

0326

POOR QUALITY
ORIGINAL

Shipper, from the said tenth day of April in the
year aforesaid, until the eleventh day of April,
in the same year aforesaid, ~~at~~ at the City and
County aforesaid, did languish, and languishing
did live, on which said eleventh day of April,
in the year aforesaid, the said William
of the said mortal wounds, bruises and injuries
so inflicted on aforesaid, as well of such damage,
suffered and sustained, at the City and County
aforesaid, did die.

And so the Grand Jury aforesaid do
say: That they the said William and
James Harrington, in the said John Shipper,
in manner and form and by the means aforesaid,
willfully and feloniously did kill and slay
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 H. Kellogg,

Attorney

0327

BOX:

389

FOLDER:

3625

DESCRIPTION:

Mahoney, Thomas

DATE:

03/27/90



3625

Witnesses:

Charles F. Luddy
Frank Hatfield

Sept has been
frequently
convinced her
in second month
FV

Judge: FV

Counsel,

Filed 27 day of March 1890
Pleads, *Not guilty*

THE PEOPLE

vs.

R

Thomas Mahoney

Grand Larceny, Second Degree.
(From the Person.)
[Sections 528, 584, Penal Code.]

March 16

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John R. Fellows
March 24, 1890
Grand Jurors

Foreman.

4-18 6 mos SP
John R. Fellows
April

0328

0329

Police Court—2 District.

Affidavit—Larceny.

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

Charles J. Luddy

of No. 584 Hudson Street, aged 50 years,occupation Saloon Keeper being duly sworndeposes and says, that on the 18 day of March 1890 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:

a silver watch
and plated chain of the value of
Thirty dollars \$ 30 —

the property of

deponent

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

John Ward and Thomas
Mahoney, now here, under the following
circumstances. The deponent came
to deponent's store at 584 Hudson
St. about 10.30 o'clock a.m. on
said date together. The said
Thomas Mahoney seized the said
watch and pulled it by the said
chain out of deponent's left pocket
of his vest, and the said Ward
was with the said Mahoney and
acting in concert with him
aiding and abetting him in the
commission of the said larceny
and the said Ward took possession
of deponent at said time.

Sworn to before me, this
day of

188

Police Justice.

0330

and after the Defendant Mahoney
was in possession of the said
watch defendant seized him
and compelled him to surrender
the same. and Frederick Hatfield
now here was present and
witnessed the said occurrence.

Sworn to before me this 18 day

of March 1890

J. White

Police Justice.

Chas. F. Luddy
P. J.

0331

-Grandlarceny- July 15th, 88

6 Months, Judge Geldersluwe

Grandlarceny- March 24th, 84

3 1/2 years Recorder Smyth

H. Robbery. July 24th, 87

Discharged. Judge Geldersluwe

0332

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Thomas Mulvaney*

Question. How old are you?

Answer. *27 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *41 S West Street 27 Years*

Question. What is your business or profession?

Answer. *Conductor*

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*

Thos. Mulvaney

Taken before me this

day of

188

Police Justice.

0333

Sec. 192-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2
District Police Court.

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

Question. What is your name?

Answer. *John Ward*

Question. How old are you?

Answer. *23 Year*

Question. Where were you born?

Answer. *New York*

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

Answer. *373 West 11 Street New York*

Question. What is your business or profession?

Answer. *Driver*

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

Answer. *I am not guilty*
John Ward

Taken before me this
day of *March* 189*1*

John Ward
Police Justice.

0334

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 March 18th 1870 A. J. White Police Justice.

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

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

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

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

0335

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

195
Police Court---

436
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles F. Luddy
584 Hudson
James Macfarlane
John Ward

Officer
L. M. M. M.

Dated

March 18th 1900
White

Magistrate.

Harley Officer.

George A. Wilson of Counsel
Witnesses Frederick J. Stetson

No.

6. 9th Street.

No.

as against _____ Street.

No.

John J. Ward _____ Street.

\$

500 TO NEW YORK

March 19/3 P.M.

Crow

0336

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Mahoney

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

Thomas Mahoney
of the CRIME OF GRAND LARCENY in the second degree, committed as follows :

The said

Thomas Mahoney

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

one watch of the
value of twenty dollars, and one
chain of the value of two dollars

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

Charles F. Luddy
Charles F. Luddy
John R. Bellows,
District Attorney

0337

BOX:

389

FOLDER:

3625

DESCRIPTION:

Mangini, John

DATE:

03/26/90



3625

Witnesses:

Ag. Bro. Grogan

171

Counsel

Filed

Pleads,

26 day of March 1890

VIOLATION OF EXCISE LAW.
(Selling to Minor)
[Section 290, Penal Code, sub. 2.]

THE PEOPLE

vs.

FD

John Mangin

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John Lawson Rhoads

Foreman.

April 8 90

0338

0339

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Mangini

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

accuse

John Mangini
of a MISDEMEANOR, committed as follows:

The said

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

eleventh day of *March* in the year of our Lord

one thousand eight hundred and ninety _____, at the City and County aforesaid,

certain strong and spirituous liquors, and certain wine, ale and beer, 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, and cause and procure and permit to be sold to one

Margherita Lavasains who was then and there a child actually and apparently under the age of sixteen years, to wit: of the age of

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

JOHN R. FELLOWS,

District Attorney.

0340

BOX:

389

FOLDER:

3625

DESCRIPTION:

Manning, Marcus

DATE:

03/27/90



3625

0341

BOX:

389

FOLDER:

3625

DESCRIPTION:

Kilkary, Richard

DATE:

03/27/90



3625

Witnesses:

Off. C. Neil

Counsel,

Filed *27*

day of April 1890

Pleads,

Not guilty

THE PEOPLE

vs.

Marion Manning

and

Richard Wilkey

JOHN R. FELLOWS,

District Attorney.

Open days April

Pat 3-8th

9:00 am

A True Bill

John Sam R. H. H. H.

Foreman,

Apr 10/90

Committed to Cuth, Porter,

R.B.M.

[Section 497, 506, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

0342

0343

General Sessions

The People
vs.

Marcus Mahoney

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

100 EAST 23D STREET,

New York, March 15 1890

CASE NO. 47643 OFFICER'S King & Gardiner
DATE OF ARREST March 11th
CHARGE Attempted Burglary

AGE OF CHILD fifteen years
RELIGION Roman Catholic
FATHER Michael

MOTHER Elizabeth

RESIDENCE No. 403 East 29th Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT Bay resides with parents in two miserably filthy rooms parents are dissipated and children neglected. In 1882 the children were sent to an institution and the parents to the Workhouse Marcus has been home from the Catholic Reformatory about two years; he associates with young thieves and is constantly hanging around the corners with a crowd

All which is respectfully submitted,

To Dist Atty

Henry E. Stocking.
assn Supt.

Cont of

General Sessions

The People

vs:

Marcus Mahoney

Attorney General

FENAL CODE, §

**Report of the New York Society
for the Prevention of Cruelty
to Children.**

ELBRIDGE T. GERRY,

** President, &c.,*

100 East 23d Street,

NEW YORK CITY.

0344

0345

General Sessions

The People

vs.

Richard Kilkeny

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

100 EAST 23D STREET,

New York, March 15 1890.

CASE NO. 176113 OFFICER'S King & Gardner

DATE OF ARREST March 11th

CHARGE Attempted Burglary

AGE OF CHILD Eleven years

RELIGION Roman Catholic

FATHER Joseph

MOTHER Bridget

RESIDENCE No 405 East 59th Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT Richard Kilkeny resides with his parents who are intemperate. Family have been known to Society since 1887 his brother has been frequently arrested for thieving, the boy Richard on June 2nd 1889 was arrested for stealing a gold watch from Maggie Gannon of 419-3rd ave and boy escaped punishment from the fact that complainant refused to prosecute.

All which is respectfully submitted,

To Dist atty

Wm. C. Stocking,
ass't Supt.

Leaves of

General Sessions

The People

vs:

Richard Vickery

Colinford Bingham
PENAL CODE, §

Report of the New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. GERRY,
President, &c.,

100 East 23d Street,

NEW YORK CITY.

0346

0347

Police Court— District.

City and County } ss.:
of New York,

of No. 426 Third Ave Henry A. Bentham Street, aged 21 years,
occupation Fireman being duly sworn

deposes and says, that the premises No. 426-3 Ave 21 Ward
in the City and County aforesaid the said being a four story brick
building partly dwelling
and which was occupied by deponent as a
and in which there was at the time a human being, by name

attempted to be
were BURGLARIOUSLY entered by means of forcibly opening the
door leading into the hallway
room with intent to enter
therein to commit a felony

on the 11 day of March 1887 at the day time, and the
following property feloniously taken, stolen, and carried away, viz:

a quantity of clothing of
the value of One hundred
dollars (\$100.00)

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

Agustin Mahoney and
Richard Killean (both now here)

for the reasons following, to wit: That at about 8:30 o'clock
am while deponent was sitting
in his bedroom on the top floor
of the above numbered premises
he heard some person trying
the knob of the door leading into
said room, deponent immediately
got up and opened said door when
he saw each of said defendants

0348

running up the stairs leading to the roof, where he pursued them and caused their arrest.

Deponent is informed by Officer Edward O'Neill of the 21st Precinct that he found upon the possession of defendant Kilheary, nowhere, for the door keys his house, when for defendant says that each of said defendants be held to answer and be dealt with as the law directs.

Subscribed before me this 11th day of March 1890 J. H. Brantham
J. Henry Bond
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1890
Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1890
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1890
Police Justice.

Police Court, District,	Offence—BURGLARY.
THE PEOPLE, &c., on the complaint of	
vs.	
1.	
2.	
3.	
4.	
Dated 1890	Magistrate.
	Officer.
	Clerk.
Witness,	
No.	Street,
No.	Street,
No.	Street,
No.	Street,
\$	to answer General Sessions.

0349

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward O'Neill
aged *25* years occupation *Police Officer* of No
27 Precinct Street, being duly sworn deposes and

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

Sworn to before me, this

day of

11 *Edward O'Neill*
1885

John J. Bond

Police Justice.

0350

Sec. 198-200.

H District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Martin Mahony 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.

Martin Mahony

Question. How old are you?

Answer.

15 years

Question. Where were you born?

Answer.

New York City

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

Answer.

No 40 3rd St. 2 months

Question. What is your business or profession?

Answer.

Roofing

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

Marcus Manning

Taken before me this

day of

1888

Police Justice.

0351

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Richard Kilskey 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.

Richard Kilskey

Question. How old are you?

Answer.

11 years

Question. Where were you born?

Answer.

New York City

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

Answer.

4040 East 59th St. 4 months

Question. What is your business or profession?

Answer.

Newsboy

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

Richard Kilskey

Taken before me this

day of

Oct 11
1894

Police Justice.

0352

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.....

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

Dated *March 11* 188*90* *John Henry Bond* Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0354

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Marcus Manning
and
Richard Kilbary

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

Marcus Manning and Richard Kilbary
of the crime of attempting to commit
the CRIME OF BURGLARY IN THE SECOND DEGREE, committed as follows:

The said *Marcus Manning and Richard Kilbary* both

late of the *Twenty-first* Ward of the City of New York, in the County of New York
aforesaid, on the *eleventh* day of *March*, in the year
of our Lord one thousand eight hundred and *ninety*, with force and arms, about the
hour of *nine* o'clock in the *day* - time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one

Henry A. Bentham
there situate, feloniously and burglariously *attempt to* did break into and enter, there being then and there
some human being, to wit: *the said Henry A. Bentham*

within the said dwelling house, with intent to commit some crime therein, to wit: the goods,
chattels and personal property of the said *Henry A. Bentham*

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away;

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

John L. Fellows,
District Attorney

0355

BOX:

389

FOLDER:

3625

DESCRIPTION:

Martin, Bernard F.

DATE:

03/27/90



3625

0356

BOX:

389

FOLDER:

3625

DESCRIPTION:

Walsh, Philip V.

DATE:

03/27/90



3625

0357

BOX:

389

FOLDER:

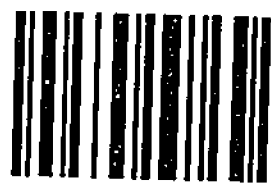
3625

DESCRIPTION:

Young, Joseph A.

DATE:

03/27/90



3625

0358

96.
Counsel,
Filed *By* *March 1890*
day of
Pleads,

THE PEOPLE
vs.
Bernard F. Martin
Philip V. Walsh
and Joseph A. Young

JOHN R. FELLOWS,
District Attorney.
Sent to C. B. Bradley
by mail March 28/90
A TRUE BILL.
John R. Fellows

demurrer filed
March 28/90
demurrer allowed by
Court - Judge Bennett
Oct. 31/90

Witnesses:

No. 1-2 & 3 same bondmen
Bail marked on
other indictment

0359

Court of General Sessions of the Peace
Of the City and County of New York.

