

08 18

BOX:

425

FOLDER:

3925

DESCRIPTION:

Fallon, James

DATE:

01/20/91



3925

08 19

BOX:

425

FOLDER:

3925

DESCRIPTION:

Waldron, Charles

DATE:

01/20/91



3925

0820

POOR QUALITY ORIGINAL

Witnesses:

and for officers

Their find should not be remitted

PP

Friday 18th 1893
Counsel, *W. J. Wilcox*
Filed 20 day of Jan 1893
Pleads *Not Guilty*

THE PEOPLE

vs.

Charles Waldron
and
James Fallon

Grand Larceny, 2nd degree.
[Sections 538, 539, 547 Penal Code.]

DE LANCEY NICOLL,
JOHN R. FELLOWS,

District Attorney.

John R. Fellows
James R. [unclear]
District Attorney
A True Bill. *R. F. [unclear]*

Laubien [unclear]
Foreman.

W. J. [unclear]
W. J. [unclear]
1891-9. Mrs. [unclear]
1892-6 Mrs. [unclear]

0821

POOR QUALITY ORIGINAL

Witnesses;

send for
officers

Their fine should
not be remitted

FR

to day 1893 Harbor

Counsel,

Filed 20 day of Jan 1891

Pleas

THE PEOPLE

vs.

Charles Waldron

and

James Fallon

Grand Larceny Second degree.
[Sections 528, 529, 537 Penal Code].

DELANCEY NICOLL,
JOHN R. FELLOWS,

District Attorney.

Mr. J. J. [unclear] 1891
Printed and sworn off

A True Bill. R. S. G.

Franklin Eason 30 #
Foreman.
Jan 23/91

W. J. [unclear]
Pleas [unclear]
\$1. 9. Mrs. [unclear]
\$2. 6 Mrs. [unclear]
Feb. 24 [unclear]

0822

80 ✓
20 ✓
50 ✓
1/91

THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs.

JAMES FALLON.

BEFORE RECORDERUSMYTH.

Friday, January 23, 1891.

Jointly indicted with Charles Waldron for grand larceny in the second degree.

Asst. Dist. Atty. Macdonna for the People.

Mr. Hooper assigned for the Defendant.

A Jury was empannelled and sworn.

ROBERT B. MONEYPENNY sworn and examined.

By Mr. Macdonna. Q. Where do you live? A. No. 164 West 10th Street.

Q. Did you lose any property on the 10th of January from your house? A. I did, two coats, one was an overcoat and a sack coat.

Q. Where were they taken from? A. From my room at the end of the extension.

Q. When did you discover that loss, on the night or on the morning of the 10th? A. At twelve o'clock when I went home to lunch.

Q. When you went out in the morning these coats that you speak of were there and when you came back to lunch they were gone? A. Yes sir.

Q. What was the value of those two coats? A. About thirty dollars.

Q. When did you next see these after the morning of the 10th? A. Monday morning in Harlem Brothers.

Q. A pawn shop on Hudson Street? A. Yes sir, on Hudson St.

Q. Who was with you when you saw them? A. Officer Burleigh.

Q. He is in court now? A. Yes sir.

Q. You went down with him and was shown two coats?
A. Yes sir.

Q. Was there a pawn ticket shown there at that time, did the Officer show you a pawn ticket? A. Yes sir, I saw him give a ticket before he was allowed to see the coats.

Q. Have you got the coat on? A. Yes sir.

Q. Where is the other one? A. Home.

Q. There was a pawn ticket shown there? A. Yes sir.

Q. And the coats represented by that pawn ticket you identified as your property? A. I did, yes sir.

Q. And that is one of them that you have on your back now?
A. Yes sir.

Q. That was redeemed from that pawn shop? A. Yes sir.

CROSS EXAMINED by Mr. Hooper.

Q. You say the coat you have on now is one of the coats that was stolen? A. Yes sir.

Q. Where did you get it? A. Patterson & Son, 26th St.

Q. I mean after the larceny? A. I got it at Harlem Brothers' pawn shop.

Q. That same coat? A. Yes sir, this is one of them.

Q. Were they yours? A. Yes sir, I went there with Officer Burleigh, I did not get the coats, I simply identified them and left them there, I got an order from the Court to get them, I got them through Officer Burleigh at Harlem Bros.

Q. Where did you get the coat after that? A. At my house.

Q. Delivered to you by the officer, was it? A. Yes sir.

Q. You never saw this defendant Fallon, did you? A. No, I did not.

0824

THOMAS BURLEIGH sworn and examined.

By Mr. Macdonna. Q. Officer Burleigh, you are attached to the ninth precinct, are you? A. Yes sir.

Q. Did you arrest this man Waldron who is impleaded with Fallon here? A. I did.

Q. On what day? A. On the 10th of January.

Q. Well, now in consequence of a conversation you had with him and information you got from him, did you subsequently arrest Fallon, the prisoner at the bar? A. I did.

