

0290

**BOX:**

450

**FOLDER:**

4145

**DESCRIPTION:**

McDonnell, Henry

**DATE:**

09/16/91



4145

Witnesses:

*Wm. H. Hertz*  
*Englewood*  
*A. J.*

Counsel,

Filed

189

Pleads,

THE PEOPLE

vs.

*Henry Mc Donnell*

~~XX~~

DE LANCEY NICOLL,

District Attorney.

*Wednesday, Sept.*

A TRUE BILL.

*W. J. Berry*

Foreman.

*Part 3. September 25/91*  
*& tried and acquitted*

*W. H. Hertz*  
*Englewood*

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



0292

Police Court 3 District.

Affidavit—Larceny.

City and County } ss:  
of New York, }

of No. Englewood N.Y. Street, aged 38 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 (\$208<sup>00</sup>)  
 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 ~~pos~~ the Pockets  
 of his clothing which he then wore, the said  
 property. Deponent went to sleep and was  
 aroused by feeling some one ~~putting~~ ~~himself~~  
 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 7<sup>th</sup> Precinct

Subscribed before me, this

1891

Police Justice.

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 17<sup>th</sup> day of August 1891 Joseph E. Kelly  
John Ryan  
Police Justice

0294

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*Henry 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 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 McDonnell*

Taken before me this

day of

*John H. 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* 1891 *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 h to be discharged.

Dated.....18..... Police Justice.

0296

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court---

1113 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Holley  
vs.

1 Henry McDermott

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Office  
from the Prison

Dated Aug 17 1891

Ryan Magistrate.

Sweeney Officer.

Precinct.

Witnesses Complainant's Com  
to the House of Detention  
in default of \$1000 bail

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$1000

1000 & Aug 19 1891





0297

POLICE COURT 3<sup>rd</sup> DISTRICT.  
CITY AND COUNTY } ss.  
OF NEW YORK, }

RECOGNIZANCE TO TESTIFY.

BE IT REMEMBERED, That on  
the 18<sup>th</sup> day of August in the year of our Lord 1991  
of No. Joseph Holtz  
and Englewood, New Jersey Street, in the City of New York,  
of No. Charles Bruntz  
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 con-  
dition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally  
appear at the next COURT OF 3<sup>rd</sup> 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 McDowell

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 H. Ga Police Justice.

0298

CITY AND COUNTY }  
OF NEW YORK, } ss.

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. Brunk

New York Sessions,

THE PEOPLE, &c.

Recognition to Testify.

Magistrate

Filed

day of

188

Sworn before me, this  
18th day of April 1881  
Police Justice

0299

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 3 DISTRICT.

Dennis Sweeney  
of No. 75 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

day

Police Justice.

0300

523

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* 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, in the *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  
*From* aforesaid unknown, for the payment of and of the value of *one hundred*

dollars; divers other promissory notes for the payment of money, being then and there due and un-  
satisfied (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*

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

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of  
the value of *fifty dollars, 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* on the  
person of the said *Joseph Holtz* then and there being found,  
from the person of the said *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



0302

Witnesses:

Chas Graham

Counsel

Filed

day of

189

Placed,

THE PEOPLE

vs.

Datriek Mc Sath

Assault in the 1st Degree, Et.

(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

M. J. Berry

Foreman.

Oct 30/91

Chas Graham

Witness

S.P. 27506, Mrs.

P.S.M.

0303

Police Court— 2 District.City and County } ss.:  
of New York, }

of No. 312 East 71<sup>st</sup> Street, aged 29 years,  
 occupation Stallman being duly sworn  
 deposes and says, that on the 27<sup>th</sup> 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 and 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 28<sup>th</sup> day

of

September 1891.

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 McWaidenold M.D.  
Acting House 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. Tray Cor. M.D.

0306

CITY AND COUNTY } ss.  
OF NEW YORK,POLICE COURT, 7 DISTRICT.Frederick Behrof No. 19<sup>th</sup> 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 BehrSworn to before me, this  
of August 1891

day

Police Justice.



0307

Police Court, 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*vs.*  
Park McGartlin

AFFIDAVIT.

Ex August 29<sup>th</sup>  
1891 - 10 A.M.

Ex Sept 3<sup>rd</sup>  
10<sup>30</sup> A.M.

Dated August 27 1891

H. J. M. Magistrate.

Behr Officer. 19<sup>th</sup> forw.

Witness, \_\_\_\_\_

Disposition, \_\_\_\_\_

0308

Sec. 198-200.

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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*  
*Patrick McGurkin*  
*murder*

Taken before me this

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.....

*Alfred*  
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 1* 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.

22/1

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



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

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 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

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 <sup>the</sup> 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 Roosevelt Hospital. The defendant ran past me on the stairs, I

0319

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 dressed 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.