The People of the State
of New York
vs.

Bernard J. Martin
Philip Walsh and
Joseph A. Young.

The defendants, Bernard
J. Martin, Philip V. Walsh and
Joseph A. Young, demur to each
of the two counts of the indictment
presented by the Grand Jury
on the 17th day of March 1884
charging them with the crime
of bribery on the ground that
in neither of said counts is there
a plain and concise statement
of the act therein set forth as

0360

Court of General Sessions of the Peace
Of the City and County of New York.

The People of the State
of New York
vs.

Bernard J. Martin
Philip V. Walsh and
Joseph A. Young.

The defendants, Bernard
J. Martin, Philip V. Walsh and
Joseph A. Young, demur to each
of the two counts of the indictment
presented by the Grand Jury
on the 17th day of March 1889
charging them with the crime
of bribery on the ground that
in neither of said counts is there
a plain and concise statement
of the act therein set forth as

0361

constituting the crime in such counts respectively charged to have been committed by them the said defendants, and on the further ground that the facts stated in neither of the said two counts of said indictment constitute a crime.

Wherefore these defendants ask judgment of the Court that they and each of them be dismissed and discharged from the said premises.

Alfred J. Volles
Atty for Defs

0362

File W. Mack 25/90

0363

Court of Oyer and Terminer
County of New York

The People of the State
of New York

against
Bernard H. Martin,
Philip V. Walsh ^{and}
Joseph A. Young

demurres

The defendant,
Philip V. Walsh, above named demurs to the
first count of the Indictment, presented by
the Grand Jury on the 27th day of March 1890,
charging him and one Bernard H. Martin and one
Joseph A. Young with the crime of Bribery,
on the ground that said first count of said
Indictment does not contain a plain and
concise statement of the act therein set forth
as constituting the crime in such count charged
to have been committed, and on the further
ground that the facts stated in said first count
of said indictment do not constitute a crime,
and on the further ground that more than one
crime, within the meaning of Sections 278
and 279 of the Code of Criminal Procedure
of the State of New York, is charged in said first
count of said indictment.

Philip V. Walsh

Court of Supr & Termers
County of New York

The People of the State
of New York

against

Bernard H. Martin,
Philip W. Walsh Esq
Joseph A. Young

Defendant of

Defendant Walsh

W. Burke Cochrane
Daniel G. Rollin
Thomas F. Brady

Attorneys
filed March 28-1890

0364

0365

Court of Oyer and Terminer
County of New York

The People of the State
of New York

against
Bernard H. Martin,
Philip V. Walsh and
Joseph A. Young

The defendant,
Joseph A. Young, above named demurs to the
first count of the Indictment, presented by
the Grand Jury on the 27th day of March 1890,
charging him and one Bernard H. Martin and one
Philip V. Walsh with the crime of Bribery,
on the ground that said first count of said
Indictment does not contain a plain and
concise statement of the act therein set forth
as constituting the crime in such count charged
to have been committed, and on the further
ground that the facts stated in said first count
of said indictment do not constitute a crime,
and on the further ground that more than one
crime, within the meaning of Sections 298
and 299 of the Code of Criminal Procedure
of the State of New York, is charged in said
first count of said indictment.

Joseph A. Young

Court of Peter & Thomas
County of New York

The People of the State
of New York

against

Bernard H. Martin,

Philip W. Walsh, and

Joseph A. Young

Deputies of

Defendant Young

W. Brooke Cochrane

Daniel G. Rollins

Thomas H. Goady

Attorneys

filed March 28-1890.

0366

0367

COURT OF OYER AND TERMINER

Of the County of New York.

~~~~~  
The People of the State of New York

--against--

Bernard F. Martin, Philip V. Walsh and  
Joseph A. Young.  
~~~~~

D E M U R R E R.

The defendant, Bernard F. Martin, above named, demurs to the indictment presented by the Grand Jury on the 27th day of March, 1890, charging him and one Philip V. Walsh and one Joseph A. Young with the crime of Bribery, and to each of the counts of said indictment, on the ground that said indictment does not contain in either of the counts a plain and concise statement of the act therein set forth as constituting the crime in such count charged to have been committed, and on the further ground that the facts stated in neither of said counts constitute a crime.

And the said defendant, Bernard F. Martin, further demurs to the first count of said indictment upon the ground that more than one crime, within the meaning of Sections 278 and 279 of the Code of Criminal Procedure of the State of New York, is charged in said first count of said indictment.

Dated, N. Y. March 28th, 1890.

1
Bernard F. Martin
Defendant in person.

Court of Oyer and Terminer

The People vs

vs

Bernard J. Martin
and others.

Demurrer.

W. Bourk Cochrane
Daniel G. Rollins
Thomas F. Brady

Counsel.

Filed Mar 28 1892

0368

0369

COURT OF GENERAL SESSIONS OF THE PEACE

Of the City and County of New York.

""""""""""
The People of the State of New York,)
--against--)
BERNARD F. MARTIN, PHILIP V. WALSH, and)
JOSEPH A. YOUNG.)
""""""""""

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,
by this Indictment, accuse BERNARD F. MARTIN, PHILIP V. WAL-
SH and JOSEPH A. YOUNG of the Crime of B R I B E R Y, com-
mitted as follows:

H e r e t o f o r e, to wit, on the Twentieth day
of October, in the year of our Lord, one thousand, eight
hundred and eighty-seven, at the City and County of New York,
aforesaid, it having been made to appear to the Hon. Charles
Donohue, then being one of the Justices of the Supreme
Court of the State of New York, in a certain action between
Bache Cunard, plaintiff, and Charles G. Francklyn, defend-
ant, brought and then and there depending in the said Supre-
me Court, that a sufficient cause of action existed against
the said defendant, and that the case was one in which an

0370

order of arrest might be properly and lawfully granted, as hereinafter alleged, and that the ground of arrest was Conversion of Property where the property was embezzled by the said defendant, while acting as Agent for the said plaintiff; and the said plaintiff having given the undertaking prescribed by law, he, the said the Hon. Charles Donohue, Justice as aforesaid, did duly issue a certain order of arrest directed to the Sheriff of any County of the State of New York, requiring such Sheriff forthwith to arrest the said defendant if he was found within the County of any such Sheriff, and to hold him to bail in the sum of Five Hundred Thousand Dollars, and to return the said order of arrest with his proceedings thereunder, as prescribed by law.

And afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said order of arrest was duly placed in the hands and possession of Hugh J. Grant, Esquire, then being the Sheriff of the said City and County of New York, for execution, and the said Hugh J. Grant, Esquire, such Sheriff as aforesaid, thereafter, and on the same day, duly executed the said order of arrest, by taking into custody the said Charles G. Francklyn, and causing him to be duly arrested and taken into custody, under and by virtue thereof; and the said Charles G. Francklyn then, and at all the times thereafter, herein mentioned, was in the lawful custody of the said Hugh J. Grant, Esquire, such Sheriff, as aforesaid, under and by virtue of the said order of arrest, the same having been actually executed by the said Philip V. Walsh and Joseph A. Young who had been theretofore and on the same day duly deputed by an

0371

instrument in writing by the said Sheriff to execute the said order of arrest.

And at all the times hereinafter mentioned the said Bernard F. Martin, late of the City and County aforesaid, at the City and County aforesaid, was an administrative officer, to wit, a Deputy Sheriff of the said City and County, duly appointed, qualified and acting as such, and at all the times aforesaid they, the said, ~~as and by the said~~ Bernard F. Martin, ~~and the said Philip V. Walsh~~, and Joseph A. Young, by virtue of such deputation as aforesaid, had the actual custody of the said Charles G. Francklyn, by the authority and direction of the said Hugh J. Grant, Esquire, Sheriff, as aforesaid, and he, the said Charles G. Francklyn, was at all of times in the actual custody of the said Bernard F. Martin, Philip V. Walsh and Joseph A. Young, under and by virtue of the said order of arrest.

And afterwards, to wit, on the Twenty-third day of October, in the year aforesaid, at the City and County, aforesaid, the said Bernard F. Martin, Philip V. Walsh and Joseph A. Young, being by reason of the premises administrative officers as aforesaid, and so having said Charles G. Francklyn in their custody, under and by virtue of the said order of arrest, at the City and County aforesaid, unlawfully and corruptly did feloniously ask and receive, and agree to receive of and from the said Charles G. Francklyn, a bribe, to wit, the sum of Seven Hundred Dollars in money, lawful money of the United States of America, and of the value of Seven Hundred Dollars, upon an agreement and understanding that the action of them, the said Bernard F. Martin, Philip V. Walsh and Joseph A. Young, as such officers, upon the matter

0372

-4-

of the holding in custody of the said Charles G. Francklyn, under and by virtue of the said order of arrest, should be influenced thereby; and that, in consideration of the said bribe, they, the said Bernard F. Martin, Philip V. Walsh and Joseph A. Young, such ^{oficers} ~~Deputy Sheriffs~~, as aforesaid, would convey the said Charles G. Franklyn on the said day, and on divers other days thereafter, to the Office of his Attorneys in the said action in the said City, for the purpose of affording him an opportunity of consulting with the said Attorneys upon the subject of the said action, and would, on each of said days, suffer and permit him, the said Charles G. Francklyn, to be and remain with his said Attorneys, and to consult with them, as aforesaid, for the space of ten hours, 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 Bernard F. Martin, Philip V. Walsh and Joseph A. Young, of a misdemeanor committed as follows:

H e r e t o f o r e, to wit, on the Twentieth day of October, in the year of our Lord, one thousand, eight hundred and eighty-seven, at the City and County of New York, aforesaid, it having been made to appear to the Honorable Charles Donohue, then being one of the Justices of the Supreme Court of the State of New York, in a certain action be-

0373

ORDER OF ARREST ON WRIT OF HABEAS CORPUS
OF THE HONORABLE JUSTICE OF THE SUPREME COURT OF THE STATE OF NEW YORK

-5-

tween Bache Cunard, plaintiff, and Charles G. Francklyn, defendant, brought and then and there depending in the said Supreme Court, that a sufficient cause of action existed against the said defendant, and that the case was one in which an order of arrest might be properly and lawfully granted, as hereinafter alleged, and that the ground of arrest was Conversion of Property where the property was embezzled by the said defendant, while acting as Agent for the said plaintiff; and the said plaintiff having given the undertaking prescribed by law, he, the said the Honorable Charles Donohue, Justice as aforesaid, did duly issue a certain order of arrest directed to the Sheriff of any County of the State of New York, requiring such Sheriff forthwith to arrest the said defendant if he was found within the County of any such Sheriff, and to hold him to bail in the sum of Five Hundred Thousand Dollars, and to return the said order of arrest with his proceedings thereunder, as prescribed by law.

And afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said order of arrest was duly placed in the hands and possession of Hugh J. Grant, Esquire, then being the Sheriff of the said City and County of New York, for execution, and the said Hugh J. Grant, Esquire, such Sheriff, as aforesaid, thereafter, and on the same day, duly executed the said order of arrest, by taking into custody the said Charles G. Francklyn, and causing him to be duly arrested and taken into custody, under and by virtue thereof; and the said Charles

[illegible]

And at all the times hereinafter mentioned the said Bernard F. Martin late of the City and County aforesaid, at the City and County aforesaid was an administrative officer, to wit, a Deputy Sheriff of the said City and County, duly appointed, qualified and acting as such, and at all the times aforesaid they, the said, Bernard F. Martin, as such deputy sheriff, and the said Philip V. Walsh and Joseph A. Young, by virtue of such deputization as aforesaid, had the actual custody of the said Charles G. Francklyn, by the authority and direction of the said Hugh J. Grant, Esquire, Sheriff, as aforesaid, and he, the said Charles G. Francklyn, was at all of said times in the actual custody of the said Bernard F. Martin, Philip V. Walsh and Joseph A. Young, under and by virtue of the said order of arrest.

And afterwards, to wit, on the Twenty-third day of October, in the year aforesaid, at the City and County, aforesaid, the said Bernard F. Martin, Philip V. Walsh and Joseph A. Young, being by reason of the premises, administrative officers as aforesaid, and so having said Charles G. Francklyn in their custody, under and by virtue of the said order of arrest, at the City and County aforesaid, did unlawfully ask and receive of and from the said Charles G. Francklyn, a gratuity and reward, to wit, the sum of Seven Hundred Dollars, in money, lawful money of the United States of Am-

0375

-7-

erica, and of the value of Seven Hundred Dollars, and a promise of such gratuity and reward, for doing an official act, to wit, for and in consideration, and upon an agreement and understanding that the said Bernard F. Martin, Philip V. Walsh and Joseph A. Young, as such ~~Deputy Sheriffs~~ as aforesaid, would convey the said Charles G. Francklyn, on the said day, and on divers other days thereafter, to the office of his attorneys in the said action in the said City, for the purpose of affording him an opportunity of consulting with the said attorneys upon the subject of the said action, and would on each of said days suffer and permit him, the said Charles G. Francklyn, to be and remain with his said attorneys and to consult with them, as aforesaid, for the space of ten hours, they, the said Bernard F. Martin, Philip V. Walsh and Joseph A. Young, not being then and there authorized by law to ask or receive such gratuity and reward, or any promise thereof, for doing such official act; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN R. FELLOWS,

District Attorney.

