *250* 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 *Sept 18* 18 *91* *John S. Keef* 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.

0310

1152

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

3040 vs
306 2 48-87
John Graham

Richard M. Jenkins

Minister
Julia
Nov 21/91

Offence
Assault
Police

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Sept 1* 19*01*

Kelly Magistrate.

Behr Officer.

19 Precinct.

Witnesses *Margaret Graham*

No. *16 1/2 Broadway* Street.

Case of *RECEIVED*

No. Street.

No. Street.

No. Street.

\$ *1.500* to answer *G.S.*

Leon

Anti



0311

700

THE PEOPLE
 vs.
 PATRICK McGARTLIN.

COURT OF GENERAL SESSIONS, PART I.
 BEFORE JUDGE MARTINE.

Friday, October 30, 1891.

Indictment for assault in the first degree.

THOMAS GRAHAM. sworn and examined.

I am a stableman, I am twenty-nine years old, am married and have one child six years old. I recollect the morning of the 27th of August. my wife was living in Mr. McGartlin's rooms; he rents the house as far as I understand, we lived there about two or three weeks, No. 1629 Broadway, between 49th and 50th Streets; she hired a front room on the second floor. On the 26th of August, the day before, I was living with my mother; the morning of the 27th my wife took this room, it must have been between seven and eight in the morning, I saw the defendant there, I had no conversation at all with this man, I asked for my wife, I rapped at the door, I told her I was going to Long Island. I found my wife was sitting in the kitchen and this man was eating his breakfast, he was standing at the table after eating his breakfast, she was sitting down. I says to my wife, "Maggie I am going to Long Island, I am going with a young man to get a job at a club, you come along with me and come over to Brooklyn, I have an undershirt in that trunk and a straw hat and I will take that with me, perhaps I can get a job." She said, "all right"; she went into her own room and put a dress on, I went to go into her room after her and this man turned me back, he put me to the kitchen door, he shoved me, I got to the kitchen door leading from the kitchen to her room, he came right towards me and shoved me right out, he was in

03 12

front of me; he said, "you can't come in here". He picked up the cleaver that was lying on the floor, this instrument here, I stood at the door waiting for my wife, he lifted it up and struck me with this side first (the blunt side) and said, "you son of a b-- --. Where did he strike you? Here (pointing to the forehead). I fell back and my wife came running out. I did not fall down but I fell back against the ice-box that was standing there, and with that he hauled up again and he struck me with the sharp end and he hit my hat, the hat is all broke up, the policeman seen my hat. That did not touch your head, did it? Yes sir, it cut me there, two cuts, one here and one there (pointing to the head).

He struck you on the head going through your hat and injuring your skull, is that it? Yes sir. Did he say anything? He did not say nothing. He struck these two blows without a word? Yes sir, struck the two blows and with that he lifted again to strike me and my wife ran out, she caught hold of his hand and he dropped the cleaver and ran down stairs, the blood run down. Were you struck again when your hat was off? No sir, my wife got this instrument here, it is all covered over with blood; my wife picked up the ax, she was dressed then. Did he come back again? No sir. When did you see him next? At the foot of the stairs. Did you follow him out, you and your wife? I and my wife went out.

Where did you see him? Standing at the foot of the stairs at the front door. My wife had the cleaver in her hand.

What happened there? He grabbed the cleaver and took it from her and made to hit me again with it and the two of us fell and I got up; he made to strike me again with it, he did not strike me with it; he raised it up coming towards

0313

me and I caught hold of him, he did not hit me that time, I then met the officer and spoke to him, he went back with me and arrested the man. All this time had the defendant said anything? No sir. Just kept his mouth shut going around with that cleaver and striking you? Yes sir. When he came down stairs you did not say a word? I did not say a word, he grabbed the cleaver and made to strike me again with it; I could not see anything, the blood was blinding me; I wanted to get off, my wife was standing there all the time; she said, "for God's sake don't kill him." She said that upstairs? Yes, when he first cut me she was standing there; when he first struck me she was not there, she came in at the second blow. I went to the station house with the officer and the defendant. I did not make any complaint against him, I was taken in an ambulance to the Roosevelt Hospital and was there five days, my wounds were treated, I went through an operation. I was struck twice with this cleaver, once with the blunt end and the second time with the sharp end. There was nobody else present except myself and wife. He ran down stairs after he hit me. He took the cleaver from my wife at the foot of the stairs and attempted to strike me. The policeman went up in the house and got him out of the room. When had you seen the defendant before this time? I seen him the night before. Had you any quarrel with him the night before? No sir, I went into my wife's room. I had no conversation with him at all the night before; he went for a policeman to put me out of my wife's room and the policeman took and put me out and left my wife sitting in the room. My wife not was in the room all that night as far as I can understand.

I went to my mother's and stayed there through the night.

CROSS EXAMINED.

I am a stableman

and the last place I was employed in was Mr. Detrells last May; at the present time I was working back and forward, maybe two days one week and three days another week, I have done nothing since I got hurt, I was not able. How long have you known this defendant? I expect I know him from around the first of June. I did occupy a room with my wife at his house, I had trouble with him, I was arrested in consequence of that trouble and the defendant was the complainant against me; I was taken before a police magistrate and got ten days for disorderly conduct. I was idle the time I got arrested. I paid the room rent, it is not true that my wife paid it, I have a child and it is at my mother's. You do not live with your wife, do you? Yes sir. You were not living with her at the time of the assault, the 27th of August? This man would not allow me, he wanted my wife to stay there along with him while his wife was away in the country, his wife was gone, she hired that room, he was not willing to have me, she occupied the room. When you went there the night before what did you say to the defendant if anything?

I said nothing to the defendant, I had no conversation at all with him, my wife sent down for a glass of beer and I drank out of the glass of beer, he was not in the room but in the kitchen, he did not drink any of the beer, he sent out for the beer himself for my wife and me to drink. My wife said, "come on to the room"; I went in for an hour, talking to my wife and with that all of a sudden the door opened and he and the policeman came in, he said, "I want this man put out." I went into my wife's room in a quiet, orderly manner

and sat there talking to my wife for one hour and at the expiration of one hour he ordered me out and the two officers came in. I was sober then, I went across the way and stayed there for about two minutes and went to my mother's and stayed there all night. This was about ten o'clock at night, I frequented none of the saloons that night, I did not drink any beer from the time I left this man's rooms until I came back in the morning, I rapped at my wife's door, she was in the kitchen, she did not open the door but this man's boy did and let me in. Did not you testify a few minutes ago that there was nobody in the room but your wife and this man? That was at the time he struck me. I spoke to my wife and said, "good morning, Maggie", the defendant did not order me out then, his boy went out then, I don't know what he went out for, I am perfectly sure I did not hear him tell the boy to go and get an officer. How many times have you been ejected from these premises by the officers? Twice. You did not hear the defendant tell his son to get an officer to put you out that morning? No sir. Did your wife object to your going into her room? No sir, but the defendant did, he put his hands up and wanted to push me out, he did not tell me to go out, he lifted the ax and struck me with it. Then you say you took the cleaver? Yes sir, took the cleaver; all this time I did not strike him and did not attempt to strike him. You never did in your life? Yes, I did once, the time he got me arrested, he came to my room and struck me and I struck him and the result was I got ten days. Are you sure this is the only time you ever struck this man? Yes sir. Did you ever threaten him? No sir. Did you tell the defendant's wife after you got ten days in the Police Court you

would kill him? No sir, I never seen his wife. Did you ever tell this man that you would get even with him? No sir. Did you make threats the time the two officers took you out? No sir. I am sure the boy opened the door and let me in when I knocked, I am perfectly sure I did not break in the door. I did not break in the door this morning leading from the kitchen, the door was open wide from the kitchen to my wife's room; this man assaulted me without any provocation, I never hit him at all. How long had your wife been living there? She had only been living there about a week that last time; it was the second time she went to live in this man's room; she was living out the time this man put me away for ten days; she worked eight or nine days and took this man's room again; she lived there about two months altogether at different times, she has been living out since I got out of work, since I got hurt, she lived out eight days the time I was put away; What was the condition of your wife when she took the room this last time, did she have a pair of black eyes? No sir. Did not you give her a pair of black eyes and did not she leave you for that reason? No. Is your wife any relation to the defendant? She told me that he knew her mother in Ireland, that was all I know. You do not claim there is any improper relations between your wife and this defendant? No; all I know is my wife told me that this man knew her mother in Ireland.

MARGARET GRAHAM, sworn and examined.

I am the wife of the complainant in this case, I have been married eight years and have a little child. Where

were you on the 27th of August of this year? I guess I was in his room, Mr. McGartlin's room on Broadway, I could not really tell you the number, it was in the front room I lived I did not board, I only took the room, the front room was mine but I got leave to cook anything in the kitchen, I hired the room of him, I had been there to the best of my opinion since June. My husband came in the morning of the 27th of August, I was in the kitchen, he knocked at the room door and I had the door locked as usual and this man and his son was going out to work in the morning at half past seven; I was going to fix up some of my clothes because I intended to take another place. My husband came in and said "I am going to Long Island", he wanted me to go out with him where he was going, I intended to put on my clothes, I did not hear any noise in the house and I intended to go out with him, I was going to put my skirt on, I went into my own room to the closet to get my clothes. I left him and McGartlin in the kitchen, the boy was gone out, at least I think he was, I could not really say. This man did not want Tom to wait in the kitchen at all, I think he told him to go out. The defendant said, "go out", you heard that? Yes sir and he said he would not go out without me, that he was waiting for me till I got ready. What did the defendant say to this man? I do not know, sir, the next time I saw them I saw this man hitting. Did you go back into the room? No sir, but I went to wash my face in the basin and to fix myself. I was in the kitchen at that time. While you were in your room did you see anything else? No sir. Did you go back to the kitchen? Yes sir. What was going on when you got back? Tom was bleeding and I did not know what happened, I could

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not say, Thomas was doing nothing at the same time for he had nothing in his hand but this man was putting him out of the kitchen and he did not like to go out, he was doing nothing only waiting for me. Tell us whether the men had hold of each other, whether you saw any man have anything in his hand and whether you heard anything said? I saw this man having this cleaver in his hand but I did not know what he was going to do, he hit him with it. Did you see that? Yes sir. You saw this man hit your husband? Yes, I saw him bleeding afterward. Is that the cleaver that he had? Yes sir that is the one. How near were you to him? The three of us were in the kitchen, the kitchen is small. I wanted to go between them when I saw the blood on his face. The defendant hit him with the cleaver on the head. One blow or two? I seen them both but I was so excited then that I got nervous and I was not seeing very good. Did you hear anything said? No, I did not but I heard Tom say, "Maggie, I am killed", and I got faint and I ran down and ^{the} a little boy was away for the policeman I guess at that time. When Tom said, "Maggie, I am killed", I did not hear the defendant say anything. My husband said nothing more but he was crying, he was all covered with blood. I took the cleaver away, I took it out of some of their hands, I could not say which, I hid it away, I did not want any more accident to happen and I went down stairs. My husband was standing outside with his head bleeding on the stairs. I really could not tell whether the defendant went out ahead of me and my husband because I was nervous. Where did you next see the defendant? We three were brought down to the station house, my husband went down to the Rosevelt Hospital. The defendant ran past me on the stairs, I

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think he had the cleaver, I ran upstairs and got the cleaver again and I gave it to the policeman who is sitting here to take it out of my house; my man was gone to the hospital or gone to the station house. When you ran up did you see the defendant have the cleaver in his hand? Yes, he did not leave it in my room but left it in his own kitchen, I got it and gave it to the policeman. When did you see your husband after you gave this to the policeman? I was in the Station House with him. The policeman had your husband at the time you gave it? Yes, they were having his wounds dress^{ed} at the Station House until the ambulance came to take him to the Roosevelt Hospital. Where were you when you gave this cleaver to the policeman, in your house or at the Station House? The policeman was at the door, I said, "my husband is killed will you please come upstairs", I gave the cleaver to the policeman upstairs in the kitchen. Was your husband there at that time? No sir, he was down stairs. Was this man, the defendant, at that time upstairs? No sir, he was not, he was down stairs. Then what did you do after you gave this to the policeman? I went to the Station House along with him, the officer came down stairs with me and when I got down there I saw my husband and the defendant, my husband was bleeding and the policeman took the two down to the Station House. Did you hear your husband say anything? No. Did you hear the defendant say anything? No. On the way to the Station House did you hear anything? No, my husband was crying and bleeding. The night before this did you see your husband? Yes sir. Where did you see him? He came upstairs to the room I was in. Did you see the defendant there that night? Yes sir, he was in his own house in his own kitchen.

night. I remember that when this man (the defendant) came home for his supper that night he sent for a pint of beer to treat Tom; he did not order him out that night, after that Tom came into my room and went to bed. The defendant said to me about eight or nine o'clock, "I do not want Tom there at all." I did not know that the policemen were coming to arrest him. Do you know who struck the first blow? McGartlin attempted to put him out, then I suppose there was a tussle, I saw the two men grappling with each other, my husband was getting the best of it, he did not want to go out, my husband was bleeding when I ran into the other room, I went to get my skirt to run out and when I came back I saw the other blow given to him; the first time he was sitting on the ice-box his head was bleeding and he said, "Maggie, I am killed."

I got the cleaver then and I hid it in the kitchen somewhere under the lounge, I gave the cleaver to the officer afterward.

I never got my husband arrested in my life, I did send for a policeman once in my hot temper when he would say an angry word, I would say I would get a policeman to scare him. My husband has not been working since last May, he was working off and on at the Exchange but it is not steady work, he works in the stable and he works in the exchange.

FREDERICK BEHR, sworn and examined.

I am a police officer and arrested the defendant at 1629 Broadway, I saw the complainant that morning before I arrested the ^{complainant} ~~defendant~~, I think the ^{complainant} ~~defendant~~ was half drunk, he was bleeding, his face was all covered with blood; that was two doors above 48th Street on Broadway. I had a talk with the complainant and then went and arrested the defendant

in the house 1629 Broadway; he was standing with a dishpan of water in his hand ready to empty it. I met Mrs. Graham in the street before I met him. I asked the defendant in the house, what did he do that for; he said this man had been annoy ng him and he told him that he would hurt him if he came back or words to that effect; it is about two months ago and I cannot remember exactly. I told him I wanted him to come down to the Station House with me, that this man Graham was going to make a complaint against him charging him with assault. He said all right and he came out with me.