Q. Where did you arrest him? A. At 136 McDougal Street.

Q. Who was with you when you made the arrest?

A. Officer Hunt.

Q. Where did you find Fallon at McDougal Street?

A. I found him in bed.

Q. You arrested him there and then and Officer Hunt was with you? A. Yes sir.

Q. How tell us what conversation if any, you had with Fallon?

A. We brought Mr. Fallon to the station house and from there we told Fallon that Waldron -----

By the Court. Q. When did you arrest him? A. On the 11th of January.

Q. Last? A. Yes sir.

By Mr. Macdonna. Q. What time in the morning was it Mr. Burleigh?

A. About twelve o'clock, between eleven and twelve o'clock.

By the Court. Q. Twelve o'clock A.M.? A. Yes sir.

By Mr. Macdonna. Q. You testified you went into his bed-room at that number? A. Yes sir.

Q. Did you tell him what you arrested him for?

A. I did not till we got him to the station house.

Q. Did you search him in the room? A. No sir, I did not.

Q. Did you search the apartments? A. No sir.

Q. When you were taking him to the station house, when you got him out did you have any conversation with him?

A. I told him then that Waldron had accused him of committing a great many burglaries on Broadway, and he denied it. I took him in the presence of Waldron at the Station House and Waldron said that he had never seen Fallon before in his life. I found what Waldron had told me was not true.

Q. As to these burglaries on Broadway? A. As to these burglaries on Broadway; Fallon then says -----

Counsel: I move to strike that out.

The Court: Strike it out. Go on with something else.

Witness: Fallon says, "why that man gave me a couple of pawn tickets yesterday."

By Mr. Macdonna. Q. Fallon said that? A. Yes sir, and he produced them ---- one of the pawn tickets called for two coats.

Counsel: I object to that, they must produce the pawn ticket if they have it.

Mr. Macdonna: If the Court is going to rule that we must have the pawn ticket, we will have to get a continuance of the case till Monday.

The Court: If they insist upon it you will.

Counsel: We withdraw the objection; he says he had the pawn ticket.

By the Court. Q. He gave you two pawn tickets and one of them called for what? A. One called for two coats at Harlem's, Hudson Street.

By Mr. Macdonna. Q. Fallon said that pawn ticket was given to him by Waldron? A. By Waldron.

Q. What further conversation? A. He told me that Waldron--

By the Court. Q. Who told you, Fallon? A. Fallon told me that Waldron got them in West 10th Street.

By Mr. Macdonna. Q. Did he give you the number? A. No, he did not, he could not recollect the number.

Q. Did you go to the pawn office with Mr. Moneypenny?

A. Mr. Moneypenny in the meantime had come to the station house and reported the loss of two coats; we took Mr. Moneypenny to Harlem's pawn shop and he identified two coats.

Q. Did you take him with the pawn ticket that it is admitted this man gave you? A. I had the pawn ticket with me and the pawn ticket called for two coats that Mr. Moneypenny identified.

Q. Were those two pawn tickets both on Harlem?

A. No sir.

Q. Did Fallon tell you or Waldron tell you that the Harlem ticket represented the two coats taken from the house of Mr. Moneypenny at West 10th Street?

A. Fallon told me that.

By the Court. Q. Fallon said that Waldron got these things in West 10th Street, the number of which he could not state?

A. He could not state.

By Mr. Macdonna. Q. He further told you, do I understand you, that

these coats taken from that place were represented by this ticket in Harlem's? A. That is what he told me.

Q. The other ticket was not for Harlem's place at all?

A. The other ticket was not for Harlem's. We locked them up.

Q. Did you go to Harlem's place with Mr. Moneypenny?

A. Yes sir.

Q. Did you take the ticket that the defendant admits he gave you? A. I took the ticket with me.

Q. Were you there shown coats represented by that ticket?

A. I was.

Q. What were the coats? A. They were identified by Mr. Moneypenny.

Q. What were they? A. The two coats.

Q. Which Mr. Moneypenny declared to be his?

A. Declared to be his and stolen from his apartments.

Q. Did you see the coat upon Mr. Moneypenny to-day?

A. Yes sir.

Q. Is that one of the coats shown you in Harlem's?

A. Yes sir.

CROSS EXAMINED.

By Counsel. Q. When Fallon and you had the conversation did he tell you whose coats these were? A. No, he did not.

Q. Did he tell you where they came from particularly or generally ---- all you knew about the case is what information you derived from some source and the fact that this man had two pawn tickets which he gave you?

A. Yes sir, that is it exactly.

0828

PATRICK F. HUNT sworn and examined.

By Mr. Macdonna. Q. Officer Hunt, what precinct are you attached to?

A. The ninth precinct.

Q. Were you in the company of Officer Burleigh on the morning of the 11th of January last in Macdougall Street where Fallon was arrested?