Was the kitchen and your room adjoining? No sir, there was two rooms off the kitchen, they were bed-rooms, there were four rooms on the floor but there was doors to shut. Nothing took place that night but this man did not want Thomas in the house, he went away and got two officers and took him down stairs and put him out. He said, "Maggie, tell Tom to go out for I do not want him in the house"; he did not say anything at all to Tom, he sent for the two policemen and the policemen came and took Thomas out. Was he drunk or sober the night before? The night before he was not sober nor he was not drunk for he was in the whole afternoon in the house, I noticed a few glasses of beer on him the night before, I often saw him drunker. I was living out before I went to this house, I was not out at service more than a week or two. When you were out at service where did Tom, your husband, live? Tom has his mother's house and he has got brothers and sisters and I have not got anybody only him. When you were out at service you lived in the house where you worked? Yes, certainly. And at times you hired a room yourself? Yes sir, a furnished room.

CROSS EXAMINED.

What time of night was

it on the night of the 26th of August that your husband came there, the night before this occurrence? He was there the whole afternoon with me for he was not working, he was away with horses in the early part of the morning and he was in my room until eight or nine o'clock that night; about eight o'clock at night the officers came and took him out; that night my husband and I had a pint of lager, he was lying down in my own bed, he was not in the kitchen at all that

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 <sup>complainant</sup> ~~defendant~~, I think the <sup>complainant</sup> ~~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 annoying 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. ///

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

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 threatened 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. It was the morning of the 27th of August.

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.

0331

Testimony in the  
case of  
Patrick McGartlin

filed Sept.

1891

70 U.S.

(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,

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

with intent

*him* the said *Thomas Graham* 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

*Patrick Mc Gartlin*  
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 Laurence Nicoll*  
District Attorney

0333

**BOX:**

450

**FOLDER:**

4145

**DESCRIPTION:**

McGowan, John

**DATE:**

09/09/91



4145

0334

Witnesses:

Patrick Murphy  
Charles McGinnis

Sept 11/91  
Chenadio And  
he is going  
to happen from  
St. Vincent's House

Counsel,

Filed

Pleads

9 day of Sept. 1891  
11/25

THE PEOPLE

vs.

John McGinnis  
12 years

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

JOHN R. PHILLIPS

Sept 6/91 District Attorney.

Subscribed for \$25.00  
6/30/91

A True Bill

W. J. Leary

Foreman.

Sept 11/91

Per Labor. Mt. 1891 -

Sept 11/91

Sept 11/91

Sept 11/91

Sept 11/91

803

V. C. 1/21

The People

John McGowan

Court General Sessions. Part I  
Before Recorder Smyth Nov. 25<sup>th</sup>. 1891

Indictment for assault in the first degree.

Francis J. McGrath, sworn and examined. I live at 307 East 114<sup>th</sup> street and am a barkeeper at 2103 Third Avenue. I lived on the 20<sup>th</sup> 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 21<sup>st</sup> 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 fifty three  
 dollars and about twenty one dollars drop-  
 ped 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 Lummins, 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. Had never been employed in the neighborhood of 274 Avenue B before. 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 Reilly 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 Reilly. He told me himself he could not identify anybody; he had very little opportunity of seeing him. I never spoke to Reilly 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 Reilly; 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 27<sup>th</sup> of last March I lived at 437 Fourteenth Street. I am a horse shoe. I know the complainant McGrath. I knew he was a barkeeper at Avenue A on the 27<sup>th</sup> 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 21<sup>st</sup> when

he says he was assaulted by me and two  
 other men. I was on the corner of Sixteenth  
 and Avenue ~~at~~ <sup>street</sup> 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 tak-  
 ing 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 neigh-  
 borhood 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 <sup>ten</sup> ~~half a dozen~~ <sup>or fifteen</sup> 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 McGinnis 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 neighborhood where I came down on Sunday morning 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 Ryan 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.



I slept at home from the 21<sup>st</sup> 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 21<sup>st</sup> 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, "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,  
 "Halloo 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 morn-  
 ing 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. Duff; 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 Baylan'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 20<sup>th</sup> 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 McGarr? 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 Redland Co. two or three years ago last summer. I believe he was about thirteen years old when he ~~left~~<sup>went to</sup> ~~Drummonds~~<sup>father</sup> 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 sometimes 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.

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 21<sup>st</sup> 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 21<sup>st</sup> 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~~ 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 H. 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~~ plaintiff. I remember the night of the <sup>25<sup>th</sup></sup> 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 corner 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<sup>nd</sup> 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 Seventeenth street? No sir, he could not have been down there any time. What time was it you went into Boylan's on Sunday 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. <sup>Yes</sup> very near every Sunday - once in a while he would go by himself. After Sunday March 22<sup>nd</sup> 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 can 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 usu-  
 ally get home every night? He is never  
 known to be out after halfpast ten o'clock.  
 I have never known a time during the  
 period that he lived in Thirty Sixth St.  
 when he was out after halfpast 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 know-  
 ledge. I believe he had the St. Vitus dance.

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 messa-  
 ges. I was in Staten Island at the time.  
 He was working as a cash boy in Thomas  
 J. Forcoran'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. Donnelly 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 Tomb to see these people? No. I was up to the Fifty Seventh St. - Cant 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 61 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 21<sup>st</sup> 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 19<sup>th</sup>. 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 21<sup>st</sup>.

Thomas Lannon, 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 <sup>to say</sup> meant. The jury rendered a verdict of guilty.



0367

Testimony in the  
case of  
John McGowan  
filed Sept. 1891.

