

0427

BOX:

92

FOLDER:

1001

DESCRIPTION:

Karlberg, Frank

DATE:

02/07/83



1001

0428

BOX:

92

FOLDER:

1001

DESCRIPTION:

Karlberg, Frank

DATE:

02/07/83



1001

0429

W.D.

Day of Trial,

Counsel,

Filed, 7 day of Feb 1883

Pleads

THE PEOPLE

vs.

Frank O. Harrison

Assault in the First Degree.

JOHN MCKEON,

District Attorney.

A TRUE BILL.

William H. McKeon

Feb 13/83

Foreman.

Proced. & acquitted.

0430

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Frank O. Harberg

The Grand Jury of the City and County of New York, by this indictment, accuse *Frank O. Harberg*

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

The said *Frank O. Harberg*

late of the City of New York, in the County of New York, aforesaid, on the *twenty seventh* day of *January* in the year of our Lord one thousand eight hundred and eighty *three* with force of arms, at the City and County aforesaid, in and upon the body of *August P. Ploghof* in the peace of the said people then and there being, feloniously did make an assault and *in* the said *August P. Ploghof* with a certain *gunshot* which the said *Frank O. Harberg*

in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, *bruise* and wound with intent *in* the said *August P. Ploghof* 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

Frank O. Harberg

of the CRIME OF Assault in the Second Degree, committed as follows:

The said *Frank O. Harberg*

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 *August P. Ploghof* then and there being, feloniously did, willfully and wrongfully, make an assault and *in* the said *August P. Ploghof* with a certain *gunshot* which the said *Frank O. Harberg*

in his right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, *bruise* and wound *thereby inflicting grievous bodily harm* upon the said *August P. Ploghof*

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

JOHN McKEON, District Attorney.

0431

BAILED.

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

Police Court 1st District 1st

THE PEOPLE, &c.,
ON THE COMPLAINT OF

August P. Healy
127 Washington St.
Frank O. Karlberg

1. Frank O. Karlberg
2. _____
3. _____
4. _____

Offence Felonious Assault & Battery

Dated 28 January 1883
Edward B. Ford Magistrate.
Edward B. Ford Precinct. 27

Witnesses _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
\$ 500 to answer 18
Quinn

JAN 29 1883

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 Frank O. Karlberg

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 28 Jan'y 1883 Jeffery M. M. Police Justice.

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

Dated _____ 1888 _____ 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 _____ 1888 _____ Police Justice.

0432

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

Frank O Karlberg 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.

Frank O Karlberg

Question. How old are you?

Answer.

35 years

Question. Where were you born?

Answer.

Sweden

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

Answer.

127 Washington St 3 days

Question. What is your business or profession?

Answer.

Sailor

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
F. O. Karlberg

Taken before me this
day of

1883

Police Justice.

0433

Police Court—First District.

CITY AND COUNTY
OF NEW YORK, { ss.

August Ploghoff aged 38 years
~~occupation~~ Sailor Boarding Housekeeper No 127 Washington Street,

being duly sworn, deposes and says, that
on Saturday the 27 day of January
in the year 1883 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Frank C. Karberg
(now here) who did wilfully and feloniously
strike deponent one violent blow on
the face with a stung stick then and
there held in his hand causing a
painful wound

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

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

Sworn to before me, this 28th day of Jan 1883

J. Henry Dill POLICE JUSTICE.

August Ploghoff

0434

BOX:

92

FOLDER:

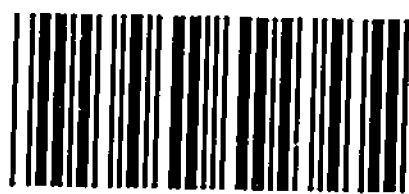
1001

DESCRIPTION:

Keenan, John

DATE:

02/20/83



1001

Feb'y 23rd 1883
On the statement filed
herein from the Board
of Excise I recommend
that the license be dismissed
A. R. Williams
Apt. Sec'y aty

90780

Day of Trial,
Counsel,
Filed *23* day of *Feb'y* 1883
Pleads

THE PEOPLE
vs.
B
John Sherman
Violation of Excise Law.
Selling without License.

JOHN MCKEON,
District Attorney.

A TRUE BILL.

William H. Murphy
Feb'y 23rd 1883 Foreman.
Document dismissed

0435

0436

Court of General Sessions of the Peace

and County
OF THE CITY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

John Deenan

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

of the CRIME of *Selling Spirituous Liquors without a License*, committed as follows:

The said *John Deenan*

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *ninth* day of *September* in the year of our Lord one thousand eight hundred and eighty *three*, at the Ward, City and County aforesaid, certain strong and spirituous liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one time, to

~~and to~~ certain other persons whose names are to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

JOHN McKEON, District Attorney.

0437

POLICE COURT

2

DISTRICT.

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

the Of Police Precinct Thomas Burleigh
of No. 9 Street

of the City of New York, being duly sworn, deposes and says, that on the 9 day

of February 1883 in the City of New York, in the County of New York.

At Premises No 470 West Street

a place where intoxicating liquors and wines are kept for sale, and sold as a beverage.

Keenan (now here) did then and there expose for sale, and did sell, caused

suffered, and permitted to be sold and given away, under his direction or authority, strong and spirituous liquors,

wines, ale and beer, being intoxicating liquors, in quantities less than five gallons at a time, to be drunk in the

house or premises aforesaid, contrary to and in violation of law.

WHEREFORE, deponent prays that the said John Keenan may

be arrested and dealt with according to law.

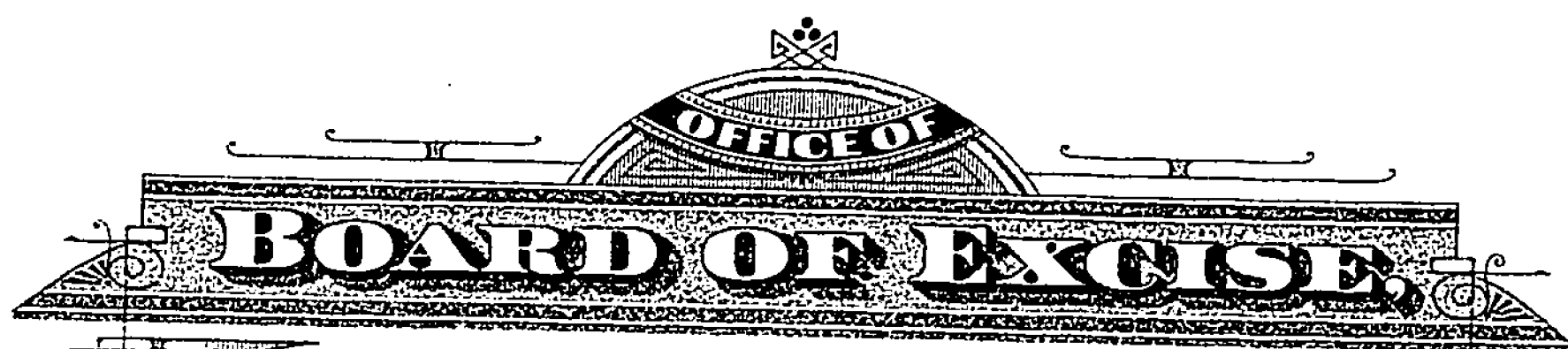
Sworn to before me this 10 day

of February 1883

Thomas Burleigh

Hugh Gorman Police Justice.

0438



54 BOND STREET, Corner Bowery.

New York, Feb 23 1883

This is to Certify that
Hugh Ward, 470 West St.
made application for a License to
this Board on Feb 7th 1883
that said License was issued
by this board Feb 10th 1883

P J Carley
Chief Inspector

0439

John Kenna

0440

BAILED.
No. 1, by John McKeever
Residence 388 West Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court 2 District 113

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas G. Keenan

John Keenan

Offence Violation
Scene Law

Dated February 10 1883

Magistrate
Thomas G. Keenan Officer.
9 Precinct.

Witnesses

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 100 to answer

Bailed

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 John Keenan

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 February 10 1883 Hugh G. Keenan Police Justice.

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

Dated Feb 10 1883 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0441

Sec. 198-200.

2 DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Keenan 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 Keenan*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *235 Varian Street Jersey City - about one year*

Question. What is your business or profession?

Answer. *Work for Mr. Wara who keeps the liquor store*

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*

John Keenan

Taken before me, this *10*
day of *February* 188*8*

Hugh Garman Police Justice.

0442

BOX:

92

FOLDER:

1001

DESCRIPTION:

Kehoe, Anthony

DATE:

02/07/83



1001

0443

May 7
Filed *7* day of *Feb* 188*3*
Pleas *Property*
THE PEOPLE
vs.
Andrew Devere
(Grand Jury)
ASSAULT AND BATTERY

JOHN McKEON,
District Attorney.

A True Bill.

William H. Phelps
Foreman.

Recd 19th Feb/87

0444

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Anthony Delore

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

Anthony Delore
in the third degree
of the CRIME OF ASSAULT ~~AND BATTERY~~, committed as follows:

The said *Anthony Delore*

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the ~~twenty ninth~~ *thirty* day of *January* in the year of our Lord
one thousand eight hundred and eighty ~~three~~ *three* at the Ward, City and County
aforesaid, in and upon the body of *John McKeon*
in the peace of the said people then and there being, with force and arms, unlawfully
did make an assault and *beat* the said *John McKeon*
did then and there unlawfully beat, wound and ill-treat, to the great damage of the
said *John McKeon* and against the peace of the
People of the State of New York, and their dignity,

JOHN McKEON, District Attorney.

0445

84

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John M. E. Jones
1859 2nd Flr.

Anthony Reine

Offense Assault and Battery

Dated January 30 1883

Magistrate.

William L. Brown Officer.

No. 4, by 19 Precinct.

Residence Street.

No. 415 East 15th Street.

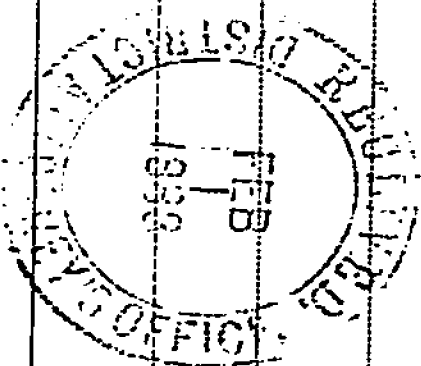
Witnesses

No. Street.

No. Street.

\$ 100 to answer

James Allen



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 Anthony Reine

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 January 30 1883 Police Justice.

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

Dated Jan 31 1883 Police Justice.

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

Dated 188 Police Justice.

0446

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

4

District Police Court.

Anthony Kehoe 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. Anthony Kehoe

Question. How old are you?

Answer. 40 years.

Question. Where were you born?

Answer. New York City

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

Answer. 742 Second Avenue; about five months

Question. What is your business or profession?

Answer. Keeper at Blackwells Island -

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 deny having assaulted John M. Lyons;

Anthony Kehoe

Taken before me this

day of

[Signature]

Police Justice.

0447

Police Court—7 District.STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss

of No

1859-2ndJohn M. Lynn, aged 22 years
Avenue Street.being duly sworn, deposes and says, that
on Monday the 29th day of Januaryin the year 1883, at the City of New York, in the County of New York, on a car of no26 of the Second Avenue Horse Car line, while passing
an Second Avenue
he was violently ASSAULTED and BEATEN by Anthony Kehal; (now here)who then and there, and while this deponent was in the
discharge of his duty as a conductor on said Car; did violently
and forcibly grasp deponent's throat with his said Kehal's
hand; thereby preventing deponent from per-
forming his duty, as such conductor and did so assault
and beat deponent
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 the above assault, &c, and be dealt with according to law.

Sworn to before me, this

30th

day of

January1883[Signature]

0448

1898

Filed 7 day of Feb 1883
Pleas *Indemnit*

THE PEOPLE
vs.
B
Indemnit
(no error)

ASSAULT AND BATTERY
in the Grand Jury

JOHN McKEON,
District Attorney.

A True Bill.