I saw the ax now shown me there that morning, it was hanging on the nail next to the fire-place. I asked Graham what he had struck with and he told me a cleaver and with that his wife turned around and said, "here is the cleaver hanging up"; she brought it over to me. Graham came back with me and in the presence of the defendant he told me he had been struck with the cleaver. The defendant said nothing to that. I took the defendant to the Station House. I told him he done wrong by hitting the man with a cleaver in that way. He said he was excited, something like that, I can't exactly remember; he did not deny it, he told me he done it. What became of the complainant Graham? I urged him to come down to the Station House, he did, we there examined him, we sent him to the hospital and he was there for a week I believe. I looked at his head that morning, I saw two scars in front, two gashes and a swelling.

CROSS EXAMINED. I did not see the defendant at all in his room, I met the complainant two blocks away, I saw the defendant in his father's room when I went up

there. You say he did not deny that he hit the complainant with this cleaver? Yes sir. Did he acknowledge that he hit him? Yes sir. Give the words that he used as near as you can recollect? I said, "what did you want to hit this man with a cleaver for?" He said, "I told him I would hit him if he came back; he has been annoying me and I told him I would hit him if he came back." He said he called for officers the night previous to have him ejected from his premises and they advised him to go out. I told him twice that he done wrong, once in the house and once in the street on the way to the Station house. I first met the wife in the street with her husband.

By Counsel. When you came upstairs don't you remember that the defendant said that this man assaulted him first --- when you asked him what he struck him with the cleaver for, was not his reply this, that he struck me first? No, his reply was that he tried to break in my door -- that he was knocking at his door, trying to break it in. Did not he say that he did break in the door? I do not think he did, I am not sure. Did he show you the door where it was broken in? No sir. He did not claim to have been assaulted to the best of your recollection? No sir. He might have said it? He may have; there was considerable excitement that morning, everybody in the house was astir. He may have said that the complainant struck him first? Yes sir.

By the court: You do not remember anything of that kind being said? No sir. Did you ask the defendant where the cleaver was? NO. ///

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PATRICK McGARTLIN, sworn and examined in his own behalf, testified:

I work at making sidewalks and cellars, I was working two or three weeks for the gentleman I worked for last, I was working from one boss to another, I have been working continuously at my employment for the last six years. I first made the acquaintance of the complainant about the beginning of last June, his wife hired a room from me and they occupied the room together. I had no trouble with him until they commenced to drink and then they were continually quarreling. As the result of that quarrel did you ever see the complainant's wife in a battered up condition? I did, sir.

Were they disorderly in your house? Yes sir, I had him arrested for assaulting me and he got ten days for it. I would not allow him to stay in my house for he swore he would take my guts out, I would not trust myself in the house with him.

I went to the station house and from there to the court with him the time I got him arrested. It was before you had him arrested that he said he would rip your guts out, the same day and as the result you had him arrested, he did assault you on that day and he got ten days for it? Yes sir. When did you next see him after that? He came to the house two or three weeks. Was his wife still stopping there? His wife went to live out when he got arrested. How long after that did she come back and hire a room? She left the place she was in and she asked me if she could stop a few days until she would get money. I said if he would come to the house I would not let her, I let her stop for charity, she had black eyes and I let her stay a few days for charity; he gave her the

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black eyes. She said her husband Tom gave them to her.

She remained then about a week; the husband came up four or five days, I had sent my boy to the station house for officers to get him out of the house, I had sent five previous times to the station house for officers and each time they took him out. Why did not you put him out? I did not want to put myself in the hands of the law I was afraid of the law I was not afraid of him, he threatened he would rip my guts out and I was afraid of him. His wife remained there until this occurrence. On the night before this occurrence I sent for two officers to take him out of the house and about half an hour afterward he came kicking at the door again and the next morning he came at half past six o'clock, he shoved the kitchen door right in and began to abuse his wife. I said, "both of you get out of here, " I ordered them both out, I was in the act of chopping a piece of wood to cook some coffee when he went into the front room after his wife and she let a yell of murder out of her, I went in and he had the wife at a half bend and whether he had knocked her down in the bed-room or not I do not know. He lifted his hand to strike me. I says, "hold on, you will not strike me," I took the flat of the cleaver and hit him in the head and cut him to save myself, I did not use much force, just enough to keep him from beating me until the officer came because I had my boy away for the officer at the time. Mrs. and Mr. Graham came down stairs and Mr. Graham had the cleaver in his hand. I says, "don't steal that, it belongs to me; he knocked me down in the hallway and then I went back to my rooms, I was going to prepare to go to work and the next thing the officer came up and arrested me..

The officer says, "what did you do here?" I says, "nothing."
He says, "what did you hit the man for?" I said, "I only
hit him to save myself." I was brought to the station house.
Four days previous to that the complainant came and broke
open my door and took the key of the kitchen door with him,
he left it open from one o'clock in the day until half past
five in the afternoon when I came home from my work. I said
to the officer, "I struck him," I did not deny that I hit him
on the head with the cleaver before I would let him kill me.
I did not tell the officer that he had threatened to kill
me before. At the time I struck him I believed my life to
be in danger. I was never arrested charged with any crime
before. I am not a drinking man, I do not even drink a glass
of ale, I have not drank any in eighteen months, nothing
stronger than ginger ale or lemonade. I am a married man
and my wife is here in Court.

CROSS EXAMINED.

She was living
at 1624 Broadway up to last month, she moved up to 56th St.
now; I lived with her at the time of the assault. I ordered
him out of the house the night before and he would not go, he
did not do anything to me the night before. I sent out for
officers because I was not going to trust my life, he threat-
ened me often before, he threatened me about the first of
August and said he would rip my guts out. On this day I saw
him pushing his wife, she did not ask me to help her, I said
I was not going to have any noise in the house and told both
of them to get out. She paid the rent, she was quiet, she
did not bother me but I did not want him to stay there.

At this time my wife was out working, sometimes she stays
away cooking for ladies a couple of weeks, she was working at

that time in the Catskill Mountains, she went up to cook there about the middle of August.. I did not hear him say to his wife, "get your things on and come with me to Long Island", I heard him say "get your things on", but I heard nothing about Long Island. I heard him say to her, "I will fix you if you do not get out of here", and she let a scream out of her, I do not know whether he knocked her down or struck her. She says, "don't murder me." He was standing with his back to me and I could not tell what he was doing, I could not say that he had her by the hair. When he was sober he was quiet enough but he was always half drunk.

I had the cleaver in my hand when I went into his room, I was splitting wood. I says, "none of your noise here", and he put up his hand to strike me, whether he had a knife in his hand I could not say I did not see a knife, I seen something shining in his hand, I could not tell what it was, he lifted his hand and I hit him with the flat of the cleaver, I was waiting for the officer to keep him from killing me.

I am sure that I did not hit him with the other end of the cleaver, there was blood on the flat part of the cleaver, I just hit him once with the flat of it. Do you know how those stains came on that (pointing to the cleaver)? Yes, he had it in his hand and he was bleeding from his head and it run down. I do not claim that he struck himself. I did not see any wound but I saw blood on his face. I went down to the door to see if I could get an officer and then he came down, he had the cleaver in his hand. I says, "give me that cleaver, that belongs to me, don't steal that"; he knocked me down, I got hold of the cleaver and we were wrestling for

it. He went out and got a policeman and the next time I saw him he came with the policeman. I said if I could have got a policeman I would have him arrested, I had my boy away looking for one. You heard the policeman testify here that you told him that you warned him if he came back you would hurt him? I told the policeman that I would have him arrested if I could get an officer. I do not remember whether I told the policeman I had done wrong, I told him that I was annoyed with him and afraid of my life and I struck him.

Did you hear the policeman testify here to-day that he asked you what did you want to hit this man with a cleaver for? Yes, I said that he did not get enough for he ought to get killed or half killed, the way he has me annoyed. I do not remember whether I said to the officer that I would hit him if he came back. I did not tell the officer that I hit him because he was hitting his wife. I did tell the officer that he and his wife were fighting and I went in from splitting wood and he went to strike me and I struck him with the cleaver.

JOHN MCGARTLIN. sworn and examined.

I am seventeen years old and the son of the defendant and on the morning of the 27th I saw the complainant between six and seven o'clock. He came and tapped at the door very light and my father was going to open the door and he pushed the door; my father put the cleaver down on the stove and he came over to Graham and says, "get out of here", Graham would not do it and he made an attempt to walk to the bed-room. My father said to me, "get your hat and go down and

get an officer," I took my hat and ran down as far as 59th Street. I could not find an officer and I went down to the 47th Street station house and when I went down I saw father, the officer, and Mr. Graham going to the station house and Graham's face was bleeding. At the time I left the house my father and the complainant were not scuffling. I got the officers five or six times before that to put him out, I was not in the house at the time of the assault. Graham was intoxicated when he came into our house that morning.

CROSS EXAMINED. I did not hear Graham say anything to his wife when he came in. My father ordered him out and Graham said he would not go out until he had his wife. His wife went into the room where she sleeps and her husband followed her.

MARGARET MCGARTLIN, sworn and examined.

I am the wife of this defendant and I know the complainant; I remember the time that my husband had him arrested and he got ten days. I heard him in the presence of my husband say that he would kill him before night; at the same time he was very badly intoxicated. I sent the boy out for an officer and two officers came in and arrested him. I was after coming from the country this time on the evening of July 7, I was in Morristown. They were in the house when I came home, his wife hired the room from my husband, so my husband told me. On the morning of the fight my husband and myself went out, the morning that Graham had the fight with him; the husband and wife fought continually one of the neighbors told me, Graham's wife got an officer for her husband; they were both drunk that morning, I seen

the clothes torn off her, he was beating her. I says to my husband, "those parties I am told are having a great picnic to-day." He went in and stopped the row and I heard a noise, I sent for two officers. My husband got up to tell him to stop the noise. He said he would kill him before night, rip his puddings or his guts, some such word as that. I was the only one who was in the room.

MARGARET GRAHAM recalled by Mr. Townsend.

On the morning of the 27th of August when my husband was hit I was not quarreling. I went down to the police station with my husband and then went to the hospital.

I took the cleaver out of the defendant's hand in the house before he went down stairs. I cannot remember whether he took it down stairs or not but I hid it under the lounge.

I hung it up on a nail after I got them out and I took it from the nail and gave it to the officer. My husband did not have hold of me when the defendant came in the room but he was in a hurry to get me out, I had my clothes in the closet and did not want to run out in the street without my hat and sacque. I saw the defendant strike my husband twice, he was all covered with blood and I thought he was killed. I am quite sure that this did not occur in the bedroom. I did not holler murder that morning.

PATRICK McGARTLIN recalled by Counsel.

It was in the bed-room I struck him, I did not hit him with the cleaver in the kitchen. I got the cleaver away from him the second time and I carried it upstairs and hung it upon a nail.

The Jury rendered a verdict of guilty of assault in the second degree with a recommendation to mercy.

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of testimony in the
case of
Patrick McGartlin

filed Sept.

1891

To Us

(5)

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick Mc Gartlin

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

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

The said

Patrick Mc Gartlin
late of the City of New York, in the County of New York aforesaid, on the 27th
day of August in the year of our Lord one thousand eight hundred and
ninety-one with force and arms, at the City and County aforesaid, in and upon
the body of one Thomas Graham in the peace of the said People
then and there being, feloniously did make an assault and him the said
Thomas Graham with a certain cleaver

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

him the said Thomas Graham
with intent thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

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

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

The said

Patrick Mc Gartlin
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
Thomas Graham in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and him the said Thomas Graham
with a certain cleaver

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

De Lauree Mcoll
District Attorney

0333

BOX:

450

FOLDER:

4145

DESCRIPTION:

McGowan, John

DATE:

09/09/91



4145

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Witnesses:

Patrick Murphy
Francis McGinnis
Sept 25
Charles A. ...
K. ...
St. ...

Counsel,
Filed day of Sept. 1889,
Pleads *Not guilty*

THE PEOPLE vs. John McSweeney

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

JOHN R. PHILLIPS,
District Attorney.

Sept 11/91
Subscribed for ...
\$30.00

A TRUE BILL

W. J. ...
Foreman.

Sept 11/91
I have ...
Jury ...
Dec 11/91

805

4 cr/101

The People

John McGowan

Court General Sessions. Part I
 Before Recorder Smyth Nov. 25th. 1891

Indictment for assault in the first degree.

Francis J. McGrath, sworn and examined. I live at 307 East 114th street and am a barkeeper at 2103 Third Avenue. I lived on the 20th of March in a room in Thirty Third street and Third Avenue. I forget the number. I was then barkeeper for 274 Avenue A. for Christopher Boylan; the 21st of March fell on a Saturday. I was in the premises that evening. Just before midnight I saw the defendant in those premises; he was in company with two others, one of whom I have seen since, apparently of the age of 18 or 20. I have seen one of these in Court. I had just served the defendant with a drink and I said at the same time, you had better drink it up, it is twelve o'clock and I must close up. I said that to two or three in the room as well as to the defendant. None of them drank the lager beer. I was stooped behind the bar doing something when the defendant picked up his beer and dashed it in my eyes and struck me with the glass and cut me. My face bled and I could not see very well for a moment. I called another party to open the front door. I just looked out. I

was afraid some other fellow would get in. He stooped down, and as he did another party jumped at me with a knife. I was cut in the forehead by the glass. I told a party who was a stranger to me to open the door, and he attempted to open the door, and another party - not the prisoner jumped towards me with a knife. I thought I shall try to save him; so I picked up a barriester and struck him slightly on the jaw. The other man got up while that was going on, and the prisoner at the bar jumped and picked up a package of silver which I left on the shelf behind the bar. I attempted to strike him with the barriester. I struck, and the package burst; it contained forty three dollars and about twenty one dollars dropped out on the floor, and the rest he got in his pocket. So I dropped him, and as I did another party came up and stabbed me in the arm with a knife; the prisoner got off with twenty three or twenty four dollars worth of silver. Then the three parties ran out. I went to the Twenty Second precinct station house and the ambulance surgeon dressed the wounds there. The next time I saw

the defendant was when I pointed him out to the officer in Seventeenth street. It is a little over two months ago; the officer arrested him. I went to the station house with the defendant. He claimed I was mistaken, that it was another party was there.