80 1/2

0368

Police Court—4<sup>th</sup> District.

Affidavit—Larceny.

City and County } ss.  
of New York, }

Francis J. Mc Grath  
of No. 437 East 16<sup>th</sup> Street, aged 27 years,  
occupation Boat tender 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 (Mc Gowan) (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

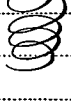
Sworn to before me, this  
18  
any  
Police Justice.

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 8<sup>th</sup> when he saw defendant on East 17<sup>th</sup> Street, and caused defendant to be arrested by Officer Peter J. Lawler of the 1<sup>st</sup> 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 10<sup>th</sup> day of Aug 1891  Francis J. McElrath  
J. M. McElrath  
Police Justice

0370

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK } ss.

4 District Police Court.

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 36<sup>th</sup> 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

Subscribed and sworn to before me this 10<sup>th</sup> day of June 1904.

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

Dated *Aug 10* 18*91* *Henry C. Murray* 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.

0372

3/1000 - 18 mil. for  
Ex. Aug 13 to  
9/2 a.m.

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

J. Cotts.  
cc McGowan

Police Court-- 4<sup>th</sup> District. #10 1077

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Francis J. McGrath  
vs. East 16th St  
John McGowan 307 E. 114<sup>th</sup>

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Office  
Francis J. McGrath

Dated Aug 10 1891

Murray Magistrate.

Peter J. Lawler Officer.

18 Precinct.

Witnesses David Officer

No. \_\_\_\_\_ Street.

Patrick Murphy

No. 517 E. 14<sup>th</sup> Street.

437 E 16<sup>th</sup> AUG 1891

No. \_\_\_\_\_ Street.

\$1000 to answer T. J.

Com



0373

Police Court—4<sup>th</sup> District.City and County } ss.:  
of New York, }

of No. 437 East 10<sup>th</sup> Street, aged 27 years,  
 occupation Barber being duly sworn  
 deposes and says, that on 21 day of March 1887, at the City of New  
 York, in the County of New York,

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

Deponent further says, said  
 Assault was so committed

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

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

Sworn to before me, this 10<sup>th</sup> day }  
 of August 1887. } Francis J. McGowan  
Wm. 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 named <sup>McCann</sup> ~~McCan~~ 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.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

*John M. Gowan* 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. Gowan*

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 36<sup>th</sup> 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 M. Gowan*

Taken before me this

*10*

day of

*Aug**1891**John M. Gowan*

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 - 1891* \_\_\_\_\_ 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

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court-- *1073* District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Francis J. M. Grath*

*John M. Towan*

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Dated *August 10* 189*1*

*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 *Q. S.*

*M*

AUG 10 1891

*Adopt 1*



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*

dollars; divers other promissory notes for the payment of money, being then and there due and un-  
satisfied (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 Doyle*  
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. Gack  
W. J. Lawler

Counsel,

Filed

day of

1891

Pleads,

THE PEOPLE

vs.

John Mc Gowan  
(~~James~~)

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. Berry  
Foreman.

At New York, 20th Sept 1891

(~~James~~)

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~~ day of *March*, in the year of our Lord one thousand eight hundred and eighty ~~eighty~~, 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 ~~te, 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* 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, cut and wound* with intent *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* a certain ~~pistol~~ then and there charged and loaded with gunpowder and one leaden bullet, 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, cut 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

Witnesses:

James Murphy

Upon an examination of the com-  
plaint in this case and of  
his statement of indictment and  
the enclosed affidavits I am  
satisfied that no crime was  
committed and that the victim  
in this case and the indictment  
against him should be dismissed  
and I make such recommendation  
as I deem proper.

Oct. 21/91  
John J. Berry  
ada.

Counsel,

Filed

day of

1891

Plends,

Sept 17

THE PEOPLE

vs.

2

Daniel McGrath

and

John Kelly  
(2 cases)

DR LANCEY NICOLL,

District Attorney.

Oct 21/91

A TRUE BILL.

W. J. Berry

Foreman.

Post Sept 24/91  
W. J. Berry

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

0383



0384

Witnesses :

115.

Counsel,

Filed

day of

1891

Pleads.

THE PEOPLE

vs.

Daniel Mc Grath  
and  
John Kelly  
(2 cases)

Assault, first degree.

[Section 217, Penal Code]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. Berry  
Sept 16  
Inspector  
Dismissed

Foreman.



## COURT OF GENERAL SESSIONS.

THE PEOPLE,

vs.

DANIEL McGRATH and JOHN KELLY.

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 <sup>out</sup> 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

*Louis K. Finn*  
Commr of Deeds  
N.Y.C.

0386

2

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*

*Laurel S. Hiram*  
*Commr of Deeds*  
*N.Y.C.*

## COURT OF GENERAL SESSIONS.

THE PEOPLE,

vs.

DANIEL McGRATH and JOHN KELLY.

ROBBERY &amp; ASSAULT.

*Jacob Schultz*

of No. 339 East 39<sup>th</sup> 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.C.*

0388

COURT OF GENERAL SESSIONS.

THE PEOPLE,

vs.

DANIEL McGRATH and JOHN KELLY.

ROBBERY & ASSAULT.