William H. Phelps
Foreman.

Off - 1-1-10

0449

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Anthony Delno

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

Anthony Delno
in the third degree
of the CRIME OF ASSAULT ~~IN THE THIRD DEGREE~~, committed as follows:

The said *Anthony Delno*

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the *twenty ninth* day of *January* in the year of our Lord
one thousand eight hundred and eighty *three* at the Ward, City and County
aforesaid, in and upon the body of *Men Chan*
in the peace of the said people then and there being, with force and arms, unlawfully
did make an assault and *kill* the said *Men Chan*
did then and there unlawfully beat, wound and ill-treat, to the great damage of the
said *Men Chan* and against the peace of the
People of the State of New York, and their dignity,

JOHN McKEON, District Attorney.

0450

~~TO THE CHIEF CLERK!~~

~~SEND ME THE PAPERS IN THE CASE OF~~

PEOPLE

vs.

Arthur Kehoe

*Will you please
continue this
case until
the March 7
the parties wish
to settle by Court
of Court
J. W. O'Brien
Feb 13. 83*

0451

Court of General Sessions, Part One

THE PEOPLE

INDICTMENT

For

Anthony Kehoe

To

vs Patrick Craig

No. 585

2nd Ave.

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for trial at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on Friday the 27th day of April instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

JOHN McKEON,

District Attorney.

0452

Robert Craig
585 2nd St.

82

0454

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Anthony Kehoe 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.

Anthony Kehoe

Question. How old are you?

Answer.

40 years

Question. Where were you born?

Answer.

New York City

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

Answer.

742 Second Avenue, about six months

Question. What is your business or profession?

Answer.

Keeper on Blackwells Island

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

Anthony Kehoe

Taken before me this

30

day of

1887

John J. McLaughlin

Police Justice.

0455

Police Court—Fourth District.

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

Queri Flaccan, aged 26 years
a driver in the employ of Second Avenue Car
of No. car rail road Company, residing at No 415
East 15th Street,

being duly sworn, deposes and says, that
on Monday the 29 day of January
in the year 1883 at the City of New York, in the County of New York, and at the car
No 26 of said horse car line,

he was violently ASSAULTED and BEATEN by *Anthony Kehue* (now here)
who then and there feloniously aimed and
pointed and attempted to discharge a
pistol loaded with gunpowder and lead,
at deponent's body; said pistol then
being held in the hand of said
Anthony Kehue, and that said Kehue
did so assault deponent

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

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

Sworn before me, this 30 day

[Signature]
Police Justice.

Queri Flaccan

0456

BOX:

92

FOLDER:

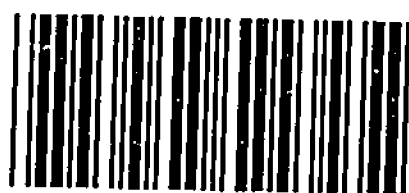
1001

DESCRIPTION:

Kelly, Emma

DATE:

02/27/83



1001

0457

W 325

Counsel,
Filed 27 day of *Feb* 1883
Pleads *Not Guilty* 18

THE PEOPLE
vs.
Emma Reed
27th
27th
Grand Larceny, *Reed* degree, and
Receiving Stolen Goods.

JOHN McKEON,
22 Mar 19/83 District Attorney
pleads 22 dy.
A True Bill. Pen 3 months
William H. McKee
Foreman.

OFF

0458

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Emma Kelly

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

Emma Kelly

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

The said Emma Kelly

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
22nd ~~on the~~ day of *February* ~~January~~ in the year of our Lord one thousand eight hundred and
eighty-*three* ~~two~~, at the Ward, City and County aforesaid, with force and arms
in the night time of said
day, one watch of the value
of thirty dollars, and one
chain of the value of twenty
dollars

of the goods, chattels and personal property of one *Joseph B. Berdee* ~~then and there being found~~ *from the person of the*
said Joseph B. Berdee ~~then and there being found~~ *from the person of the*
of the said Joseph B. Berdee ~~then and there being found~~ *from the person of the*
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.

0459

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

Emma Kelly

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

The said

Emma Kelly

late of the First Ward of the City of New York, in the County of New York
aforesaid, on the ~~twenty~~ *thirteenth* day of ~~February~~ *January* in the year of our Lord
one thousand eight hundred and eighty-~~three~~ *three*, at the Ward, City and County
aforesaid, with force and arms

*one watch of the
value of thirty dollars, and
one chain of the value of
twenty dollars*

of the goods, chattels and personal property of

Joseph B. Berdee

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

Joseph B. Berdee

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

Emma Kelly

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

JOHN McKEON, District Attorney.

0460

G. K. LANSING, Manager.

ALLEN & DAM, Proprietors.

ASTOR HOUSE.

ON THE EUROPEAN PLAN.

BROADWAY & VESEY ST.

New York, Aug. 27 1883

Dear Col

Very much interested in the
Prisoner who has been
detained the other night
+ for stealing which Charles
Reed has been indicted +
to be tried to day is very
much worried about the matter
+ does not want to prosecute
the matter, on account
of the publicity that would
follow as he has been
watched.

Will you do me
the kindness to let me
know (as to release his
name) what can be
done to get his name out of

0461

rest Please send ~~the~~
by the bearer, ~~the~~
further

John
H. Quincy

0462

BAILED.

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

Police Court District.

1872

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard B. Moore
vs
Emma Kelly

1 *Emma Kelly*
2
3
4
Offence *Larceny*

Dated *February 22* 188*9*

Magistrate.

Officer.

Precinct.

Witnesses

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

\$ *held* to answer

Arthur Paul

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 *Emma Kelly*

guilty thereof, I order that *she* be held to answer the same and ~~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 *February 22* 188*9* *Arthur Paul* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0463

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

125 District Police Court.

Emma Kelly being duly examined before the undersigned, according to law, on the annexed charge, and being informed that it is h er right to make a statement in relation to the charge against h er; that the statement is designed to enable h er 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 er waiver cannot be used against h er 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 - The
Complainant gave me the property

Emma Kelly
mark

Taken before me this
day of January 1889

Charles J. Smith
Police Justice.

0464

CITY AND COUNTY }
OF NEW YORK, } ss.

John McKinley
aged 28 years, Occupation Police Officer of No. 27th Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Joseph B. Gaudin
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 22

day of February 1889

John McKinley

Arthur J. White
Police Justice.

0465

J.P.

District Police Court.

Affidavit Larceny.

CITY AND COUNTY OF NEW YORK ss.

of No. *384 1/2 1st Ave New York* being duly sworn, deposes and says, that on the *22* day of *February* 188*3* at the *1st Ward* City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent *+ from his person in the night time* the following property, viz :

One Gold Watch & Chain of the Value of Fifty 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 *Ed*

the fact that Emma Kelly (now here) from by Officer McQuinn of the 25 Precinct that he found the property described in the possession of said Emma Kelly

Ed Quinn

Sworn before me this

22 day of *February*

188*3*

Police Justice,

0466

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Emma Kelly

Grand Larceny
(1st deg) and
Receiving Stolen Goods

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency 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.

A. J. Pushe

0467

BOX:

92

FOLDER:

1001

DESCRIPTION:

Kelly, Frank

DATE:

02/06/83



1001

Ex. 2. Carl. McKeon
 He says that
 he has known with
 1870s. Character and
 has not been able
 to ascertain anything
 of it. See apph.
 within.

See 1. 4. 1. Per

1883
 Day of Trial
 Counsel, *Spokane*
 Filed *17 Feb* 1883
 Pleads *Not guilty*
 THE PEOPLE
 vs.
Frank Dwyer
 A True Bill.
 JOHN McKEON,
 District Attorney.
Frank Dwyer
 A True Bill.
 William H. Clark
 1st. Clerk
 Feb. 20, 1883
 Foreman.
 1st. Clerk
 Feb. 20, 1883
 Foreman.

FORGARY—Third Degree,
 NOTHING STOLEN.

0469

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Frank Kelly

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

Frank Kelly

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

The said *Frank Kelly*

late of the *Twenty second* Ward of the City of New York, in the County of New York aforesaid, on the *twenty eighth* day of *January* in the year of our Lord one thousand eight hundred and eighty*one* with force and arms, at the Ward, City and County aforesaid, the *store* of *John McCord*

there situate, feloniously and burglariously did break into and enter the said *store* being then and there a building in which divers goods, merchandise, and valuable things were then and there kept for use, sale and deposit; the same being the goods, chattels, and personal property of *the said John McCord*

the said John McCord with intent the said goods, merchandise and valuable things in the said *store* then and there being then and there feloniously and burglariously to steal, take, and carry away

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

JOHN McKEON, District Attorney.

0470

Testimony in the
case of
Frank Kelly
filed Feb.
1883.

The People
Frank Kelly

Court of General Sessions, Part I
Before Recorder Smyth. February 16, 1883.
Indictment for burglary in the third degree.
John McCarty, sworn and examined, testified:
I live at 431 West Fifty sixth St.; my place of
business is at the corner of Fifty ninth St. cor-
ner of Eighth Ave. I keep a cigar store; on
the night of the 28th of January I left my store
about 10 1/2 o'clock and fastened the doors and
everything. There was between \$60 and \$70
worth of cigars and tobacco there. I was
woken up on the 29th about 3 o'clock in the
morning by Officer Mintz. I went round
to the store and found glass was broken
out of the cash window. I went round that
morning to the 49th St. station house
and made an affidavit and after that
I went to the 57th St. Court. I saw the prisoner
in Court. No property was taken from the store.
Cross Examined. The pane of glass was 22
inches ~~wide~~ and about three feet six deep.
John G. Mintz, sworn and examined,
testified. I am an officer of the 22nd Precinct.
My post on the 28th of January was on
the Boulevard from 59th to 63rd Sts. The
store of the complainant was not on my
post. I saw the prisoner that night. I
was on the corner of Fifty ninth St. and

0472

Eighth Avenue I saw a man. I watched him for a little while; by and by there was a kind of shed, he looked in the window and knocked on it; he looked again and saw nobody; he took his elbow and went for the window, the window did not give, he walked away halpa block towards Ninth Ave; he came back again and tried the window in the same manner. I stood perfectly still; he ran away and came back again the third time with something in his hand; he looked all around and he let the stone fly; it went through the pane of glass of the store; he went away and came back again and looked round and picked every bit of glass out of the frame and laid it carefully down. He then went in and as soon as he went in I jumped over across the street and hit him with the stick and put the rippers on. He tried to get back again through the glass. I got my hand badly cut. I took him out. I took him to the station house, but the prisoner said if he had a pistol I would never have got him. Cross Examined
I first saw the prisoner about two o'clock; he came from Ninth Ave.; he put his

0473

shoulder to the window. I had a clear view of him; he walked down Ninth ave. half way down the block and I suppose was away five minutes. I was on the opposite side of him. When he flung the stone he ran away. I did not go after him because I knew very well he would come back again; he did come back and went through the window. I jumped on his back when I went through the window; we had a tussle on the floor before I brought him out. When he saw who it was he thought to get away. There was no light in the store but there was a gas lamp on the curb. I met James McLoughlin, a watchman after I took the prisoner out. I went to the police Court the next morning and made an affidavit. I did not see him pick up a stone. Michael Tracy sworn and examined for the defence. I know the prisoner ten or fifteen years; the prisoner worked for me; I am building houses; he has been watching houses for me three or four months. I have never heard anything against him and so far as I know his character is good. I know this cigar store - a kind of a ranche - a very disreputable

0474

affair in my estimation. Patrick J. Burke,
 sworn and examined, testified. I reside 38 West
 Sixtieth St. I know the prisoner about seven
 years; he is a good, inoffensive, industrious
 boy to my knowledge. Patrick J. McGinn,
 sworn. I know the prisoner ten or twelve
 years; his character is generally good.
 Frank Kelly, sworn and examined in his
 own behalf. I live in Sixty Third St. and 8th
 ave., was born in the city, am now 24
 years old, am a watchman and have
 been employed by Mr. Tracey watching his
 buildings in Fifty ninth St. I know Officer
 Murty by sight. I broke this window on the
 night in question. I was on my way home
 about half past one o'clock. I picked up
 a stone and threw it at a black cat
 that was sitting under a stoop. I broke
 the window. I heard the door of the liquor
 store open behind me and he (the
 officer) came out and hit me. I did
 not say a word to him, and then he
 put the handcuffs on me on the side-
 walk. I did not want to run after break-
 ing the window because I was willing
 to pay for it; he walked me up to the
 window, pushed the window in and
 said, "I will fix you." The jury rendered
 a verdict of guilty of burglary in the third
 degree.