Witnesses:

200

Christa Marie Keller

2023

No. 1 } Charles Golden
56 South 5th Ave.
George W. Plunkitt
442 Gal. 51st St

" 2 - Andrew Storm
40 West Green Place
Brooklyn

3- { Barton Berken
135 Waverly Place
John B. Land
342 - 4th Avenue

W. S. F. F. Gentry
 W. S. F. F. Gentry
 Chicago, Ill.
 Nov 17th

Counsel,

Filed

Pleads,

THE PEOPLE

ms.

B.
Bernard F. Martin
Philip V. Walsh
Joseph A. Young

JOHN R. FELLOWS,

District Attorney.

Ordered to the COURT of
 Lyon and Spence
 of the COURT of WEST VIRGINIA,
 the trial entered in the above
 March 23rd 90

A TRUE BILL

James R. Hoadley

Foreman

Foreword

0376

0377

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Bernard F. Martin
Philip V. Walsh, and
Joseph A. Young

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

Indictment accuse Bernard F. Martin, Philip V. Walsh
and Joseph A. Young
of the crime of Bribery,

committed as follows:

Heretofore, to wit: on the 20th day of October, 1887,
at the City and County aforesaid, it having been made
to appear to the Honorable Charles Donohue, then
being one of the Justices of the Supreme Court of the
State of New York, in a certain action between Bache
Cunard, plaintiff, and Charles G. Franklyn, defendant,
brought, and then and there depending in the said
Supreme Court, that a sufficient cause of action existed
against the said defendant, and that the case was one in
which an order of arrest might be properly and lawfully
granted as hereinafter alleged, and that the ground
of arrest was conversion of property where the
property was embezzled by the said defendant
while acting as agent for the said plaintiff, and the
said plaintiff having given the undertaking prescribed
by law, he the said the Honorable Charles Donohue,
Justice as aforesaid, did duly grant and issue a

0378

certain order of arrest directed to the Sheriff of any County of the State of New York, requiring such Sheriff forthwith to arrest the said defendant if he was found within the County of any such Sheriff, and to hold him to bail in the sum of five hundred thousand dollars, and to return the said order of arrest, with his proceedings thereunder as prescribed by law.

And afterwards, to wit: on the said 20th day of October, 1887, at the City and County aforesaid, the said order of arrest was duly placed in the hands and possession of Hugh J. Grant, Esquire, then being the Sheriff of the said City and County of New York, for execution; and the said Hugh J. Grant thereafter and on the same day, at the City and County aforesaid, in due form of law deputed the said Philip V. Walsh and Joseph A. Young, both late of the City and County aforesaid, by an instrument in writing, to execute the said order of arrest; and the said Philip V. Walsh and Joseph A. Young, by virtue of such deputation, and of the authority so conferred upon them, afterwards and on the said 20th day of October 1887, duly executed the said order of arrest by them and there arresting the said Charles G. Franklyn and taking him in custody under and by virtue thereof.

And afterwards, to wit: on the 23rd day of October, 1887, by the authority and direction of the said Hugh J. Grant Esquire, such Sheriff as aforesaid, ^{late of the City and County aforesaid} the said Bernard J. Martin, then and at all the times herein mentioned being a Deputy Sheriff of the said City and County, duly appointed, qualified

0379

and acting as such, together with the said Philip V. Walsh and Joseph A. Young, at the City and County aforesaid, had the actual custody of the said Charles G. Franchlyn, for and on behalf of the said Hugh F. Grant Esquire, Sheriff, as aforesaid, under and by virtue of the said order of arrest, the said Charles G. Franchlyn not having procured the bail required by the said order of arrest, and the same being then and there in full force and operation.

And the said Bernard F. Martin Joseph A. Young and Philip V. Walsh, so having the actual custody of the said Charles G. Franchlyn, as aforesaid, under and by virtue of the said order of arrest, afterwards, to wit: on the said 23rd day of October, 1887, at the City and County aforesaid, unlawfully and corruptly did feloniously ask and receive, and agree to receive, of and from the said Charles G. Franchlyn, a bribe, to wit: the sum of seven hundred dollars in money, lawful money of the United States of America, and of the value of seven hundred dollars, upon an agreement and understanding that the action of them the said Bernard F. Martin, Philip V. Walsh and Joseph A. Young in the matter of the said order of arrest, and the holding in custody of the said Charles G. Franchlyn under and by virtue thereof, and in respect to the manner of such holding in custody should be influenced thereby, and also that in consideration of the said bribe they the said

0380

Bernard F. Martin, Philip N. Walsh and Joseph A. Young would convey the said Charles G. Franklyn and take him in their custody, on the said last mentioned day, and on divers other days thereafter, to the office in the said city of his attorneys in the said action, and to his home there, and thereby give and afford him an opportunity of consulting and advising with his said attorneys, and of visiting his said home, against the form of the Statute in such case made, 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 Bernard F. Martin of the crime of Bribery, committed as follows:

Hereofore, to wit: on the 23rd day of October 1887, at the City and County aforesaid, the said Bernard F. Martin, was a Deputy Sheriff of the said City and County, duly appointed, qualified and acting as such, and as such Deputy Sheriff did then and there have in his custody one Charles G. Franklyn who had been duly arrested under and by virtue of a certain order of arrest theretofore duly issued out of the Supreme Court of the State of New York, in a certain action wherein one Roche

0381

Cunard was plaintiff and the said Charles G. Franklyn was defendant; then and theretofore pending in the said Supreme Court, which said order of arrest was directed to the Sheriff of any county of the State of New York, and whereby such Sheriff was duly required to arrest the said Charles G. Franklyn, if he was found within the county of any such Sheriff, and to hold him to bail in the sum of five hundred thousand dollars, and to return the said order of arrest, with his proceedings thereunder as prescribed by law.

And the said Bernard F. Martin, so being such Deputy Sheriff as aforesaid, and so having the said Charles G. Franklyn in his custody under and by virtue of the said order of arrest, afterwards, to wit: on the said 23rd day of October 1887, at the City and County aforesaid, unlawfully and corruptly did feloniously ask and receive, and agree to receive, of and from the said Charles G. Franklyn, a bribe, to wit: the sum of seven hundred dollars in money, lawful money of the United States of America, and of the value of seven hundred dollars, upon an agreement and understanding that the action of him the said Bernard F. Martin as such Deputy Sheriff, in the matter of the said order of arrest, and the holding in custody of the said Charles G. Franklyn under and by virtue thereof, and in respect to the manner of such holding in custody should be influenced thereby.

0382

and also that in consideration of the said
bribe, he the said Bernard F. Martin would
convey the said Charles G. Frenchlyn, and take
him in his custody, and cause, suffer and
permit him to be conveyed and taken, on the
said last mentioned day, and on divers other
days thereafter, to the office in the said city
of his attorneys in the said action, and to
his home there, and thereby would give and
afford him an opportunity of consulting and
advising with his said attorneys, and of
visiting his said home; 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 B. Fellows,

District Attorney.

0383

BOX:

389

FOLDER:

3625

DESCRIPTION:

Maso, Joseph

DATE:

03/19/90



3625

Witnesses;

Lucy Doran
Alice Williams

I do not think a
connection can be
had in this case
in reading the
within indictment
I ask that the
defendant be
discharged on his
own recognizance
March 24th 90

G.S.D.

1900 ~~Notarized~~ a

Counsel,

Filed

19 March 1890

Pleads

Obtained

THE PEOPLE

vs.

R

Joseph Maso

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John Sam Rhoads

Foreman.

~~John~~ Clerk ex 90

With the charged
on own recognizance on
motion of Dist. Atty. J.R.

0304

0385

Police Court— District.

CITY AND COUNTY }
OF NEW YORK, } ss.

of No. 41. Mulberry Street,

27. Mason being duly sworn, deposes and says, that

on Tuesday the 4th day of March

in the year 1890 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Joseph

Maso. (nowhere) who maliciously
Cut and stabbed deponent
in the left shoulder, and
arm with a razor then
and there were in the
hands of the said Maso.

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 5 day
of March 1890.

Luigi S. Sgro
Maso

W. J. McMahon POLICE JUSTICE.

0386

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *Joseph Muso*

Question. How old are you?

Answer. *45 Years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *41 Mulberry. 1 Year*

Question. What is your business or profession?

Answer. *Labourer*

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

Answer. *I am not guilty*

Joseph Muso
Muso

Taken before me this

day of

March

1891

Police Justice.

0387

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 Clegemund

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

Dated March 5 1890 W. T. McMahon Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0300

186
Police Court---

394
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Luigi Sereni
41st Madison St
Joseph Maso.

2
3
4

Offence
Adultery

BAILED.

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated *March 5* 1860
M. M. M. M. M. Magistrate.
Hammer Officer.
6 Precinct.

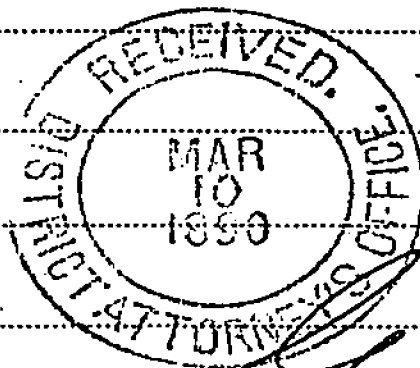
Witnesses
No. Street.

No. Street.

No. Street.

\$ *1000* to answer

1000 bond *Q. M. M. M. M.*



0389

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Luigi De Rosa

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. And the above defendant have always been good friends of long standing and I feel that he was no more to blame than I do. I beg leave to withdraw the charges herein made against the said defendant. I do this of my own free will, uninfluenced by any other motive than as above stated.

Joseph ^{his} + Masso
Mark

0390

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Masso

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

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

The said

Joseph Masso
late of the City of New York, in the County of New York aforesaid, on the
fourth day of March in the year of our Lord
one thousand eight hundred and ninety, with force and arms, at the City and
County aforesaid, in and upon the body of one *Lungi Derosa*
in the Peace of the said People then and there being, feloniously did make an assault
and *him* the said *Lungi Derosa*
with a certain *razor*

which the said

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

with intent

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

SECOND COUNT—

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

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

The said

Joseph Masso
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said *Lungi Derosa* in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and *him* the said

with a certain

which the said

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

0391

THIRD COUNT—

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

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

The said

Joseph Maso
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said
Luigi Derosa in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
him the said Luigi Derosa
with a certain razor

which he the said Joseph Maso

in his right hand then and there had and held, in and upon the shoulder
and arm of him the said Luigi Derosa
then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said Luigi Derosa

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

JOHN R. FELLOWS,

District Attorney.

0392

BOX:

389

FOLDER:

3625

DESCRIPTION:

Mayer, Morris

DATE:

03/18/90



3625

Witnesses;

Morris Weigmann

100 cl. clayer

Counsel,

Filed

day of

March 1890

Pleads,

City and Co.

THE PEOPLE

26
prior
driver
154 per ch. 1890

Morris Mayer

Grand Larceny Second degree.
[Sections 528, 531 —, Penal Code].

JOHN R. FELLOWS,
District Attorney.

A True Bill.

John R. Fellows

Foreman.

Part II March 25/90
Pleads. Attempt to 2. 2d day

14th 9. Mar. 1890
april 10

0393

0394

Court of General Session

The People

٧٨

Morris Mayer

City and County of New York s. s.

Abharam Bernstein and Michaelas Laske being duly sworn severally depose and say that they are engaged as partners in the safe and exchange stables at 53 and 55 Goerck Street this City that they have known the defendent since his arrival in this country five years ago, and that the defendent was employed by us as a driver and watchman for over two years and half during which time he always ^{has} ~~capable and~~ industrious and honest and at the time of his arrest he was employed by us as a driver.

Deponents further say that this is the first time the defendant has ever been arrested charged with the commission of any offense

Sworn to before me this 2

1st DAY OF April 1890

Abraham Bernstein

Michaelis Locke

W.S. Lanni

Wm. L. R. R. R.