*Thomas Dugan*

of No. 319 East 43<sup>rd</sup> 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.

*Thomas Dugan*

*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 recommend 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 defendants that they are well connected and of good character. 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 indictments dismissed and the prisoners discharged.

*Daniel 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 \_\_\_\_\_ }

J. J. Conroy & Co. Inc. Secy.

The People

Plaintiff

against

Samuel McBrat

John Kelly

Defendant

W. J. Thorne

JAMES M. 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— 14<sup>th</sup> District.CITY AND COUNTY } ss  
OF NEW YORK, }

James Murphy  
 of No. 329 East 43<sup>rd</sup> Street, Aged 40 Years  
 Occupation Cardriver being duly sworn, deposes and says, that on the  
 25<sup>th</sup> day of Aug 189<sup>6</sup>, at the 19<sup>th</sup> 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:

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  
 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  
 at about 2 30 PM of said date, he was on the dock  
 at the foot of East 43<sup>rd</sup> 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 ~~he~~ would be thrown  
 into the river. Deponent further  
 says— he refused to give said money  
 and was forcibly seized by said McGrath

day of

Sworn to before me, 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

H. J. Wm. Wm.

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.

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

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—ROBBERY.

1  
2  
3  
4

Dated 1888

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0393

Sec. 198—200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

Daniel Mc Grath 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.

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.

561-1<sup>st</sup> 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.

Am not guilty.  
Daniel Mc Grath

Taken before me this

26

day of

Aug1938at New York

Police Justice

0394

Sec. 198-200.

17<sup>th</sup> 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 in 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.

*492-1<sup>st</sup> Ave - 8 years*

Question. What is your business or profession?

Answer.

*Cattlemen*

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*  
*mailed*

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 ~~he~~ *they* be held to answer the same and ~~he~~ *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 ~~he~~ *they* give such bail.

Dated *Aug 26* 188*1* \_\_\_\_\_ *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~~ *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. Cos. 43  
Daniel McGrath  
John Kelly  
2 indictments

Offence Attempted Robbery

Dated Aug 26 1891  
McMahon Magistrate.  
Herman Kern Officer.  
23rd Precinct.

Witnesses Said Officer  
No. Street.

No. Street.

No. Street.

No. 500 to answer  
\$2500 bond 5/ Aug 27. 9am

BAILED,

No. 1, by Residence Street.

No. 2, by Residence Street.

No. 3, by Residence Street.

No. 4, by Residence Street.

No. 5, by Residence Street.

No. 6, by Residence Street.

No. 7, by Residence Street.

No. 8, by Residence Street.

No. 9, by Residence Street.

No. 10, by Residence Street.

No. 11, by Residence Street.

No. 12, by Residence Street.

No. 13, by Residence Street.

No. 14, by Residence Street.

No. 15, by Residence Street.

No. 16, by Residence Street.

No. 17, by Residence Street.

No. 18, by Residence Street.

No. 19, by Residence Street.

No. 20, by Residence Street.

No. 21, by Residence Street.

No. 22, by Residence Street.

No. 23, by Residence Street.

No. 24, by Residence Street.

No. 25, by Residence Street.

No. 26, by Residence Street.

No. 27, by Residence Street.

No. 28, by Residence Street.

No. 29, by Residence Street.

No. 30, by Residence Street.

No. 31, by Residence Street.

No. 32, by Residence Street.

The preceding magis-  
trate in the Court will  
please hear and determine  
the case in my absence  
H. McMahon  
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

*Daniel McLaughlin and John Kelly*

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

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

The said *Daniel McLaughlin and John Kelly*

late of the City of New York, in the County of New York aforesaid, on the *twentieth* 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*, in the peace of the said People then and there being, feloniously did make an assault; and,

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

*in due presence and* 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* and by putting *him in fear of some injury to his person* then and there violently and feloniously did rob, steal, take and carry away, *the said*

*Daniel McLaughlin and John Kelly*, and each of them, *severally then and there 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.

*D. J. McLaughlin*  
*District Attorney*

0398

(522)

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Daniel McLaughlin*  
*and John Kelly*

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

indictment, accuse *Daniel McLaughlin*

*and John Kelly* —

of the crime of *Assault in the first degree,*

committed as follows:

The said *Daniel McLaughlin*

*and John Kelly* —

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

*Twenty-fifth* 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, willfully and feloniously*  
*did make an assault, and threw the*  
*said James Cunningham into the waters.*

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,

District Attorney



0400

**BOX:**

450

**FOLDER:**

4145

**DESCRIPTION:**

McGuire, John

**DATE:**

09/23/91



4145

Witnesses:

Michael Barry

Counsel,

Filed day of Sept - 1891

Pleads *Property*

THE PEOPLE

vs.

*R*

John McGuire

Grand Larceny, Second Degree, [Sections 528, 58, 536 Penal Code]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. Berry  
Foreman.

*[Signature]*

John D. Davis. P.M.

0402

Police Court

5 District.

Affidavit—Larceny.

City and County } ss:  
of New York, }

of No. Mustard Ave & 189<sup>th</sup> St Street, aged 46 years,  
 occupation Saloon being duly sworn,  
 deposes and says, that on the 4<sup>th</sup> day of July 1898 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

1898

Police Justice.