A. I was.

Q. You went there with the officer to make the arrest?

A. Yes sir.

Q. You went to the station house with them, did you?

A. Yes sir.

Q. Did you see Waldron and Fallon confronted in the station house?

A. Yes sir.

Q. Did you overhear what Fallon said to Waldron and what Waldron said to Fallon?

A. Yes sir.

Q. What was it, just let us hear?

A. We asked Fallon if he ever seen this man before -- or asked Waldron if he ever seen Fallon; he said, "no sir, I never seen him before." Fallon said, "yes, you did."

Q. The prisoner at the bar?

A. Yes sir; "I seen him yesterday", he says, "he went into a house in West 10th St. and took two coats and pawned them in Harlem Brothers and gave me the ticket and \$1.50 for my share."

Q. Did you go to Harlem's with Burleigh?

A. No sir.

CROSS EXAMINED.

By Counsel. Q. Officer, what was this man's condition at that time as to sobriety, was he drunk or sober?

A. Sober.

Q. Perfectly sober?

A. Yes sir.

Q. Had not had anything to drink at all, had he?

A. Not as I know of.

Q. You did not notice any sign of intoxication?

A. No sir.

Q. He had not had any drink at all as far as you know?

A. No sir.

Q. Isn't it a fact that either you or the other officer sent him into a saloon to get a drink to brace up?

A. No sir.

Q. You did not? A. No sir; he was locked up all night.

Q. Before he was locked up? A. Oh, I could not say.

Q. I am speaking of Waldron? A. Waldron, I understand you.

Q. Where did you see Fallon first? A. In bed.

Q. Were you with Officer Burleigh when he arrested him?

A. I was.

Q. And did he deny having any connection with this matter, any criminal connection with it?

The Court: What did he say?

Counsel: Did he deny any criminal connection with this case?

The Court: That is a conclusion.

Counsel: That is all.

Mr. Madonna: That, if your Honor please, is the case for the People.

The Case for the Defence.

Counsel for the Defendant opened the case to the Jury.

JAMES FALLON sworn and examined.

By Counsel. Q. Fallon, you are the defendant here, where do you live? A. McDougal Street.

Q. How long have you lived in New York City?

A. Fifteen years.

Q. Have you ever been convicted of any crime?

A. No sir, I never was arrested before.

Q. The officers have testified to finding certain pawn tickets in your possession? A. Yes sir.

Q. How did you come in possession of them?

A. I met that man in a pool room.

Q. What man? A. Mr. Waldron, and when we came outside he told me he would make me a present of two tickets; I did not know anything about them at all; I left him and went home.

By the Court. Q. You never saw him before? A. I only saw him three times, I got acquainted with a man named Marsh.

By Counsel. Q. And did he give you those tickets?

A. Yes sir, he did.

Q. Were you afterwards arrested? A. Yes sir, on Sunday morning.

Q. Upon that occasion or at any time did you admit to the officers or say to the officers that he had stolen this property from a place on West 10th Street?

A. No sir, I did not, I did not know that he stole that stuff.

Q. At the time that you received the pawn tickets or at any time till this arrest you say you did not know it was stolen? A. I did not know anything was wrong about it.

that is was stolen.

Mr. Maddonna: That is all, I have not any questions to ask him.

CHARLES WALDRON sworn and examined.

By Counsel. Q. Waldron, you are the man who is indicted with Fallon on this charge, are you not? A. Yes sir.

Q. You have heard the testimony concerning pawn tickets found in his possession? A. Yes sir.

By the Court. Q. Where did you get them? A. I bought them of a man named John Trainor, Trainor stole the goods and pawned them, I knew of the theft but I did not get them myself.

Q. Trainor stole the goods and pawned them?

A. Yes sir, I asked him for the tickets when he came out of the pawn shop.

Q. You were with him at the time that he pawned them, you saw the goods? A. Yes sir, I saw the goods.

Q. You say you bought the two tickets from Trainor, is that right, a man named Trainor? A. Yes sir.

Q. You say that Trainor stole the goods represented by the pawn ticket and pawned them and that you bought the ticket from Trainor when Trainor came out of the pawn shop after having pawned the things? A. Yes sir, but I knew of the theft before that.

Q. You knew of the theft? A. Yes sir, I knew that he got them, I did not know where he got them because I was so full, I was so intoxicated that I did not know.

Q. But you went with him to the pawn shop? A. I did.

0032

By Counsel. Q. Now did this man Fallon have any connection with that larceny or did he know anything about there being a larceny in connection with the pawn tickets or the property.

A. No sir.

Q. What was your condition as to sobriety that day when you were arrested? A I was very drunk, that is, very much intoxicated.

Q. You say now under oath that this man had no knowledge whatever concerning the stealing of this property?

A. He had no knowledge before it at all.

CROSS EXAMINED.

By Mr. Macdonna. Q. How much did you give Trainor for those two tickets? A. Fifty cents for one ticket and one ticket was my own.

Q. How long after you paid fifty cents for it did you give the ticket to Fallon? A. I wanted to see if I could get the coats out and make anything on them by putting them in somewhere else and he said I could not.