Cross Examined My present employees are Kelly and Cummings, and at the time of this occurrence I was employed by Christopher Boylan. I had been employed by him one week at the time this occurred. I had never been employed in the neighborhood of 27 1/2 Avenue B before. I had very little acquaintance with the frequenters of that saloon. I do not know that I had ever seen the defendant before that day. I next saw him the night I pointed him out to the officer. Were you on duty in this place from the time of this occurrence in March until the time of the arrest of the defendant? I was. Did you ever see him in the saloon? Never in the interval. I believe there were four people in the saloon at the time of this occurrence. One of them was Patrick Murphy, another James Murphy, a man named Kelly, and the ~~fourth~~ fourth name I do not remember. Patrick Murphy is here. I don't know where James is. Did you make any efforts to bring him here? I did. I did not lately

At the time the first arrest was made he claimed that he ran out as soon as he saw any trouble; he had been drinking too much he could not see and could not identify anybody. I have made efforts to get Nicholas Keilly here; the officer was convinced that he could not identify anybody; he is not here; the officer had no use for him. Is it not a fact that he declined to identify this defendant as being one of the persons participating in this crime? I do not know. I am not aware that the defendant was brought in the presence of Keilly. He told me himself he could not identify anybody; he had very little opportunity of seeing him. I never spoke to Keilly since the prisoner was arrested. You state that this defendant reached over the bar standing on the foot rail and struck him in the face in the forehead with a beer glass? Yes sir. Were you facing him at the time that was done? I was. Did you not state on your direct examination that you were in the act of drinking beer when you were struck by this defendant? No sir. I was waiting upon

Nicholas Keilly; he wanted a quantity of whiskey in a bottle; the quality I did not suit him. I was in the act of pouring it into the bottle underneath the bar when the beer was thrown. I had a good look at them. There was nobody else at the bar. I saw the three of them, and looking up again I saw them make no move to drink the beer, and just as I was stooping down I said, "Boys, it is getting up to twelve o'clock, you had better drink it. How many people have you had arrested on your complaint for this crime? Three. Joseph Coates has been convicted on his own confession. Hughes, Meagher and McGinnis have also been arrested charged with this crime. The police arrested them and brought them to me to identify them, but I did not identify them at the Police Court. The night after this thing happened my head was aching very badly. The proprietor was anxious these people should be arrested, and one young man Meagher looked very much like him. I said, you had better hold him until tomorrow to get some more witnesses. He was brought up to Court and I would

not identify him in Court. In the station house as he said he was about the size of the party who did the act, it would be well to keep him until tomorrow, so that we could get some of the other people in the store to see if anybody could identify him. He was brought up to Court and I could not identify him (Meagher) then a party named Hughes was arrested. I would not identify him in the station house and he was let go. I never went down to the Towns to see Meagher. He was only locked up over night till the next morning. When Meagher was arrested you failed to identify him, why did you state that the presence of other witnesses would be necessary to confirm you in the identification? Because I was partially convinced at the time that he was not the right party, but the officer insisted that he was very likely the party as he had done such tricks before, he said he was most likely to be the right party. This was one day after the occurrence had taken place. Had you ever seen this defendant anywhere, either in or out of that

saloon prior to that occurrence or since he was arrested and brought to the Police Court? Never. When you were cut did the blood stream down your face? Yes. And your eyes were blinded somewhat by the beer too? They were. Under those circumstances you still persist in the positive identification of this defendant as being the man who struck you? Yes. And as being the man who went behind the bar and took the money? Yes.

Patrick Murphy sworn and examined. I live at 437 East Sixteenth Street. On the 27th of last March I lived at 437 Perintonth street. I am a horse shoer. I know the complainant McGrath. I know he was a barkeeper at Avenue A on the 27th of March. On the evening of that day I was in the place in which he is barkeeper. It was somewhere around midnight. I think there were four others in there. I could not exactly tell you if anybody came in there. The barkeeper was behind the bar when he was hit on the head with a glass. If I mistake not he was stooped behind the bar. The defendant represents the man who hit the complainant, he looks like him, but I

would not take my oath to be sure to swear that he is the proper man. He resembles him. Did you see anybody go behind the bar after McGrath was struck? No. I got out of the place because one of the men followed me with a knife when I was going out through the hall. I did not see Coates in that place. I saw a young man who resembles the defendant and two other men. I have not seen them since that night. I did not go back in the store after I saw them run out. I went home. The next time I saw the young man who resembles the defendant was in the Fifty Seventh Street Court. I identified him the same as I identified him now; he looked like the party but I could not take my oath it was he. I have seen his mother in connection with the case. She said he was not the party and I told her just the same as I told her in court. Did you see anybody who said anything to you about not coming here to testify? No, not as I know of. Have you not been asked not to come here and testify? No sir.

Cross examined. I said at the Police Court that I was not positive that this young man was the person who committed the assault.

on Mr. McGrath. Your testimony since having seen Mrs. McGowan, the mother of the defendant is the same as you gave in the Police Court when you had never seen or known her? Yes, the same testimony. From no quarter whatever representing the defence has any attempt been made to induce you to remain away? No sir. Do you know which one of the three was it that chased you with a knife? No sir. Did you see the other two engaged in the commission of this offence? Yes, I seen their back, but I did not see their face.

Peter J. Lawler, sworn and examined. I am an officer of the 18th precinct and I arrested the defendant on the complaint of the complainant upon the 8th of August in Seventeenth street near First Avenue in the night time. Was the defendant in the street at that time too? Yes. Did the complainant point him out to you? Yes. When you arrested the defendant did you have any conversation with him? No sir. Did you have any conversation with him in the station house? I did. Did you inform him as to the charge on which he was held? Yes sir. What did he say? He said I got the wrong man - "you have got the wrong party." I asked him if his name was Hughes; he said, No, my name is

McGowan. "I said no more to him. He says, 'you have got the wrong party this time,' that is all the conversation I had with him."

Cross Examined. You asked the defendant if his name was Hughes, did you? Yes. How did you come to look for a man named Hughes? Because he goes under that name at times, so I have been informed. His step father's name is Hughes, and he goes under that name at times. The people who know him told me so. I cannot name any particular person but several parties told me. Was it not you who arrested John Hughes, of whom the complainant McGath spoke in the witness stand? No. Did you know that a man named John Hughes had been arrested for that crime? No sir. When did your connection with this case commence? Only on the night of the arrest. I happened to be standing by and the complainant directed me to arrest the defendant.

John McGowan, sworn and examined in his own behalf testified I am accused of this crime and live at No. 326 East Thirty Sixth street. I am seventeen years old. I know the complainant by sight. I saw him in Boylan's Seventeenth street and Avenue A. I remember the night of this occurrence March 21st when

He says he was assaulted by me and two other men. I was on the corner of Sixteenth and Avenue C street that night. I left there at half past nine o'clock with my brother and a fellow of the name of Eddie Bezen. I went up in the house. It was Saturday night. I got home around ten o'clock or a little after and I remained home all night. I first heard of the occurrence in which I am charged with taking a part on Sunday morning when I came down to Sixteenth street from my home in Thirty Sixth street. I have been in the habit of spending my evenings in the neighborhood of Sixteenth street. I heard of the assault upon McGrath between eleven and twelve o'clock on Sunday morning. I was not working at that time. I had a sore hand and I used to help my mother clearing around the house No. 326 East Thirty sixth street where she is Janitress. I spoke of the matter when I returned home that Sunday. I was not in Boylan's saloon on Saturday night about twelve o'clock. I was not in there at all that night. I never assaulted the complainant. He was a barkeeper in Boylan's saloon. I had been in there on previous occasions and had a glass of beer. After the thing was done I had been in there ^{ten} ~~or fifteen~~ times and he served me with beer himself.

Cross Examined. I left Father Drungold's Institution about two years ago. I was seventeen years old last January, so that I was about fifteen years and a half old when I left. I had St. Vitus' dance and have been afflicted with it ever since I came out of there. I worked in Mr. Donnelly's grocery store corner of Third Avenue and Sixteenth Street. I only worked there a couple of weeks. I had a sore hand and could not stand it. I worked at Macey's Fourteenth Street and Sixth Avenue as wagon boy for a couple of months. I left there because they were not paying much. I only got three dollars a week. I did not go to work in any other place. My mother took this spell. Duffy and I helped her to clean it. I have one brother but no sisters. My brother is eighteen years old and works in Jackson's as a helper. My mother has charge of only one house; we live on the second floor; we sweep the halls every morning. I go down to Sixteenth St. pretty much every day, would go home to my supper about five or six o'clock and would go down to Sixteenth Street again and stay there till nine or ten o'clock. I know Coates by sight; he used to be around Fifteenth Street. I know McQuinn about six months by sight. They were charged with being in

this crime. I went around sometimes with
 the crowd they used to go with. I knew the
 complainant three months before the assault.
 I went into his place after the assault
 to get a drink. I used to call him "Jimmy"
 because the other fellows did. I did not
 know his name was Francis. My mother
 did not pay me anything for working in
 the house. It was only once in a while that I
 took any of the boys into this liquor store to
 treat them. My mother gave me five cents
 and ten cents in a week; they would
 take me in and treat me. I don't know
 exactly where Levates lived; he used to be always
 around Fifteenth street. McGinnis lived up
 in ~~Fifteenth~~ street. I don't know as Levates or
 McGinnis worked at all. It was the talk of the neighbor-
 hood where I came down on Sunday morn-
 ing the assault upon McGrath. I went over
 to the saloon that day. I did not see
 "Jimmy", but I saw the bartender, the little
 black fellow, I forget his name. Eddie Peyer
 and a fellow named O'Brien told me
 of the assault on McGrath; they are here
 as witnesses. I was in the neighborhood
 of Sixteenth street and Avenue A on Saturday
 night up to nine or half past nine o'clock
 and then I went home. I went home the
 Friday night before that about ten o'clock

McGinnis

I slept at home from the 21st of March down to the time that I was arrested. I positively swear that I slept in my mother's house every night from the 21st of March down to the day of my arrest. I also state that I was in the neighborhood of Sixteenth Street and Avenue A every day since that. I have never been convicted of any crime. I was arrested about six o'clock in the evening. I was just going into a saloon on First Avenue on the corner of Seventeenth Street. I don't know the name of the man who keeps it. I did not see McGrath the day I was arrested and I do not know how I came to be arrested. When I was going into the saloon the officer came behind me and said, "I want you." I said, "What do you want me for?" There was nobody to identify me. The officer took me up Second Avenue to the Park and McGrath was around there. He said to McGrath, "Is that the fellow?" McGrath said, "yes, I think that is him." I spoke to McGrath and said, "Halloe Jimmy, what did you have me arrested for?" The officer was there and heard me call him Jimmy. When you asked him what he was having you arrested for what did he say? He said, "you know don't you?" I says, "no." He said, "For

hitting me in the head with a glass." I says, "Do you take me for Hughes?" and he says, "Yes." I says, "You have got the wrong party then," and then he fetched me to the station house. I knew Hughes done the thing. Eddie Berger and Jack O'Brien told me about it on the Sunday morning when I came down. I don't know where Hughes is now the officers were after him and he was keeping out of the way. I did not know where he could be found; he worked on a boat. My mother saw me go into the house that Friday night. We have three rooms; she sleeps in one and my brother and I in another room. She did not have to get up to let me in; the door is open all night. I have never been known by the name of John Hughes. I never had a step father. There is a person named Hughes whom I heard was guilty of the crime I am charged with. When you were taken in First Avenue by the officer he said, "Is your name John Hughes?" "Yes sir." Then that was repeated up in Second Avenue and you said that you were not Hughes? "Yes sir." My mother allows me 25 or 50 cents a week spending money. I was not in the habit of bringing in troops of boys into Boylans or any other saloon in the

neighborhood and treating them I might go in upon the invitation of others. I never spoke to Coates but I spoke with McGinnis once in a while, but neither Coates or McGinnis were my intimates. Do you generally get up at ten o'clock in the morning? No sir. How did you come to sleep so long that Sunday morning when you went to bed at half past ten o'clock? I slept soundly; sometimes I did not have to get up to clean; so I slept that morning till ten o'clock. Did you know on the Sunday following that you were accused of this crime? No sir. I never knew it until I was arrested. How long did you know this parkeeper before the night of the assault? I used to be in the store all the time, ever since he came there, a couple of months.

Delia McGowan, sworn and examined, testified. I reside at 326 East Thirty Sixth Street and have been there two years. I am janitress of the building owned by Mr. Duffy; it is a double tenement house. I am mother of the defendant and have heard the testimony of the complainant. I have never borne any other name than McGowan outside of my maiden name. I was never married to anybody of the name of Hughes. I was never married

but once and my husband's name was John McGowan. My boys never bore the name of Hughes to my knowledge or with my consent. I raised those boys honest. I heard of the trouble at Boylan's place a few nights after it happened. I heard the boys reading the paper and talking over it. That is the first I heard of it. I paid very little attention to them when they were talking. I remember the boy John say, "we were lucky we was not out late among those people." He said something like that, it was good we were home early. I do not remember the Saturday night of this occurrence, I passed no remarks about it. The boys were never out later than ten or half past ten o'clock for two or three years. I am positive of that. The defendant has always been a good boy. He helped me to do the work around the house, swept the halls, lit the gas, swept the side walk &c. The other boy works in Jackson's foundry, and he is a good boy.

Cross-Examined. The front door of the house is closed generally at ten or half past ten o'clock. I see that the house is shut up every night. The tenants in the house who are out after that come in with a night key. My boy has not a night key. We did not have the door locked with a latch key

at night because it made too much trouble; we had to stop it - people coming in and out: You mean to say that no matter when one comes he can get in without the aid of a key; we shut the door. My son got home at night from ten until half past ten o'clock. What time was it your custom to go to bed? About eleven o'clock. My boys were always in bed before I went. Do you remember the night of the 21st of March? I do not. Do you know whether your son was home that night or not? I am sure he was home for he never slept out of my house a night for the last two years. Do you ever remember an occasion when you had to get up to let him in? No. I shut the door of my room when I go to bed. My custom is to go to bed at eleven o'clock and I am the last to turn down the lights. I leave the key in the door. Was there anything to prevent either of your sons getting up? They could not do it; I sleep in the room next to where you enter in the kitchen, they sleep in the furthest room and they could not go out without my knowing it. Do you ever remember any occasion when your son stayed out all night? No. I do not. Did your son ever

tell you about the assault on McGeehan?
No, he never said anything about it.
I heard my two sons read it out of the
paper; and he said it was lucky for him
he was home that night; he said, "it was
lucky we were home early." That is all
he said. My son has worked out in the
country in a hotel at Fairfield Rockland
Co. two or three years ago last summer
I believe he was about thirteen years old
when he ~~left~~ ^{went to} ~~father~~ Drumpold's school; he stayed
there three years and he has been out
of there about two years and a half; he
is past seventeen years old now. I worked
in Belmont and I took him with me. He
worked in two or three places in New York city.
He never worked in Redley's. I believe he
worked a short time in Macey's, about two
months I think. I would not let him be
out so late; he did not get home some-
times till twelve o'clock. I lived in Eighteenth
street near First Avenue before I went to
live in Thirty Sixth street. Did he ever
work in a drug store or grocery store?
No. I do not think he did. Did he ever
work for a man named Donnelly? Yes,
he was only a month and I took him
out of there because he had late hours.
It was half past ten o'clock every night.