0403

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

*John McGuire* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h<sup>e</sup> right to  
make a statement in relation to the charge against h<sup>e</sup>; that the statement is designed to  
enable h<sup>e</sup> if he see fit to answer the charge and explain the facts alleged against h<sup>e</sup>  
that he is at liberty to waive making a statement, and that h<sup>e</sup> waiver cannot be used  
against h<sup>e</sup> 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 - 2 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

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 Reverend

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 J. J. [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

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Michael Garry

vs.  
John M. Guire

2.....

3.....

4.....

Officer

Officer

Dated July 7 1891

Whit Magistrate.

Leary Officer.

Witnesses Mrs. Barrett Precinct.

No. 14 Edg 10th St.

No. 14 Edg 10th St.

No. 14 Edg 10th St.

No. 14 Edg 10th St.

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No. 14 Edg 10th St.

No. 14 Edg 10th St.

No. 14 Edg 10th St.

No. 14 Edg 10th St.

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.



a ~~very~~ ~~kind~~ ~~and~~  
~~an~~ ~~interesting~~ ~~and~~  
~~interesting~~ ~~and~~ ~~you~~ ~~be~~  
~~in~~ ~~kind~~ ~~as~~ ~~to~~ ~~inform~~  
 me if you feel disposed  
 to give me ~~the~~ ~~pleasure~~  
 of going to the ~~place~~ ~~of~~  
 your ~~trip~~ ~~to~~ ~~go~~ ~~to~~  
 I am ~~hope~~ ~~to~~ ~~have~~ ~~much~~  
~~longer~~ ~~will~~ ~~be~~ ~~at~~  
~~the~~ ~~place~~ ~~to~~ ~~be~~ ~~at~~  
~~returning~~ ~~from~~ ~~the~~ ~~place~~  
 I am ~~for~~ ~~the~~ ~~place~~  
 has been ~~much~~ ~~improved~~  
~~since~~ ~~it~~ ~~was~~ ~~here~~  
 & the ~~kind~~ ~~of~~ ~~humanity~~  
 show your ~~kindness~~ ~~to~~  
 believe ~~that~~ ~~you~~ ~~pray~~ ~~for~~  
 you  
 your old friend  
 John McQuinn

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 un-  
satisfied (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*

*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 per-  
sonal 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



Witnesses:

*Wm Croston*

Counsel

Filed

day of Sept. 1891

Pleas

THE PEOPLE

vs.

*Thomas McGinnis*

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*W. J. Berry*

Foreman.

*Handwritten 2 day*

*5 No. 11, 1891*

Police Court—2—District.

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

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)  
Thomas McGuire  
Police Justice.

0412

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Thomas M. 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 M. 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.

*Longwood*

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 M. Guire*

Taken before me this

10

day of September 1891

*John J. 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 B. S. Crook.

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  
very

D. L. Shea M.D.  
House Surgeon

Amb. Surgeon.



04 15

St Vincent  
Hospital  
New York Aug 25/91  
William Rositer 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<sup>nd</sup> DISTRICT.

Patrick F. Hunt

of No. 9<sup>th</sup> Macmillan Street, aged \_\_\_\_\_ years,  
 occupation Officer being duly sworn deposes and says,  
 that on the 25<sup>th</sup> 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 complainant  
 of William Rositer who is now confined  
 at St. Vincent's Hospital from the effect of  
 such injuries. Dependent further says that  
 further complaint for assault was made  
 against said McGuire by Arthur Johnston  
 and Harry Krusen. Dependent says that  
 said Krusen and Johnston are material  
 witnesses for the people and he therefore says  
 that they be committed to the custody of  
 the Court.

Sworn to before me, this

of August

1891

day

Police Justice

0417

TORN PAGE

Dependant further says that John Higgins James Murray  
John Kelly and Dominick 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 dependant that said persons were  
innocent and that they had nothing to do with said assault  
on him. Patrick F. Hunt  
Dated before me this }  
25 day of August 1891 }  
Patrol Justice

Police Court, 2 District,

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

J. P. McGinn

Dated August 27 1891

John Magistrate.

Hunt Officer.

Witness, Antonio Johnston

Charles Johnston

Harry Krasen

Charles Johnston

Disposition,

Held to answer the same

\$100 fine

1000 Paid 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 1<sup>st</sup> 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.



04 19

1205

Police Court--- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm Rosortey  
314 E. 113th St  
Thomas McQuire

Assault  
Felony  
Offence

2  
3  
4

Dated Sept 10 1891  
Kelly  
Hunt  
Magistrate.  
Officer.  
Precinct.

Witnesses Antone Johnson  
No. 201 East 100th St.  
Harry Krison  
No. 1200 Chestnut St.  
Street.

No. 500  
\$ 500  
to answer  
Street.

& Com. Ant 1

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.

*Shurt*

September 24th, 1891.

The People  
vs.  
Thomas Magnia

*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 <sup>F</sup>~~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 *GA*

**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 *24<sup>th</sup>* of  
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:

*Rachan Selchostem*

Counsel,

Filed

day of *Sept.* 189*7*

Pleads

THE PEOPLE

Grand Jury

(From the Person.) Penal Code.]