By the Court. Q. How much was it you got on them?

A. Three dollars.

By Mr. Macdonna. Q. Who said that? A. Trainor said, "you can't get any more; I dropped it and I met this Defendant in a saloon with another gentleman. I said, "if you come outdoors I will give you a couple of tickets"; he came out and I handed them to him.

Q. This all happened on the night of the 10th?

A. On Saturday, I think it was the 10th.

By the Court. Q. You did not get anything at all for them?

A. No sir.

Q. You made him a present of them? A. Yes sir.

By Mr. Macdonna. Q. Have you ever seen him before this night?

A. I saw him three or four times.

Q. Do you remember telling the officers when they arrested you where this man Fallon lived?

A. Not where he

lived, I told them where he worked.

Q. You told them where he worked, that is what you swore to?

A. Yes sir, that is what I say.

Q. Now isn't it true that when you were arrested on another charge than the charge of stealing these things of Mr. Moneypenny --- in fact when the Moneypenny things were not thought about --- that you told the officer that Fallon was a crook and you told him where to go and get him?

Counsel: Objected to on the ground that it is introducing evidence of another crime.

The Court: It affects his credibility in the first place.

Mr. Macdonna. Q. Do you remember that? A. I could not tell you what I said to the officers, I was under the influence of liquor very much and they wanted to know if I was crazy; I recollect going east of the town with them and what was said I could not tell you, I do not remember.

Q. You do not know this, that it is a fact that they came upon Fallon through your information, that you sent them to his house?

A. I don't know that they got him from information I gave; they wanted to know who the man was with me yesterday. I told them that he was working in Jones's restaurant.

Q. Did not you deny all knowledge of him in the station house and say, "I never knew anything about him."

A. They fetched him up there and asked me if that was

the man and then I was full.

Q. You were still full, you had sleep all night?

A. Yes sir.

By the Court. Q. Did not you know Fallon when you saw him?

A. I did not, I did not know anybody, I was taken out and drink given me after I got out.

By Mr. Macdonna. Q. Don't you know that was the same officer you had spoken to the day before?

A. Yes sir.

Q. You say when Fallon was brought by some officer you did not know him, is that right?

A. That must be right.

By Counsel. Q. Fallon was with you the day before this arrest and this conversation with the officer?

A. Yes sir.

Counsel: That is our case.

The Counsel summed up for the Defendant.

Mr. Macdonna: I ask that the admission made by this Defendant be enlarged. We have not got the pawn ticket and we have not got the fact that the pawn tickets entitled the man to the possession of these goods.

Counsel: There is no question but that the pawn tickets were in this man's possession and that they represented these two coats.

Mr. Macdonna summed up for the People.

0835

Testimony in the
case of
James Fallon

pled Jan.
1891

0836

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Parleigh

aged *40* years, occupation *Officer* of No.

9 A Street Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Robert C. Moreshead*

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

Sworn to before me, this *12* day of *January* 18*97* } *Thomas Parleigh*

W. M. Mualon
Police Justice.

0837

Police Court 2 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Robert B Moneyfenny

of No. 164 West 10 St Street, aged 23 years,
occupation Salesman being duly sworn,

deposes and says, that on the 10 day of January 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the day time, the following property, viz:

One overcoat of the
value of twenty dollars and one
sack coat of the value of fifteen
dollars, both of the value of
thirty five dollars \$ 35 —

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 Charles Waldron and James

Fallon (now here) The said property
was stolen from a room at the rear of
the hall of 164 West 10 St street on
said date and deponent has since
seen the said property in the pawn
shop of Harlan Brothers at 890 Broadway
street, and deponent is informed by
Policeman Thomas O'Rourke of the

Subscribed to before me, this
1891 day
Police Justice

9th Precinct that on the 18th day
January 1891 he arrested the defendant
Fallon with the said pawn ticket for
the said property in his possession
and said Fallon confessed to said Burleigh
that said Waldron had stolen the said
property and pawned it, and the said
Burleigh informs deponent that he
can procure a witness named William
M. Marsh who will testify that he saw
the defendant, Waldron and Fallon
together on the date of said larceny,
near deponent's residence.

Subscribed and sworn to before me this 12th day

of January 1891

A. J. McMahon Notary Public

0839

Sec. 198-200

2nd

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

Charles Waldron

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. Charles Waldron

Question. How old are you?

Answer. 40.

Question. Where were you born?

Answer. Oneida Co. New York State

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

Answer. # 307 E. 125 St. 3 weeks.

Question. What is your business or profession?

Answer. Decorator

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

Charles Waldron

Taken before me this

12th

day of

1891

Handwritten signature

Police Justice

0840

Sec. 198-200.

2nd

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Hallon

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 Hallon*

Question. How old are you?

Answer. *27*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *136 Macdonough St. 2 weeks*

Question. What is your business or profession?