1 ^{april} ~~Aug~~ Co (entire) in N.Y. Co

0395

General Sessions
The People
Morris Mayer
H. J. Davis as
Character
Marion Meyer &
of General Sessions
of Paul Road
Ref. C

MOBILE MAIL

18

THE BROTHERS

CONFIDENTIAL REPORT

0396

Police Court—

3

District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 264 Second

Charles Witzeman

Street, aged 24 years,

occupation Truckman

being duly sworn

deposes and says, that on the 10 day of March 1890 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

Three suits of Boys Clothing
 Four over Coats Three dress Coats
 2 vests and pair of Pants the
 whole value at one hundred
 and twenty dollars

\$120 ⁰⁰/₁₀₀

the property of

Samuel Gombert and Company
in the care and custody 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 Morris Meyer. (Now here)

in the following manner to wit:

Deponent had said property in his care
 as truckman and was in his stable No 65
 Horack Street packed in a box. Deponent
 saw the defendant break open said box
 with a hammer and take therefrom three
 suits of Boys Clothing. Deponent thereupon
 caused the arrest of defendant who
 after being informed of his rights
 admitted to having broken open said
 box. Deponent therefore prays
 that the defendant be held to answer.

Charles Witzeman

Sworn to before me, this 14 day
 of March 1890
 Charles H. Justice
 Police Justice.

0397

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Morris Meyer 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. Morris Meyer

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. Russia

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

Answer. 65 Horlick Street - 3 years

Question. What is your business or profession?

Answer. Driver

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

Answer.

I am not guilty

Morris Meyer

Taken before me this

12

day of

March

1920

at

Charles J. Taintor

Police Justice.

0398

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.....

Dependant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Fifteen* 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 *March 12* 18 *of Charles M. Linton* Police Justice.

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

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

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

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

0399

Police Court---

3401 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Witzeman
264th St
Morris Meyer

Offence Grand Larceny

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated March 17 1890
Jankó Magistrate.
Sullivan Officer.
12 Precinct.

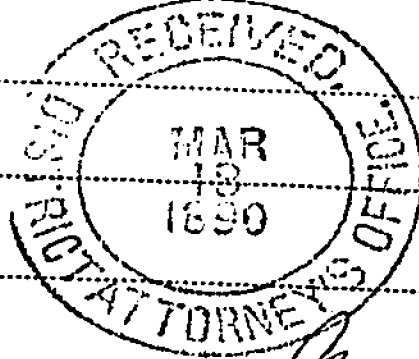
Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1500 to answer



Com G. S. J. 2

0400

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Morris Mayer

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

Morris Mayer

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

The said

Morris Mayer

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

three coats of the value of four dollars each, three vests of the value of two dollars each, three pair of trousers of the value of two dollars each pair, four overcoats of the value of ten dollars each, three other coats of the value of twelve dollars each, two vests of the value of five dollars each and two pair of trousers of the value of five dollars each pair

of the goods, chattels and personal property of one

Samuel Gomperts

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

John A. Fellows
District Attorney

0401

BOX:

389

FOLDER:

3625

DESCRIPTION:

McAleer, Edward

DATE:

03/12/90



3625

0402

Witnesses;

Charles Goodale
James Schenck

64
Jas. Plaster Kane 1890

Counsel,
Filed
Pleads,
12th day of August 1890
W. H. Gully

THE PEOPLE
vs.
Edward McAleer
Grand Larceny
[Sections 528, 531, Penal Code].
Indorsement

JOHN R. FELLOWS,
District Attorney.

April 9th 1890
A True BILL

John Sam Ophrad
Part 2 - April 9/90 Foreman.
Fried and acquitted

0403

Police Court—

District.

Affidavit—Larceny.

City and County } ss.
of New York,

Charles Goddard

of No. 228 E 65th Street, aged 25 years,

occupation Hostler being duly sworn

deposes and says, that on the 7th day of October 1888 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

one living Mares of the
value of one hundred
and fifty dollars

the property of Third Avenue Railroad Company

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 Edward Mc Aleer (name)

Deponent says that said defendant came to him and represented that James Schoonmaker sent him after said property, he deponent relying upon the truth of the aforesaid false and fraudulent representation gave to said defendant the aforesaid property.

Deponent says that he is informed by said Schoonmaker that he never sent said defendant or authorized him to obtain said property — Wherefore deponent charges

Sworn to before me, this

18

day

Police Justice.

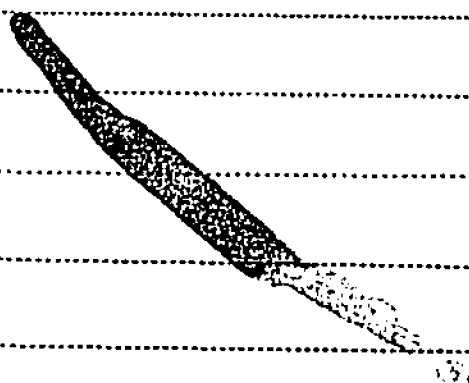
0404

Said defendant with feloniously
taking stealing and carrying
away said property

~~John D. [unclear]~~

Swear to before me Charles Goodle
this 28 day of Feb'y 1890

For [unclear] Police Justice



0405

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

44 District Police Court.

Edward Mc Aleen 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.

Edward Mc Aleen

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

New York

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

Answer.

737 E 11th St 18 mos

Question. What is your business or profession?

Answer.

Brother

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 innocent of the

Charge
Edward Mc Aleen

Taken before me this

day of

May

1904

Police Justice.

0406

Dated Feb'y 28 1890 To Wm. H. H. H. Police Justice.

Dated.....188.....*Police Justice.*

0407

Police Court 4 350 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Goodale

Edward McAlister

2

3

4

Office Carney
Felony

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated Feb 28 1890

L O Reilly Magistrate

John T. Buff Officer.

Solomon D. Reel 23 Precinct.

Witnesses John Gray

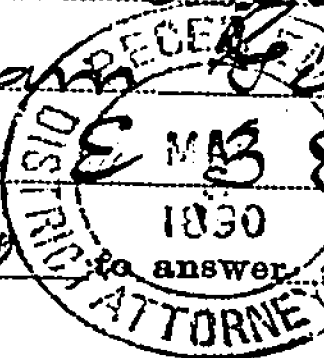
No. 228 E 65 Street.

James Schumann
3 Ave R R Depot Street.

William K. Knecht
No. 315 E 13 8th Street.

\$ 1000 to answer.

Comm. Draft



0408

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Mc Aleer

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

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

The said

Edward Mc Aleer

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

one horse of the value of
one hundred and fifty
dollars

of the goods, chattels and personal property of ~~one~~ a corporation called
the Third Avenue Railroad Company

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

John R. Tallows,
District Attorney

0409

BOX:

389

FOLDER:

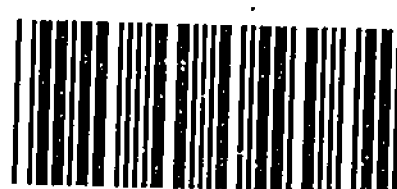
3625

DESCRIPTION:

McClellan, Frank

DATE:

03/05/90



3625

04 10

BOX:

389

FOLDER:

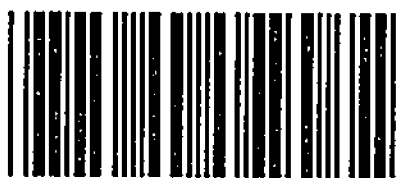
3625

DESCRIPTION:

Fleming, George

DATE:

03/05/90



3625

0411

BOX:

389

FOLDER:

3625

DESCRIPTION:

Reilly, James

DATE:

03/05/90



3625

0412

Witnesses:

Frank McElroy

J. L. Filer

Counsel,

Filed

day of

1890

Pleas,

Chattanooga

THE PEOPLE

vs. Frank McElroy

vs. George Fleming

vs. James Reilly

Robbery, Sections 224 and 228, Penal Code.

JOHN R. FELLOWS,

District Attorney.

V. Cind - Chas. G.

A True Bill.

John R. Fellows

Foreman.

Part 2 Feb 12 1890
at Read Robby 2nd degree
all Olmura Ref. P.B.M.

0413

Police Court-- District.

CITY AND COUNTY } ss
OF NEW YORK,

Jonah Ketchum
 of No. 100 of Refuge Randall Island, Street, Aged 50 Years
 Occupation Night Watchman Home of Refuge.
 being duly sworn, deposes and says, that on the
 26 day of February 1890, at the Ward of the City of New York,
 in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
 ponent by force and violence, without his consent and against his will, the following property, viz:

One Single Case Silver watch.

of the value of \$20 DOLLARS,
 the property of Helpmunk
 and that this deponent has a probable cause to suspect, and does suspect, that the said property was
 feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Frank Mr. Clellan and James
 Reilly (both now here). from the fact-
 that at about the hour of 1:30 o'clock
 a M said date. deponent was making
 his rounds in the home of Refuge. where
 deponent is employed as a watchman.
 and at that time deponent had said
 watch in the lower left hand pocket of
 his vest. when the said defendants and
 each of them attacked deponent and
 beat him with a club and an iron
 bar. knocking deponent down. and
 while deponent was lying prostrate the said

Sworn to before me, this 18th of Feb 1890

Police Justice

0414

defendants and each of them. Defendant
took store and carried away said
watch from the person of defendant by
force and violence against his will and
without his consent.

Servant before me } Joseph Ketchum
this 26th day of Feb 1890

Wm. M. M. M.
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 188
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 mentioned, I order he to be discharged.
Dated 188
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

vs.

1
2
3
4

Dated

188

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0415

Sec. 198—200.

CITY AND COUNTY }
OF NEW YORK, } ss.

5 District Police Court.

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

Question. What is your name?

Answer. *Frank McClellan*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *N. S.*

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

Answer. *No 481 Cherry St. 14 years*

Question. What is your business or profession?

Answer. *Schoolboy*

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

Answer.

I am guilty.

Frank McClellan.

Taken before me this

26

1899

Police Justice.

04 16

Sec. 108-200.

CITY AND COUNTY } ss.
OF NEW YORK,

5 District Police Court.

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

Question. What is your name?

Answer. *James Rilly*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *Newburgh N.*

Question. What is your business or profession?

Answer. *Schoolboy*

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

Answer. *I am guilty*

James Rilly

Taken before me this

day of

1880

Police Justice.

0417

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 James Reilly

James Reilly James Reilly
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, Five and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated July 26 1890 James J. Connelley Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0418

Police Court--- 5 337 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jonah Ketchum
vs.
Frank W. Clellan
James Reilly
George F. Deering

Offence *Robbery*

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Dated

Feb 26

18*90*

Murray

Magistrate.

David M. Liles Special Officer.
Home of Refuge Precinct.

Witnesses

No.

Street.

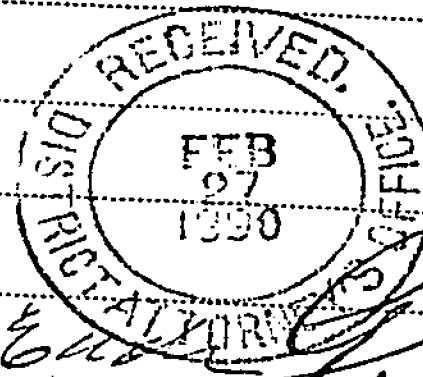
No.

Street.

No.

Street.

§ *1500* to answer.



Ornd

no. 3. warranted

04 19

New York House of Refuge,

March 6, 1890.

Hon. John R. Fellows,

District Attorney, N. Y.

Dear Sir: -

The following named persons are witnesses in the case of the three boys, Frank Mc Clellan, James Riley, and George Fleming, indicted for Robbery at the House of Refuge on the morning of the 26th ult.

Jonah Ketcham, the victim of the robbery and assault.

Charles W. Manchester, who pursued and captured the boys after their escape from the premises.

Edward B. Manchester, one of the pursuing party who saw the watch and other property on the accused after their capture and return to the House.

David L. Files, Special Officer who conveyed the accused to Court and heard the confessions of guilt from each one.

Dr. Geo. A. Spalding, Physician of the House who attended the wounded watchman and can describe the character of the wounds.

I have the honor to remain

Yours respectfully,

John C. Jones
Supt.
Subpoenas may be directed to House of Refuge,

Randall's Island, N. Y.

0420

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 McRellan
George Fleming
and James Reilly*

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

*Frank McRellan, James Reilly
and George Fleming*
of the CRIME OF ROBBERY in the *2nd* degree, committed as follows:

The said *Frank McRellan, James Reilly
and George Fleming*, all

late of the City of New York, in the County of New York aforesaid, on the *twenty-
ninth* day of *February* in the year of our Lord one thousand eight
hundred and *eighty-ninth*, in the *night* time of the said day, at the City and
County aforesaid, with force and arms, in and upon one *Jonah Hedden*,
in the peace of the said People, then and there being, feloniously did make an assault, and

*one watch of the value of ten
dollars,*

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

*Frank McRellan, James Reilly
and George Fleming,*
and each of them, being then and
there aided by an accomplice actually
present, to wit: each by the other:—
against the form of the statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

*John A. Bellows,
District Attorney*

0421

BOX:

389

FOLDER:

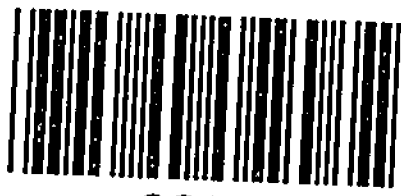
3625

DESCRIPTION:

McCormick, John

DATE:

03/19/90



3625

Witnesses:

John Decker
Off Dunlop

126

189.