Grand Larceny, 1st Degree.

*George McKean*

JOHN R. FELLOWS

*Dist. Attorney.*

*2nd Grand Larceny 2nd Deg*

*Elmore Ref.*

A True Bill.

*W. J. Berry*

*Foreman*

*Grand Jury*



0425

Police Court

3<sup>rd</sup> 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 23<sup>rd</sup> 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 4 30 o'clock  
 A.M. of said day deponent felt a tug at his  
 Watch Chain attached to deponents vest which  
 he then wore on his person, the above the  
 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

23<sup>rd</sup> day

Police Justice.

0426

Sec. 198-200.

3<sup>21</sup>

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Taken before me this

28th

day of

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 ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give sure bail,

Dated August 23<sup>rd</sup> 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---

3<sup>rd</sup>

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Nathan Silberstein  
172<sup>nd</sup> Henry  
George McKay

1

2

3

4

Offence  
Larceny from  
the Person

Dated

August 23<sup>rd</sup> 1891

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

1000

to answer

9.8

com

G. H. 1  
Person

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

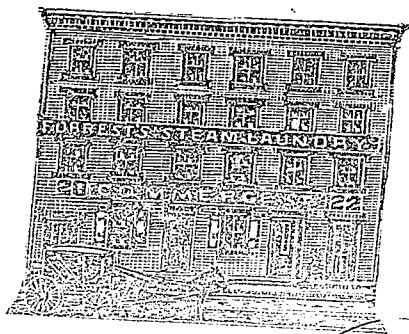
No. 4, by

Residence

Street.



0429



New York, August 11<sup>th</sup> 1881  
To Whom it may concern

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

J. H. Forrest  
No 20 1/2 Commerce St  
New York



# 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-ninety-one~~, in the *right* 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.

*Re Lamey Nicoll,  
 District Attorney*

0431

**BOX:**

450

**FOLDER:**

4145

**DESCRIPTION:**

McKee, John

**DATE:**

09/10/91



4145

0432

Witnesses:

Martin Harris

Quint Stock

Jack Cornick

but OK for

*[Signature]*

Counsel,

Filed

Pleads,

189

20

THE PEOPLE

192 *[Signature]*

Grand Larceny Second Degree.

[Sections 528, 587 — Penal Code.]

John McNeer

DE LANCEY NICOLL,

District Attorney.

*[Signature]*

A True Bill.

*[Signature]*

Sept 16, 1891.

Foreman.

True and Correct.

18

0433

Police Court

2 District.

Affidavit—Larceny.

City and County } ss:  
of New York,

of No. 165 W 25<sup>th</sup> Street, aged 50 years,  
 occupation Drunk man  
 deposes and says, that on the 12<sup>th</sup> 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 his place of Franklin Street  
 to collect some goods and when he  
 returned said property was missing.  
 Deponent is further informed by  
 Dwight Stout that the defendant came  
 to his stable at number 463 Delancey  
 Street in this City with 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

of

1891

day

Police Justice.

0434

with witnesses 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  
17<sup>th</sup> day of August 1891 }

*Wm. H. Jones* Police Justice



0435

CITY AND COUNTY }  
OF NEW YORK, } ss.

Jewitt 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, } W. C. Stout

E. H. [Signature]  
Police Justice.

0436

CITY AND COUNTY }  
OF NEW YORK, } ss.

*James Bennett*  
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

day of

*17*  
*August* 189*0*

*J. E. Bennett*  
Police Justice.

0437

Sec. 198-200.

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

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.....

*Stefanum*  
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..... *Sept 21* 18..... *Stefanum* 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 234 St  
John McKie

1  
2  
3  
4

Offence

Dated August 17 1891  
H. J. Magistrate.  
Wm O'Hara Officer.  
15 Precinct.

Witnesses James Bennett

No. 209 Varick Street.

Dewitt Stou

No. 192 River St.

Lana Brown

No. 32 Chrysler St.

\$ 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 E.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 asked 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. 66 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 Elecker 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.



6.

Q You closed the tail-board of the cart, as he said ?

A Yes, sir.

Q And you saw him go down to the end of the dock, as he has testified ? A Yes, sir; to the Yonkers boat.

Q While he was down there, what became of the horse and wagon ? A An officer took it from the position it was in and left it over to the other side of the dock.

Q Where did you go to from there ? A I went on my own business. I worked for a man named A. P. Jersey on that dock. I bought the horse and wagon from a man on the Old Dominion Dock, which is a short distance away from the dock at the foot of Franklin Street.

Q You took this horse and harness to the colored man Stout ?

A Yes, sir; just as he has testified.

Q And you asked him if he could keep him over night ?

A Yes, sir.

Q You bought the horse and paid money for it ? A Yes, sir; I paid the money to a man named Brown.

Q What work does Brown do ? A He works anywhere.

Q Does he use a horse and wagon ? A No, sir.

Q You never knew him to have a horse and wagon ? A Yes, sir. I knew him to have property in his possession at different times.

The Jury returned a verdict of "guilty of grand larceny in the second degree".

Inq. of Court 177 eq. Feb. 10, 1881

CONF. OF CRIMINAL DECISIONS

Isid. 111.