0475

Count of General Sessions

The People v

— against —

James Kelly

Attendants of the
Madison Parents

James Cushing
General Prose
7th Avenue St
My City

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

The People of the State of
New York against
Frank Kelly

affidavits.

State of New York }
City and County of New York }

Peter Kelly being duly sworn
deposes and says that he resides at Eighth Avenue
and 63rd Street in the City of New York and have
so resided for nearly twenty five years last past
deponent further says that his Son Frank Kelly
who was tried in the above named Court on the
16th day of February last, before Honorable Frederick
Smith Recorder and a Jury, and ~~convicted~~ who
was found guilty of Burglary in the Third Degree,
and is now awaiting sentence, was born at de-
ponent's present residence a little over twenty four
years ago. That said Frank Kelly resided with
his Parents and has never been married, that
he has always been of a very quiet easy disposition
and manner and very seldom kept any company,
Deponent further says that the said Frank Kelly,
his said Son, now in prison has never been arrested
for any cause, or for any crime, whatsoever, until
he was arrested under the present charge, and

0477

he has never been Confined in any prison, or
Institution, before he was imprisoned for the present
offence, and he ^{has} never been convicted of any
crime, or offence in any Court, or by any
Judge or Jury until he was found guilty of the
commission of the ^{crime} charged in the indictment,
and for which he is now awaiting Sentence
Sworn to before me this

day of February 1883

Wm. M. Clark
Clerk General

Peter Kelly

State of New York }
City & County of New York } ss

Mary Kelly

being duly sworn deposes and says that she
is the wife of Peter Kelly who makes the foregoing
affidavit, and that she is the mother of Frank Kelly
the prisoner named in said affidavit, that the foregoing
affidavit has been read to her and she knows the
contents thereof, and that the same is true in every
particular to the knowledge of deponent

Sworn to before me this 20th
day of February 1883

Wm. M. Clark
Clerk General

Mary ^{her} Kelly
Frank

0478

BAILED.

No. 1, by _____
Residence _____ Street _____

No. 2, by _____
Residence _____ Street _____

No. 3, by _____
Residence _____ Street _____

No. 4, by _____
Residence _____ Street _____

Police Court District 2

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Mc Carthy

431 West 85th St.

Frank Kelly

2 _____

3 _____

4 _____

Offence *Burglary*

Dated *29 January* 188 *3*

John White Magistrate.

Smith Officer.

22 Precinct.

Witnesses *John Smith*

No. *22* Precinct *Block*

No. _____ Street _____

No. _____ Street _____

\$ *2000* to answer _____

Curry

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 _____

Frank Kelly

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 *29 January* 188 *3*

Robert Smith Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0479

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question What is your name?

Answer.

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 was drunk and threw the stone through the window, not knowing what I was doing.

Frank Kelly

Taken before me this

day of *January* 188*3*

John J. Smith
Police Justice.

0480

CITY AND COUNTY }
OF NEW YORK, } ss.

John G. Mints
aged 46 years, occupation Patrolman of No. 20 Mewick Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Frank Kelly
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 29
day of January 1883

John G. Mints
Andrew Mints
Police Justice.

0481

Police Office, Fourth District.

City and County }
of New York, } ss.

John McCarthy
of No. *431 West 56th* Street, being duly sworn,
deposes and says, that the premises *East West Corner 8 Ave & 59th*
Street, *22* Ward, in the City and County aforesaid, the said being a *Store*
and which was occupied by deponent as a *Deagan Store*.

were **BURGLARIOUSLY**
entered by means *of breaking the plate glass*
Windows with a stone, and entering
through said broken pane.

on the *Night* of the *28* day of *January* 18*83*
and the following property feloniously taken, stolen and carried away, viz.:

Deagans and Tobaccos in all
of the value of Seventy Dollars.

the property of *Deponent*.
and deponent further says, that he has great cause to believe, and does believe, that
the aforesaid **BURGLARY** was committed, and the aforesaid property taken, stolen
and carried away by *Frank Kelly, now present*

for the reasons following, to wit: *That deponent was*
informed by Officer Muntz of the
22d Precinct Police, that he saw said
Kelly break said glass with a stone,
and enter said store, and that he the
Officer arrested said Kelly in said
store.

I have before me
this 29 January 1883
Subscribed and sworn to before me

John McCarthy

0482

BOX:

92

FOLDER:

1001

DESCRIPTION:

Kennedy, Daniel

DATE:

02/16/83



1001

0483

BOX:

92

FOLDER:

1001

DESCRIPTION:

Conway, Martin

DATE:

02/16/83



1001

0484

BOX:

92

FOLDER:

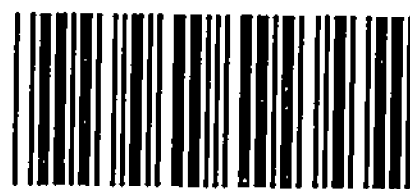
1001

DESCRIPTION:

McGuire, James

DATE:

02/16/83



1001

0485

BOX:

92

FOLDER:

1001

DESCRIPTION:

Russell, John

DATE:

02/16/83



1001

0486

[Handwritten signature]

May 31
July 28

Day of Trial
Counsel, *Clement H. Weston*
Filed *16* day of *July* 1883
Pleads *Chattel Mortgage* 506

THE PEOPLE
vs.
1 *Daniel Demond*
2 *P*
3 *Maxim Coman*
4 *P*
5 *James me*
6 *P*
7 *John*
8 *P*
9 *H. D.*

John M. Norton
District Attorney.
True Bill.

William J. McChes
att. 7. 1883. Foreman
Ch. L.
Filed & Regulated

0487

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 Kennedy
Martin Conway
James McQuire
John Russell

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

Daniel Kennedy, Martin Conway,
James McQuire and John Russell
of the CRIME OF Burglary in the first degree,
committed as follows:

The said Daniel Kennedy, Martin
Conway, James McQuire and
John Russell, late of the Eighteenth
Ward of the City of New York, in the

~~City and County of New York~~, on the 21st day of January
in the year of our Lord one thousand eight hundred and eighty-three, ~~the City and County aforesaid~~, with force and arms

about the hour
of one o'clock in the night time of the same
day, at the Ward, City and County aforesaid,
each of them being then and there assisted
by a confederate actually present, the dwelling
house of one Robert Armstrong, there situate,
feloniously and burglariously did break
into and enter, whilst there was then and there
some human being, to wit, one Annie Armstrong
within the said dwelling house, the said
Daniel Kennedy, Martin Conway, James
McQuire and John Russell then and there
intending to commit some crime therein, to wit:
the said Annie Armstrong then and there
being in the said dwelling house as aforesaid,
then and there by force and with violence to
her, the said Annie Armstrong, and against
her will, to unlawfully and feloniously take
and carnally know, against the form
of the Statute in such case made and

0488

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
Daniel Kennedy, Martin Conway
and James McGuire
of the CRIME OF Rape

committed as follows:

The said Daniel Kennedy, Martin
Conway and James McGuire

late of the 18th Ward of the City of New York, in the County of New York, afore-
said, on the twenty first day of January in the year of our Lord
one thousand eight hundred and eighty- three, at the Ward, City and County

aforesaid, with force and arms in and upon one Annie Armstrong
in the dwelling house aforesaid then and there being
wilfully and feloniously made an assault, and the said Daniel Kennedy

Martin Conway and James McGuire her the said

Annie Armstrong then and there by force and with
violence to her, the said Annie Armstrong and against her
in the dwelling house aforesaid
will did wilfully and feloniously ravish and carnally know, against the form of the
Statute in such case made and provided, and against the peace of the People of the State
of New York and their dignity.

Third Count

And the Grand Jury aforesaid by this indictment further accuse the said Daniel
Kennedy, Martin Conway and James McGuire
of the CRIME OF ASSAULT WITH INTENT TO RAVISH, committed as follows:

The said Daniel Kennedy, Martin
Conway and James McGuire

late of the Ward, City and County aforesaid, afterwards, to wit, on the
day and in the year aforesaid, and at the place aforesaid, with force and arms, in and
upon her, the said Annie Armstrong in the dwelling house aforesaid then and there being
made an assault, with intent her the said Annie Armstrong
against her will, and by force and violence, in the dwelling house aforesaid
to then and there wilfully and feloniously
ravish and carnally know, against the form of the Statute in such case made and provided,
and against the peace of the People of the State of New York, and their dignity.

JOHN McKEON, District Attorney.

0489

80 Friday day 26
83 3 PM

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James L. Kennedy
in the name of Protection

Daniel Kennedy

Charlton Kennedy

James M. Kennedy

Offence

Dated January 21st 1883

Magistrate

Officer

Precinct

Witnesses

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence



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 Daniel Kennedy; Martin Kennedy;

James M. Kennedy

guilty thereof, I order that they be held to answer the same and they 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 the 9th of Feb

Dated January 21st 1883 Police Justice.

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

Dated _____ 1883 _____ 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 _____ 1883 _____ Police Justice.

0490

Form 9.

Sixth District Police Court.

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

Annice Armstrong aged
20 years; married and keeping house, residing at
No. 322 East 25th Street, the lawful wife of Robert
Armstrong — being duly sworn, deposes and says,

that on the *Twenty-first* day of *January* 1883

at the City of New York, in the County of New York, and at depnents

and or
said residence at about one o'clock after
midnight; *Daniel Kennedy Martin*
Conway — and — *George McEwen* (all
three now here present); did generally
and each of them feloniously and by means
of force and violence; have sexual inter-
course with depnents; and each of them
at different time and in the presence of
each other, have carnal knowledge of
depnents body and did each of them
and at different time forcibly ravish
depnent against depnents will and
without depnents consent; — That at
said time depnents was lying and immediately
previous to the commission of said crime,
depnents was lying asleep in bed in a
bed room on first floor of said house No 322
East 25th Street; that previous to going to bed
depnent had securely closed and locked
the door leading into said room; that
about said time adjoining said and connected
with said bedroom by a door — that about
said hour of one o'clock, after midnight —
and while a light was burning in the said room
depnent awoke and found the person of
the defendant there, named Conway laying
upon depnents body — and depnents fell
and saw that her feet and legs were
held forcibly by the two other prisoners
named respectively *Kennedy* and *McEwen*.
That at that time depnents the lower
parts of depnents body was removed and
said Conway did then and there have sexual
connection with depnents penetrating with

0491

his private part on Jennie's deponents ^{or sexual} private parts. and did so as above stated against deponents will without her consent, and ~~then~~ ^{and away from} said Conway ~~went~~ ^{and away from} off deponent and, immediately thereupon the defendant here present named Kennedy laid down upon deponent while deponent ~~was~~ ^{was} lying on her back, and said Mr ~~Conway~~ ^{Gosire} forcibly held deponents legs and Kennedy did have sexual intercourse with deponent against her will and without her consent, penetrating her private ^{for sexual} parts with his penis - and that then and there said Kennedy left deponent, and immediately thereafter the defendant here present named Mr ~~Conway~~ ^{Gosire} approached deponent, and laid down upon deponents nude person, and did have sexual intercourse with deponent against deponents will and without her consent - ~~before me that then Robert Armstrong~~ ^{this 21st day of January} this deponents husband came in to the room and pulled said Mr ~~Conway~~ ^{Gosire} away from deponents body - ~~before me~~ ^A Armstrong this 21st day of January 1883

[Signature]
Police Justice

Form 9.

POLICE COURT-SIXTH DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

187

Magistrate.

Officer.