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Before he got home and Saturday night later I took him away from Macey's because the hours were late; he got four dollars a week there. Since the 21st of March he has been helping me ~~to~~ the work in the house. He would go down to the vicinity of Avenue A and Sixteenth street every afternoon when we get through. He would always tell me where he was going. He went out every evening after the 21st of March and he would tell me when he was going. What time does he generally get up in the morning? Six, half past six and sometimes seven o'clock; he helps me with the milk and gets bread. Did he ever sleep to ten or eleven o'clock? O no. How would he be on Sunday morning? On Sunday morning he would have to be up church time - nine or ten o'clock. Would he be in bed at ten o'clock? No, he would have to be ready for breakfast; he went to mass nine or ten o'clock. He had to be up before ten to get to mass? O yes, he had breakfast and very often he had the fire to make for me. How much money did you give him a week to spend? I would give him ten cents may be a five or two to get

cigarettes - not more than fifteen cents a week. You did not give him half a dollar at a time? No, never did. How long did you live in Eighteenth st. just before you moved to Thirty sixth st. I lived in Eighteenth street when the boys were not with me because I got a cheap rent and had to store my things away. I lived there over a year, about fourteen or fifteen months.

By Counsel

Do you remember whether this boy worked in Macey's while you were living in Eighteenth street? I believe so. I think so. Do you remember whether he worked in Donnelly's, which was in that neighborhood, at the time you lived in Eighteenth st.? He worked in Donnelly's place since I came up to Thirty sixth street. I do not think he worked there over a month. That is the only place he worked in outside of the time that he has been helping you? Yes, that is the only time. The question has been asked you whether your boy ever hid himself? He never did to my knowledge, he could not do it. Your boy has not worked any place except helping you since last January? No sir. I am positive my boy was not out any night later than

half past ten o'clock. The three rooms I have run straight through, one back of the other. He would have to go through my room to go in the kitchen. Is there any door leading from that room to the hall? No. There are no doors leading to the hall. There is one door going out of the kitchen into the hall, but no doors on the hall to get out.

Thomas M. Gowan, sworn and examined. I work at 326 East Thirty Sixth street. I am the brother of the defendant and the son of the last witness. I work in Jackson's Iron works in Twenty Eighth street between First and Second Avenues. I am a laborer and have been working there steadily for the last year and a half. I heard the testimony given by the ~~defendant~~ captain. I remember the night of the ^{25th} March last because on the following morning when we came down from Thirty Sixth street I went in to Boylan's to have a drink and I heard some talk there about Grath being hurt; it was on a Saturday night he got hurt. I went into the saloon on Sunday morning. I remember that distinctly. I had been in company with my brother the night before. The whole

evening around Thirty Sixth street. Do
 you remember what time you started
 to go home? We left Sixteenth street cor-
 ner at half past nine o'clock in company
 with Edward Berfen; he left us at
 Eighteenth street and Avenue A; we
 went home both of us; we arrived home
 about ten o'clock, we walked up. We went
 to bed together. I did not sleep with my
 brother, he sleeps in a separate bed
 in the same room. From half past
 nine o'clock the night of March 2, et.
 until the following morning at what time?
 About half past ten o'clock. He was at
 home at 316 East Thirty sixth street? No.
 There was no time during that period
 when he was or could have been at
 Boylan's saloon in Avenue A and Seven-
 teenth street? No sir, he could not have
 been down there any time. What time
 was it you went into Boylan's on Sun-
 day morning? Somewhere about half past
 eleven o'clock in the morning.

Cross Examined. The morning after the assault
 in Boylan's what time did you get
 up? I got up about nine o'clock. What
 time did your brother get up? He
 got up the same time about nine o'clock.
 I am just guessing it was nine

o'clock; it might have been a little before
 nine. We went over to Church together,
 we went over at half past nine o'clock.
 It was before nine o'clock I think when
 we went to Church. What church did you
 go to? Thirty seventh street church, the
 guardian angel, I believe, I ain't sure.
 Father Farley is the priest. What mass
 did you go to? Half past nine o'clock
 What time did you go to mass the
 Sunday preceding that Sunday? I do
 not really remember. I go to any
 mass I get up - sometimes seven and
 eight o'clock. This morning you are
 quite sure you went at half past nine o'clock.
 Yes. What is it fixes it in your
 mind so positively that you went to
 mass at half past nine o'clock on the
 Sunday in question? I told you I got
 up about nine o'clock. Might it not
 that you had been to seven o'clock
 mass this Sunday? O. no. You are
 sure it was half past nine? Yes.
 High mass is sung at half past eleven.
 I do not remember. Your brother went
 with you? Yes. Did he go to mass the
 Sunday before that? I do not really
 remember, he did not always go

with me. Do you know that he did go to mass any time before that Sunday. ^{Yes} very near every Sunday - once in a while he would go by himself. After Sunday March 22nd how many times did he go to mass with you? I could not say exactly. I suppose four or five times. He has always been in Sixteenth street every day of the week, sometimes two or three times. McGrath was bar tender at the time, I was in company with him. Did you know him by any other name? No sir, Joseph is his name. Did you ever hear the boys around there call him Francis, Jimmy or Frank? No. Joe McGrath, that is what I always called him. I don't know how much acquainted my brother was with him, he had been in there pretty often, he ought to know him. He has been in there on an average three times a week, I have been in there lots of times with him. Estimate as near as you care about how many times in all you were in that store of Boylan's before the assault occurred? I will put it on an average about twice a week for about a year I guess. Joe was there about three weeks before this occurred. I know Coates to speak to him. I knew him by sight but never kept his company. My brother

and he were not friends to my knowledge I did not know that McGinnis was charged with complicity in this affair till he was arrested. I heard of it first on the following Sunday morning when I was going in Boylan's place. I saw an account of it in the Sun; it was around the time when McGinnis got tried; he was tried in May I believe. That was the first account I ever saw of it in the newspapers. You never read anything about this affair right after it occurred in the newspapers? No sir. You do not ever remember saying when you read of it in the newspapers to your brother it was lucky that you were not out late last night? Yes. I remember saying it was lucky that we were not out late last night on a Sunday morning when we came down. You did not say that in your house? No sir. Your mother was not around when anything like that was said? I might have said it in the house. Did you see anything about it in the newspapers that Sunday? No sir. Of course you could not have stated anything to your mother about it on that Sunday in question because

you did not know anything about it? I did not know it until we went down. But before you went down you did not say anything to your mother about it? No sir I did not know anything at all about it then. I don't know who told me about it. I heard it spoken of when I went into Baylani's. I know a man of the name of Hughes; they were looking for Hughes too. I saw him once since the assault on Avenue A and Sixteenth street. I did not tell him to get out of the way. I did not tell the officer I saw Hughes. I did not inform anybody that I knew where he was. Since your brother was arrested did you say to anybody you had seen Hughes? Yes. Have you made any effort to get any policeman to arrest Hughes? No sir. What time does your brother usually get home every night? He is never known to be out after half past ten o'clock. I have never known a time during the period that he lived in Thirty Sixth St. when he was out after half past ten o'clock at night and I have been home a year and a half. I positively swear that Did your brother work during the year and a half? No not to my knowledge. I believe he had the St. Vitus' dance.

0362

Your brother never worked since he came from Father Drummgold's school? No sir, not to my knowledge; he was taken out on account of that disease. Were you up to Piermont with your mother? I have been up the time my aunt was dead. My mother used to go up there when my aunt was living. Did your aunt keep a hotel there? No. Did your mother work up in Piermont? She and my brother worked in a hotel when he came from Father Drummgold's. He was not able to do anything; she took him to run messes. I was in Staten Island at the time. He was working as a cash boy in Thomas J. Laccorani's. He was twelve years old when he went to Father Drummgold's school. He stayed there something like two years. He has been out of there three years in March. He worked in Macey's but I do not know how long. I guess he worked a little for Mr. Dannelly in a grocery store. What time did he go down to Sixteenth street in the evening? When I came home sometimes he would be down there before I came home; he would eat his supper before me. You are sure you have been in Boylan's saloon with

him since the occurrence? Yes sir.

You have seen the bar tender - did you have a talk with him? Yes, I told him he had the wrong man. I have been in there many times since Joe came there; he was only there three weeks when this occurred. I never heard my brother or anybody call him Jimmy. I might have spoken to my mother of the assault upon McGrath on the Sunday evening after but I really don't remember it. In regard to John Hughes and Meagher do you remember having had any conversation with McGrath and going either to the Station house in Fifty Seventh Street or to the Tombs to see these people? No. I was up to the Fifty Seventh St. Court and met my brother up there. I said to McGrath, "What have you got him up here for?" Mr. Bergen was with me at the time. I asked him what he had my brother up there for? He says, "you know." I said, "I know nothing of the sort;" and then Bergen commenced to talk; he said, "you know I have him up here for Duke," that is, Hughes. They call him Hughes. He knew Hughes by the name of Duke? Duke, that is the word he mentioned. When I said that was my brother he left. He said that he was not your brother but John Hughes? He said he was Hughes, he was the man

Edward Berger, sworn and examined testified. I am known by the boys in the neighborhood as Edward Berger. I am a wire worker by trade and employed by Woolley & Co. 60 Fulton street and have been working there four years. I live at 437 East Seventeenth street. I know the defendant John McGowan. I heard of the assault on McGrath the next day. I remember seeing the defendant and his brother on the Saturday evening before. I know them for the last eight years. I was with them on the corner of Eighteenth street and Avenue A. Saturday night twelve o'clock. They went up town to go home and I went home. The next morning about half past nine o'clock I went around to get a drink in Boylan's, and going around the corner I heard talk about Boylan's bar tender being assaulted and robbed. Did you have any conversation with these boys that Sunday morning? No sir not in the morning, but in the afternoon of Sunday I saw John McGowan and his brother. I told them an assault had taken place in Boylan's the night before. Did you hear at that time who were the parties implicated in the matter? I heard a few names mentioned not that day, but it was a good while afterward. I never heard about

the defendant being charged with the commission of the offence until about August, the time of his arrest. I did not know of the arrest of a man named John Hughes. I never knew that the defendant went by the name of John Hughes in that neighborhood. I have known him as John McGowan. I met him frequently till the time of his arrest. I left the boys at that night at half past nine o'clock at eighteenth street and Avenue A and they went on up town. I always knew them to be home at ten o'clock.

Cross Examined. I have worked at wire for three or four years in 61 Fulton street. I live at 37 East Seventeenth street. I remember the night of Saturday the 21st of March. I met the defendant about half past six or seven o'clock. I stopped working Saturday afternoon three o'clock. I also saw him on the night of March 20. I could not exactly say what time I left him that night. I do not remember whether I saw him Thursday night March 19th. I cannot remember so long. I generally see him three or four times a week. I know I left him at half past nine o'clock on the Saturday night in question because when I got home I looked at the clock. I did not look at the clock Friday night. I have been to Boylan's saloon with the defendant

six or seven times after this thing occurred. I have been there before this thing happened. They used to call the barkeeper Joe and the other fellow Paddy; there were two barkeepers. I never heard the defendant call him Jimmy. I have played pool with the defendant but not very often. I am sure the defendant never went to the theatre with me.

Patrick F. Wall, sworn and examined, testified. I live at 376 East Thirty sixth street and am a machinist and engineer. I know John McGowan two years, he has lived in the house with me. He has helped his mother to clean up the house. I have often seen him and his brother go out at six o'clock and return at ten o'clock. I never saw them out later than ten o'clock. I don't know what time he got home on March the 21st.

Thomas Lennon, sworn and examined, testified. I live in Harlem, 108th street. I have known John McGowan since he was born I guess. I never heard a word against either one of them that was immoral.

John McGowan recalled by Counsel. When you stated that you had known this bartender by the name of Jimmy were you mistaken? I made a mistake, it was Joe I meant ^{to say}. The jury rendered a verdict of guilty.

0367

Testimony in the
case of
John McGowan
filed Sept.

1891.

fo va

0368

Police Court— 4th District.

Affidavit—Larceny.

City and County } ss.
of New York, }

Francis J. McGrath
of No. 437 East 16th Street, aged 27 years,
occupation Butcher being duly sworn
deposes and says, that on the 21 day of March 1891 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 and lawful money
of the United States, of the
value of Forty three (43) Dollars

the property of Christopher Boylan of No. 274
Avenue A, in care and charge 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 McGowan (nowhere) who

acted in concert with two others now arrested
and imprisoned since said date, for the
reasons following, to wit: Deponent
says, shortly before midnight of said date
defendant and said two others entered
the saloon of said Christopher Boylan of
No. 274 Avenue A, and that deponent
saw defendant behind the bar in said
saloon, and saw defendant feloniously
take, steal and carry away said money
from a shelf which had contained said
money, directly behind said bar or
counter. Deponent further
says, before he had seen defendant

Sworn to before me this 18th day of March 1891
Police Justice

take said money in the manner aforesaid, defendant struck deponent a violent blow on the head, with a glass defendant at the time held in his hand.

Deponent further says, - when he saw that defendant had said money in his hand, he attempted to recover same, but defendant left said saloon taking \$26. of said money with him, the remainder being scattered on the floor.

Deponent further says, - he did not see defendant until August 8th when he saw defendant on East 17th Street, and caused defendant to be arrested by Officer Peter J. Lawler of the 1st Precinct, and identified defendant in said Officer's presence, as the identical person who had assailed deponent and stolen said money on the date, and in the manner, aforesaid. Wherefore, deponent charges defendant with feloniously taking, stealing and carrying away said money, from his custody and possession.

Sworn to before me
 this 10th day of Aug 1841
 Francis J. McLaughlin
 Police Justice

0370

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question. What is your name?

Answer. *John McGowan*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *326 East 36th St. 1 year*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty
John McGowan*

Taken before me this

10

John McGowan

Police Justice

0371

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 Aug 10 1891 *Police Justice.* Henry Conway

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

Dated _____ 188 _____ *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

0372

5/1000 - 18 mil. Jan
Ex. Aug 13 to
9/2 a.m.

Police Court- 4th District. #1077

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Francis J. McGrath
437 East 16th St
John McGowan 307 E. 114th St

Office
Carroll Kelly

2 _____
3 _____
4 _____

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated Aug 10th 1991
Murray Magistrate.
Peter J. Lawler Officer.
18 Precinct.

Witnesses Said Officer
_____ Street.

No. Patrick Murphy
No. 517 E 14th Street.
437 E 16th AUG 1991

No. _____ Street.
\$1000 to answer T.S.

Com

J. Cotts.
cc McGowan

0373

Police Court 4th District.

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

of No. 437 East 10th Street, aged 27 years,
occupation Bar tender being duly sworn

Francis J. M. Grath

deposes and says, that on 21 day of March 1891, at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John McGowan (now here) who struck deponent a violent blow on the head, with a heavy glass defendant at the time held in his hand, severely wounding deponent's head.