Counsel,

Filed

Pleads,

19 March 1890
W. J. Decker

THE PEOPLE

vs.
John Decker

R

John Decker

Grand Larceny [Sections 528, 53, 54 Penn Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John R. Fellows

Foreman.

19 March 25/90.

Tried and convicted

24th & 25th March 1890
W. J. Decker

0423

Police Court 2 District.

Affidavit—Larceny.

City and County }
of New York, } ss.:of No. 124 Washington Place Street, aged 49 years,
occupation Carpenter & Joiner being duly sworndeposes and says, that on the 13 day of March 1888 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:a set of
Carpenter's tools of the value
of over forty dollars

\$ 40—

the property of Deponentand that this deponent
has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen,
and carried away by John Mc Cormacknowhere, under the following
circumstances: The said propertywas on said date left by
deponent in a building whendeponent was working at
No 57 Grove Street, and saidproperty was stolen therefrom
on said date, and deponentis informed by Matthew J.
O'Day, nowher, that the deponentdeposited the said tools at the
office of H. Mc Aleenah at No194 8th Avenue, on the day
the said tools were stolen,
and deponent is informedSworn to before me, this day of March 1888

Police Justice.

0424

by Theodore Millinder now
I see that the defendant, or
said Aule gave him a
pawn ticket for said property
and defendant has recovered
a part of said property from
said pawn shop

Sworn to before me this 15 day

of March 1896

J. White Jenkins Sibley
Police Justice.

0425

CITY AND COUNTY
OF NEW YORK, } ss.

aged 31 years, occupation Liquor of No.

265 Borne Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Julius Riley
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

1898

15 } Theodore Hallenda
March

A. J. White

Police Justice.

0426

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 19 years, occupation Matthew J O Dea
Club of No.

219 West 27 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of John Sibley

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

Sworn to before me, this 15
day of March 1898 } Matthew J. O Dea.

AJ White
Police Justice.

0427

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

2
District Police Court.

John H. Carmichael 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 H. Carmichael*

Question. How old are you?

Answer. *49 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *265 Bowery*

Question. What is your business or profession?

Answer. *Carpenter*

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

Answer. *I am not guilty*
John H. Carmichael

Taken before me this
day of *March* 189*5*

W. H. White
Police Justice.

0428

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 McCormick

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 *Mar 15* 18*90* *A. J. White* Police Justice.

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

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

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

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

0429

Police Court--- 2 422 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Julia Aibley
124 Washington Place
John Mc Cormick

Lawrence
Delany
Offence

2
3
4

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated Mar 15 1890
White

Bruley & Hunt
Magistrate.
Officer.

9
Witnesses Martin J O'Dea
Precinct.

No. 219 West 27 Street.

Madison Hallinder
No. 265 Broadway Street.

No. 5708 Street.
\$ to 1890



COURT OF GENERAL SESSIONS.

Part III.

The People of the State of New York. :
against. : Before Hon.
J O H N M c C O R M I C K . : Frederick Smyth,
and a Jury.

-----:
Indictment filed March 19th, 1890.
Indicted for Grand Larceny in the Second Degree.

New York, March, 25th, 1890.

APPEARANCES: For the People, Assistant District
Attorney W. T. Jerome.
For the defendant, Mr. G. R.
Westerfield.

JULIUS SIBLBY, a witness for the people, sworn,
testified:

I am a carpenter by trade. On the 13th of March this year, I was working Cor. of Grove and Bleecker Sts. I had a set of tools there. I know the defendant at the bar. When I was at work in this building I saw the defendant hanging round the place. He wasn't employed there. I saw these tools on this day and some time later I missed them. Their value was in the neighborhood of fifty dollars. I missed them at about ten o'clock in the morning. I went to the station house and acquainted the police of my loss. I finally found

0431

3

THEODORE MALINDA, a witness for the people, sworn testified:-

I am a saloon keeper, and I know the defendant. I have seen the pawn check now shown to me. The defendant at the bar gave it to me when I went to get out the articles. The defendant is in the habit of hanging around my place. At times I have given him little jobs to do. One day I went and bought some lumber for him, and asked him to do a job for me. He told me his tools were in the pawn. I told him that if he would give me the ticket I would go and get them. I sent a young man for them, and the young man was arrested. Afterwards, when the true facts were found out, the defendant was arrested in my place.

Cross-examination.

My store is at No. 265 second avenue. The work that the defendant was to do was in my store. He told me positively that the tools were in pawn, and that that was the check for them.

THOMAS BURLIGH, a witness for the people, sworn, testified:-

I am an officer of police attached to the Ninth Precinct. My attention was called to this case on the 13th of March. I located the tools at the pawn shop No. 194 8th Avenue. I went and saw Mr. Malinda, and he pointed out to me, the defendant as the man who gave him the ticket.

0432

4

D E F E N S E .

JOHN McCORMICK, the defen dant, sworn, testified:-

I live at No. 640 Hudson Street. I am a carpenter, and have been for forty years. I have been 29 years in this country. On March 13th, about half-past ten or close on to 11 o'clock, I met a man who claimed to be a carpenter in Greenwich Avenue. He was carrying a box of tools and asked me if I would go with him, that he wanted to pawn them. We went into this pawn shop in 8th Avenue. The man offered us \$2.50 and I argued with him, and told him they were worth more than that. The man took \$2.50 as he said his family were in need of something to eat. I then left him and went over to Mr. Malinda's place. I did give the ticket to Mr. Malinda as he says. I thought there was no harm in it, and I could get the tools out. The man who pawned the tools sold the ticket to me for twenty-five cents. He told me he could get them out whenever I wished. I have never been arrested before in my life. I did not steal the tools or have anything to do with the stealing of them.

Cross-examination.

I did not tell Mr. Malinda that my tools were in pawn. I told him there were a set of tools I could get in a pawn shop on 8th Avenue. I had been working

0433

5

three weeks before I was arrested. I never hung
around the building that the complainant speaks about.
This man who gave me the ticket I have known before
as a carpenter.

The Jury Returned a Verdict of "Guilty of
Grand Larceny in the Second Degree".

0434

Indictment filed March 19-1890

COURT OF GENERAL SESSIONS

Part III.

The People of the State of
New York,

against

J O H N M C C O R M I C K

Abstract of testimony on
trial New York, March 25th
1890.

0435

18438

H. MCALEENAN,

194 Eighth Avenue,

Bet. 19th & 20th Sts., NEW YORK.

MARCH 13 1890.

Took

Box

262

Wichita

Good for One Year Only.

Not accountable for loss or damage by fire, breakage, robbery or theft.

Rates of Interest.

On sums of 100 Dollars, or under, 3 per cent. per month or any fraction thereof for first six months, and 2 per cent. per month thereafter.

On sums over 100 Dollars, 2 per cent. per month for first six months, and 1 per cent. per month thereafter.

0436

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

John Mc Cormick

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

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

The said

John Mc Cormick

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

*divers carpenter's tools, of a
number and description to the
Grand Jury aforesaid unknown,
of the value of forty dollars
and one box of the value of
one dollar*

of the goods, chattels and personal property of one

Julius Sibley

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

0437

SECOND COUNT—

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

— *John Mc Cormick* —
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

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

*divers tools, of a number and
description to the Grand Jury
aforesaid unknown, of the value
of forty dollars, and one box of
the value of one dollar*

of the goods, chattels and personal property of one

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

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

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

JOHN R. FELLOWS,
District Attorney.

0438

BOX:

389

FOLDER:

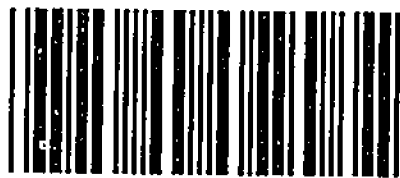
3625

DESCRIPTION:

McGinness, James

DATE:

03/27/90



3625

0439

Witnesses:

Patrick Newman

Off Keenan

James Mc Guinness

Chapman

19th Feb. 2. 1890

James Mc Guinness

19th Feb. 2. 1890

Off Keenan

Patrick Newman

Off Keenan

Patrick Newman

Counsel,

Filed

day of

March 1890

Pleads,

THE PEOPLE

vs.

James Mc Guinness

Grand Larceny, (From the Person.)
[Sections 528, 580, 582 Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John R. Fellows

March 27/90

Foreman.

James Mc Guinness

March 27/90

City Prison 30 days

April 2/90

at New York

0440

Police Court- / District.

Affidavit-Larceny.

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

Patrick Newman
of No. *343 Henderson Street* City, Street, aged *24* years,
occupation *Car Inspector* being duly sworn
deposes and says, that on the *18* day of *March* 19*20* at the City of New

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

*One Silver Watch attached to a plated
Chain of the Value of ten dollars*

\$10.00

the property of *deponent*

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by *Jarvis Mc Guinness (known)*

*from the fact that deponent was upon
a Ferry Boat coming from Jersey City to
this City when deponent was sitting in
a Cabin when deponent had said Watch
in the left hand pocket of the Vest then
upon deponent's person
deponent fell asleep,*

*deponent when arriving at the
dock on foot of Lausdiana Street
was accosted by officer George W. Herman
of the 28th Precinct Police who asked
deponent, if deponent lost his Watch,
and deponent then when discovered
that said Watch had been stolen*

of
Subscribed before me, this

1920

Police Justice

0441

From deponent said affiant informed
deponent that he assisted said
defendant with a Watch and Chain
in his hand which Watch and Chain
deponent identifies as the property
stolen from deponent as aforesaid

Given before me

this 19th day of March 1890

Wm. J. Corman

Notary Public

Patrick Kellman

0442

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 40 years, occupation Police officer of No. 28 Precinct Police Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Robert Newman and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 19 day of March 1887 } George H. Korman

George H. Korman
Police Justice.

0443

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

James McGinniss 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. *James McGinniss*

Question. How old are you?

Answer. *65 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *I have no home*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I took the watch but did not intend to steal it*

James McGinniss

Taken before me this

day of

August

1883

at

19

Police Justice

John J. Conner

0444

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifty 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 March 17 1890 John J. [Signature] Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0445

BAILED,

No. 1, by

Residence Street.

No. 2 by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court---

442
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Patrick Newman

vs.

1 *James McGinnis*
2
3
4

Lurvey Prudden
Officer

Dated

March 19

90

Magistrate.

James

Henry Newman Officer.

28

Precinct.

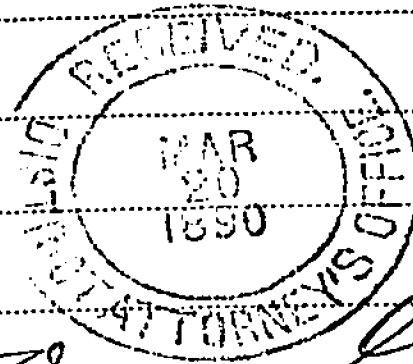
Witnesses *Lara* Officer

No. Street.

No. Street.

No. Street.

\$ *500* to answer *98*



Call

921
Hanson

0446

Court of General Sessions

The People et al

vs.
James M^cGuinness

Patrick Guynor being duly sworn says that he is a resident of the City of New York for the past forty-five years.

That he has worked in said City during that time in the capacity of laborer, and that he does not recollect any thing that took place that led to his arrest, that he was intoxicated at the time of his arrest, and that he gave the wrong name so that his employers would not know that he had been arrested, and deponent further says that he is Sixty five yrs old and that he has worked for the past several years for one firm, and that he was never arrested before for any crime whatever, and that he was advised by some person around the Trunks that if he pleaded guilty owing

0447

to his old age he would be released with a reprimand.

And that deponent did so plead because he desired to keep his arrest unknown, and expected to be released and that he is not guilty of the charges

Sworn to before me
this 2^d day of April 1890

James McGinnis
C. W. H. - Deputy Clerk
J. W. H. - Deputy Clerk

0448

Court of General Sessions

The People et al

vs.

James M^cGuinness

James Keenan being duly sworn says that he is a resident of the City of New York, that his business has been that of furniture and household effects but he has now retired and resides at 142 East 22 St; that he has known Patrick Gaynor who is here indicted under the name of James M^cGuinness for the past forty years and during that time he has known him to be an honest, sober, and industrious hard working man, and deponent verily believes him to be a man of good character.