0492

CITY AND COUNTY }
OF NEW YORK, } ss.

Robert Armstrong

aged 23 years, occupation varnisher of No.

322 East 25th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Aunie Armstrong

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

Sworn to before me, this 21 }
day of September 1883 } Robert Armstrong

[Signature]
Police Justice.

0493

4th Dist. Police Court

The People v.

Defendant
Hon. Gustav W. Herman
Judge

Stenographer's Office

10-15-92

Wm. J. Murphy

0494

John Roche, Police officer of the
18th Precinct, being duly sworn testified as
follows.

I don't know anything about the burglary
or robbery. I went to the house about
2 o'clock in the morning and didn't
find any of the prisoners there. There
were two men and the husband there
then. The girl was in the bed, she was
crying. I asked her what was the
matter - I asked her how these two
men got in there & she said that Jack
got in there. She said she had the door
fastened by having a chain to it & the
husband told me. I showed me how she had
the chain to the door. I didn't examine to
see if anything about the door was broken.
I saw these two men there that I have
spoken about. I asked the wife what
brought these there & she said they
just came there. I don't know whether
they are the parties or not charged now
with this crime. I have seen Keerson &
another party I don't know. I made no arrests.
The information I got when arriving at the
house was that the parties who had com-
mitted the burglary & rape had just gone.
They told me the door wasn't locked but.

(14)

was fastened by a chain being placed against it.

By the Court

Q You have stated all you know about the case?

A Yes sir.

Q Armstrong came to the Station House and made the charge?

A Yes sir.

Q You weren't there then?

A Officer George Smith was. He is now here in Court.

Sworn to before me this } John Roach
27th day January 1883

[Signature] Police Justice.

Charles H. Doyle, of the 18th Precinct Police being duly sworn testified as follows: I was in the Station House when Armstrong came in & made this complaint & he asked the Sergeant to send an officer to his house - that ~~there~~ ^{were} three men there asleep. We went up there and found three asleep.

on an opened up bed lounge & one
 man asleep in bed with all 2 Armstrongs.
 Russel was the man in bed with all 2
 Armstrongs. The noising after the door
 had one nail in it. It was ~~not~~ broken
 in halves, the screw was out of it. I
 locked it with a padlock on the
 outside. The lock was out of condition
 you couldn't lock it with a key.
 Sworn before me this } Chas H. Boyle
 3rd day of January 1883 }

W. H. McElroy, Police Justice

George W. Smith an officer of the 18th
 Precinct being sworn testified as
 follows:
 On Sunday morning between 2 and
 3 o'clock I was in the Station House
 & Armstrong came in there and
 said there were four men at his
 house ravishing his wife & the
 Sergeant told me to go there. I got a
 couple of more men. On my way
 there I met Officer Roche. We went
 there to Armstrong's house & found him

0497

there & two other young men. His wife
was lying on the bed. I asked her
what was the matter & she said he
had been ravished. I asked her
husband if these were the parties
who had it - & referring to the two
young men who were there with him
& he said & to: I asked him who
they were & how they came to get
in there & he said they burst the door
open. I asked all 3 something if she
knew them & he said & he did. I asked
her where they were & he said they
had gone. & then I told her to go and get
a warrant for them. Then I looked
at the door and said "it has not been
broken in". He said it was - that his
wife had put a chair against it. His
wife was in bed alone.

By all? Stebit

Q Did you notice the rising of the door?
A Yes, it was not broken.

Worn to be for me this } George W. Smith
2nd day of January 1883 }
J. P. M. Police Justice
(over)

James McGuire one of the witnesses testified as follows in his own behalf after being duly sworn.

I live at No. 328 East 37th Street. Thursday night Armstrong asked us to go to his house. He brought us there & showed us a few places he had to get out of there Sunday morning.

The four of us went there & each for some beer. After that we went home. He asked us to come upon Saturday night, and put in fifty cents each and get a keg of lager & some ham. Friday night he met us & asked us if we were going up Saturday night. We said yes. Saturday night I met ~~the gang~~ Kennedy Corner 14th Street & he told me to wait for him while he changed his clothes. We had a drink with Conway. Before he went in to change his clothes I asked him if he was going up to the ranch tonight. Saturday night he said "yes". When he came out he met me, Armstrong & Conway & ~~they~~ went to Jack Connors. We had a drink at 15th Street. We went up to the ranch, when I knocked at the door & Fannie said "who is that" I said

"Thou" she came & let us in. When we were in she said get the beer - get booze it will make you hot. I hear her husband came in & he said I thought you were coming back again. Kennedy & I started to go down stairs. We went back again to the house about 12 o'clock that night. When we went back there was no one there. I knocked at the door and she wanted to know who was there, I said "Thou". She let us in. We sat down and asked for "Rob" and she said "Rob" said to let no one in - & that he would kill her. She told Russel to take the screw on top of the door & say it was Connors bursted it in. Russel did it. I said don't do it, if Rob comes in he would make a charge of burglary against us. I tried to put the screw in again & while I was on my hands & knees doing it she kicked me in the back & knocked me on the floor. Then Connors sang & she commenced to dance the Ah Ah, she threw her legs up. These men were sitting on the lounge. I was drunk & laid on the foot of bed. When she heard Rob coming up stairs she said

0500

got up & kicked me. Rob came in & said
"That is pretty good - I'm in bed with Annie?
Then Kennedy said we had better get out
of here". Rob is mad. We went out & as
we were going I missed my umbrella
which I left up stairs. We went back
again about 6 o'clock in the morning.
We met Connors coming out & he told us
Armstrong had been to the Station - House
for an officer. I told Kennedy - "Let us go
up stairs & get my umbrella. We went
up stairs & I said to Rob that I heard
he had been to get an officer to have us
arrested. He said he did it on the im-
pulse of the moment. I fetched
him inside to where Annie was lying
on the bed & I asked her if I did anything
wrong to her & she said "no". He said
it was all right now & as Redue to
have some oysters. We ate oysters &
drank beer. He asked me to sing a
song & I did & then he sang a song.
Kennedy, Conway & Russell were there.
Russell was sick & Armstrong lifted
him into bed & took his shoes off. &
we laid on the lounge & went to
sleep & when we were asleep he
went & got an officer & had us

arrested. Officer Sullivan told
 Annie to make a charge against
 us. He found Russell asleep on
 the bed & he said "who's that?" &
 Armstrong said "that's my brother"
 then he said he was his friend. We
 went to the Station House. There was
 no outrage or burglary attempted or
 done. I have supported that family.

By "The Court"

Q You called this place a "ranch"?
 A Yes sir.

Q What do you do for a living?
 A Hack Driver. I was going to work for
 the American Express Co. the first of
 February. Two weeks ago I worked
 in 27th Street & Lexington Avenue. Before
 that I worked at shoemaking in
 Warren Street. I worked there only
 six or seven months. Before that
 I was working at burnishing for
 about a year. I live with my friends
 now. I used to buy bologna & bread
 for them. My name is all right
 not all right. I gave that name
 because I didn't want to disgrace

0502

my friends. I was arrested for assault & battery & got six months for it. I was sent up under my right name.

Sworn to before me this }
27th day of January 1883 } James M. Smith
Police Justice

John Russell, being duly sworn testified as follows in his own behalf.

We agreed to put in 50 cents apiece to buy a key a player & some ham & to go to Armstrong's house. Saturday night we went there on his invitation, on Armstrong's invitation. Armstrong was to be deposed on that night. We got there about 12 o'clock Saturday night. Elsie knocked at the door & Annie opened it & she said "how can I square myself with 'Rob' for letting you fellows in". He told me to let nobody in. He went to the bureau-drawer & told me to take the screw out of the door, handing me a screw-driver & when Rob came home & say "Barnes busted the door in." We went out & had a few glasses of beer

0503

I gave her some & she said she would rather have booze. We gave her some booze & she drank it & Connor & "John" sang a song & she was pretty full & commenced to dance the Can-Can & then up her legs - we had some more drinks & Annie & McGuire went into the bed & Connor & Steeson came in. Then she said get out "John" here comes Rob. He came in & said "That's pretty good, 'John' in bed with my Annie." We went out & came back again about 6 in the morning. We met Connor & Steeson going for beer & they said not to go up stairs. Rob was very mad & was going to have you arrested. We went up stairs & told him we heard he was going to have us arrested. All McGuire said that. He said he went for an officer on the impulse of the moment. "John" & Armstrong went into the bed room & McGuire asked her if anything was done to her & she said "no". Then Armstrong said it was all right & McGuire & Connor & Armstrong sang a song. I told him I was sick. He put me in bed with his wife & pulled my shoes off. In the morning the officer awoke me &

asked him who I was & he said that I was his brother & then he corrected himself & said I was only a friend of his. The officer said "that is pretty good." When we went to the Station-House, Annie said I had nothing to do with her & now they are accusing me of burglary. The Sergeant at the Station-House, said to me "What do you want here? You get out."

By The Court

- Q. You were with the Company?
- A. Yes, Sir.
- Q. At one o'clock in the morning?
- A. Yes, Sir, & when Rob came in, there was no outrage or burglary committed. I was there at the oyster party. That was in the morning the second time we came back. There was a basket full of oysters.
- Q. Where were you between that time when you were out - between 1 & 6 o'clock in the morning?
- A. Around 14th Street, around the streets.
- Q. You went back again to see what became of the matter?
- A. They went back for an umbrella.
- Q. For no other conscious trouble?

A. Kosi.

Q. What do you do for a living?

A. I am a peddler on Italian Island.

Q. Did you ever change your name?

A. Kosi.

Q. Your relatives & family live here?

A. Yes. My father is dead, my mother & two little sisters live living. I live with them.

Q. Were you ever upon a charge before?

A. Yes; I was innocent; another man's hat fit me. I was sent up for a year. I was charged with burglary. I was tried before Judge Irving and a jury in the Court of General Sessions.

Sworn to before me this

27th day of January 1883

John Russell

[Signature] Police Justice

Martin Conway one of the prisoners being duly sworn testified as follows in his own behalf:

On Thursday night a week ago, I met Russell, H. Gurne & Kennedy on the corner of 4th Street & 1st St. & they asked me if I was going to the Ranch Saturday night. That was what we called

0506

Armstrong's house. He was going to be dis-
 possessed & he said it would be a good idea
 to have a keg of beer & raise hell Saturday
 night before he was put out. He said to
 let all hands put in 50 cents. This was
 on Thursday night & we agreed to meet there
 again Friday night. We were there Friday
 night & asked us again to come up early
 Saturday night. Al Elgine, Kennedy, Russell
 & I went there about 12 o'clock & Rob
 was out. We knocked at the door & were
 going away after knocking and Annie
 said who's there & "John" said, it's me,
 "John", she said, wait & I will open the door.
 She let us in & we had some beer - she
 wanted booze all the time. We gave her
 booze. She said "Rob" would be mad when
 he came home because she let us in & she
 told Russell to take the screw-driver out
 after the noising of the door. I didn't hear them.
 He looked out & Al Elgine tried to put it in
 & she pushed him; he was on his hands
 & knees & he fell & she took the screw-
 driver & "thucked" it in the bed-room.
 Then we had some singing & Annie com-
 menced to dance the Can-can, throwing
 her legs up. She said "If Rob comes in
 he'll kill me". I told him I ^{not let} ~~didn't~~

0507

him hammer. She got very drunk
and went & laid on the bed & all of mine
went in & laid on the bed too, all the foot
of the bed. "Rob" came in with Steen
& Connors. & he saw the both lying on
the bed Annie & "John" & he said
that is pretty good. "John" on top of
Annie. Then Kennedy went in and told
"John" to get up "Rob" is mad. We
got up & went out. ~~He said we had~~
~~bedding~~. We came back & were going
in with Steen & Connors. I was
with a friend & a man & a woman & a boy.
Other said we had better not go in. "No!"
said "Mad" & had gone & was an officer to
arrest us after we left. I asked what
for & then said we were "arrested" because
"John" said we had better go up & get
our umbrellas. I heard that & I went
to "Rob" & I hear you had a policeman with
you to arrest us & he said "yes" but he
did it on the impulse of the moment &
"John" told him to come in the room & in
court in & he said I will have nothing
to do with her (Annie) or anything
else. He said "Did I have anything to do
with you Annie?" & he said "no". Then "Rob"
said it was all right & that he was

0508

[illegible]

"My little ones"

- Q. What do you do for a living?
C. I am a lumberman.
Q. Where did you work last?
C. I have since October - was laid up -
I worked three weeks before Christmas
at Pier Ho - paving.
Q. did you work a long time?
C. Yes sir, until I got rheumatism.
(Witness here shows recommendation)
The last place I worked at was in a Brass.