Deponent further says, said assault was so committed

[Large diagonal scribble]

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

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

Sworn to before me, this 10th day } Francis J. M. Grath.
of August 1891 }

W. H. W. W. W. Police Justice.

0374



District Police Court

New York, — November 27th 1891

Hon. Frederick Smythe,
Recorder.

Dear Sir:

A few days ago a young man ^{*M. C. McCann*} named McCann was tried in your Court and found guilty of assault, or robbery, and was remanded for sentence till Tuesday next. His mother who is a widow and janitress in a tenement of mine would like, if consistent with your sense of justice, to have him sent to the Elmira Reformatory or to make his punishment in any other institution as light as possible. She is an honest and afflicted woman.

Pleading for him on account of his mother, I remain

Sincerely yours,

P. G. Duffy

0375

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John M. Gowran

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. United States

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

Answer. 326 East 36th St. - 1 year

Question. What is your business or profession?

Answer. Labourer

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

Answer. I am not guilty.
John M. Gowran

Taken before me this

10

1887

Signed at 100
W. M. McManis

Police Justice

0376

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 *Aug 10* 18*91* *Wm. H. ...* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0377

1073

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Francis J. M. Grath
1437 E. 16th St.
John M. Toward
307 E. 114th

Offense Assault (felony)

1 _____
2 _____
3 _____
4 _____

Dated August 10th 1891

Murray Magistrate.

Peter J. Lawler Officer.

18 Precinct.

Witnesses Said Officer

No. _____ Street.

Patrick Murphy

No. 517 E. 14th Street.

437 E. 16

No. _____ Street.

\$ ~~1000~~ to answer

92
AUG 10 1891
M
Adopt 1

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

0378

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

528

THE PEOPLE OF THE STATE OF NEW YORK,

against

John McGowan

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

John McGowan

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

The said

John McGowan

(late of the City of New York in the County of New York aforesaid, on the *21st* day of *March* in the year of our Lord one thousand eight hundred and ninety-*one* at the City and County aforesaid, with force and arms, in the *night*-time of said 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 *forty-three*

\$43.00

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 *forty-three*

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of *forty-three*

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

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

of the goods, chattels and personal property of one *Dr Christopher Boylan* then and there being found,

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

DE LANCEY NICOLL,
District Attorney.

0379

Witnesses:

Francis M. Grant
W. J. Lawler

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

John Mc Gowan

Grand Larceny, Second Degree.
[Sections 528, 537 Penal Code]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. Berry

Foreman.

Attest
0379

~~W. J. Berry~~

0380

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Mc Gowan

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

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

The said

John Mc Gowan
late of the City of New York, in the County of New York aforesaid, on the ~~twenty-first~~ *March* day of ~~March~~ *March*, in the year of our Lord one thousand eight hundred and ~~eighty-ninety~~ *ninety*, with force and arms, at the City and County aforesaid, in and upon the body of one *Francis J. Mc Grath* in the peace of the said People then and there being, feloniously did make an assault and ~~to, at and against~~ *him* the said *Francis J. Mc Grath*, with a certain ~~pistol~~ *glass* then and there ~~loaded and charged with gunpowder and one leaden bullet, which the said~~ *John Mc Gowan* in ~~his~~ *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,~~ *strike stab and wound* with intent ~~to~~ *him* the said *Francis J. Mc Grath* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT

And the Grand Jury aforesaid, by this indictment, further accuse the said *John Mc Gowan* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

John Mc Gowan
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Francis J. Mc Grath* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said *Francis J. Mc Grath*, with a certain *glass* which the said *John Mc Gowan* in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully ~~shoot off and discharge,~~ *strike stab and wound* against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
JOHN R. FELLOWS,
District Attorney.

0381

BOX:

450

FOLDER:

4145

DESCRIPTION:

McGrath, Daniel

DATE:

09/16/91



4145

0382

BOX:

450

FOLDER:

4145

DESCRIPTION:

Kelly, John

DATE:

09/16/91



4145

0383

Witnesses:

James Murphy

Upon an examination of the com-
plaint in this case and of
his statement of introduction and
the enclosed affidavits I am
satisfied that no crime was
committed and that the witness
in dechment and the witness
after some defts for result should
be recommended for dismissal
and I make such recommendation
Oct. 21/91

John J. Adams

J. McCool 115
1147

Counsel,

Filed

day of

189

Plends,

September 17

THE PEOPLE

vs.

F

Daniel McGrath

vs

John Kelly
(2 coron)

DR LANCEY NICOLL,

District Attorney.

Robert J. Kelly
County of 2. 91
District Attorney

Robbery (Sections 224 and 228, Penal Code.)
Degree.

A TRUE BILL.

W. J. Berry

Foreman.

Robert J. Kelly
W. J. Berry
District Attorney

Witnesses :

115.

Counsel,

Filed

day of

189

Pleas.

ordered J. W. [unclear] 1147

16 day of Sept 1891

guilty

THE PEOPLE

vs.

Daniel McGrath

and

John Kelly
(2 cases)

*Arrest, first degree,
[Section 217, Penal Code]*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. Berry
Sept 1 Foreman.
Inspection
Dismissed

COURT OF GENERAL SESSIONS.

.....X
 THE PEOPLE,
 vs.
 DANIEL McGRATH and JOHN KELLY.
X

DANIEL McGRATH being duly sworn, says; that he is one of the above-named defendants; that the complainant charged him together with John Kelly, with having demanded ten cents to buy a pint of beer and also with having thrown him overboard. No such thing occurred on the day in question, the complainant was very much under the influence of liquor. He had a dog with him which he threw into the water and pulled it back with a cord, he threw the dog in a number of times and at last he lost his balance and fell into the water, both John Kelly and myself got off our coats to jump in to save him, when some one cried out "let the terriers drown"! "Oh, both terriers can swim", the complainant was ~~not~~ still under the influence of liquor and very angry when he got ^{out} of the water and he charged us with throwing him in.

Neither Kelly or myself ever touched the complainant, James Murphy,

Sworn to before me, this
 29th day of September, 1891.

: Daniel Mc Grath

Lawrence F. Finn
Commr of Deeds
N.Y.C.

0386

CITY AND COUNTY OF NEW YORK. : SS.

JOHN KELLY, being duly sworn, says; he is one of
the above-named defendants, that he has read the above af-
fidavits and the whole of it is true.

Sworn to before me, this :

29th day of September, 1891. :

John Kelly

Lawrence S. Hiram
Commissary of Deeds
N.Y.C.

COURT OF GENERAL SESSIONS.

.....X
 THE PEOPLE, :
 vs. : ROBBERY & ASSAULT.
 DANIEL McGRATH and JOHN KELLY. :
X

Jacob Schultz
 of No. *339 East 39th* Street, being duly sworn, says;
 he saw the above-named defendant and the complainant James
 Murphy on the dock, the complainant was much under influ-
 ence of liquor that he hardly knew what he was doing. No
 demand was made by the defendants or any one else for ten
 cents for beer. The complainant had a dog and was throw-
 ing him in the water and pulling him back, he lost his bal-
 ance and fell into the water when he threw the dog out,
 no one threw or pushed him off. McGrath & Kelly both
 took off their coats as if to jump in to save him, but he
 immediately struck out and swam to the wharf. This was
 all that occurred on the day in question.

Sworn to before me, this
 29th day of September, 1891.

: *Jacob Schultz*

Dennis F. Gray
Com of Seeds
N.Y. Co

COURT OF GENERAL SESSIONS.

.....X
 THE PEOPLE,
 vs. ROBBERY & ASSAULT.
 DANIEL McGRATH and JOHN KELLY.
X

Thomas Dugan
 of No. 319 East 43rd Street, being duly sworn, says;
 he saw the above-named defendant and the complainant James
 Murphy on the dock, the complainant was much under influ-
 ence of liquor that he hardly knew what he was doing. No
 demand was made by the defendants or any one else for ten
 cents for beer. The complainant had a dog and was throw-
 ing him in the water and pulling him back, he lost his bal-
 ance and fell into the water when he threw the dog out,
 no one threw or pushed him off. McGrath & Kelly both
 took off their coats as if to jump in to save him, but he
 immediately struck out and swam to the wharf. This was
 all that occurred on the day in question.

Sworn to before me, this : *Thomas Dugan*
 29th day of September, 1891. :

Dennis F. Gray
Com of Deeds
N.Y. Co.

COURT OF GENERAL SESSIONS.

THE PEOPLE ON MY COM-
PLAINT.

vs.

DANIEL McGRATH &
JOHN KELLY.

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

I have learned since the arrest of the defen-
dants that they are well connected and of good charac-
ter. I feel that they have been punished sufficiently
already because I do not think they intended to steal
or injure me in any way, I desire to have the indict-
ments dismissed and the prisoners discharged.

James Murphy

0390

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 }

W. J. Conroy General Agent

The People

Plaintiff

against

Samuel McBratton

John Kelly

Defendant

W. Thorne

JAMES & McLAUGHLIN,
Attorneys for

No. 280 BROADWAY, New York City

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

Attorney.

To

0391

Police Court 14th District.

CITY AND COUNTY }
OF NEW YORK, } ss

James Murphy
of No. 379 East 43rd Street, Aged 40 Years

Occupation Cardriver being duly sworn, deposes and says, that on the
25th day of Aug, 1898, at the 19th Ward of the City of New York,
in the County of New York, ^{attempted to be} feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

Food and lawful
money of the United States

of the value of about Ten cents DOLLARS,
the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was
^{attempted to be} feloniously taken, stolen, and carried away, by force and violence as aforesaid by Daniel
McGrath and John Kelly (both now here) for the
reasons following, to wit: Deponent says
that about 2:30 PM of said date, he was on the dock
at the foot of East 43rd Street, and that
defendants together approached deponent
and that said Kelly had a tin pail in
his hand and demanded from deponent
money with which to fill said pail with
beer, and said if deponent would not
give said money ~~it~~ would be thrown
into the river. Deponent further
says - he refused to give said money
and was forcibly seized by said McGrath

day of
Specie to be formed, this
188
Police Justice

0392

and violently thrown from said dock into the East River.

Deponent further says - defendants were subsequently arrested by Officer Herman Kern, and identified by deponent in said Officer's presence as being the identical men who had approached deponent in the manner aforesaid.

Wherefore deponent charges Defendants with acting in concert with each other, with the intent to forcibly and violently steal property from deponent and prays that defendants be held and dealt with as the law directs.

James Murphy

Sworn to before me
this 6 day of Aug 1913

W.D. Wmsho

Police Justice

Dated _____ 188

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

Dated _____ 188

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

Dated _____ 188

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

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

Hundred Dollars

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

committed, and that there is sufficient cause to believe the within named

committed, and that there is sufficient cause to believe the within named

committed, and that there is sufficient cause to believe the within named

committed, and that there is sufficient cause to believe the within named

committed, and that there is sufficient cause to believe the within named

committed, and that there is sufficient cause to believe the within named

committed, and that there is sufficient cause to believe the within named

committed, and that there is sufficient cause to believe the within named

Police Court, District

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

1
2
3
4

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses,

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ _____ to answer General Sessions.

0393

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Daniel Mc Grath 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. Daniel Mc Grath

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. New York City

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

Answer. 561-1st Ave - 1 year

Question. What is your business or profession?

Answer. Driver

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

Answer. I am not guilty.
Daniel Mc Grath

Taken before me this

26

day of May 1938
W.D. Ingraham

Police Justice

0394

Sec. 198-200.

4th District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

John Kelly

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer.

New York City

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

Answer.

492-1st Ave - 8 years

Question. What is your business or profession?

Answer.

Cattman

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

Answer.

I am not guilty.

*John Kelly
man*

Taken before me this

26

day of

August 1911

John Kelly

Police Justice

0395

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

Defendants
guilty thereof, I order that they be held to answer the same and be admitted to bail in the sum of *700* Hundred Dollars, *each* and be committed to the Warden and Keeper of the City Prison of the City of New York, until they give such bail.

Dated *Aug 26* 18*91* _____ *H. A. [Signature]* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0396

228 + 229 1147
Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Murphy
329. Cas. 43
Daniel McGrath
John Kelly
2 indictments

Offence Attempted Robbery

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated Aug 26 1891

W. W. Adams Magistrate.

Herman Kern Officer.

23rd Precinct.

Witnesses Said Officer

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 500 to answer

\$ 2500 bond 21 Aug 27 9am



The preceding magis-
trate in this Court will
please hear and determine
this case in my absence

W. W. Adams
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
David McLaughlin
and John Kelly

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

David McLaughlin and John Kelly
of the CRIME OF ROBBERY in the first degree, committed as follows:

The said David McLaughlin and John Kelly

late of the City of New York, in the County of New York aforesaid, on the 1st day of August, in the year of our Lord one thousand eight hundred and ninety-one, in the day time of the said day, at the City and County aforesaid, with force and arms, in and upon one James Cunningham,

a sum of money, lawful money of the United States of America, to an amount and value to the said James Cunningham,

of the goods, chattels and personal property of the said James Cunningham from the person of the said James Cunningham against the will and by violence to the person of the said James Cunningham, then and there violently and feloniously did rob, steal, take and carry away,

the said David McLaughlin and John Kelly, and each of them, jointly, severally and were aided by an accomplice actually present, to wit: each by the other.

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

Delivered in open Court,
at the City of New York, this 1st day of August, 1891.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

David McGeath and John Kelly

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

indictment, accuse David McGeath and John Kelly

of the crime of Assault in the first degree,

committed as follows:

The said David McGeath and John Kelly

late of the City of New York, in the County of New York aforesaid, on the twenty-seventh day of August, in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid,

in and upon one James Cunningham, then and there present, wilfully and feloniously did make an assault, and threw the said James Cunningham into the water.

0399

There commonly called the Rock River,
then and there wilfully and feloniously
did send, cast and throw, the same
being such means and force as were
likely to produce the death of the
said James Murphy, with intent him
the said James Murphy, with the waters
of the said River then and there wilfully
and feloniously to submerge, drown,
kill and murder, against the form
of the Statute in such case made and
provided, and against the peace of the
People of the State of New York, and
their dignity.

De Lancey Mill,

Attorney

0400

BOX:

450

FOLDER:

4145

DESCRIPTION:

McGuire, John

DATE:

09/23/91



4145

X 230

Witnesses:

Michael Berry

Counsel,

Filed *2/3/87* day of *Sept* 189*7*

Pleads *Property*

THE PEOPLE

vs.

John McSine

Grand Larceny, Second Degree
[Sections 528, 587, 588 Penal Code]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL,

W. J. Berry
Foreman.

Handwritten signature

John D. ...