James Keenan

Sworn to before me

this 7 day of Aug 1890

Samuel Hall

Deputy Clerk

Just of Genl Sessions

0449

Court of General Sessions

The People et al

vs.
James M^c Guinness

Edward Duffy being duly sworn says that he is a resident of the City of New York that he has known Patrick Laynor who is here indicted under the name of James M^c Guinness for the past Twenty years and during that time he has known him to be an honest, sober, and industrious hard working man and deponent verily believes him to be a man of good character.

Edward Duffy

Sworn to before me

this 24 day of April 1890

Edmund Hall

Deputy Clerk

Just of Genl Sesss

0450

The People et al.

vs
James McGinnis

Affidavits

0451

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Mc Guinness

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

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

The said

James Mc Guinness

late of the City of New York, in the County of New York aforesaid, on the *eighteenth*
day of *March* in the year of our Lord one thousand eight hundred and
~~eighty~~ *ninety*, in the *night* time of the said day, at the City and County
aforesaid, with force and arms,

one watch of the
value of ten dollars

of the goods, chattels and personal property of one
on the person of the said

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

0452

SECOND COUNT—

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

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

The said

James Mc Guinness

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

one watch of the value of ten
dollars

of the goods, chattels and personal property of one

Patrick Newman

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

Patrick Newman

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

James Mc Guinness

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

JOHN R. FELLOWS,

District Attorney.

0453

BOX:

389

FOLDER:

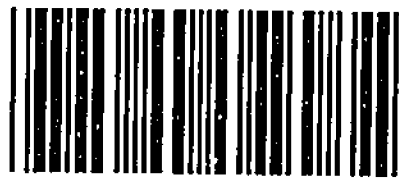
3625

DESCRIPTION:

McGonigal, David

DATE:

03/12/90



3625

0454

Witnesses:

Nelson Marsh

Wm. Rathbone

John B. Sexton

Jm. Gray

Thos Moore

J. J. Bretton

James Clancy

Bey Stander

Fernin Aldao.

Bail fixed

\$10000-

J. F.

Bailed

by Thomas Kelly

119 West 15th St.

Counsel,

Filed

Pleads,

12 day of March 1890

THE PEOPLE

vs.

B

David Mc Gonigal

(2 cases)

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

John Ham (Plaintiff)

March 24, 1890, Foreman.

Indictment dismissed.

no indictment having been

filed March 18, 1890

BW 12

396

Section 12, Penal Code, and Sec. 114, Code of Civil Procedure.

0455

COURT OF GENERAL SESSIONS OF THE PEACE

Of the City and County of New York.

.....
The People of the State of New York,)
--against--)
DAVID MCGONIGAL.)
.....

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

by this Indictment, accuse DAVID MCGONIGAL, of the Crime of

B R I B E R Y, committed as follows:

Heretofore, to wit, on the Twentieth day of February in the year of our Lord, one thousand, eight hundred and ninety, at the City of New York, in the County of New York, aforesaid, it having been made to appear to the Honorable Robert A. Van Wyck, one of the Justices of the City Court of the City of New York, by the affidavit of one, De Witt Buckbee, the plaintiff in a certain action for fraud against one, Nelson Herish, defendant, theretofore brought and then and there pending in the said Court, that a sufficient cause of action existed against the said defendant, and that the case was one wherein an order of arrest might be lawfully and properly granted, as herein-after alleged, and that the ground of arrest was fraud, in that the defendant obtained personal property from the said plaintiff by false and fraudulent representations, he, the said the Honorable Robert A. Van Wyck, Justice, as afore-

0456

-2

said, did duly grant and issue to the Sheriff of the said City and County of New York a certain order of arrest, directed to the said Sheriff, and requiring him forthwith to arrest the said Nelson Hersh, such defendant as aforesaid, if he was found within the said County of New York, and to hold him to bail in the sum of Seven Hundred Dollars, and to return the said order of arrest with his proceedings thereunder, as prescribed by law.

A n d afterwards, to wit: on the Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said Sheriff, by an instrument in writing, in due form of law, deputed the said David McGonigal, late of the City and County aforesaid, to execute the said order of arrest, and did place the same in the hands and possession of the said David McGonigal for execution and entrust him with the execution thereof; whereupon, he, the said David McGonigal, became and was then and there, and at all the times hereinafter mentioned, an administrative officer, for the purpose of the execution of the said order of arrest, duly appointed and qualified as such.

A n d afterwards, to wit: on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said David McGonigal, so being such administrative officer, pursuant to the authority conferred upon him by virtue of such deputation as aforesaid, did

0457

-3-

duly execute the said order of arrest by arresting and taking into his custody the said Nelson Hersh, under and by virtue of the said order of arrest, and him, the said Nelson Hersh, in his custody, as such administrative officer, under and by virtue of the said order of arrest, did then and there have.

A n d thereupon it then and there became, and was, the duty of him, the said David McGonigal, as such officer as aforesaid, to keep and hold the said Nelson Hersh in his custody, and to convey him to, and deliver him over to, the custody of the Warden and Jailer of the jail of the City and County of New York for the confinement of prisoners in civil causes, commonly called Ludlow Street Jail, there to be kept in custody, in the manner prescribed by law, and to delay and forbear so doing for no purpose except to give and afford to said Nelson Hersh a reasonable opportunity to seek for and procure bail in the sum specified in the said order of arrest.

A n d the said David McGonigal, so being such officer as aforesaid, and so having said Nelson Hersh in his custody, under and by virtue of the said order of arrest as aforesaid, well knowing the premises, afterwards, to wit, on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, unlawfully and corruptly did feloniously ask and receive of and from

0458

-4-

the said Nelson Hersh a bribe, to wit: the sum of Forty Dollars, in money, lawful money of the United States of America, and of the value of Forty Dollars, upon an understanding and agreement that the action and official proceeding of him, the said David McGonigal, as such officer as aforesaid, in respect to the holding in custody of the said Nelson Hersh, and in respect to conveying and delivering him, over to the custody of the said Warden and Jailer of the said jail as aforesaid, should be thereby influenced; and that he, the said David McGonigal, such officer as aforesaid, would do an act and neglect and violate his official duty in the respects aforesaid, to wit: that he, the said David McGonigal, such officer as aforesaid(not for the purpose of giving or affording said Nelson Hersh a reasonable opportunity of seeking for or procuring bail as aforesaid, but entirely by reason of the solicitation and request of the said Nelson Hersh, and for and in consideration of the said bribe, for the personal convenience, comfort and gratification of the said Nelson Hersh, and also that he might thereby escape and avoid being so delivered over to the custody of the said Warden and Jailer of the said jail for the period of time hereinbelow mentioned), would then and there delay and forbear and refrain from delivering the said Nelson Hersh over to the custody of the said Warden and Jailer of the said jail, for the space of five hours; 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

-5-

SECOND COUNT.

A n d the Grand Jury aforesaid, by this Indictment, further accuse the said David McGonigal of the same Crime of B R I B E R Y, committed as follows:

Heretofore, to wit: on the Twentieth day of February in the year of our Lord, one thousand, eight hundred and ninety, at the City of New York, in the County of New York, aforesaid, it having been made to appear to the Honorable Robert A. Van Wyck, one of the Justices of the City Court of the City of New York, by the affidavit of one, De Witt Buckbee, the plaintiff in a certain action for fraud against one, Nelson Hersh, defendant, theretofore brought and then and there pending in the said Court, that a sufficient cause of action existed against the said defendant, and that the case was one wherein an order of arrest might be lawfully and properly granted, as hereinafter alleged, and that the ground of arrest was fraud, in that the defendant obtained personal property from the said plaintiff by false and fraudulent representations, he, the said, the Honorable Robert A. Van Wyck, Justice, as aforesaid, did duly grant and issue to the Sheriff of the said City and County of New York a certain order of arrest, directed to the said Sheriff, and requiring him forthwith to arrest the said Nelson Hersh, such defendant as aforesaid, if he was found within the said County of New York, and to hold him to bail in the sum of Seven Hundred Dollars, and to return the said order of arrest with his proceedings

0460

-6-

thereunder, as prescribed by law.

A n d afterwards, to wit: on the Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said Sheriff, by an instrument in writing, in due form of law, deputed the said David McGonigal, late of the City and County aforesaid, to execute the said order of arrest, and did place the same in the hands and possession of the said David McGonigal for execution and entrust him with the execution thereof; whereupon, he, the said David McGonigal, became and was then and there, and at all the times hereinafter mentioned, an administrative officer, for the purpose of the execution of the said order of arrest, duly appointed and qualified as such.

A n d afterwards, to wit: on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said David McGonigal, so being such administrative officer, pursuant to the authority conferred upon him by virtue of such deputization as aforesaid, did duly execute the said order of arrest by arresting and taking into his custody the said Nelson Hersh, under and by virtue of the said order of arrest, and him, the said Nelson Hersh, in his custody, as such administrative officer, under and by virtue of the said order of arrest, did then and there have.

A n d : so having said Nelson Hersh in his custody,

0461

-7-

under and by virtue of the said order of arrest, as aforesaid, he, the said David McGonigal, such officer as aforesaid, afterwards, to wit, on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, well knowing the premises, unlawfully and corruptly did feloniously ask and receive of and from the said Nelson Hersh a bribe, to wit: the sum of Forty Dollars, in money, lawful money of the United States of America, and of the value of Forty Dollars, upon an understanding and agreement that the action and official proceeding of him, the said David McGonigal, as such officer as aforesaid, should thereby be influenced, and that he, the said David McGonigal, as such officer, would do an act and neglect and violate his official duty; 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.

A n d the Grand Jury aforesaid, by this Indictment, further accuse the said David McGonigal of the same Crime of B R I B E R Y, committed as follows:

Heretofore, to wit: on the Twentieth day of February in the year of our Lord, one thousand, eight hundred and ninety, at the City of New York, in the County of New York, aforesaid, it having been made to appear to the Honor-

0462

-8-

able Robert A. Van Wyck, one of the Justices of the City Court of the City of New York, by the affidavit of one, De Witt Buckbee, the plaintiff in a certain action for fraud against one, Nelson Hersh, defendant, theretofore brought and then and there pending in the said Court, that a sufficient cause of action existed against the said defendant, and that the case was one wherein an order of arrest might be lawfully and properly granted, as hereinafter alleged, and that the ground of arrest was fraud, in that the defendant obtained personal property from the said plaintiff by false and fraudulent representations, he, the said, the Honorable Robert A. Van Wyck, Justice, as aforesaid, did duly grant and issue to the Sheriff of the said City and County of New York a certain order of arrest, directed to the said Sheriff, and requiring him forthwith to arrest the said Nelson Hersh, such defendant as aforesaid, if he was found within the said County of New York, and to hold him to bail in the sum of Seven Hundred Dollars, and to return the said order of arrest with his proceedings thereunder, as prescribed by law.

A n d afterwards, to wit: on the Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said Sheriff, by an instrument in writing, in due form of law, deputed the said David McGonigal, late of the City and County aforesaid, to execute the said order of arrest, and did place the same in the hands and possession of the said David McGonigal for execution and

0463

-9-

entrust him with the execution thereof; whereupon, he, the said David McGonigal, became and was then and there, and at all the times hereinafter mentioned, an administrative officer, for the purpose of the execution of the said order of arrest, duly appointed and qualified as such.

A n d afterwards, to wit: on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said David McGonigal, so being such administrative officer, pursuant to the authority conferred upon him by virtue of such deputization as aforesaid, did duly execute the said order of arrest by arresting and taking into his custody the said Nelson Hersh, under and by virtue of the said order of arrest, and him, the said Nelson Hersh, in his custody, as such administrative officer, under and by virtue of the said order of arrest, did then and there have.

A n d thereupon it became, and was, the duty of him, the said David McGonigal, as such officer as aforesaid, so having the said Nelson Hersh in his custody, under and by virtue of the said order of arrest, as aforesaid, to give and afford to the said Nelson Hersh a reasonable opportunity to seek for and to procure bail in the sum specified in the said order of arrest, before delivering him over to the custody of the Warden and jailer of the jail of the City and County of New York, for the confinement of prisoners in civil causes, commonly called Ludlow Street

0464

-10-

Jail.

A n d the said David McGonigal, so being such officer as aforesaid, and so having the said Nelson Hersh in his custody, under and by virtue of the said order of arrest, as aforesaid, afterwards, to wit: on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, unlawfully and corruptly did feloniously ask and receive, of and from, the said Nelson Hersh a bribe, to wit: the sum of Forty Dollars, in money, lawful money of the United States of America, and of the value of Forty Dollars, upon an agreement and understanding that his action and official proceedings as such officer, in respect to the holding in custody of the said Nelson Hersh, under and by virtue of the said order of arrest, should be thereby influenced; and that he would do an act in respect thereto, to wit: upon an understanding and agreement that in consideration of receiving the said bribe, he, the said David McGonigal, as such officer, would give and afford to said Nelson Hersh, a reasonable opportunity to seek for and procure such bail as aforesaid; against the form of the statute in such case made and provided, and against the peace of the people of the State of New York, and their dignity.