0446

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.

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 dol-  
lars 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.

DELANCEY 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.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. Berry

Foreman.

Sept 27/91  
Henderson  
Ed. Ref. 97

0451

POOR QUALITY  
ORIGINAL

Witnesses:

James E. Gallagher  
Off. Sicks  
24"

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Harry Mc Lee

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

DE LANCEY NICOLI,

District Attorney.

A TRUE BILL.

W. J. C. Berry

Foreman.

Sept 27/91  
Hend. J. C. Berry  
El Ref 97

0452

(1365)

Police Court—5 District.

Affidavit—Larceny.

City and County } ss.  
of New York,

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 Larry McLee (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  
Quetars Pick of the 37<sup>th</sup> Precinct  
 said defendant admits and  
 confesses that he did take, steal  
 and carry away said Watch and  
Chain, James E. Gallagher

Sworn to before me this 5 day of Sept 1891

of

Police Justice.

0453

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

*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. *None*

Question. What is your business or profession?

Answer. *Porter*

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

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 Defendant

Paul guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One 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 6 188 [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.



0455

Police Court 15 District 1176

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James E. Sadler*  
*1580 2nd Avenue*  
*vs.*  
*Harry M. Reed*

1  
2  
3  
4

Dated Sept 16 1891

*White* Magistrate

*Dick* Officer.

27 Precinct.

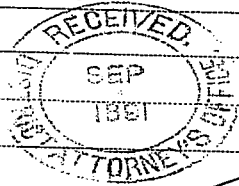
Witnesses *Call Officer*

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 5.00 to answer *Call*



*(Signature)* *92*

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

0456

505

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

of the CRIME OF GRAND LARCENY IN THE  
as follows:

The said

*Harry Mc Lee*

DEGREE, committed

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.

*W. 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

Witnesses:

*Henrietta Cressing*  
*Henrietta Cressing*

Counsel,

Filed

day of

1891

Pleaded

THE PEOPLE

vs.

I

*Peter M. Mahon*

I

*George Werschemmuller*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*W. J. O'Brien*

Foreman.

*W. J. O'Brien*

*Read & Jury 2 day*

*Apr 192 - 20*

*7 pm*

Section 26 of the  
Judiciary Act of 1891  
and 382.



0460

Police Court 2<sup>nd</sup> District.City and County } ss.:  
of New York,of No. 349 West 38<sup>th</sup> Street, aged 31 years,  
occupation Housekeeper being duly sworndeposes and says, that the premises No 349 West 38<sup>th</sup> Street,  
in the City and County aforesaid, the said being a Three story Brick  
Tenement Building  
and which was occupied by deponent as a Tenementand 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 Openinga 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 Corn.  
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 byPeter M. Mahon and George Rosenmuller 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 21<sup>st</sup> day of August deponent shut the  
Windows of said room on the 2<sup>nd</sup> 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 Rosenmuller standing in  
her room, and on deponent making an outcry

said defendant ~~Miss~~ pushed out of the door of said room into the Hall, and locked the door of said room on the outside with the key of said room - thereby locking defendant and her children in said Room - and that defendant immediately missed said property from a Dress - which defendant had placed on a Chair before going to bed - and that defendant is further informed by Martha Wohlerabe of No 349 West 3rd Street - that between the hours of 2<sup>nd</sup> and 3<sup>rd</sup> o'clock A.M. of the aforesaid date she saw the defendants - in company together - push out of defendant's room - and down the stairs of said house and into the street - Defendant therefore charges the defendants while acting in concert with each other in having committed a Burglary and asks that they may be held and dealt with as the Law may direct -

Sworn to before me this } Emmelle Prussing  
1<sup>st</sup> day of September 1891  
J. M. Keefe  
Police Judge

Police Court	District.
THE PEOPLE, &c., ON THE COMPLAINT OF	
Burglary	
Dated	188
Magistrate.	
Officer.	
Clerk.	
Witnesses:	
Committed in default of \$	Bail.
Bailed by	
No.	Street.

0462

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

day of September 1890,

Martha Wohlrabe

John S. Keely  
Police Justice.

0463

Sec. 198-200.

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.

*Student*

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

day of

1889

John S. Kelly

Police Justice.

0464

Sec. 199-200.

CITY AND COUNTY  
OF NEW YORK,

2 District Police Court.

*George Haussenmuller* 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 Haussenmuller*

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 Haussenmuller*

Taken before me this

day of

189

John Steele  
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

Ben 2000 1 91 John S. Keefe  
guilty thereof, I order that they be held to answer the same and they 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 they give such bail.

Dated September 1 1891 John S. Keefe Police Justice.

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

Dated 1 1891 John S. Keefe Police Justice.

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

Dated 1 1891 John S. Keefe Police Justice.

0466

Police Court---

1154  
2 District.

THE PEOPLE &c.,  
ON THE COMPLAINT OF

*Marietta Pussong*  
*Peter M. Mahon*  
*George Haussenmader*

Offence

DAILED,

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* 189*9*

*Kelly* Magistrate.

*Lamson* Officer.

*Do* Precinct.

Witnesses *John M. Chni*

No. *311 West 38* Street.