Answer. *Waiter*

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. *Not guilty*

James Hallon

Taken before me this

12th

day of *January*

1891

Police Justice

0841

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 Follen

Charles Waldron

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..... 18 W. M. Waldron 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.

0842

Police Court--- 2nd District. 53

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Robt. B. Money penny
164^c vs. West 10th

1 James Halligan

2 Charles Waldron

3

4

Grand Jurors
Offence

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated January 12th 1891

McMahon Magistrate.

The Burling Officer.

9th Precinct.

Witnesses William M. Marsh

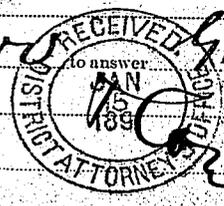
No. 327 East - 54th Street.

Patrick F. Hunt

No. 9 Premier Street.

No. _____ Street.

\$ 1500 to answer



Handwritten initials and signature

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Charles Waldron
and
James Fallon*

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

Charles Waldron and James Fallon

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

The said

Charles Waldron and James Fallon, both

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

one overcoat of the value of twenty dollars and one coat of the value of fifteen dollars

of the goods, chattels and personal property of one

Robert B. Moneyfenny

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

SECOND COUNT—

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

Charles Waldron and James Fallon
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *Charles Waldron and James Fallon*, both

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 overcoat of the value of twenty dollars, and one coat of the value of fifteen dollars

of the goods, chattels and personal property of one *Robert D. Moneypanny*

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

unlawfully and unjustly, did feloniously receive and have; the said *Charles Waldron and James Fallon* 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.

W. Lancy Nicoll,
~~JOHN R. FELLOWS,~~
District Attorney.

0845

BOX:

425

FOLDER:

3925

DESCRIPTION:

Walker, John

DATE:

01/27/91



3925

0846

This Indictment was found Jan 27th 91
 Mr Ernest Harrier informs me that the
 Complainant in this case is unworthy of belief
 and kept a low criminal resort in first street
 off the Brewery - The Complainant shortly
 after this Indictment was found sold out
 his criminal place of business and went
 to Europe & none of the neighbors here
 heard anything about him since he left -
 vide Brandon's affidavit -
 I ask that the defendant be discharged
 his own recognizance,
 May 31st 93

G. L. B.
 A. D. A.

273. *273*

Counsel,
 Filed 27 day of Jan 1891
 Pleads, *W. J. [unclear] Dept for [unclear]*

THE PEOPLE vs. *B*
 John Walker
 (2 cases)

James V. G. District Attorney.
Paul G. [unclear]

L. LAWLEY NICOLL,
 JOHN K. BELLONIS,
 Foreman.

Franklin Edson
 Foreman.

Approve.
Deputy Justice
Dist. Atty.

ASSAULT IN THE THIRD DEGREE (Section 219, Penal Code).

Witnesses:

In my recognizance
vide [unclear]
vide [unclear]
this Indictment.
 G. L. B.
 A. D. A.
 May 31st 93

Court of General Sessions.

The People
against
John Walker

Report.

From the statements below it appears that there are no witnesses to corroborate the complainant's charge of robbery. I do not believe that the defendant could be convicted, ^{there of, while a} conviction for an assault will be a certainty. An indictment for the assault on the 23^d of July, 1890, would, therefore, be the wiser course.

James Morris, officer ^{Edw. Groese}
1st precinct

On the 21st of July, 1890, at about ten o'clock in the evening, the complainant came to me and complained that he had been assaulted by two men, and that one of them had robbed him of seventy cents. At about half past eleven on the same evening I arrested one White upon the description the complainant had given me of the said two men, but the complainant did not want to make a charge against him.

On the 23^d of July, 1890, at about 12.30 P. M., I saw the defendant ~~stand~~ throw a stone through the window of complainant's store, No. 5 First Street, and to assault the complainant, when he came out of his said store, after the said window had been broken by the defendant. I saw him beat the def complainant in the face and throw him to the ground. Thereupon I arrested him, and the complainant charged him with the robbery of the above said ninety cents contained in a pocket book belonging to the complainant. I do not know of any witness to the robbery, who could corroborate the complainant's statement.

James Morris

Hermann Schmidt,

5 First Street,

Tobaccoist and speculator. I have read the above statement of officer Morris and con-

0849

corroborate the same in every
aspect. I have no witnesses, ^{beside}
myself, to prove the robbery com-
mitted upon me by the de-
fendant.

Herman Schmitt

Trust of General

The People

vs
John Walker

REPORT.

For the District Attorney.

Dated September 12 1887

Edward G. Paine

deputy
Assistant

0851

THE PEOPLE

vs.