FOURTH COUNT.

0465

-11-

A n d the Grand Jury aforesaid, by this Indictment, further accuse the said David McGonigal of a Misdemeanor, committed as follows:

Heretofore, to wit: on the Twentieth day of February in the year of our Lord, one thousand, eight hundred and ninety, at the City of New York, in the County of New York, aforesaid, it having been made to appear to the Honorable Robert A. Van Wyck, one of the Justices of the City Court of the City of New York, by the affidavit of one, De Witt Buckbee, the plaintiff in a certain action for fraud against one, Nelson Herish, defendant, theretofore brought and then and there pending in the said Court, that a sufficient cause of action existed against the said defendant, and that the case was one wherein an order of arrest might be lawfully and properly granted, as hereinafter alleged, and that the ground of arrest was fraud, in that the defendant obtained personal property from the said plaintiffs by false and fraudulent representations, he, the said, the Honorable Robert A. Van Wyck, Justice, as aforesaid, did duly grant and issue to the Sheriff of the said City and County of New York a certain order of arrest, directed to the said Sheriff, and requiring him forthwith to arrest the said Nelson Herish, such defendant as aforesaid, if he was found within the said County of New York, and to hold him to bail in the sum of Seven Hundred Dollars, and to return the said order of arrest with his proceedings thereunder, as prescribed by law.

0466

-12-

A n d afterwards, to wit: on the Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said Sheriff, by an instrument in writing, in due form of law, deputed the said David McGonigal, late of the City and County aforesaid, to execute the said order of arrest, and did place the same in the hands and possession of the said David McGonigal for execution and entrust him with the execution thereof; whereupon, he, the said David McGonigal, became and was then and there, and at all the times hereinafter mentioned, an administrative officer, for the purpose of the execution of the said order of arrest, duly appointed and qualified as such.

A n d afterwards, to wit: on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said David McGonigal, so being such administrative officer, pursuant to the authority conferred upon him by virtue of such deputation as aforesaid, did duly execute the said order of arrest by arresting and taking into his custody the said Nelson Hersh, under and by virtue of the said order of arrest, and him, the said Nelson Hersh, in his custody, as such administrative officer, under and by virtue of the said order of arrest, did then and there have.

A n d the said David McGonigal, so being such officer as aforesaid, having so arrested the said Nelson Hersh, and then and there having him in his custody, under

0467

-13-

and by virtue of the said order of arrest, afterwards, to wit: on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, unlawfully and corruptly did demand and receive from the said Nelson Hersh a gratuity and reward, to wit: the sum of Forty Dollars, in money, lawful money of the United States of America, and of the value of Forty Dollars, for keeping the said Nelson Hersh out of jail, upon pretense that he, the said David McGonigal, as such officer, was then and there lawfully and properly entitled to demand and receive the said gratuity and reward for keeping the said Nelson Hersh out of jail; whereas, in truth and in fact, he, the said David McGonigal, as such officer, was not then and there lawfully or properly entitled to demand or receive the said gratuity and reward for keeping said Nelson Hersh out of jail; 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.

FIFTH COUNT.

A n d the Grand Jury aforesaid, by this Indictment, further accuse the said David McGonigal of the same Misdemeanor, committed as follows:

Heretofore, to wit: on the Twentieth day of February, in the year of our Lord, one thousand, eight hundred

0468

-14-

and ninety, at the City of New York, in the County of New York, aforesaid, it having been made to appear to the Honorable Robert A. Van Wyck, one the Justices of the City Court of the City of New York, by the affidavit of one, De Witt Buckbee, the plaintiff in a certain action for fraud against one, Nelson Hersh, defendant, theretofore brought and then and there pending in the said Court, that a sufficient cause of action existed against the said defendant, and that the case was one wherein an order of arrest might be lawfully and properly granted, as hereinafter alleged, and that the ground of arrest was fraud, in that the defendant obtained personal property from the said plaintiff by false and fraudulent representations, he, the said, the Honorable Robert A. Van Wyck, Justice, as aforesaid, did duly grant and issue to the Sheriff of the said City and County of New York a certain order of arrest, directed to the said Sheriff, and requiring him forthwith to arrest the said Nelson Hersh, such defendant as aforesaid, if he was found within the said County of New York, and to return the said order of arrest with his proceedings thereunder, as prescribed by law.

A n d afterwards, to wit: on the Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said Sheriff, by an instrument in writing, in due form of law, deputed the said David McGonigal, late of the City and County aforesaid, to execute the said order of arrest, and did place the same in the hands

0469

-15-

and possession of the said David McGonigal for execution and entrust him with the execution thereof; whereupon, he, the said David McGonigal, became and was then and there, and at all the times hereinafter mentioned, an administrative officer, for the purpose of the execution of the said order of arrest, duly appointed and qualified as such.

A n d afterwards, to wit: on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said David McGonigal, so being such administrative officer, pursuant to the authority conferred upon him by virtue of such deputization as aforesaid, did duly execute the said order of arrest by arresting and taking into his custody the said Nelson Hersh, under and by virtue of the said order of arrest, and him, the said Nelson Hersh, in his custody, as such administrative officer, under and by virtue of the said order of arrest, did then and there have.

A n d the said David McGonigal, so being such officer as aforesaid, having so arrested the said Nelson Hersh, and then and there having him in custody, under and by virtue of the said order of arrest, afterwards, to wit: on the said Twenty-first day of February, in the year aforesaid, at the City and County aforesaid, unlawfully and corruptly did demand and receive from the said Nelson Hersh, a gratuity and reward, to wit: the sum of Forty Dollars, in money, lawful money of the United States of America, and of

0470

-16-

the value of Forty Dollars, for going with the said Nelson Hersh to find bail, upon pretense that he, the said David McGonigal, as such officer, was then and there lawfully and properly entitled to demand and receive the said gratuity and reward for going with the said Nelson Hersh to find bail; whereas, in truth and in fact, he, the said David McGonigal, as such officer was not, then and there, lawfully or properly entitled to demand or receive the said gratuity and reward for going with him, the said Nelson Hersh, to find bail; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN R. FELLOWS,

District Attorney.

0471

An indictment against
Benjamin F. Martin involving
the same questions of law
having been demurred to and
therein Mr Justice Barrett
having decided that said
indictment was insufficient
therefore under said decision
this indictment cannot be
sustained and I recommend
its dismissal
Dated May 6/90

John R. Fellows
District Attorney

396

Counsel,
Filed
Pleads,
day of March 1890
with plea to wit: 10 days
THE PEOPLE

vs.

David McConigal

(2 Cases)

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

John R. Fellows

colley 7/90
Demurred on motion
of District Attorney
two grounds appearing
in indictment for

Witnesses:

William Martin
David Barrett
James Barrett
John Barrett
X. L. Barrett
James Barrett
David Barrett
X. L. Barrett
James Barrett
David Barrett

Bailed

By - Thomas Kelly
119 West 15th St

0472

COURT OF GENERAL SESSIONS OF THE PEACE
Of the City and County of New York.

-----X
The People of the State of New York :
:
A g a i n s t :
:
D a v i d M c G o n i g a l :
-----X:

The Grand Jury of the City and County of New York, by
this indictment accuse David McGonigal of the crime of
bribery, committed as follows :

Heretofore, to wit: on the Twentieth day of February,
in the year of our Lord one thousand eight hundred and
ninety, at the City of New York in the County of New
York aforesaid, it having been made to appear to the
Honorable Robert A. Van Wyck, one of the Justices of the
City Court of the City of New York, by the affidavit of
one De Witt Buckbee, the plaintiff in a certain action
for fraud against one Nelson Herish, defendant, thereto -
fore brought and then and there pending in the said
Court, that a sufficient cause of action existed against
the said defendant and that the case was one wherein an
order of arrest might be lawfully and properly granted as
hereinafter alleged, and that the ground of arrest was
fraud, in that the defendant obtained personal property
from the said plaintiff by false and fraudulent repre-
sentations, he the said the Honorable Robert A. Van Wyck,
Justice as aforesaid, did duly grant and issue to the

0473

Sheriff of the said City and County of New York a certain order of arrest directed to the said Sheriff and requiring him forthwith to arrest the said Nelson Hersh, such defendant as aforesaid, if he was found within the said County of New York, and to hold him to bail in the sum of seven hundred dollars and to return the said order of arrest with his proceedings thereunder, ~~as~~
~~prescribed by law.~~

And afterwards, to wit: on the twenty-first day of February in the year aforesaid, at the City and County aforesaid, the said Sheriff duly deputized the said David McGonigal, late of the City and County aforesaid, then and at all the times herein mentioned being a public officer, to wit: a deputy sheriff of the said City and County, duly appointed, qualified and acting as such, and executing the functions thereof, to execute the said order of arrest, and did place the same in the hands and possession of the said David McGonigal such deputy sheriff as aforesaid, for execution and entrust him with the execution thereof.

And afterwards to wit: on the said twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said David McGonigal, so being such deputy sheriff as aforesaid, did duly execute the said order of arrest, by arresting and taking into ^{his} custody the said Nelson Hersh under and by virtue of the said order of arrest, and him the said Nelson Hersh in his custody as such deputy sheriff, under and by virtue of the said order of arrest, did then and there have.

0474

. And thereupon it then and there became and was the duty of him the said David McGonigal as such deputy sheriff as aforesaid, to keep and hold the said Nelson Herish in his custody, and to convey him to and deliver him over to the custody of the Warden and Jailor of the Jail of the City and County of New York for the confinement of prisoners in civil causes, commonly called Ludlow Street jail, there to be kept in custody in the manner prescribed by law, and to delay and forbear so doing for no purpose except to give and afford to the said Nelson Herish a reasonable opportunity to seek for and to procure bail in the sum specified in the said order of arrest.

And the said David McGonigal, so being such deputy sheriff as aforesaid, and so having the said Nelson Herish in his custody under and by virtue of the said order of arrest as aforesaid, well knowing the premises, afterwards, to wit: on the said twenty-first day of February, in the year aforesaid, at the City and County aforesaid, unlawfully and corruptly did feloniously ask and receive of and from the said Nelson Herish, a bribe, to wit: the sum of forty dollars in money, lawful money of the United States, ^{of America,} and of the value of forty dollars, upon an understanding and agreement that the action and official proceeding of him the said David McGonigal such deputy sheriff as aforesaid, in respect to the holding in custody of the said Nelson Herish and in respect to ^{conveying} ~~having~~ and delivering him over to the custody of the said Warden and Jailor of the said jail as aforesaid, should be there-

0475

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by influenced, and that he the said David McGonigal such deputy sheriff as aforesaid, would do an act, and neglect and violate his official duty in the respects aforesaid, to wit: that he the said David McGonigal such deputy sheriff as aforesaid (not for the purpose of giving or affording to the said Nelson Hersh a reasonable opportunity of seeking for or procuring bail as aforesaid, but entirely by reason of the solicitations and request of the said Nelson Hersh and for and in consideration of the said bribe, for the personal convenience, comfort, and gratification of the said Nelson Hersh, and also that he might thereby escape and avoid being so delivered over to the custody of the said Warden and jailor of the said jail and from being confined in the said jail for the period of time herein-below mentioned) would then and there delay and forbear and refrain from delivering the said Nelson Hersh over to the custody of the said Warden and Jailor of the said jail for the space of five hours: 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 David McGonigal of the same crime of bribery, committed as follows :

Heretofore, to wit: on the twentieth day of February, in the year of our Lord one thousand eight hundred and

0476

5

ninety, at the City of New York, in the County of New York aforesaid, it having been made to appear to the Honorable Robert A. Van Wyck, one of the Justices of the City Court of the City of New York, by the affidavit of one DeWitt Buckbee, the plaintiff in a certain action for fraud against one Nelson Hersh defendant, theretofore brought and then and there pending in the said Court, that a sufficient cause of action existed against the said defendant and that the case was one wherein an order of arrest might be lawfully and properly granted as hereinafter alleged, and that the ground of arrest was fraud, in that the defendant obtained personal property from the said plaintiff by false and fraudulent representations, he the said the Honorable Robert A. Van Wyck, Justice as aforesaid, did duly grant and issue to the Sheriff of the said City and County of New York, a certain order of arrest directed to the said Sheriff and requiring him forthwith to arrest the said Nelson Hersh such defendant as aforesaid, if he was found within the said County of New York, and to hold him to bail in the sum of seven hundred dollars and to return the said order of arrest with his proceedings thereunder, as prescribed by law.

And afterwards, to wit: on the twenty-first day of February in the year aforesaid, at the City and County aforesaid, the said Sheriff duly deputized the said David McGonigal, late of the City and County aforesaid, then and at all the times herein mentioned being a public officer, to wit: a deputy sheriff of the said City.