Dated 188 *Police Justice.*

0511

his said room, and found there said ~~three~~ ^{four} de-
 endants, that he then and there, he saw
 said McGuire lying upon the person
 of his deponents wife on the bed in the
 sleeping room adjoining said room —
 that this deponent pulled said McGuire
 away from the person of deponents
 wife, ~~that~~ that deponent then was
 approached ~~by said deponent while he was~~ ^{by said}
 Conway (here present) while said
 Conway then held an open knife
 in his said Conway's hand, whereupon
 deponent ran away and to the
 Station house, from where deponent
 soon thereafter returned to his said room
 with an officer; and learned that said
~~three deponents and let the process~~
 That deponent is informed by Annie
 Armstrong deponents wife; that previous
 to her going to bed on said night that
 she had securely closed and locked
 said door leading into said room;
 deponent further says that he found
 that said door had been forcibly
 burst open, and deponent is further
 more informed by his said wife; that
 previous to deponents coming to said
 room as above said she had been
 outraged by said ~~three deponents~~ ^{Henry Conway and McGuire} as appears
 from an affidavit made ~~in this case~~ ^{and filed with} said
 Annie Armstrong ~~and against said deponents~~
 dated January 21st 1883.

Robert Armstrong

230 at 10/1/1883

known & before me then

Office of the Clerk

05 12

Police Office, Fourth District.

City and County
of New York, } ss.

Robert Armstrong 23 years
a varnisher
of No. *322 East 25th*

Street, being duly sworn,
deposes and says, that the premises *No. 322 East 25th*
Street, *18th* Ward, in the City and County aforesaid, the said being a *dwelling*
and which was occupied by deponent as a *dwelling*

entered by means *of forcibly busting open the door*
leading into deponent's room on first
floor of said dwelling house No 322
East 25th Street
on the *21st* day of *January* 18*83*
and the following property feloniously taken, stolen and carried away, viz:

with the felonious intent to commit a
crime and said therein;

~~the property of~~

and deponent further says, that he has great cause to believe, and does believe, that
the aforesaid **BURGLARY** was committed, and the aforesaid property taken, stolen
and carried away by *for the purpose and with the*
intent to commit a crime by
for the reasons following, to wit: Daniel Kennedy;

Martin Connor and James McGuire,
and John Russell
(all of whom were here) for the reason
following to wit: that said deponent about
one o'clock after midnight on the 21st
day of January 1883; deponent came to

0513

4th District Police Court

New York, July, 12^d 1883.

The People

vs

Kennedy
Conway
McGuire and
Russell

My Dear Sir:

On Complaint made
to me I entertained charges against
the four accused persons for Rape,
Burglary and Assault.

After examination I have
concluded to hold Kennedy, Conway
and McGuire on the charges for
Rape and Burglary; I have also
held Russell on the latter
charge.

0514

The Complaint for assault has been dismissed by me.

From the evidence it appears that Russell took no part in committing the Rape charged though he was in the room at the time of the commission of the offense.

Of the four prisoners it appears that Kennedy bears the reputation of being an industrious and hardworking young man and it is claimed that his implication on the charges herein is due to bad company.

Very Truly Yours

[Signature]

Hon. John M. Keon
Dist. Atty. General

05 15

CITY AND COUNTY }
OF NEW YORK, } ss.

Annie Armstrong
aged 20 years, occupation unmarried of No.
322 East 25th Street, being duly sworn deposes and

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

Sworn to before me, this 23^d
day of January 1883 } Annie Armstrong

[Signature]
Police Justice.

05 16

10/34
1341/2

0517

Kate Hogan a witness for the defence
being duly sworn testified as follows:

I am a single woman and live at
No. 407 East 18th Street. I am ac-
quainted with this woman known
as Armstrong & have been in her house.
I have often seen her on the streets - as
much as twenty times. I have seen her
ten times on 14th Street at least at
nights drinking at the Brewery in
her husband's absence. When he came
along, he wouldn't say anything but
would join the company in which his
wife would be with others & drink
too. I have seen her there at 12
o'clock at night. I have met her
three times with men within the last
year. The first time on 14th Street at
1 o'clock in the morning near Avenue
A, a tall man was with her then & her
husband met them. The second time
was on 14th Street about 7 o'clock,
a strange man was with her that time.
The third time I met her was at the
corner of 2nd Avenue & 14th Street with
the same man - that was about 8 o'clock
in the night. I have seen her with this
man when I was awake at
1 o'clock in the morning. She was

0518

very much under the influence of liquor, she had no hat on and she ~~was~~^{going} out. In the meantime her husband came in, and

By The Court.

I am not related to either of those four defendants. I never was in company of either of them only Kennedy. I was to one ball with Kennedy & his friends. He comes to see me but does not exactly keep company with me. I generally meet him by chance. He comes to see me once a month about. I work at the corner of 1st Avenue & 27th Street at Stratton & Storms Tobacco Factory. I live at No. 407 East 18th Street. I board there. Kennedy has been calling on me & meeting him for the last ten months. I know Annie Armstrong & have visited her but once. Kennedy has the very best character - the others I don't know anything about. The last time I saw Kennedy was Friday night a week ago, corner 14th Street & 1st Avenue, I met him by chance. I don't consider Kennedy my sweetheart, he treats me well, and I treat him

05 19

well,

Sworn before me this
26th day of January 1883

Katie Hogan

W. H. M. Police Justice

Robert Meeson, called for the defence
being sworn testified as follows:
I live at No. 224-1st Avenue & work
in a button factory at 14th Street near
4th Avenue. I have known Annie
Armstrong two years. Her reputation
for virtue and chastity is bad. I have
had connection with her maybe 100
times during the last two years - since
her marriage. Sometimes I paid her
two dollars - that was the highest & the
lowest price was seven cents. I
would not believe her under oath.

By The Court

I have been in her room - her husband
came in with me & I was out all night
with him. She ~~was~~ was beastly drunk
in the morning of this arrest. She
called me to come in the bed room.

0520

When I came in there with him that morning I didn't see anything wrong there. She told me to stay that she was afraid "Rob" would lick her. She told me to take the screen out of the noosing of the door & for me to say that they broke it. She wanted me to bust the door open & I said "oh yes" You are a friend of her husband? Yes sir. I have been with him every night in the week. He didn't know that I had connection with his wife. He might have known it though. I have been arrested for larceny & got 2 1/2 years that was in 1870.

Sworn before me this }
26th day of January 1883 }

[Signature]
Police Justice

Arthur Kussella, called for the defence being sworn testified as follows. I live at No. 185 Avenue C and am acquainted with Annie Armstrong & have known Robert Armstrong for ten years & Annie the same length of time. Her reputation for virtue & chastity is very bad. I have had connection with her. The first time

Was not apprehended
by the police
2

0521

was about five months ago in a
hall way. I would not believe
her under oath. Her husband's
character is worse.

By the Court,

I know Kennedy's brother & I don't
know any of the prisoners. I work
for the N.Y. Steam Heating Co. & have
been for three months; previous to
that I was in the Department of
Public Works for five years.

Sworn to before me this }
26 day of January 1883 }

Police Justice

Michael M. Glynn for the defence
being duly sworn testified as follows.

I live at No. 433 East 13th Street
am acquainted with Annie Korman
& her husband. I have known her 4 or
5 years & have known her husband
about the same time. Her reputation
for chastity & virtue is bad. His

Subscribed

0522

reputation for truth & veracity is very bad. I wouldn't believe either of them under oath. I have had connection with her a number of times during the past two years, since her marriage.

By the Court,

I am single, aged 27 years & am a dealer in produce. I keep my wagons & horses in 13th Street. I sell by the barrel & load to grocers. I have been in business about 4 years. My storehouse is in 13th Street near Alderman Reilly's Stable. I know those young men by sight. I have known Kennedy for four years; he is a hard working - industrious & young man. I never saw Kennedy with any of the other persons. I don't know anything about Russell - I have seen him going to work. I never knew anything wrong about the other two. I can swear that Kennedy is a young man of good reputation. I never was arrested for any crime.

Sworn before me this
26th day of January
1892
J. H. [Signature]

Michael McGlynn

Police Justice.

0523

John Fay witnesses for the defense
being duly sworn testified as follows,

I have known & since & transacting
I have known her 4 or 5 years.
Her reputation is very bad. I have
had connection with her 2 or 3 times.
Her reputation is very bad for truth,
chastity & virtue. I gave her a drink
of liquor to have connection with her,
after her marriage. I have known
her husband 10 or 15 years. I cannot
believe him under oath.

By the Court,

I am in the liquor business. I have
had to put her out of my liquor store. I
had connection with her in the liquor
store. I know all of these young
men. I don't know anything bad about
them. Kennedy works, he is a good man.
I have known him since this boyhood.
He don't drink much. I don't know
anything about the reputation of the
other.

John Fay

Sworn to before me this
28th day of January 1883
J. H. McMillan

John H. McMillan

0524

Bryan Conway being sworn for the
defense testified as follows:

I live at No. 340 East 13th Street.
I am married. I know Annie
Armstrong & her husband. I know
her about a year & him two or 3
years. Her reputation for virtue
and chastity is bad. I cannot not
believe him or her under oath.

By The Court,

I know Kennedy & Conway. Conway
is my brother. I have known Kennedy
5 years. He works & has a good
character.

Sworn before me this
26th day of January, 1883

John S. Jones.

Michael Ryan a witness for the de-
fence being duly sworn testified as follows.
I live at No. 392 - 2d Avenue. I
am acquainted with Annie Armstrong
& her husband. Her reputation for
chastity & virtue is bad. (has

not signed
J.S.J.

0525

Connection with her once in a while
 closet, ^{there was another fellow with me,} about 7 months ago. I heard
 her for it. I don't believe her
 under oath. I have slept in the
 same bed with her & her husband 5
 months ago. He slept in the middle,
 & Annie on one side & me on the
 other side of him:

By the Court. Cross Examination:

I didn't do anything wrong to her
 when the 3 of us slept together. I
 didn't want to go home that night I
 slept with them. We only had a few
 drinks that night. I ain't working
 now. I have a sore side. She asked me
 for 10 cents & I took her in the water closet
 & took it out in trade. I know old Jimmie
 for a month or two. I know
 Kennedy for about a year - he is
 a hard working man. I don't know
 much about Russell. I have seen
 him drive a coal cart. Before I
 slept with them I had connection with
 her. The other fellow with me when I was
 in the water closet with her was a person.

not signed

James J. Kennedy
 26th day of January 1883

Police Justice

0526

James Doyle of No. 356 East 13th Street
being sworn testified as follows:

I know Annie Armstrong 18 months.
Her reputation for virtue & honesty is
bad. I wouldn't believe her under
oath. I have known Armstrong
for 15 ~~months~~ years. His reputation
for truth and veracity is middling. He
invited me to come on Saturday night
& put in 50 cents for a keg of lager &
some ham.

By The Court

Cross Examination

I ain't related to either of the prisoners.
I know the 4 of them. I have known
Conroy six months & all four about
a year. & Kennedy 2 1/2 years & Russell
2 years. I don't know that they are
steady companions. They all work if
they can get it. They drink some on
Saturday nights. I am the agent of a washing
machine company. I used to visit Conroy
house & sold his mother a machine.
His brother & I were Conroy school-
mates. I know Kennedy's brother.
He & his brother & both steady men.
I don't know anything about Russell.