JOHN WALKER

Dear Mr. Davis:

The claim of the defendant in the above named *matter*
is

- 1st. That he did not commit the alleged offense,
- 2nd. That in a brawl with the complainant he severely punished the latter, and that out of revenge for such treatment complainant made this false charge,
- 3rd. That the complainant is a keeper of a dive at First Street and the Bowery, and is wholly unworthy of credence,
- 4th. That the defendant, now on bail in \$1.000, has ample means for his support without assaulting, as alleged, complainant for the sum of ninety cents. (90)
- 5th. That no examination was had before the Police Magistrate such/as would have disclosed the true facts of the case,

It is on account of the above named circumstances that the defendant asks, and I ask for him, an examination of the case by the District Attorney's Office, prior to the submission of the papers to the Grand Jury, and such recommendation thereon as the result of the investigation may warrant.

Eng. Harvie?

New York Sept 9/90.

0852

~~TO THE CHIEF CLERK.~~

Please send me the Papers in the Case of
PEOPLE

vs.

John Walker,

Dear Mr. Grosse,

*will you please examine
the witnesses in this case &
ascertain if there is anything
more than assault in the case.
From what Mr. Harvir tells me
I have strong doubts about
the robbery charge. I think
it may have been an after
thought of the complainant.*

Yours truly

V. M. Davis

Asst District Attorney.

Henry Gore Esq.

*I send a communication
from Mr. Harvir.*

0853

Police Court, 3 District.

City and County } ss.
of New York,

of No. 5 First
occupation Tobaccoist

Herman Schmitt
Street, aged 49 years,

being duly sworn, deposes and says,
that on the 21st day of July 1890, at the City of New
York, in the County of New York,

John Walker
(not here) did unlawfully by force
and violence knock deponent down
and Rob him of the sum of Ninety
cents in violation of section 228
of the Penal Code in the following
manner to wit:
Deponent was on First Street when
the Defendant with another person
(not here) came up to deponent and
struck him a violent blow on
the face and knocked him
down and then placed his knee
on the hand of Deponent and
forcibly thrust his hand in
the pocket of this deponent and
took therefrom this deponent's pocket
containing the aforesaid sum and
then ran away. Deponent is informed
by Officer Morris that he saw the
Defendant strike this deponent on
the face on the 23rd day of July and
did then arrest this defendant
whom this deponent has since
identified as being the person
who Robbed him on the aforesaid
date. Deponent therefore charges
the defendant with Robbery and
prays that he be held to answer
Herman Schmitt

Sworn to before me this
23rd day of July 1890
Police Justice

0854

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

John Walker 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 Walker

Question. How old are you?

Answer.

38 years

Question. Where were you born?

Answer.

New York

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

Answer.

36th Street

Question. What is your business or profession?

Answer.

Bookmaker

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 Walker

Taken before me this 13 day of July 1891

Police Justice

0855

DIRECTIONS.

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

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

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

In the Name of the People of the State of New York,

To Herman Schmidt

of No. 37 1st Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 25th day of May 1893 at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

John Walker
Dated at the City of New York, the first Monday of May
in the year of our Lord 1893

DE LANCEY NICOLL, District Attorney.

Ask to see Mr. Redford
At 12 o'clock - M.

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

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

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

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

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

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

Went to Europe
& has not ~~not~~ been
in the neighborhood
in over a year

0857

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

De Furndam

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

Dated July 20 1880 *[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.

0858

By J. J. W. 24
D. P. M.

25733 / 1174
Police Court-- District.

THE PEOPLE
ON THE COMPLAINT OF

John Schmitt
John Walker
...
...
...

Offence
...

BAILED.

No. 1, by *Ernest Harries*
Residence: *29 W. 10th Street.*

No. 2, by _____
Residence _____ Street.

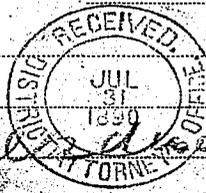
No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *July 23rd* 18*90*
Buff Magistrate.
Morris Officer.
14 Precinct.

Witnesses:
No. *William Morris* Street.
No. *Adams* Street.

No. _____ Street.
\$ *1000* to answer *A.S.*
...
Bailed



0859

TO THE CHIEF CLERK.

Please send me the Papers in the Case of
PEOPLE

vs.

John Mackey

From all the facts appearing in this case it is evident that the charge of Robbery cannot be sustained. If an oath lies at all it should be for default in such

District Attorney.

degree as the testimony may warrant.

J. M. D. A.

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 Walker

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

John Walker -

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

The said John Walker,

late of the City of New York, in the County of New York aforesaid, on the twenty-first day of July, in the year of our Lord one thousand eight hundred and eighty-nine, in the time of the said day, at the City and County aforesaid, with force and arms, in and upon one Herman Schmidt, in the peace of the said People, then and there being, feloniously did make an assault, and

one pocket-book of the value of ten cents, and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of ninety cents.

of the goods, chattels and personal property of the said Herman Schmidt, from the person of the said Herman Schmidt, against the will, and by violence to the person of the said Herman Schmidt, then and there violently and feloniously did rob, 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.

Handwritten signature and name at the bottom of the page.