0477

6

and County, duly appointed, qualified and acting as such, and executing the functions thereof, to execute the said order of arrest, and did place the same in the hands and possession of the said David McGonigal, such deputy sheriff as aforesaid, for execution, and entrust him with the execution thereof.

And afterwards, to wit: on the said twenty-first day of February in the year aforesaid, at the City and County aforesaid, the said David McGonigal, so being such deputy Sheriff as aforesaid, did duly execute the said order of arrest, by arresting and taking into his custody the said Nelson Hersh under and by virtue of the said order of arrest, and him the said Nelson Hersh in his custody as such deputy Sheriff, under and by virtue of the said order of arrest, did then and there have.

And so having the said Nelson Hersh in his custody under and by virtue of the said order of arrest, as aforesaid, the said David McGonigal, so being such deputy sheriff as aforesaid, afterwards, to wit: on the said twenty-first day of February in the year aforesaid, at the City and County aforesaid, well knowing the premises, unlawfully and corruptly, did feloniously ask and receive of and from the said Nelson Hersh, a bribe, to wit: the sum of forty dollars in money, lawful money of the United States of America, and of the value of forty dollars, upon an agreement and understanding that the action and official proceeding of him the said David McGonigal, such deputy sheriff as aforesaid, should be thereby influenced, and that he the said David McGonigal, such

0478

deputy sheriff as aforesaid, would do an act, and neglect and violate his official duty: 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 David McGonigal of the same crime of bribery, committed as follows :

Heretofore, to wit: on the twentieth day of February, in the year of our Lord one thousand eight hundred and ninety, at the City of New York in the County of New York aforesaid, it having been made to appear to the ^{Honorable} Robert A. VanWyck, one of the Justices of the City Court of the City of New York, by the affidavit of one DeWitt Buckbee, the plaintiff in a certain action for fraud against one Nelson Hersh, defendant, theretofore brought and then and there pending in the said Court, that a sufficient cause of action existed against the said defendant, and that the case was one wherein an order of arrest might be lawfully and properly granted as hereinafter alleged, and that the ground of arrest was fraud, in that the defendant obtained personal property from the said plaintiff by false and fraudulent representations, he the said the Honorable Robert A. Van Wyck, Justice as aforesaid, did duly grant and issue to the Sheriff of the said City and County of New York, a certain order of

0479

8

arrest directed to the said Sheriff and requiring him forthwith to arrest the said Nelson Hersh, such defendant as aforesaid, if he was found within the said County of New York, and to hold him to bail in the sum of seven hundred dollars, and to return the said order of arrest with his proceedings thereunder, *as provided by law.*

And afterwards to wit: on the twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said Sheriff duly deputized the said David McGonigal, late of the City and County aforesaid, then and at all the times herein mentioned being a public officer, to wit: a deputy sheriff of the said City and County, duly appointed, qualified and acting as such, and executing the functions thereof, to execute the said order of arrest, and displace the same in the hands and possession of the said David McGonigal, such deputy sheriff as aforesaid, for execution, and entrust him with the execution thereof.

And afterwards, to wit: on the said twenty-first day of February in the year aforesaid, at the City and County aforesaid, the said David McGonigal so being such deputy sheriff as aforesaid, did duly execute the said order of arrest, by arresting and taking into his custody the said Nelson Hersh, under and by virtue of the said order of arrest, and him the said Nelson Hersh in his custody as such deputy sheriff, under and by virtue of the said order of arrest, did then and there have.

And thereupon it became and was the duty of him the said David McGonigal, such deputy sheriff as aforesaid,

0480

9

so having the said Nelson Hersh in his custody under and by virtue of the said order of arrest as aforesaid, to give and afford to the said Nelson Hersh a reasonable opportunity to seek for and to procure bail in the sum specified in the said order of arrest before delivering him over to the custody of the Warden and jailor of the jail of the City and County of New York for the confinement of prisoners in civil causes, commonly called the Ludlow Street Jail.

And the said David McGonigal so being such deputy sheriff as aforesaid, and so having the said Nelson Hersh in ^{his} custody under and by virtue of the said order of arrest as aforesaid, afterwards, to wit: on the said twenty-first day of February in the year aforesaid, at the City and County aforesaid, unlawfully and corruptly did feloniously ask and receive of and from the said Nelson Hersh a bribe, to wit; the sum of forty dollars in money, lawful money of the United States of America, and of the value of forty dollars, upon ~~an~~ agreement and understanding that his action and official proceeding as such deputy sheriff in respect to the holding in custody of the said Nelson Hersh under and by virtue of the said order of arrest should be thereby influenced and that he would do an ~~act~~ act in respect thereto, to wit: upon an understanding and agreement that in consideration of receiving the said bribe, he the said David McGonigal, such deputy sheriff as aforesaid, would give and afford to the said Nelson Hersh a reasonable opportunity

0481

19
to seek for and to procure such bail as aforesaid; against the form of the Statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT.

And the Grand Jury aforesaid by this indictment further accuse the said David McGonigal of a misdemeanor committed as follows:

Heretofore, to wit: on the twentieth day of February in the year of our Lord one thousand eight hundred and ninety, at the City of New York in the County of New York aforesaid, it having been made to appear to the Honorable Robert A. Van Wyck, one of the Justices of the City Court of the City of New York, by ^{the} affidavit of one De Witt Buckbee, the plaintiff in a certain action for fraud against one Nelson Herish defendant, theretofore brought and then and there pending in the said Court, that a sufficient cause of action existed against the said defendant, and that the case was one wherein an order of arrest might be lawfully and properly granted as hereinafter alleged, and that the ground of arrest was fraud, in that the defendant obtained personal property from the said plaintiff by false and fraudulent representations, he the said the Honorable Robert A. Van Wyck, Justice as aforesaid, did duly grant and issue to the Sheriff of the said City and County of New York a certain order of arrest, directed to the said Sheriff and

0482

requiring him forthwith to arrest the said Nelson Hersh such defendant as aforesaid, if he was found within the said County of New York, and to hold him to bail in the sum of seven hundred dollars and to return the said order of arrest with his proceedings thereunder, ~~and~~ *presented in law.*

And afterwards, to wit: on the twenty-first day of February in the year aforesaid, at the City and County aforesaid, the said Sheriff duly deputized the said David McGonigal, late of the City and County aforesaid, then and at all the times herein mentioned being a public officer, to wit: a deputy sheriff of the said City and County, duly appointed, qualified and acting as such and executing the functions thereof, to execute the said order of arrest, and did place the same in the hands and possession of the said David McGonigal such deputy sheriff as aforesaid, for execution and entrust him with the execution thereof.

And afterwards, to wit: on the said twenty-first day of February in the year aforesaid, at the City and County aforesaid, the said David McGonigal so being such deputy sheriff as aforesaid, did duly execute the said order of arrest, by arresting and taking into his custody the said Nelson Hersh under and by virtue of the said order of arrest, and him the said Nelson Hersh in his custody as such deputy sheriff under and by virtue of the said order of arrest did then and there have.

And the said David McGonigal so being such deputy Sheriff as aforesaid, having so arrested the said Nelson Hersh

0483

Nersh, and then and there having him in his custody under and by virtue of the said order of arrest, afterwards, to wit: on the said twenty-first day of February in the year aforesaid, at the City and County aforesaid, unlawfully and corruptly did demand and receive from the said Nelson Hersh a gratuity and reward, to wit: the sum of forty dollars in money, lawful money of the United States of America and of the value of forty dollars, for keeping the said Nelson Hersh out of jail, upon pretense that he the said David McGonigal such deputy Sheriff as aforesaid, was then and there lawfully and properly entitled to demand and receive the said gratuity and reward for keeping the said Nelson Hersh out of jail; whereas in truth and in fact he the said David McGonigal such deputy sheriff as aforesaid was not then and there lawfully or properly entitled to demand or receive the said gratuity and reward for keeping the said Nelson Hersh out of jail: 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.

FIFTH COUNT.

And the Grand Jury aforesaid by this indictment further accuse the said David McGonigal of the same misdemeanor, committed as follows :

Heretofore, to wit: on the twentieth day of February, in the year of our Lord one thousand eight hundred and

0484

13

ninety, at the City of New York, in the County of New York aforesaid, it having been made to appear to the Honorable Robert A. Van Wyck, one of the Justices of the City Court of the City of New York, by the affidavit of one De Witt Buckbee, the plaintiff in a certain action for fraud against one Nelson Hersh defendant, theretofore brought and then and there pending in the said Court, that a sufficient cause of action existed against the said defendant and that the case was one wherein an order of arrest might be lawfully and properly granted as hereinafter alleged, and that the ground of arrest was fraud, in that the defendant obtained personal property from the said plaintiff by false and fraudulent representations, he the said, the Honorable Robert A. Van Wyck, Justice as aforesaid, did duly grant and issue to the Sheriff of the said City and County of New York, a certain order of arrest, directed to the said Sheriff and requiring him forthwith to arrest the said Nelson Hersh, such defendant as aforesaid, if he was found within the said County of New York, and to hold him to bail in the sum of seven hundred dollars and to return the said order of arrest with his proceedings thereunder, as required by law.

And afterwards, to wit: on the twenty-first day of February, in the year aforesaid, at the City and County aforesaid, the said Sheriff duly deputized the said David McGonigal, late of the City and County aforesaid, then and at all the times herein mentioned being a public

0485

14

officer, to wit: a deputy sheriff of the said City and County, duly appointed, qualified and acting as such, and executing the functions thereof, to execute the said order of arrest, and did place the same in the hands and possession of the said David McGonigal such deputy sheriff as aforesaid, for execution, and entrust him with the execution thereof.

And afterwards, to wit: on the said twenty-first day of February in the year aforesaid, at the City and County aforesaid, the said David McGonigal, so being such deputy sheriff as aforesaid, did duly execute the said order of arrest, by arresting and taking into his custody the said Nelson Hersh, under and by virtue of the said order of arrest, and him the said Nelson Hersh in his custody as such deputy sheriff under and by virtue of the said order of arrest did then and there have.

And the said David McGonigal so being such deputy sheriff as aforesaid, having so arrested the said Nelson Hersh, and then and there having him in his custody under and by virtue of the said order of arrest, afterwards, to wit: on the said twenty-first day of February, in the year aforesaid, at the City and County aforesaid, unlawfully and corruptly did demand and receive from the said Nelson Hersh a gratuity and reward, to wit: the sum of forty dollars in money, lawful money of the United States of America, and of the value of forty dollars, for going with the said Nelson Hersh to find bail, upon pretense that he the said David McGonigal such deputy sheriff as

0486

aforesaid was then and there lawfully and properly entitled to demand and receive the said gratuity and reward for going with him the said Nelson Hersh to find bail; whereas in truth and in fact he the said David Mc Gonigal was not then and there lawfully or properly entitled to demand or receive the said gratuity and reward for going with him the said Nelson Hersh to find bail: 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 H. Hedges,
Attorney at Law

0487

CITY AND COUNTY OF NEW YORK, SS.

In the name of the People of the State of New York, To any Peace Officer in this State:

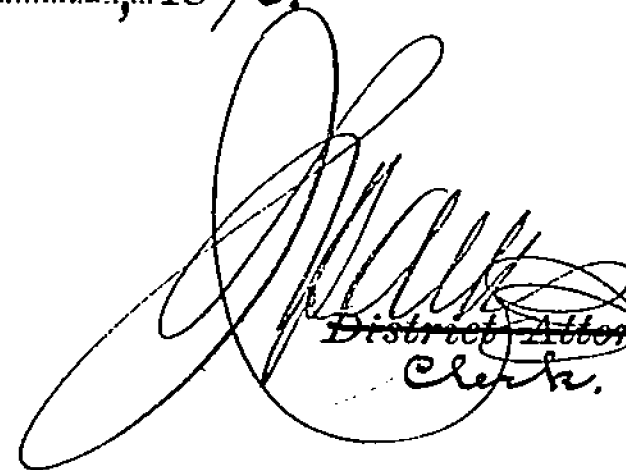
An indictment having been found on the 12th day of March,
1890, in the Court of General Sessions of the Peace of the City and County of
New York, charging David Mc Gonigal

with the crime of Bribery,

You are therefore **Commanded** forthwith to arrest the above named David
Mc Gonigal and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the
City Prison of the City of New York.

City of New York, the 12th day of March, 1890.

By order of the Court,


District Attorney.
Clerk.

0488

N. Y. General Sessions of the Peace.

THE PEOPLE
OF THE STATE OF NEW YORK,
against

Diana McFinnigan

BENCH WARRANT FOR FELONY.

John R. Fellowys,
District Attorney.

Issued March 12, 1890.

The officer executing this process will make his
return to the Court forthwith.

March 12th 190.

*The within named
defendant was,
Arrested this day and
brought to the Dist.
Atty's Office by Det.
Supt. Reilly & VanSeyck.*