I have visited Armstrong's house
 twice. I heard 15 months ago her
 reputation was bad & visited her
 house since to look for a party.
 Wm. B. H. Smith }
 3rd day of January 1883 }

(blue, factory)

John Connor of No. 409 East 15th
 Street being duly sworn testified as
 follows:
 I have known ^{Mr & Mrs} Armstrong for a
 month; I have had connection with
 her about three weeks ago. I paid her
 fifty cents for it; it was in her room.
 I was invited there by her husband;
 he didn't know I had connection
 with her. John Connor

By the Court: Cross Examination

I have known her husband about
 a month; he invited me to his house;
 there was no time specified when
 I should call - I went with him there.
 That was not the time I had connection
 with her. He sent her for some beer; he
 got trusted for it. I drank some of

the beer. I remained at his house for two weeks I had a cold - on account of the cold weather. Once in a while he would be out & I eat there & paid for most of the things. One rainy day when Rob was out she called me in the bedroom and I had connection with her. We had been drinking, a pint of beer. I got the beer. She was under the influence of liquor, I know her to be always drunk. I was only acquainted with her one month & paid her many visits & got well acquainted with her. I ain't working now. I worked three weeks ago handling brick, I work regularly when boats come in. I live with my cousin. I don't consider the Arringtons good company. I went in there because there were plenty young people went there. It was a good company for me.

Q At one time like Joseph, when the boat was out of the house, you didn't leave your coat?

A No sir.

Q Do you know these prisoners?

A I know all of mine since we were boys. I was arrested once for being

0529

10/34
134 1/2

0530

Sworn
Sworn before me this }
26th day of January 1883 }

Police Justice

John Carley being duly sworn testified
as follows.

I am a plasterer & know all^d Armstrong
over two years ago & her character
as to virtue and chastity is very bad. I
have had connection with her 2 or
3 or 30 times during the past two years.
I used to give her 10 cents for whiskey
in payment for it. I wouldn't believe
her under oath. I am acquainted
with her husband & have been 7 or 8
years. His character for truth & ~~truth~~
veracity is very bad. I wouldn't believe
him under oath.

By The Court.

Miss Examination

I work in 57th Street and am laid
off on account of the cold weather.
I live with my father & mother.
I am 19 years of age. I had con-
nection with her last day in 18th St.

she called me to the bed room when
 he was out. I brought her whiskey
 & sometimes I gave her 10 cents to
 get it. I am acquainted with
 Conway. Everybody knew they could
 get cheap entertainment at Armistead's.
 As far as I know the character of
 these persons is good. I know two
 of the others, Conway & Kennedy. Their
 character is good. I know Kennedy
 to be a hard working man.

Sworn to before me this }
 2nd day of January 1883 }

Police Justice.

Anthony M. Jordan, being duly sworn
 testified as follows.

I reside at No. 413 East 14th
 Street. I know Mrs. Armstrong for
 30 or 40 years. Her character for
 virtue & chastity is bad, she is one
 of a class known as stoop rats -
 that is a class that hang around
 stoops & talk to young men. Another
 phrase, is they work the growler - they
 sent a pitcher for beer ~~to the brewery~~.
 Her reputation is bad. I don't
 know whether she is married or

0532

not I have known Kennedy
for 8 or 10 years. He is a respec-
table working man. I have heard
anything against his character.

By the Court. Cross Exam?

I don't know anything about the
other young men. I know Kennedy
is a good, hard working young man.
I am a Surveyor with the Department
of Public Works. I am a City Sur-
veyor.

Anthony M. Jordan

Sworn to before me this
26th day of January 1883
W. H. E. M. C.

Police Justice.

John Wynne a/k/a. 413 East 14th
Street being sworn said.

I am a liquor dealer, am ac-
quainted with Mr. Armstrong.
I can't say anything about her
one way or the other. I have seen
her get beer in a can. I know
Kennedy he is a hard working, re-

0533

spectable man.

By the Court.

2 Do you know any of the prisoners?
of Moser,

from before me this

20 day of January 1883

John Wynne

John Wynne

Police Justice

David Kennedy one of the prisoners
being sworn testified as follows in his
own defence.

I live at No. 411 East 14th Street and am
a metal spinner & worked at No. 60
Duane Street for 3 years, nearly 4 years.
I never was arrested before. I live with
& support my mother. I went to Armstrong's
house last Saturday night & there was no
door burst open. I have had connection
with Mrs Armstrong & paid her 60 cents
for it the Saturday night before this. This was
before she claimed she was outraged. On
the Thursday night before this, Saturday night
the night of the alleged outrage & "Rob"
asked us to come to his house Saturday
night, & each put in 50 cents to buy

0534

a keg of beer & some ham, to have a good time, before he was dispossessed from his rooms, which he was to be, on the Monday following. I told him I was going to Nanigan & Hart's Theatre & when it was out I would come up there to his house. I wanted to see Lynch & I met Conway & all Quin's Corner, 14th Street & we went up to Armstrong's house & I asked Annie if Lynch was there & she said "no" & asked me if I was able to do anything I said "yes" & she said "get the booze for me, it will make me hot" ^{& gave her 50 cents} I got it & just as we were drinking it a Armstrong came in & said "what is the matter? you are nice fellows didn't come back to 14th Street & said to him "here is some beer" & he drank it. I said I was going to 14th Street & he asked me if I was going to put in my half dollar, I said "yes" & he told me to come back. I went out to 14th St & Ave A & he drank. I met Lynch & he said "where you up to the ranch & I was there looking for him & he said 'let us go up there now'" & I said "all right". We went up there & there was nobody there except ~~all Quin's~~.

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our Armstrong
 and the door was locked. McGuire
 knocked at the door & Annie asked
 who was there & he said it was
 him & she said "Is that you 'John'?"
 & she opened the door with her key
 & we went in. She said that "Rob"
 was after raising the dence with
 her & I said I would go out & she said
 to take the screw driver & take the screw
 out of the lock & say it was Connor
 bursted the door lock in. We did that,
 Russell. did it I mean. Then we got
 some beer & all got pretty full & she
 got terrible drunk & she commenced
 "chucking" up her legs while Connor
 was singing. She said she was sick
 and laid on the bed & McGuire laid at the
 foot of the bed. Then Annie said "get up
 'John' if 'Rob' comes in he will think
 something is wrong". That was the hallowing.
 Armstrong heard ~~that~~ he was coming
 up the stairs.

By The Court.

- Q You say you gave her 60 cents?
 A Yes sir.
 Q When?
 A At 9 o'clock that night.

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- A. Nothing done there after 12 o'clock?
A. Not then.
2. The 4 of you went up there together?
A. Yes, about 12 o'clock at night.
I did nothing at all there, nothing
unusual was done. We had some splits
there in the morning. Armstrong came
in & said "look at 'Snow' in bed with
Annie". He then ran out & went down
stairs & I told McQuire he had better
get up that Rob was very mad at
seeing him in bed with Annie. We went
out I left my umbrella there & we
came back for it about 6 o'clock in
the morning. Armstrong was up then
we met Steens & Jack Connors as we
were going through the alley way - they
were going for some beer & they told us
that "Rob" had gone out & got a policeman
to have us arrested because we were
trying to do something to "Annie". They
said the policeman came in there but
we were gone. I said I would go up
anyhow. We went up there & asked "Rob"
about his sending out for the police & he
said he did it on the impulse at the
moment but that it was all right & he
was sorry he did it. I said before going

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up that if anything was wrong I would
apologize & I did & then he said it was
all right - that he did it on the impulse
at the moment. We had some oysters.
"Rob" told me everything was quite right
that "Annie" told him so. We had more
beer & "Rob" sang a song called "6 o'clock
in the morning" & then all of us sang
excepting me - I can't sing. We got
pretty full & "Rob" let us open out the
sofa & we laid on it & went to sleep.
Before that Russell got sick &
Rob told him to come & lay alongside
of Annie & he helped him in & took his
shoes off for him. While we were asleep
"Rob" went & got the policemen and had
us arrested.

By The Court - Cross Exam

Q You claim to have got in bad company?
A Yes sir.

Q How often are you out nights?
A Once in a while. I get up every
morning at 6 o'clock. I don't generally
go with these other fellows. I have
worked every day since I was able to
work. I am working where I am now

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Employed for the last 3 years. I never
lose any time excepting a holiday. I
am never sick.

Sworn before me this

26 day of January 1883

[Signature]

D. Kennedy

Police Justice.

0539

**POOR QUALITY
ORIGINAL
DOCUMENT(S)**

0540

H. B. C. C. C. Court.

The People's Court.

James A. Lyon

U.S.
James A. Lyon
James A. Lyon
James A. Lyon

TESTIMONY.

Before Hon.

G. A. H. H. H. H.
James A. Lyon

JAMES A. LYON,
Stenographer and Law Reporter,

Temple Court,

Rooms 121 & 122,
5 & 7 BECKMAN ST.
NEW YORK.

— Telephone No. 815 Lavo. —

4th Dist. Ct. of New York.

The People vs. Samuel H. Keady

James A. Lyon

vs.
Samuel H. Keady
Martin Conway
James McQuinn
John Russell

TESTIMONY.

Before Hon.

J. A. Lyon
January 21st 1883

JAMES A. LYON.
Stenographer and Law Reporter.

Temple Court,
Rooms 121 & 122, 5 & 7 BECKMAN ST.
NEW YORK.
Telephone No. 815 Lavo.

0542

4th Dist. Police

ret.

Robert Armstrong

BEFORE HON.

agst.

G. H. Herrman

Daniel Kennedy
Martin Conway
James McFarland and
John Russell

January 24th 1883

STENOGRAPHER'S MINUTES.

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JAMES A. LYON,

Stenographer and Law Reporter,

TEMPLE COURT, 5 & 7 BEEKMAN ST.

New York.

Rooms 121 & 122.

0543

4th Dist. Court.
Jan'y 24th 1882.

Ann^{ie} Armstrong the Complainant
being duly sworn testified as follows..

Direct Examination By the Court

Q Where do you reside?

A No. 326 East 25th St. N. B.

Q How old are you?

A I am 20 years old.

Q Are you married?

A Yes Sir, I was married in 17th Street Church.

Q What is your husband's name?

A Robert Armstrong.

Q You made a statement here on the strength of which several young men were held - State what happened on Saturday night or Sunday morning last?

A. These young men came to my house in the evening and asked for my husband - he wasn't in and they went away. After they had gone I went to bed and my door was locked when I went to bed. After that my door was burst open and they outraged me; one of them struck me - that fellow.

(1)

named Conway struck me. (Witness here pointed Conway out) That's him that slub fellow sitting next to the police officer - that fellow - Russell didn't do anything.

Q. State what happened?

A. Conway outraged me while Kennedy and McGuire held me.

Q. Were you in bed at the time?

A. Yes sir, I didn't know they were in there until they held me, until they had a hold of me.

Q. Which one held you?

A. Kennedy and Conway held me while McGuire had to do with me and Kennedy and McGuire held me while Conway held to do with me, and Conway and McGuire held me while Kennedy had to do with me.

Q. What are these men's names?

A. James McGuire, Martin Conway and Daniel Kennedy.

Q. Who first had to do with you?

A. Daniel Kennedy had to do with me first and after he got through with me he held me while Conway had to do with me. Kennedy and McGuire held me while Conway had to do with me and then McGuire had to do with me and he was caught by my husband.

Q You say this young man Conway was the second one?

A. Yes sir.

Q And Mr. Guie was the last one and he was caught by your husband?

A. Yes sir.

Q Were you asleep when they came in?

A. Yes sir, they burst the door open.

Q Did you hear any noise before that?

A. No sir.

Q Were these young men in the habit of coming there?

A. Yes sir, they were there once, twice or three times altogether with my husband. Saturday night was the only night they ever came there without my husband.

Q Were they there on Saturday night before?

A. Yes; about 9 o'clock they came ~~they~~ and asked for my husband - they went away and came back when I was asleep.

Q They asked for your husband?