This Indictment was printed in 1891 - January 27th -
Col Fellows - District attorney - wrote on on a
slip of Paper pinned on this Indictment that
the evidence would not sustain a charge
of Robby - Still the Grand Jury found this
Indictment - I now ask that this Indictment
be dismissed -

May 31st 1893

G. S. B.
A. D. A.

273. 206
CMT
Counsel
Filed 27 day of Jan 1891
Pleads *Magnely*

THE PEOPLE
vs.
John Walker
(2 cases)

DE LANCEY NICOLL
JOHN R. FELLOWS
District Attorney

or
v. 171. 171

A True Bill

Franklin Egan
Foreman

James H. ...
16
Indictment

Demmond

In my view
- indictment is
made this
Indictment

May 31st 1893
G. S. B.

Demmond
A. D. A.
Returner here
1893

0862

1214

Court of General Sessions.

THE PEOPLE

us.

John Walker

City and County of New York, ss:

Jos. A. Shannon being duly

sworn, deposes and says: I reside at No.

217 Mulberry

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

of the City and County of New York. On the

25th day of May 1893

I called at

No. 5 First Street

the alleged

residence of Herman Schmidt

the complainant herein, to serve him with the annexed subpoena, and was informed by

the neighbors, that shortly after the trouble with Walker, he sold out his business and went to Europe. They have heard nothing of him since

Sworn to before me, this

25th day

of

May

1893

Jos. A. Shannon

Subpoena Server.

*Geo. G. McGuire
Comptroller
No. 46*

Court of General Sessions.

THE PEOPLE, on the complaint of

vs.

John Walker

Offense

DE LANCEY NICOLL,
District Attorney.

Affidavit of
Geo. H. Shannon
Subpoena Server.

FAILURE TO FIND WITNESS.

May 26/93

0864

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 Walker

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

John Walker —

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

The said *John Walker*,

late of the City of New York, in the County of New York aforesaid, on the *Twenty third*
day of *July*, in the year of our Lord one thousand eight hundred and
~~eighty nine~~, at the City and County aforesaid, in and upon the body of one *Herman*
Schmidt, in the peace of the said People then and there being, with force
and arms, unlawfully did make an assault, and *in* the said *Herman*
Schmidt, did then and there unlawfully beat, wound and ill-treat, to the great damage
of the said *Herman Schmidt*, against the form of the
statute in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

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

0865

BOX:

425

FOLDER:

3925

DESCRIPTION:

Walsh, James

DATE:

01/23/91



3925

POOR QUALITY ORIGINAL

0066

X

Counsel,

Filed

day of June

1881

Pleas,

THE PEOPLE

vs.

Z

James Walsh
H.D.

Robbery in the 2nd degree.
(MONEY)
[Sections 224 and 228, Penal Code].

DE LANCEY NICOLL,

JOHN R. FELLOWS,

District Attorney.

June 24th
Spencer, Connecticut
Robbery 1 day.

A True Bill.

Frederick L. Johnson

147th Street
New York City

Wm. H. Smith
New York City

Witnesses:

0867

STATE OF NEW YORK
Executive Chamber
ALBANY

March 16 1898

Dear Sir:

Application for Executive clemency having been made on behalf of James Walsh who was convicted of Robbery in the County of New York and sentenced February 6, 1891 to imprisonment in the State Prison for the term of fourteen years. I am directed by the Governor respectfully to request that in pursuance of Section 695 of the Code of Criminal Procedure, you forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application. Walsh says he is innocent; that the police officers represented him to be an old offender & his sentence was pronounced upon that understanding; that in fact he had never before been accused of crime & had been in this country only two years at the time of his sentence.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

William M. Griffith

Private Secretary.

Hon. Frederick Smyth
Justice of the Supreme Court
New York

0868

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, 1 DISTRICT.

of No. 64 of John Farrington
occupation Police Officer Street, aged _____ years,
being duly sworn deposes and says,
that on the 13th day of June 1891
at the City of New York, in the County of New York, he wrestled

James Walsh on Complaint
of Wm Cleveland charging said Walsh
with Robbery. Deponent says that said
Cleveland has no permanent residence in
this City and that said Cleveland is a material
witness for the people whereupon deponent
reports that said Cleveland is committed to
the house of Detention.

John Farrington

Sworn to before me, this

day

Police Justice.

John

13th

June

1891

0869

Police Court District.

CITY AND COUNTY } ss
OF NEW YORK,

Wm Cleveland

of No 173 Park Row Street, Aged 40 Years

Occupation Stable man being duly sworn, deposes and says, that on the

25th day of December 1890, at the 6 Ward of the City of New York,

in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

One Hundred and Four Dollars
in good and lawful money of
the United States

\$104⁰⁰/₁₀₀

of the value of One Hundred and four — DOLLARS,
the property of Deponent.

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

James Walsh (now here)
in the following manner to wit

Deponent and defendant were walking together on Park Row at about the 11³⁰ p.m. on said date. Deponent was struck on the head by some person unknown to deponent and was partly knocked down. When defendant put his hand in the pocket of deponent and took said money and then ran away. Deponent therefore charges the defendant with Robbery and prays that he be held to answer.