0402

Police Court

5 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Michael Garry
of No. Mustard Ave 718 or Street, aged 40 years,
occupation Saloon being duly sworn,
deposes and says, that on the 4th day of July 1891 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
session of deponent, in the night time, the following property, viz:

Twenty seven dollars in money
and one bottle of whiskey
together of the value of
Twenty eight dollars

the property of

Deponent

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

from the fact that said
Mr. Guire was in the habit
of lounging about deponent's
premises and on said date
said property was stolen
from deponent's premises and
subsequently said Mr. Guire
was arrested and a
bottle containing whiskey found
in his possession that deponent
has seen the bottle found
in the possession of said
Mr. Guire and fully identified
it as the one stolen from his
store

Michael Garry

Sworn to before me this
day of July 1891
Police Justice.

0403

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *John McGuire*

Question. How old are you?

Answer. *44 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *184 1/2 St & 10 Ave - 7 Mrs*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty*

John McGuire

Taken before me this
day of *July* 1898
[Signature]
Police Justice.

0404

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 Alfred

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

Dated July 7 18 91 [Signature] 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.

0405

Police Court--- District ^{89.3}

THE PEOPLE, &c.
ON THE COMPLAINT OF

Michael Garry
vs.
John W. Guine

2.....
3.....
4.....

Yd. G. G. G.
Officer

Dated *July 7* 1891

Whit Magistrate.

Leary Officer.
32 Precinct.

Witnesses *Wm. Barrett*

No. *1011* Street

Joe Cunningham

No. *1011* Street

Wm. Barrett Street

\$ *100* to answer

Wm. Barrett

Com



BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0406

~~a very good friend to
 an old friend and
 friend and you be
 sure of your feel disposed
 to give me the
 of my to the
 I am hope that much
 long will come of
 you soon to the
 Return from the
 from you the
 has been much
 more than
 to the
 show your kindness
 believe will pray for
 you
 your old friend
 John McQuire~~

0407

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

523

THE PEOPLE OF THE STATE OF NEW YORK, against

John McGuire

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

The said

John McGuire

late of the City of New York in the County of New York aforesaid, on the 4th day of July in the year of our Lord one thousand eight hundred and ninety-one at the City and County aforesaid, with force and arms, in the night-time of said 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 twenty-seven

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 twenty-seven

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of twenty-seven

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

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

twenty-seven dollars and one bottle of whiskey of the value of one dollar

of the goods, chattels and personal property of one Michael Garry then and there being found,

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

DE LANCEY NICOLL, District Attorney

Second COUNT:—

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

John Mc Guire

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

The said *John Mc Guire*

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,

the same goods, chattels and personal property described in the first count of this indictment

of the goods, chattels and personal property of one *Michael Garry*

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

Michael Garry

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

John Mc Guire

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

DE LANCEY NICOLL, *District Attorney.*

0409

BOX:

450

FOLDER:

4145

DESCRIPTION:

McGuire, Thomas

DATE:

09/21/91



4145

164

Witnesses:

Wm Cropper

Counsel

Filed

day of

189

Pleas

Admits

THE PEOPLE

vs.

Thomas McGinnis

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

DE LANCEY NICOLL,

District Attorney.

Deppert

A TRUE BILL.

W. J. Berry

Foreman.

Sept 11/91

Frank Beatty 2 day

5 yrs 10 mo 10 days

04111

Police Court 2 District.

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

William Rossiter

of No. 314 East 115th Street, aged 28 years,
occupation Cook

being duly sworn
deposes and says, that on the 24th day of August 1887 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Thomas

McGuire, now here, who stabbed
deponent twice in the chest and
twice in the back with a knife, or
some sharp instrument then and there
held in his hand by the said
defendant, inflicting wounds upon
deponents body, from the effects
of which deponent has since been
confined in St Vincents Hospital
and deponent charges defendant

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

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

Sworn to before me, this 10 day
of September 1887.

William Rossiter
deponent

John Kelly Police Justice.

0412

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas Mc Guire

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. *Thomas Mc Guire*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *Innapool*

Question. What is your business or profession?

Answer. *Fireman*

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 was on the ground when it was done. There was a fight and I got stabbed myself.*

Thomas Mc Guire

Taken before me this

10

John S. Kelly

Police Justice

04 13

St. Vincent's Hospital,

WEST 11TH STREET,

NEAR 7TH AVENUE.

New York, Sept 2 1891

This is to certify that Mrs. Ros-
siter now lying at St. Vincent's
Hospital is out of danger.

Dr. Shea

House Surgeon

per Dr. W. S. Cook.

0414

St Vincent's
Hospital
New York Aug 25/91
William Rosette is at
this hospital suffering
from four stab wounds
of the back. He is in a
wound.

D. L. Shea M.D.
House Surgeon

Amb. Surgeon.

04 15

St Vincent's
Hospital
New York Aug 29/91
William Rasiter is at
this hospital suffering
from four stab wounds
of the back. He is in a
dangerous condition

D. L. Shea M.D.
House Surgeon

0416

TORN PAGE

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

Patrick F Hunt

of No. 9th Avenue Street, aged _____ years, occupation Officer being duly sworn deposes and says, that on the 25 day of August 1891

at the City of New York, in the County of New York, he arrested Thomas McGuire charged with Felonious Assault upon Complaint of William Rositer who is now confined at St Vincents Hospital from the effect of such injuries. Deponee further says that further Complaint for Assault was made against said McGuire by Anton Joustons and Harry Kriseu. Deponee says that said Kriseu and Joustons are material witnesses for the people and he therefore prays that they be committed to the House of Detention. Patrick F. Hunt

Sworn to before me, this

of August 1891

day

[Signature]

Police Justice

0417

TORN PAGE

Deponant further says that John Higgins James Murray
John Kelly and Edmund Mirango were arrested
on suspicion in said matter that they were confronted with
said Rossiter at said Hospital and that Rossiter did
then and there tell deponant that said persons were
innocent and that they had nothing to do with said assault
on him
Patrick F. Hunt

Sworn to before me this }
25 day of August 1891 }

[Signature]
Justice

Police Court, 2 District,

THE PEOPLE, &c.,
ON THE COMPLAINT OF

[Signature]

Dated August 25 1891

[Signature] Magistrate.

[Signature] Officer.

Witness, *[Signature]*

[Signature]

[Signature]

[Signature]

Disposition,

Held to answer the matter

of injuries

1000 Paul St. Sept 9, 2, 1891

" " " " " "

0418

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 Mc Guire

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 *September 10* 1891 *John S. King* 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.

0419

1205

Police Court--- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm Rositer
314 E. 113th St
Thomas McQuire

Assault
felony
Offence

2
3
4

Dated Sept 10 1891
Kelly Magistrate
Hunt Officer
9 Precinct.

Witnesses Antone Johnson
No. 291 East 100th St
Harry Kisen
No. 1200 Chestnut St Street.



No. 500 Street.
\$ 500
to answer
& Com. Amick

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

0420

District Attorneys Office
City & County of
New York

Swet

September 24th, 1891.

The People
vs.
Thomas Magnize

W. E. E. E.

I hereby certify that Anthon Ginsen was a necessary and material witness for the People in this case wherein the defendant was found guilty of felonious assault on September 21st, 1891, in Part ^F~~II~~, and sentenced for five years; that he is a poor person, who was confined in the House of Detention for sixteen days, and that in my opinion the sum of Ten Dollars is a reasonable compensation to be allowed to him,

DeLacey Meece
District Attorney

10 *[Handwritten signature]*

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 Guire

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

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

The said *Thomas Mc Guire*

late of the City of New York, in the County of New York aforesaid, on the *24th* day of *August* in the year of our Lord one thousand eight hundred and ninety-*one*, with force and arms, at the City and County aforesaid, in and upon the body of one *William Rossiter* in the peace of the said People then and there being, feloniously did make an assault and *him* the said *William Rossiter* with a certain *knife*

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

3 with intent *him* the said *William Rossiter* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said *Thomas Mc Guire*
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Thomas Mc Guire*
late of the City and County aforesaid, afterwards, to wit: On the (day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *William Rossiter* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said *William Rossiter* with a certain *knife*

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

THIRD COUNT—

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

Thomas Mc Guire

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

The said *Thomas Mc Guire*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *William Rossiter* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault and *him* the said *William Rossiter* with a certain *knife*

which *he* the said *Thomas Mc Guire* in *his* right hand then and there had and held, in and upon the *chest and back* of *him* the said *William Rossiter*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *William Rossiter*

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

DE LANCEY NICOLL, *District Attorney.*

0423

BOX:

450

FOLDER:

4145

DESCRIPTION:

McKay, George

DATE:

09/21/91



4145

Witnesses;

Richard Selchstein

1891

Counsel,

Filed

day of *Sept.* 1891

Pleads

THE PEOPLE

23
5th Grand
George Mc Kay
Grand Larceny, *3rd* Degree.
(From the Person.)
[Sections 528, 530, Penal Code]

JOHN R. FELLOWS

Dist 2 - Sept. 24
191 District Attorney.
Heads Grand Larceny 2 Deg
Edw. R. J.

A True Bill.

M. J. Berry

Foreman

[Signature]

[Signature]

0425

Police Court 3rd District.

Affidavit—Larceny.

City and County } ss:
of New York, }

Nathan Silberstein

of No. 172 Steury Street, aged 32 years,
occupation Presser being duly sworn,

deposes and says, that on the 23rd day of August 1891 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:

One Silver Watch and One Gold plated Chain 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 George McKay (now here) from the fact that this deponent was sleeping on the front stoop of premises No. 47 East Broadway in said City, that at about the hour of 4³⁰ o'clock am. of said day deponent felt a tug at his Watch Chain attached to deponents vest which he then wore on his person, the above mentioned Watch being in the left hand side lower pocket of deponents ^{vest} and attached to said Chain; that deponent immediately awoke and grabbed the said defendants hand, but that said defendant escaped from deponents custody and ran through the public street pursued by deponent who caused the said defendants arrest

N Silberstein

Sworn to before me, this 23rd day of August 1891
[Signature]
Police Justice

0426

Sec. 198-200.

3rd

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

George McKay 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 McKay

Question. How old are you?

Answer.

23 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

578 Grand St. about 7 years

Question. What is your business or profession?

Answer.

Driver

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

Answer.

I am not guilty

George McKay

Taken before me this

2nd day of

[Signature]

Police Justice

0427

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

ten ~~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 surety~~ bail.

Dated August 23rd 1891 [Signature] 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.

0428

1113

Police Court--- 3rd District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Nathan Silberstein
172nd Henry St.
George McKay

Offence: *Lawless from the Prison*

1
2
3
4

Dated August 23rd 1891

Duffy
Magistrate.
Mahoney
Officer.
7
Precinct.

Witnesses
No. Street.

No. Street.

No. Street.

\$ 1000 to answer 9.8.



com
G.H.

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

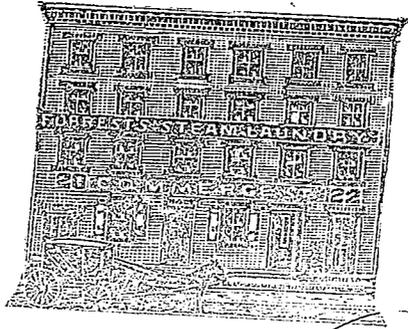
No. 3, by

Residence Street.

No. 4, by

Residence Street.

0429



New York, August 11th 1851
To Whom it may concern

That this bearer
George W. May has been in
my employment for the last few
months and has found him to
be industrious, Sober & honest

J. H. Forrest
No 202 Commerce St
New York

0430

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 McKay

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

George McKay of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said

George McKay

late of the City of New York, in the County of New York aforesaid, on the 23rd day of August in the year of our Lord one thousand eight hundred and eighty-ninty-one, in the night-time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of twelve dollars and one chain of the value of six dollars

of the goods, chattels and personal property of one Nathan Silberstein on the person of the said Nathan Silberstein then and there being found, from the person of the said Nathan Silberstein 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.

Nathan Silberstein
Nathan Silberstein
Nathan Silberstein
He Lancy Nicoll,
District Attorney

0431

BOX:

450

FOLDER:

4145

DESCRIPTION:

McKee, John

DATE:

09/10/91



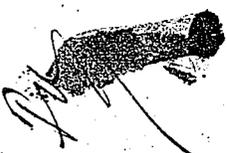
4145

0432

Witnesses:

Martin Ferris
Quint Stock

Wm. Cornick
back of pad



Prudy v

Counsel,

Filed

Pleads,

10 day of Sept. 1891

1891

20

THE PEOPLE

vs. ~~John McNew~~

Grand Larceny Second Degree. [Sections 528, 587 — Penal Code.]

John McNew

DE LANCEY NICOLL,

District Attorney.

Edw. J. McNew

A True Bill.

W. J. Leberky

Sept 16, 1891.

Foreman.
Tried and Convicted.

18

0433

Police Court 2 District.

Affidavit—Larceny.

City and County } ss:
of New York, }

of No. 165 W 25th Martin Ferris Street, aged 50 years,
occupation Druckman being duly sworn,

deposes and says, that on the 12th day of August 1891 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 Horse and Wagon
and one set of Harness
the whole valued at about
\$450.00

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by John W. Kea (now here) from the fact that deponent is informed by James Bruner that he had said property in his care and that he left it at the foot of Franklin Street to collect some goods and when he returned said property was missing. Deponent is further informed by Samuel Stout that the defendant came to his stable at number 463 Delancey Street in this City with part of said property and told him he had bought the property and asked witness to keep it for him over night. Deponent has since identified the property left with

Sworn to before me this 12th day of August 1891
Police Justice.

with witness by the defendant as the
property stolen as aforesaid and
therefore charges the defendant
with having stolen the same and
prays that he be held to answer

Sworn to before me this } Martin Ferris
17th day of August 1891 }

[Signature] Police Justice

0435

CITY AND COUNTY }
OF NEW YORK, } ss.

Sewin Stout
aged 26 years, occupation Ice Peddler of No. 192
Rivington Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Martin Ferris
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 17 }
day of August 1896, } 10.6 Street

[Signature]
Police Justice.

0436

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 20 years, occupation Driver of No. 219
Varick Street, being duly sworn, deposes and

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

Sworn to before me, this 17 day of August 1890. } J. E. Bennett

Police Justice.

0437

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *John McKee*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *172 Elizabeth Street 2 years*

Question. What is your business or profession?

Answer. *Truck Driver*

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

Answer. *I am not guilty
John McKee*

Taken before me this
day of August

1891

Police Justice

[Signature]

0438

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.....

S. Friedman

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

Dated..... *1891*..... *[Signature]* 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.

0439

1100

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Marty Ferris
165 W vs 23rd St
John McKie

Offence *Larceny*

1
2
3
4

Dated *August 17* 18*91*

Wm O'Hara Magistrate.