A. Yes, and I told them he wasn't in - they came back again when I was in bed asleep - I went to bed about 10 1/2 o'clock - my husband was not home when I went to bed.

Q What is your husband's business?

He has none.

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- Q Where was your husband when you went to bed?
- A He was to the theatre.
- Q Did you make an outcry at the time of this outrage?
- A Yes, as much as I could; they had their hand over my mouth.
- Q Describe the rooms you occupy?
- A There is a room and a bed room - on the first floor of a rear house.
- Q When your husband came home the door was open?
- A Yes sir, and when he came in he caught "Shaw" all Guine in bed - they call him "Shaw" I don't know his first name.
- Q How do you come to call him "Shaw"?
- A My husband called him that.
- Q Have you any children?
- A No sir; my three children are dead.
- Q You are now pregnant?
- A I believe so.
- Q You never invited them to your house?
- A No sir.
- Q And when they were in there they used force on you?
- A Yes sir.
- Q And they had connection with you?

(4)

- A. Yes sir.
- Q. Had penetrated your private parts?
- A. Yes sir,
- Q. All of them?
- A. Yes sir, the three of them did.
- Q. This Russell he was in the room at the same time?
- A. Yes, and he helped to burst the door open, because he was in the room when my husband came in - he was among them - he didn't have anything to do with me.

Examination by Mr. Herbert

- Q. Where were you born?
- A. In New York.
- Q. How long have you been married?
- A. Going on four years - it will be four years on the 6th of August next.
- Q. How long had you been married when your first child was born?
- A. About six or seven months.
- Q. Who was the father of your first child?
- A. My husband.
- Q. You have had connections with other men before you were married?

Q. No sir.

Q. Not since your marriage?

A. No sir.

Q. And with the exception of this time you had connections with no other men?

A. No sir.

Q. Is that as true as everything else you have testified to here today?

A. Yes sir.

Q. How long have you known these men?

A. I couldn't say - I know them through my husband.

Q. Were they all introduced to you by your husband at the same time?

A. No sir; I knew Kennedy before I was married.

Q. The other you became acquainted with after your marriage?

A. Yes sir.

Q. Were they introduced to you by your husband?

A. Yes sir.

Q. Were they in the habit of going to your house?

A. No sir; they were there two or three times.

Q. Did they generally go there in the night time?

A. Yes sir; that was the first night they came in there alone - last Saturday night was - they were there two nights before that with my husband - one night and one day they were there with my husband.

Q. I understood you to say that you were asleep when they came to your room?

A. Yes sir.

Q. Had yet you say the door was burst open by them?

A. Yes sir, the door was burst open - the nosing of the door was off - that was proof enough.

Q. Russell was present when the door was burst open?

A. Yes sir.

Q. Was Russell there when they had this connection with you?

A. He must have been in the room. That is all I know about it - he was in the room when they got through.

Q. You didn't see him there?

A. No sir, not until I woke up.

Q. That was after the door was burst open?

A. Yes sir.

Q. And you didn't see who burst it open?

as you were asleep then.

A. Yes, I was asleep.

Q. Had you not know of your own knowledge who burst it open?

A. No sir.

Q. And when you make a charge against them of burglary you only surmise that because the door was burst open?

A. Yes, that is all.

Q. When you first woke up what was the first thing that attracted your attention?

A. I felt Kennedy on me.

Q. Was Kennedy into you then?

A. Yes sir.

Q. When you want this Court to believe that these young men broke open the door and Kennedy got on you and penetrated you - got into you - before you woke up?

A. Yes sir.

Q. Did you say anything to him?

A. No sir, no more than scream.

Q. Were you lying on your back?

A. No sir, on my side.

Q. After Kennedy got through who was the next one?

A. Conway.

Q. Did you turn over on your back then?

A. Yes sir.

Q Why did you turn over on your back then?

A Because they pushed me over. You were lying on your side all the time the first man was having connection with you?

A No sir; they threw me over and held my mouth.

Q They turned you over?

A Yes sir.

Q You didn't help them?

A No sir.

Q And the next man had connection with you while you were on your back?

A Yes sir, and the others held me.

Q And this was on the first floor of a rear tenement house?

A Yes sir.

Q How many families live on that floor?

A Only two - Another family and us.

Q This bedroom where you say this connection took place, is next to a bedroom occupied by another family?

A No sir.

Q There were people up stairs?

A Yes sir.

Q How many does the family consist of in the room ~~upstairs~~?

A A man and woman and child, and directly adjoining me the family consists of a man and son and a woman and a baby.

Q And the same floor in the adjoining house how many occupy that?

A I don't know.

Q It is occupied?

A Yes sir.

Q What time did this take place?

A It was between 10 and 12 o'clock.

Q And during that connection did you not have an opportunity to scream for help?

A Yes sir; I did the best I could.

Q Your husband came in while one of the defendants was lying alongside of you?

A Yes, oh yes.

Q Where was Russell at that time?

A In the room, he must have been. I don't know where he was.

Q You don't know that Russell was there at all?

A Yes sir —

(over)

✓ M.^r Kishit moved for the discharge of the Defendant Russell on the ground that he has not been connected with this matter at all.

Motion denied. temporarily

Q Do you know John Connors?

A. Yes. I have known him going on two or three weeks. I just saw him with my husband, he brought him to the house.

Q Did he ever have connection with you?

A. No sir.

Q Do you know "Bob" Leeson?

A. Yes sir; I have known him going on three years.

Q Did he ever have connection with you?

A. No sir.

Q Do you know Mike McGlynn?

A. Yes, I have known him about a year.

Q Had he ever connection with you?

A. No sir.

Q Do you know Bryan Connolly?

A. No sir.

Q Do you know Arthur Kinsella?

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A. No sir.

Q. Have you ever been arrested?

A. No sir.

Q. Haven't you been arrested on complaint of your mother?

A. No sir.

Q. Do you go to picnics?

A. I did once or twice before I was married. and after I was married I went with my husband.

Q. Never only once or twice?

A. No sir, never more than that?

A. What never?

A. No sir.

Q. Do you want "The Court" to understand that you were not?

A. Only once or twice before I was married and that was with my husband and twice after I was married and with him.

Q. Once in a while you took them in?

A. No sir, only twice before I was married.

Q. If you never were arrested?

A. No sir.

Q. You never received any money from any of these young men hanging by else?

A. No sir.

Q What do you do for a living?

A Nothing really.

Q What supports you and enables your husband to go to the theatre?

A. He got \$250. when he was run over

Q Is that all the money he has got?

A. I don't know.

Q Was he ever arrested?

A. He might have been once, or twice, drunk.

Q He never did anything?

(The Court here instructed the witness that she need not testify against her husband unless she liked to.)

Question repeated.

A. What is your husband's name?

Q How long have you known him?

A Six or seven years

Q During that time to your knowledge did he ever serve a term in State Prison or in the Penitentiary?

A. No sir.

Q Did he ever introduce you to any fellows and say you could make money off of them?

A. No sir

- Q When you made this complaint you say that Russell wasn't in the room at the time of this assault?
- A. He was in the room when I got up - he was in the rocking chair, in the room adjoining the bed room. I am positive of that.
- Q That is as true as any thing else you have sworn to?
- A. Yes sir.
- Q He had been in the bed with you?
- A. No sir.
- Q You were going to be dispossessed last Monday were you not?
- A. Yes.
- Q And this happened last Sunday?
- A. Yes sir.
- Q Did you and your husband have a talk about what a good thing it would be to get three or four young fellows in there and raise them for the amount of your rent?
- A. No sir, there was no talk of that kind.
- Q Did you tell anybody that you were to be dispossessed?
- A. Yes, the lady next door.
- Q Did you apply to either of these young

men for money to help you to pay the rent?

A. Yes sir.

Q. Is it not true that you made no outcry and no attempt at resistance until you heard your husband coming through the hall?

A. Yes sir.

Q. You didn't make any outcry or resistance until then?

A. Yes. I did all I could.

Q. What did you say to your husband?

A. I said "For Christ's sake Rob come in."

Q. What did your husband do?

A. He ran in the bedroom and Mr. Guire ran out.

Q. Where did he go then?

A. He let me go to sleep and then he went for an officer.

Q. You went to sleep?

A. Yes sir.

Q. After you were outraged?

A. Yes sir; a little while ^{after} about an hour afterwards, and my husband went for a policeman.

Q. Did you have any conversation with your husband about this case?

A. Yes sir; I did not, good nor bad

Q He has not told you what to say?

A. I said.

Q You had no conversation with him?

A. I said.

Q Not even when you were making your affidavit in this matter?

A. I said.

By "The Court"

Q What time in the night was this?

A. Between 12 and 1 o'clock.

Q You say it was in the rear house and there were only two families in the house?

A. There were two families on our floor one family and us.

Q How many rooms do you occupy?

A. Two rooms, a larger room and bed-room - they are front rooms; the rear is occupied by another family.

Q What kind of a partition is there between your apartments and those adjoining?

A. I don't know. It is a half rear house there are two rooms to each apartment, their bed room is on the other side of the stairs. It is a small rear house.

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- Q We occupy the West side of the house.
Was the rooms adjoining occupied at that time?
- A. Yes, a family was living there.
- Q Do you know whether they could have heard you ~~scream~~ if you screamed?
- A. Yes they could.
- Q So you go into the room - there is a large room and bed room adjoining?
- A. Yes sir.
- Q And this happened in the bed room?
- A. Yes sir.
- Q How large a bed room is it?
- A It is a pretty large one - it has a large bedstead in it - there is no window in the room.
- Q Did you see any marks of blood?
- A. Yes sir.
- Q Were you bleeding?
- A Yes sir, from my inside I was bleeding, I took a flooding afterwards.
- Q You didn't have this flooding before that?
- A No sir.
- Q It was not your monthlies?
- A No sir, it was not.

Re Cross Examination by M. Nesbitt

Q In reply to a question by "Honorable" you say you were in the family way - how can you swear that when you flooded on Saturday night?

A That was caused by the outrage - before that I had not seen anything of it in four months.

Q You flooded on Saturday night?

A Yes sir.

Q Had you yet you think you are in the family way?

A Yes, I believe I am.

Q Haven't you now got the gonorrhea haven't you got the clap?

A No sir, that is the first time I ever heard that.

Q Will you swear to that?

A Yes sir.

Q And that is as true as anything else you have sworn to here today?

A Yes sir.

Re-Direct Examination By "The Court"

Q Did you feel any pains afterwards?

A Yes sir.

Q Did any of these young men hold out any inducements to you or get to you prior to this?

a No sir.
 2 None of them?
 a No sir.

Sworn before me this }
 24th day of January 1883 }

Amie Armstrong

[Signature]

Police Justice

Robert Armstrong, for the purpose
 on being duly sworn testified as follows:
 in answer to Questions "By The Court"
 I am 23 years of age, and have been married
 4 years, and reside at No. 322 East 25th
 Street. I am the husband of Anna Armstrong.
 When I went out of the house last
 Saturday night I told my wife I didn't
 know what time I would be home and
 told her to lock the door and go to bed. When
 I came back about 10 o'clock Sunday
 Morning I heard screams as I was com-
 ing up the stairs. I ran then up to my
 rooms and ran in the bedroom and pulled
 this fellow off my wife. He came
 out of the bedroom and I said I wanted
 to know what are you doing here and
 then Conway said "who are you talking

about" and he pulled out a knife and I ran around the chair and out of the door, down the stairs and went to the Station-House and when I came back they were all gone. About 5 o'clock in the morning - about 5 or 6 o'clock they came in again - the four of them - and said "are you going to have us arrested"? I didn't say anything and Kennedy came over and said "Yes, you son of a bitch" and he gave it to me, and Russell interfered and saved me from getting more, he held him back. Then Sullivan said "I will get square before I leave the house" and Conway said "I won't trouble you in the house, if you do anything to me I have brothers who will shoot you". Then I went to the bed room and they stayed outside, singing and making a noise. Then they went and had a drink and I went to the Station-House.

Q What time was it when you went to the Station-House?

A. It was in the morning. I don't know the time - these fellows had been there 2 or 3 hours when I went to the Station-House. It was day light.