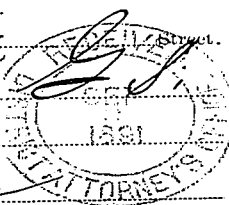
*Martha Wohlrabe* Street.

No. *349 West 38*

No. *2000* 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 McMahon*  
and  
*George Wairrenmiller*

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

*Peter McMahon and George Wairrenmiller*  
of the CRIME OF BURGLARY in the *first* degree, committed as follows:

The said *Peter McMahon and George Wairrenmiller*, 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*

*Crummey* —

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 Crummey*.

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,  
take and carry away, *the said Peter McMahon*  
*and George Wairrenmiller*, 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

0468

SECOND COUNT—

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

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

The said *Peter McMahon 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 Grand Jury  
aforesaid unknown, to the value of  
eighty five cents,*

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

in the dwelling house of the said *Henrietta Crussing*

there situate, then and there being found, from the dwelling house aforesaid, then and there felon-  
iously 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.

*Deane M. Moll,  
District Attorney*

0469

**BOX:**

450

**FOLDER:**

4145

**DESCRIPTION:**

McNish, Thomas F.

**DATE:**

09/21/91



4145



Witnesses:

*Audrick Torway*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Counsel,

189

Filed day of *Sept.*

Pleads,

*W. J. Berry*

THE PEOPLE

vs.

*2*

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

*Thomas V. Mallish*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*W. J. Berry*

*W. J. Berry*  
*Attorney*

*Spec. Delivered*

*W. J. Berry*  
*day - present*

*Ed. J. G. G. G.*  
*24/94*

0471

Police Court-- 3 District.

CITY AND COUNTY } ss  
OF NEW YORK,

Siedrich Kobler  
 of No. 234-E-5<sup>th</sup> Street, Aged 40 Years  
 Occupation Signor Dealer being duly sworn, deposes and says, that on the  
 3<sup>rd</sup> 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 McNish (now here) and two  
 other persons not yet arrested, acting in  
 concert with each other, for the reasons  
 following to wit, on said date, <sup>about the hour of 1 o'clock a.m.</sup> deponent  
 was in East 5<sup>th</sup> Street, and the said chain  
 was attached to a watch in the ~~coat~~ 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  
 188

Police District

0472

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 *Diedrich Kohlmeier*

Sworn to before me  
this 3<sup>rd</sup> day of September 1891

*Sam Murray*  
Police Justice

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

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—ROBBERY

vs.

1

2

3

4

Dated

1888

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 Diédrick 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. Murray  
Police Justice.

0474

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK,

3 District Police Court.

Thomas Mc Nish

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. 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

3

day of September 1891

J. M. Mc Nish

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* *Henry J. ...* 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

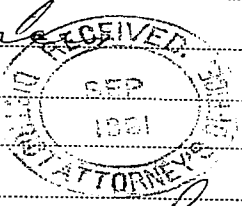
Diedrich Kohway  
234 vs. E 5<sup>th</sup>  
Thomas McKish

Robbery

2  
3  
4

Dated Sept 3 1891  
Murray Magistrate.  
Jimme Officer.

14 Precinct.  
Witnesses Charles Smelling  
No. 30 Rivington Street.

aff.   
No. Street.

No. 1800 to answer G. S.  
Com

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

The People  
vs  
Thomas J. 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 ~~Tenth~~<sup>Fifth</sup>  
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 stoop and  
some one of the three came rushing  
up to us and he put me down  
on the stoop. 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 commenced to hallow "Police", and the three ran away. The defendant ran towards the Boverly and the others ran toward Second Avenue. I ran after the defendant and halloed "Police". The policeman was standing in the corner of the Boverly 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 M. Kish 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

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 3<sup>d</sup> of Sept, the night I  
 took Mr. Koboway home; it was about



a quarter to one o'clock. That night I was attending the old man's <sup>fruit</sup> 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 Mr. 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 says, 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 says, 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 <sup>gold</sup> 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 Catland street near Church St. I worked there two or three months. Before that I worked for Mr. Eustuck, 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 ~~Fifth~~<sup>Fourth</sup> 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 wake 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 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 Tyrone, 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 <sup>witness in this case</sup> ~~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. I 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 by 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 Kintworth street back and  
 sat there a while. When I was going  
 down Second Avenue I thought I would go  
 through Fifth street and crossed 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 ways down the block and the  
 man said, "That is the boy." That is all  
 I know about the case. I am quite pos-  
 itive I had nothing to do with the com-  
 mission 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 an hour after I left my door; I live at 65 East Houston St. ~~Cross~~ Examiner. 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 2<sup>nd</sup> 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 Fifth 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 Fifth 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<sup>c</sup> 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.

0489

Testimony in the  
case of  
Thomas J. McNeish

filed Sept.

1891

3018



# 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 B. McVick*

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

*Thomas B. McVick*

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

The said *Thomas B. McVick*,

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*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Diadina Holmberg* in the peace of the said People then and there being, feloniously did make an assault; and

*one chain of the value of*

*forty five dollars,*

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

*Thomas B. McVick* being then and there aided by an accomplice actually present, whose name is to the Grand Jury 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. Dancy Hill,*  
*Attorney*