Wm O'Hara Officer.
15 Precinct.

Witnesses *James Bennett*

No. *209 Varick* Street.

Dewitt Stou

No. *197 Rivington* Street.

Lana Brown

No. *33 Chm...* Street.

\$ *2000* to answer.



Com

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

COURT OF GENERAL SESSIONS, PART III.

----- x
 :
 The People of the State of New York, :
 :
 against : Before
 : Hon. Fred'k Smyth,
 J o h n M c K e e. : and a Jury.
 :
 :
 ----- x

Indictment filed Sept. 10, 1891.

Indicted for grand larceny in the second degree.

New York, Sept. 16, 1891.

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

For the People,

Assistant Dist.-Atty Henry B.E. Stapler;

For the Defendant,

Mr. Ambrose H. Purdy.

JAMES BENNETT, a witness for the People, sworn, testified:

I was in the employ of Martin Ferris on the 12th. of August last as a driver. On that day I had one horse, wagon and set of harness in my charge as driver. I left his place at No. 58 and 60 Gold Street to get to the foot of Franklin Street at half past 12. When I went down to the foot of Franklin Street I had four sieves on the wagon to be put on board of a boat leaving that pier. I saw this prisoner standing alongside of my wagon. I turned around to him and axsked him who had closed the tail-board of my wagon and he said he did. It had been open when I went down with one of the sieves

2.

and when I came back it was closed and, as I saw him, I turned around and asked him. I then took another of the sieves out and carried it down. When I came back the horse and wagon were gone, so was this defendant. I reported the loss of my property to Mr. Ferris. I saw the defendant at Jefferson Market and identified him as the man whom I had seen at the foot of Franklin Street, and he admitted to me that he closed the tail-board of my wagon .

MARTIN FERRIS, a witness for the People, sworn, testified:

I am in business at No. 36 Beekman Street. The last witness was one of my drivers on the 12th. of August last. On the morning of that day I placed in his possession a horse, wagon and harness of the value of about \$450. On the afternoon of that day he came back to my office and reported that the horse, wagon and harness had been stolen from the foot of Franklin Street. I telephoned to Police Headquarters immediately and endeavored in every way to get a trace of the horse, wagon and harness. I continued on the search the following morning and I finally found the horse and harness in Rivington Street in possession of a colored man. I had him arrested and taken to the Station House. He made a statement that he had obtained it from a white man, and, if given time, he could find him. I afterwards saw the de-

3.

defendant arrested in the Jefferson Market Court and heard him make a statement that he was not guilty.

De WITT STOUT, a witness for the People, sworn, testified:

I am the man referred to by the last witness and whom he had arrested for stealing his horse, wagon and harness. On the 12th. of August between half past three and four o'clock in the afternoon this defendant came to me at No. 138 Chrystie Street where I was leaving a load. He asked me if I would let him put a horse in my stable. I told him yes. He said that he had bought the horse ten days previously. I told him all right, and I gave him my keys. That evening he came back and said: "You might use that horse if you wish". I took the horse and hitched him up the following morning at five o'clock and drove him until ten o'clock when Mr. Ferris came along and claimed the horse as his. I told Mr. Ferris where I got the horse from. Nevertheless he had me arrested. I told the officer when arrested that I would try and find the man who left the horse with me. I finally found him at the corner of Eleecker Street and South Fifth Avenue on the following morning, and he was arrested.

WILLIAM O'HARA, a witness for the People, sworn, testified:

I am a police officer assigned to duty in the 15th. Precinct. I know Martin Ferris, the complainant.

4.

I know the prisoner at the bar. I first saw him on the night of the 16th. of August at about half past 11. I arrested him at the corner of Eleecker Street and South Fifth Avenue upon the request of the colored gentleman who has just left the stand. I told him that he was accused of stealing a horse and he told me he bought the horse off of another party. I asked him if he could find that party and he said he could if he had time, but could not find him at present. I didn't hear him make any further statement.

MR. FERRIS, re-called, testified:

I was at the Station House when my partner, Bennett, and the prisoner were there. I saw Bennett identify the prisoner as the man who had spoken to him on the dock. I saw the colored man on the stand. He is the same man whom I had arrested, having found him in possession of my horse.

D E F E N S E:

JOHN MCKEE, the defendant, sworn, testified:

I am 20 years of age. I was born in New York. I have never been arrested charged with any crime in my life. On the day that I am charged with taking this horse, wagon and harness I was on the dock at the foot of Franklin Street. I am employed by A. P. Jersey., a boss carman. I had worked for him for over a year and I

5.

have recommendations from him, but they were taken from me. They were in a coat and vest which I had on at the time I was arrested. There was also a receipt for this horse in my pocket, but this also was taken away from me. I had bought this horse from a man named Brown. He told me the wagon was sold, but he would sell the horse and harness. The bargain was that I would give him \$25 cash and meet him the next day between three and four o'clock and pay him \$5 more and then I was to agree to pay him \$60 extra after that. I was to meet him at the Old Dominion Steamship Company's office, corner of Beach and West Street. I did meet him on the following day and paid him the balance of \$5, according to the agreement which I had with him. I knew I could buy this horse because I had \$180 of my mother's money which she let me have when she died. And I promised to give this man the full amount of \$60 as soon as I got it. My intention was to go into the carting business on my own account. I did not steal this horse and wagon, as has been charged against me. It is true that I took the horse and harness to the colored man Stout and left it in his care over night. I did not come back for it the following day, because I had no use for it.

Cross-examination:

Q Did you see the driver Bennett on the dock that day ?

A I saw him there somewhere around three o'clock in the afternoon.

Indictment filed Sep. 10, 1891

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c;
against
JOHN MCKEE.

Abstract of testimony on
trial New York September
16th 1891.

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0447

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Mc Kee

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

John Mc Kee

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

The said

John Mc Kee

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

*one horse of the value of
three hundred dollars, one
wagon of the value of one
hundred dollars, and one set of
harness of the value of fifty dollars*

of the goods, chattels and personal property of one *Martin Ferris*

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

SECOND COUNT—

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

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

The said

John Mc Kee

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

one horse of the value of three hundred dollars, one wagon of the value of one hundred dollars and one set of harness of the value of fifty dollars

of the goods, chattels and personal property of one

Martin Ferris

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

Martin Ferris

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

John Mc Kee
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.

DEE-ANCEY NICOLL,

District Attorney.

0449

BOX:

450

FOLDER:

4145

DESCRIPTION:

McLee, Harry

DATE:

09/21/91



4145

0450

POOR QUALITY ORIGINAL

Witnesses:

James E. Gallagher
Off. Secy

Counsel

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Harry Mc Lee

Grand Juror,
[Sections 583, 584,
Penal Code.]

23
Arch

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

W. J. Berry

Foreman.

Sept 27/91
Henry J. Berry
Ed. R. Berry

0451

POOR QUALITY ORIGINAL

189

Witnesses:

James E. Gallagher
Off. Sicks

207"

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Harry Mc Lee

Grand Larceny, Second Degree,
(Sections 528, 531, Penal Code.)

9/3
[Handwritten notes]

DE LANCEY NICOLI,
District Attorney.

A TRUE BILL.

W. J. C. Berry

Foreman.

Sept 27/91
Hendrick
Ed. Ref. 97

0452

(1365)

Police Court—5 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 1880, 2 Avenue Street, aged 41 years,
occupation Liquor being duly sworn,

deposes and says, that on the 5 day of Sept 1891 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 Gold Watch and Chain and two Gold Badges together of the value of about sixty dollars \$60.00

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Samy Mc Lee (nowhere)

from the fact that said property was in a room in the premises 1880 2 Avenue and said defendant was in said room. Shortly after the departure of said defendant deponent missed the said property and caused the arrest of said defendant by Officer Gustavus Dick of the 3rd Precinct. Said defendant admits and confesses that he did take, steal and carry away said watch and chain. James C. Gallagher

Sworn to before me this 5 day of Sept 1891
of James C. Gallagher
Police Justice.

0453

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Harry M Lee

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.

Harry M Lee

Question. How old are you?

Answer.

23 Years

Question. Where were you born?

Answer.

M.S.

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

Answer.

M.W.E.

Question. What is your business or profession?

Answer.

Bar tender

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

Answer.

*I have nothing to say
Harry M Lee*

Taken before me this
day of

[Signature]

Police Justice.

0454

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 Asfendak

Paul 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 Sept 6 1889 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0455

Police Court 15 District 1176

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James E. [unclear]
1580 2nd Avenue
Harry M. [unclear]

1
2
3
4

Dated Sept 16 1891

White Magistrate
Gick Officer.

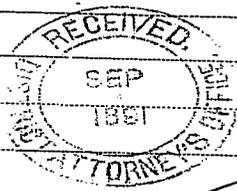
Witnesses Call Officer Precinct 24

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 5.00 to answer *[Signature]*



[Signature] *922*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Harry Mc Lee

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

Harry Mc Lee

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

The said

Harry Mc Lee

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

one watch of the value of thirty dollars, one chain of the value of fifteen dollars, and two badges of the value of eight dollars each

of the goods, chattels and personal property of one

James E. Gallagher

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.

Wm Lancelotti
District Attorney

0457

BOX:

450

FOLDER:

4145

DESCRIPTION:

McMahon, Peter

DATE:

09/23/91



4145

0458

BOX:

450

FOLDER:

4145

DESCRIPTION:

Waissenmuller, George

DATE:

09/23/91



4145

243

Witnesses:
Aurista Cressing
Martha Trotter

Counsel,
Filed 23rd day of Sept 1891
Plends

THE PEOPLE
vs.
Peter Mc Mahon
vs.
George Weissmuller

Section 46, 52 and 53 of the degree.

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

W. J. Berry
Foreman.
L. J. [Signature]
L. J. [Signature]
Lead Jury [Signature]
Apr 192 - 200 [Signature]
7 7/10 [Signature]

0460

Police Court 2nd District.

City and County } ss.:
of New York,

of No. 349 West 38th Street, aged 31 years,
occupation Housekeeper

deposes and says, that the premises No 349 West 38th Street,
in the City and County aforesaid, the said being a Three story Brick
Tenement Building
and which was occupied by deponent as a Tenement

and in which there was at the time a human being, by name of Henrietta
Russing - and three children -
were **BURGLARIOUSLY** entered by means of forcibly Opening

a Window on the second floor of said
House - the said Window leading from the
Gard into a room on said floor.

on the First day of September 1889 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of American Coin.
consisting of Ten cent pieces. Five cent
pieces - and Pennies - in all of the
amount and value of Eighty-Five
Cents (85 cents)

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 stolen, and carried away by

Peter M. Mahon and George Rossemulla (both now
here), while acting in concert with each other -

for the reasons following, to wit: That about the hour of 10.30
P.M. of the 21st day of August deponent shut the
Windows of said room on the 2nd floor of the
aforesaid premises - and with her three children
aged 5 years, 3 years, & 9 months went to bed - and
that between the hour of two and three o'clock A.M.
of the aforesaid date deponent was awakened, and
discovered the defendant Rossemulla standing in
her room, and on deponent making an outcry

0462

CITY AND COUNTY }
OF NEW YORK, } ss.

Martha Wohlrabe

aged *23* years, occupation *Housework* of No.

349 West 38 Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Henricita Prussing*

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

Sworn to before me, this *1* day of *September* 189*9*.

Martha Wohlrabe

John S. Kelly
Police Justice.

0463

Sec. 193-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Peter Mc Mahon

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.

Peter Mc Mahon

Question. How old are you?

Answer.

21 years -

Question. Where were you born?

Answer.

New York

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

Answer.

496-9-Avenue - 12 years -

Question. What is your business or profession?

Answer.

Artist

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 -
Peter Mc Mahon

Taken before me this
18th day of
June 1934
John S. Kelly

Police Justice.

0464

Sec. 199-200.

CITY AND COUNTY
OF NEW YORK,

2 District Police Court.

George Wassennulle 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. George Wassennulle

Question. How old are you?

Answer. 21 years -

Question. Where were you born?

Answer. New York

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

Answer. 432 West 46 Street - 3 years

Question. What is your business or profession?

Answer. Peddler

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
George Wassennulle

Taken before me this

1891

John Stebbins

Police Justice.

0465

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

Dated September 1 1891 John S. Kelly 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.

0466

1154

Police Court--- 2 --- District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

Marietta Pussing
Peter M. Mahon
George Wassermann

Wm. J. Kelly
Offence

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

3

4

Dated *September 1* 18*91*

Wm. J. Kelly Magistrate.

Jam. J. ... Officer.

Do Precinct.

Witnesses *John M. Chni*

No. *311 West 38* Street.

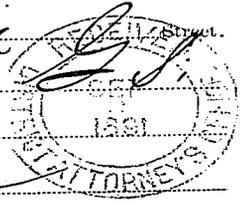
No. *Martha Wohlrabe* Street.

349 West 38

No. *200th* Street.

\$ *1,000* to answer.

Law



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Peter McDonald and George Waiszenmuller

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

Peter McDonald and George Waiszenmuller

of the CRIME OF BURGLARY in the first degree, committed as follows:

The said Peter McDonald and George Waiszenmuller, both

late of the 20th Ward of the City of New York, in the County of New York aforesaid, on the 25th day of September, in the year of our Lord one thousand eight hundred and ninety-one, in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Henrietta

Crossing

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said Henrietta Crossing

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, the said Peter McDonald and George Waiszenmuller, and each of them, being then and there assisted by a confederate actually present, to wit: each by the other.

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

TORN PAGE

0458

SECOND COUNT—

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

Peter Madison and George W. Waisemuller
of the CRIME OF *B&X* LARCENY, — committed as follows:

The said *Peter Madison and George W. Waisemuller, both* —

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

divers pairs of the United States of America, of a number, kind and denomination to the regard of the aforesaid indanor, to the value of eighty five cents,

~~of the goods, chattels and personal property of one *Henrietta Crossin*.~~

in the dwelling house of the said *Henrietta Crossin*.

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.

Debraey Mill,
Subst. Stone

0469

BOX:

450

FOLDER:

4145

DESCRIPTION:

McNish, Thomas F.

DATE:

09/21/91



4145

0470

Witnesses:

Audrick Torway

.....
.....
.....
.....

Counsel,

Filed

day of

189

Pleads,

W. J. L. Berry

THE PEOPLE

vs.

2

Thomas D. Mallick

(Sections 224 and 228, Penal Code), Degree, Robbery,

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. L. Berry

W. J. L. Berry
Foreman

W. J. L. Berry

W. J. L. Berry
day-learned
p. 100

Ed. J. G. ...
2/2/94

162

0471

Police Court 3 District.