Q Where was your wife at the time?

A In bed.

Q What time was it?

A. They came back about 6 o'clock in the morning and said I or Othello Conway said "see that blackeye I have" "I'll give you two like that."

Q When you came into the room did you see all four laying on your wife?

A. Yes and I pulled him off.

Cross Examination by Mr. Nesbitt

Q What time was it when you came home?

A. About 2 o'clock in the morning.

Q That evening had you seen these young men before?

A. Yes, about 8 o'clock, corner 1st Ave & 14th Street.

Q You and they had been friends?

A. No one could be a friend and do as they did.

Q You were acquainted?

A. Yes.

Q They visited your house?

A. Yes sir.

Q With your knowledge & consent?

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A Yes sir.

Q At your invitation?

A Yes.

Q What part of the house were you in when you first heard the scream?

A. Going upstairs - the screaming attracted my attention as I was going up the first flight of stairs, there are two half flights.

Q What floor do you live on?

A. The first floor, but there are two half flights of stairs leading to it.

Q How many families live on that floor?

A Two, another one and us.

Q Was this screaming loud enough to attract your attention as you were coming up stairs?

A Yes.

Q When you got up to your room was the door locked?

A No sir, it was unlocked.

Q Had you went in?

A Yes sir.

Q Had the screaming still continued?

A Yes sir.

Q What did you find there?

A. McGuire was in the bed and on top of my wife.

- Q. Was he in the act of penetrating her or had he got through?
- A. He was in the act.
- Q. His penis was in her?
- A. Yes sir.
- Q. In what position was your wife?
- A. She was lying across the bed - the bed is 4 1/2 feet wide - her body was on the bed and her feet were hanging over the side of the bed over the bed clothes.
- Q. Where were the other fellows?
- A. They were just after coming out of the room - they were standing at the door. Kennedy and Conway were.
- Q. Did you see Russell there?
- A. No sir.
- Q. Were the bed clothes under her or along side of the wall?
- A. I didn't take notice.
- Q. Was the bed seat close to the wall?
- A. One side was against the wall.
- Q. Was her feet or her head at the wall?
- A. Her head.
- Q. And the feet were partly out of the bed?
- A. Yes sir.
- Q. Did you say anything to anybody except McGuire?

- Q Yes, I said "what are you all doing here?" and then it was that Conroy pulled out a knife and said "who do you mean by all of you?" do you mean me? Then I ran around the chain and ran down stairs.
- Q What time did you go back after that?
- A In about 10 minutes and I had a policeman with me but they were gone then.
- Q What time did you see them again at your house?
- A About 6 o'clock.
- Q When did you go out and get some oysters?
- A I had oysters myself.
- Q What time did you get those oysters?
- A About two o'clock.
- Q Where did you get them?
- A I bought them.
- Q Where?
- A A young fellow was peddling them - he was going along 3rd Avenue about 2 o'clock. I couldn't say the exact time.
- Q What time did you buy those oysters?
- A Before I came home - before 2 o'clock.
- Q It was after one o'clock?
- A Yes sir.
- Q Whereabouts on 3rd Avenue did you
 ref

find this peddler at that time in the morning?

A. Around 19th on 20th on 21st Streets.

Q. How many oysters did you buy?

A. I bought what he had - a basket.

Q. What did you pay for them?

A. Seventy-five (75) Cents.

Q. And you carried them from 21st St and 3rd Avenue to 25th Street?

A. Yes sir.

Q. Did you ever see this peddler before?

A. No sir.

Q. Would you know him again if you saw him?

A. Yes

Q. Do you know the Number of his wagon?

A. No sir.

Q. Did anybody see you buy them?

A. No sir.

Q. Did he have any light on his wagon?

A. No sir.

Q. Was he halloing "oysters"?

A. No; he was standing there with the wagon - he was not peddling - I didn't say he was going along peddling. I asked him if he would sell a basket and he said he would.

Q. Did he ^{have} anything else on the wagon but oysters?

A. No sir, he had about 30 or 40 baskets of oysters on the wagon.

Q. Then what did you mean by telling the Court a little while ago that you bought all the oysters he had?

A. I didn't.

Q. Is it not a fact that you stole those oysters?

A. No sir.

Q. After you got these oysters home did not you and these boys have oysters together?

A. They came in there while I was cooking them and took the whole business and eat them - I only had about 15 of them altogether.

Q. Did you try to stop them?

A. There was no use trying to.

Q. How long after that did you have them arrested?

A. When they went to sleep I went and got an officer.

Q. Is it not a fact that after this outrageous attempt on the virtue of your wife that you and they had an oyster breakfast
(26)

A. No sir; I had to stay in the bed-room
this fellow was against the door
with his chair.

Q. Did you go to bed that night?

A. No sir, my wife was in bed.

Q. What time did your wife go to bed?

A. She didn't get up at all. She
didn't come out of the bed room.

Q. What is your business?

A. I am a varnisher.

Q. How long since you have done any
work as a varnisher?

A. Before I got my foot run over
by a brewery wagon on the 7th of
April last - I was laid up since
then.

Q. How long before that did you work at
that business?

A. About two weeks before that - I worked
~~as a varnisher~~ in Canal Street.

Q. How long have you been married?

A. 44 years next month.

Q. How many children have you had?

A. (Three) 3 children

Q. No more than that?

A. No more.

Q. How long after you were married?

was the first child born?

A. About six months.

Q. Have you ever been arrested?

A. Yes sir twice.

Q. What for?

A. The first time was on suspicion of snatching a pocketbook. I was tried and discharged - that was about 4 or 5 years ago.

Q. Were you tried by a jury?

A. Yes sir.

Q. What were you arrested for the second time?

A. I was arrested three years ago on suspicion of Burglary. I was brought to this Court and I was discharged.

Q. You are sure you were never arrested any other time?

A. No sir.

Q. Will you swear that you never have done time in State Prison or in the Penitentiary?

A. I never was in Prison. I was in the Juvenile Asylum. I never was in Prison or in the Penitentiary.

Q. That is as true as anything else you

have sworn to?

A. Yes sir.

Q. Did you ever receive any money from your wife?

A. No sir.

Q. Does she ever go to picnics?

A. She never has been to a picnic with you since you are married?

A. Yes, but not more than three times.

Q. Did you ever have her to a picnic before you were married?

A. I had her to an excursion, I don't remember any picnics.

Q. When did these men go to sleep - after they had the oysters?

A. Yes, after they came back the same time about 8 or 9 o'clock in the daytime.

Q. Didn't you just say they went to sleep at 6 o'clock?

A. No, they came in then I said.

Q. And had the oysters?

A. Yes.

Q. And did they go to sleep?

A. No, they were singing.

Q. Were you singing too?

A. No, I was in the bed-room.

Q. Where did you go in the bed-room?

A. After they pounded at me and I told them I wouldn't have them arrested, then they got easy and went to sleep.

Q. Did you go to sleep?

A. No.

Q. Did your wife?

A. No sir.

Q. At 6 o'clock in the morning these fellows went to sleep?

A. Yes, about 8.

Q. Did your wife go to sleep while you were in the bed room?

A. She was trying to sleep, she got partly to sleep while I was in the other room.

By The Court.

Q. About 2 o'clock in the morning after the assault did your wife sleep?

A. No sir; she was in bed all the time, she was talking to me, I was in the other room; she wasn't sound asleep, she was trying to sleep.

Q. You were in the front room and she in the bed room when she was talking to you?

- A. Yes, and she spoke a few words to me.
I don't recollect anything she said;
she asked me for a drink of water.
- Q. ^{By Mr. Russell} Did you have any conversation with
your wife about this case since your
arrest?
- A. No sir.
- Q. None at all?
- A. I talked about Russell.
- Q. Did you talk about either of the
others?
- A. Nothing on the way.
- Q. Did you talk about the case?
- A. No sir.
- Q. Not a word?
- A. I might have - I can't remember.
It ain't in my head now.
- Q. Did you ask her how this occurred?
- A. She told me all about it after
they ran out the first time.
- Q. Did you talk to her about it since?
- A. No sir.
- Q. Did you talk with her about it coming
up in the case today from the House
of Detention?
- A. No sir, not that I know of.
- Q. When she was making her first
(31).

affidavit did you talk to her about it?

A.

Yes sir.

Q.

Had you told her about something she forgot?

A.

I told my story and she told hers.

Q.

Didn't she tell you anything after the arrests?

A.

No sir.

Q.

Do you want this Court to believe that you and this woman, your wife, had been together all the time since this outrage was committed and had not talked about it?

A.

I don't remember talking about it.

Q.

Do you remember where you got these oysters?

A.

Yes sir.

"By The Court"

Q.

What time did you leave the house Saturday night?

A.

About 6 o'clock.

Q.

Had you got home when?

A.

About 12 1/2 o'clock.

Q.

You weren't home then between 6 or 12 that night?

(32)

A.

No sir.

Q.

You saw them that same evening?

A.

Yes sir; Corner 14th Street & 5th St.

Q.

Did you have any conversation with them when you saw them - did you invite them to your house?

A.

No sir.

Q.

You don't know whether they were there at 8 o'clock that evening?

A.

No sir; I don't know anything about that.

Q.

Was Russell there when you came home that night at 12 o'clock?

A.

I didn't see him there

Q.

You saw McGuire on your wife?

A.

Yes sir.

Q.

Was anybody else in the bed-room then?

A.

The two others, Conway and Kennedy were in the doorway leading to the bedroom from the big room.

Q.

You passed them and saw McGuire on your wife?

A.

Yes sir.

Q.

What did you do then?

A.

I caught hold of him and said "What's the matter with you" and

he made out he was drunk.

Q. What time did you go to the Station-House?

A. I wasn't in the bed room five minutes altogether when I ran out and went to the Station-House.

Q. They didn't leave the place before you did?

A. Yes sir, I ran out and left the door open - when I came into the bed room Conway had a knife and I got scared ran around the chair and ran out & went to the Station-House.

Q. That was about 2 o'clock in the morning?

A. Yes sir.

Q. Did these people visit your house often?

A. Yes sir.

Q. Since you were married have you always lived with your wife?

A. Yes, when I was working. When I had no work I had to leave her and she went to her folks - to her mother.

Q. You never left her for any cause?

A. Yes sir. Robert Armstrong.

Storn before me this

24th day of January 1883

[Signature]
Justice

James J. Golduek, a police officer of the
18th Precinct being duly sworn testified as
follows.

Sunday Morning about 10 o'clock this
man Armstrong came to the Station-
House and told the Sergeant at the
desk that three or four men had out-
raged his wife and me and two other
officers were sent to the house and
went in with Armstrong and three
four men were in the room, viz;
McGuire, Kennedy, Conway and Russell.
The three first were asleep on the
sofa and Armstrong's wife was
in bed and Russell was lying along
side of her. The sofa the three men
were lying on was a bed-sofa &
was opened out. We placed the four
of them under arrest and at the
Station-House Armstrong refused to
make a complaint against Russell
and he was discharged. I knew that
Armstrong had been to the Station-House
before about one o'clock in the morn-
ing and ~~the~~^{two} policemen went with him
but the fellows had gone. The officers
reported they went there and couldn't find

anybody. And when I went there at 10 o'clock in the morning we found them there. The noising was burst off the doors was forced off. Armstrong came with me from the Station-House.

Q. While they were all present was anything said?

A. Armstrong stated that they had outraged his wife and hit her. He went down to the Station house and stated that his wife was in a dying condition. I went up and saw her, she was asleep. She was cut in the lip.

Q. Was there no effort made to arrest those people from one o'clock?

A. Not until I went there the second time at ten o'clock.

Cross Examination by A. Westbrook

Q. You say the noising of the door was broken off - did you notice it particularly?

A. It was hanging - anybody could have forced it off.

Q. The screws could have been taken off from the inside & that made it loose?

A. Yes sir, it was hanging, it was.

0579

M^r Nesbitt moved for the discharge
of all the prisoners as the testimony
of the husband & wife did not agree.

Motion Denied