CITY AND COUNTY }
OF NEW YORK, } ss

Siedrich Kobovay
of No. 234-E-52 Street, Aged 40 Years
Occupation Liquor Dealer being duly sworn, deposes and says, that on the
3rd day of September 1891, at the 11 Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

One Gold Chain valued at
Forty five Dollars

of the value of _____ DOLLARS,
the property of Deponent
and that this deponent has a probable cause to suspect, and does suspect, that the said property was
feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Thomas Mc Nish (now here) and two
other persons not yet arrested, acting in
concert with each other, for the reasons
following to wit, on said date, ^{about the hour of 1 o'clock a.m.} deponent
was in East 5th Street, and the said chain
was attached to a watch in the vest pocket
of the vest which deponent then wore,
Deponent is informed by ~~John~~ Charles Smelling
of no 30 Rivington Street, that he was in deponents
Company taking the Deponent home, and that
they were accosted by the Defendant and the
two other persons not yet arrested, and
that when Deponent and Smelling were

copy of
881

Stowar de before me, this

Police Justice

on the Stoop of Deponent's residence
The defendant and the two persons not yet
arrested, acting in concert with each other
struck the Deponent and knocked him
down and also struck said Smelling -
The Defendants then ran away, and the
said property was missing, Deponent
and Smelling pursued the said defendants
and the defendant McNish was arrested
~~Deponent further says that~~ The defendant McNish
is fully identified by the said Smelling as
one of the persons who robbed deponent

X *Didrich Kohlwey*

Sworn to before me
this 3rd day of September 1891

Edw. Murphy
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 1891
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1891
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1891
Police Justice.

Police Court, District, Offence—ROBBERY
THE PEOPLE, &c., on the complaint of
1 ss.
2
3
4
Dated 1891
Magistrate.
Officer.
Clerk.
Witnesses, No. street,
No. Street,
No. Street,
§ to answer General Sessions.

0473

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Smelling

aged 21 years, occupation Candy maker of No.

30 Rivington Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Dierrick Kohway

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

Sworn to before me, this 3
day of September 1898,

his
Charles Smelling
mark

Wm. ...
Police Justice.

0474

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Thomas Mc Nish

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. Thomas Mc Nish

Question. How old are you?

Answer. 18 yrs

Question. Where were you born?

Answer. New York

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

Answer. 65 East Houston St 3 weeks

Question. What is your business or profession?

Answer. Carpenter's Assistant

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

Thomas F. Mc Nish.

Taken before me this

day of September 1897

Wm. W. ...

Police Justice

0475

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 *Sept 3* 18*91* *H. H. [Signature]* 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.

0476

1179

Police Court--- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Diedrich Kohway
234 vs. E 5th
Thomas McKish

Robbery
Offense

2
3
4

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated Sept 3 1891

Murray Magistrate.

Jimme Officer.

14 Precinct.

Witnesses Charles Smelling

No. 30 Rivington Street.

aff. 

No. Street.

No. Street.

No. 1000 to answer G.S.

Com

The People
vs
Thomas G. McVish

of Court of General Sessions. Part I
Before Judge Fitzgerald. Sept. 23. 1891
Indictment for robbery in first degree
Diedrich Kohway, sworn and examined.
I live at 234 Fifth street and keep a liquor
saloon. On the night of Sept. 3 I closed up
the place about a quarter to one o'clock in
the morning; it is on the corner of Christie
and Rivington streets. Had a little more
taken than I ought to have. An old fellow
named Smelling took me home; we
walked up as far as the corner of ^{Third} street
and Second Avenue and three
fellows came around the corner following
us up; I walked up as far as Fifth st.
and turned the corner to go home. I
live on Fifth street in the middle of the
block. I noticed the three men standing
on the corner. They were very close to
us; they wanted Smelling to get away
from me so they could have me alone.
They spoke to each other, but I could
not tell what they said. I could not tell
which one spoke, but the three were to-
gether. We turned around Fifth st. to
go home; we got near our stop and
some one of the three came rushing
up to us and he put me down
on the stop. This party (the defendant)

pushed me down on the stoop. Two of the
 men got away. They pushed me down on
 the stoop and this Smelling got hold of
 my watch pocket and held on to it so
 they could not get the watch out, and
 when he was trying to get the watch out
 he struck me on the head; he got the
 watch chain off my pocket; and I com-
 menced to hallow "Police", and the three
 ran away. The defendant ran towards
 the Bowery and the others ran toward
 Second Avenue. I ran after the defendant
 and halloed "Police". The policeman was
 standing on the corner of the Bowery
 and he got hold of him. I halloed to
 hold on to him, not to let him go because
 he robbed me. I paid fifty five dollars
 for the gold chain. That was taken but
 not the watch. My friend held on to the
 pocket, so he did not get the watch.
 They jerked the chain from the watch.
 I am positive McFisk had the chain,
 whether he kept it or threw it away
 I could not answer

from E. examined. I admit that I had more liquor
 than I ought to have. I was taken to the
 station house and kept there that night.
 The next morning I was fined for

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intoxication; the officer did not want to arrest this young fellow. My friend, who is a witness here, was with me till I was robbed: I asked him to go home with me to take care of me; he keeps a soda water stand on my corner. He walked up from Christie street to my house. It took us from 15 to 20 minutes; it is about five or seven blocks. They pushed me down on the stoop and two of the fellows held me down. I could not get up. After I got up to the officer who had the prisoner in charge I told the officer the whole of it. The officer said to me, "Get out of here," and then he says to this fellow, "Go home out of here." I said, "Don't you let him go!" In the mean time the people were looking out of the windows. The officer struck me in the mouth and said, "Go home" then says the officer to me, "If I lock him up, I will lock you up, I will make it damned hot for you. He dragged me down to the station house, took me by the collar of the coat, and let the prisoner go free and easy along. Charles Smelling, sworn and examined. My Trade is Candy maker. I remember the night of the 3rd of Sept, the night I took Mr. Kobway home; it was about

a quarter to one o'clock. That night I was attending the old man's ^{fruit} stand, which is opposite the store of Mr. Kohway. On my way home I found three fellows on Fourth street. They said, "What do you want to do with that man?" I say, "I want to take the man home." They said, "You don't know that man," one of the men was Mc Kish. I did not know who the others were. They said that I shall leave that man alone, that they will take him home. I say, No, that man told me to take him home because he is the boss where my old man keeps a stand. They commenced to say, "we will take this man home." I say, you let that man alone." They let him alone about half a block till I got as far as Fifth street, and then when I was right in his stoop at his home. I was trying to get the door open for him and they rushed up to us and caught us and they commenced punching me - the defendant punched me, he struck me right over the head and the first shot knocked me silly. They tried to knock me out, so I could not see anything. When they knocked me down I held up my hand so they would not strike me much over the head. I tried

to hold on to the ^{gold} watch and chain of Kohway; the watch was saved, but I was not quick enough to save the chain; they took it away from Kohway. I saw one of them take it away. I don't know where he is. At the time you saw this chain taken away by one of these men what was this man the defendant doing at that time? He was hitting me and another fellow about as big as I am took the chain and ran away with it; they ran up towards the Bovey and Third Avenue and the defendant ran too. The complainant went after the officer and I was waiting for him. I saw the officer coming with the defendant, and he said, "Is this the fellow?" I said, "yes", he is one of them the other two ran back again towards Second Avenue. The "cop" (policeman) tried to let this young man go, and Kohway said "No, you arrest that young man!" and the officer did arrest him. I am sure the defendant is one of the three men that was there that night. They followed me up from Fourth to Fifth street, and the defendant is one of the men and he punched me.

Cross Examined: I have not had any work for the last four or five weeks, but before that I have been to work steady working for Mr.

Smith. I cannot tell the first name; his place of business is No. 71 Cutland street near Church St. I worked there two or three months. Before that I worked for Mr. Eustack, a candy maker at 67 and 69 North Moore street about ten months. How did you come to meet the complainant? I was attending my father's stand, and he told me to take him home because he was in a little trouble. Nothing occurred until we got to ~~Fourth~~^{Fifth} street; the defendant had a talk with me there; he pulled Kohway out of my hands the first time, and then they let him go in Fifth St and then when we were on the stoop they run back. I was at the door ringing all the bells to see if I could walk anybody up, so these fellows could not get anything out of us. At that time my back was to the street. The complainant was trying to sit on the stoop and I tried to get him in the house, and the defendant struck me on the head. I felt it five days. I am sure the defendant is the man who struck me. This was a quarter to one o'clock in the morning. I never knew that defendant before that morning, never saw him before that time. While he was striking me I held on to

the watch of the complainant I saved the watch but I could not save the chain - the chain was pulled away by the other fellows. The defendant tried to take the complainant from me in Second Avenue. I had hold of my friend by the arm. The defendant came up from behind and pulled the man. I held on to him; that was on Second Avenue; then I got into Fifth Street and I let that fellow go from me. I got as far as the stop and they ran back at me and struck me and struck the old man (the complainant) down and took the chain away from him.

Frederick Tirrone, sworn and examined. I am a police officer and made the arrest in this case at one o'clock in the morning of Sept. 3. on the corner of Fifth Street and the Bowery. He came from the direction of Second Avenue. I saw him walking towards me and I heard the cries of Police below me before he came up. I asked him what was the matter down the street? He said he did not know, somebody shouting Police there. I says, "Let us come back and see." Then the ^{witness in this case} ~~complainant~~ says, "That is the one who stole this man (the

complainant's) watch and chain. "The complainant was under the influence of liquor I could not make head or tail of what he said, and I locked him up.

Cross Examined: The defendant was walking fast where I saw him, but he was not running. I don't remember seeing anybody running, the only person coming in my direction was the defendant and he was walking. How far from the man's place was he when you arrested him? I should judge about two hundred feet. I did not see anybody running away from my direction towards Second Avenue at the time. I could not see, for it was too dark. Was the complainant very much excited at the time? No, he was not. I saw the complainant's watch in his pocket, but there was no chain attached to it. Had the watch in my hand: it was going. When the defendant was charged with taking this watch he did not say anything. I told him it would be a very serious matter, no laughing matter for him: I took him down to the station house and he was locked up. The Sergeant told him he was locked up for stealing the complainant's watch and he made no answer to the charge.

Before I arrested the defendant I did not want to believe the complainant that he was robbed from the way he acted. I said to Mr. Kohway, "This man did not touch you, he did not do anything to you." Mr. Snelling came up and said, "Yes, he stole his chain." I saw Snelling was sober and I arrested him. I did not understand the complainant quite right at first.

The Court said he would submit the case to the jury as grand larceny in the first degree. Thomas J. McFisk, sworn and examined in his own behalf testified. I live at 65 East Houston street. I live with my mother and sisters. I have been living there for the last five or six years. This is the first time I was ever arrested for anything. I was never inside of a station house before I was working for Isaac Keller a slipper manufacturer in No. 10 Rutgers Place. I have a recommendation from them. I have been working there since the 4th of March. Before that I worked for David Hoyt, the lumber man, corner of Jefferson and Cherry streets. I worked for them steady two years. Before that I worked for J. L. Heidelberg, a label manufacturer in Fulton St. I worked there when I was fourteen years old. I got the job the first time I left school.

How did you come to be out at such a late hour? I went to bed at nine o'clock and at a quarter to twelve I woke up and could not sleep. My mother said, "it is kind of queer you are going out." I told her I would go down to the door and stand a while and be up immediately. I felt like walking around and I walked around as far as Fourteenth street back and sat there a while. When I was going down Second Avenue I thought I would go through Fifth street and cross over Third Avenue to go to the house when I seen these men wrestling on the stoop. I did not mind them at all. I walked right on about my business. I heard a cry of Police I walked up to the policeman. He asked me, "What is the matter?" I says, "I do not know I heard a cry of Police." He says "you will have to walk back with me." So I walked back half way down the block and the man said, "that is the boy." That is all I know about the case. I am quite positive I had nothing to do with the commission of the offence. I was not with these two men. When I passed along those two men were on the stoop. I walked right on about my business; they were fighting

with each other. I did not know but they were friends; it was none of my business. This happened about one hour after I left my door; I live at 65 East Houston St. Cross Examined. It was warm that night; it was hot where our rooms were. I felt the heat in bed; it was a very hot day on the 2nd of Sept. I am sure of that. I went to bed at nine o'clock and got up at twelve o'clock. I was not working then, but the following Friday I was to go to work in Egypt. I live in 65 East Houston Street near Elizabeth St., on the other side of the Bowery. I got up and out of the house because I could not sleep. I stood at the door five or six minutes and lighted a cigar. I walked to the corner of the Bowery and Houston St. and walked up Third Avenue as far as the Fourteenth St. Park. I went into the Park and sat down in Union Square and went up Fourth Ave. I guess that was about a quarter after twelve o'clock. I did not stay there over ten minutes and I made up my mind to go home. I went through Fourteenth St. down to Second Avenue. I wanted to take a long way home. The policeman did not put me out of the Park. I do not know what time it was when I got to Fourteenth Street and Second Avenue. It was an

accidental thing that I turned into 5th St. I felt inclined to take that route. I saw nobody on the sidewalk; when I passed they were on the stoop, and just as I got within two stoops of where the row was. I heard "Police" called, and I walked on about my business. When I reached the corner of 5th street and the Bowery the policeman asked me what was the matter. I heard "Police" called before I got to the policeman I did not turn around. I heard the cry of Police. When I passed they were all in a bunch hitting each other - they were all in a bunch, all mixed up together. They had their hands raised as if to strike Mary M^c Kish, sworn and examined. I live in East Houston street for four years; the defendant is my boy, he is honest, industrious and hardworking; he is a good boy. All I know about the night of the occurrence is that he got up at twelve o'clock; he said, "it is too warm to sleep in bed." I said, "it is too late for you to go out." He said, "I will be back in a minute, I am only going as far as the door." I did not know anything about him until two days after. A certificate of good character from J. Kellert was read in evidence. The jury rendered a verdict of guilty of grand larceny in first degree with recommendation to mercy.

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deputy in the
care of
Thomas J. McNeish

filed Sept

1891

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Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Thomas E. McGuire

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

Thomas E. McGuire

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

The said *Thomas E. McGuire*,

late of the City of New York, in the County of New York aforesaid, on the *third* day of *September*, in the year of our Lord one thousand eight hundred and ninety-~~one~~ *one*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Didrich Holmberg* in the peace of the said People then and there being, feloniously did make an assault; and

*one chain of the value of
fifty five dollars,*

of the goods, chattels and personal property of the said *Didrich Holmberg* from the person of the said *Didrich Holmberg*, against the will and by violence to the person of the said *Didrich Holmberg*, then and there violently and feloniously did rob, steal, take and carry away, *the said Thomas E. McGuire* being then and there aided by an accomplice actually present, whose name is to be found *among aforesaid as yet unknown.*

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.

*D. Daneyhill,
District Attorney*