Wm Cleveland

day of January

Sworn to before me, this

1891

Police Justice.

[Signature]

0870

Sec. 198-200

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

James Walsh 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 Walsh*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *7 Chatham Square 3 months*

Question. What is your business or profession?

Answer. *None*

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
James Walsh

Taken before me this

day of *June* 188*9*

13

h

Police Justice

[Signature]

42
100

THE PEOPLE

vs.

JAMES WALSH.

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTH.

Thursday, January 29, 1891.

Indictment for robbery in the first degree.

OLE CLEVELAND sworn.

By the Court. Q. What are you? A. A Norwegian.

By Mr. McIntyre. Q. What is your name? A. Ole Cleveland.

Q. What do you work at? A. I am a stable man.

Q. Where? A. Portchester, State of New York.

Q. And for whom? A. W.S. Jessup.

Q. Down to the 25th day of December, 1890, you were in the employ of Mr. Jessup at Portchester? A. Yes sir.

Q. Since that time you have ben in the House of Detention?

A. The biggest part of the time, from the 13th of this month.

Q. On the 25th day of December, 1890, were you in the city of New York? A. In the evening.

Q. And in what part of the city of New York? A. In Mulberry Street.

Q. And in whose company were you? A. I came there alone myself, I came on the six o'clock train in the evening and I took the elevated train down to Chatham Square; from there I walked down to 25 Mulberry Street and then I went to 27 Mulberry Street.

Q. What time was that? A. That was a little before eleven o'clock.

Q. After you left 25 Mulberry Street where did you go?

A. To No. 27.

Q. After leaving 27 where did you go to? A. I went up

Worth Street to take the elevated station up to 42nd St.

By the Court. Q. Where were you going to take the elevated, at the City Hall here? A. At Chatham Square.

Q. Right here or further up in the Bowery? A. Up in the Bowery, the Chatham Square station.

Q. You walked up towards Chatham Square station, is that right? A. Yes sir, that is right.

By Mr. McIntyre. Q. You came down through Worth Street you say? A. Yes sir.

Q. Then you turned into the Bowery? A. I did not go any further than Mott Street where I was robbed.

By the Court. Q. You stopped at 27 Mulberry Street? A. Yes sir, Mulberry Street.

Q. You left there when? A. A little after eleven o'clock.

Q. And then what street did you take to get to the elevated railroad? A. Worth Street.

Q. So you got into Worth Street and then walked through Worth towards the Bowery? A. Yes sir.

Q. How far did you get? A. I came as far as Mott Street and on the corner of Mott -----

By Mr. McIntyre. Q. Who did you see there? A. I seen nobody but the prisoner there, I was walking along with him.

By the Court. Q. Who was the person you were walking along with? A. That person there.

By Mr. McIntyre. Q. This man here? A. Yes sir, he was walking alongside of me.

Q. What did you have on your person at that time?

By the court. Q. Did you have any money? A. I had one hundred and four dollars in bills.

By Mr. McIntyre. Q. A hundred and four dollars in United States currency? A. Yes, in one pocket and some keys; the keys went and the bills went.

By the Court. Q. In which pocket? A. In the left pants pocket.

Q. Was it in a pocketbook or not? A. It was not, it was a roll of bills with a heavy rubber band on.

By Mr. McIntyre. Q. About what time was it in the night?

A. I should judge it must be near half past eleven, it was after eleven I am sure.

By the Court. Q. When you left 27 Mulberry Street did you leave alone or was anyone with you? A. Yes sir.

Q. Who was with you? A. That man sitting there, the defendant.

Q. Did you meet him in Mulberry Street? A. I did.

Q. Where did you meet this man first? A. In 27 Mulberry Street.

By Mr. McIntyre. Q. Under what circumstances did you meet him?

A. I was looking for a friend of mine that befriended me a couple of years ago and that is the sole reason I came into the city at that time of night, and in looking for that man that party there (the defendant) was there and I met him before.

Q. Had you drank with him before? A. Yes sir.

Q. Go on? A. When I went out he followed me out and he walked with me as far as the corner of Mott Street where I was robbed.

By the Court. Q. When you got to the corner of Mott Street what was done? A. I was struck from behind.

Q. Do you know who struck you? A. I did not.

Q. When you were struck what occurred? A. He put his hand in the left hand pocket and took the keys.

By the Court. Q. Who did that? A. That man sitting there (the defendant).

Q. Were you knocked down or not? A. No, I was not knocked down, I was kind of staggered; after he took the money he ran a short distance up Mott Street; he stopped there and examined what he got, he held out his hand and said, "I got it."

Q. Did you follow him? A. I did not.

Q. How do you know, did you see him? A. Yes, I saw him.

Q. After he got the money and the keys he went back into Mott Street, this man? A. He went into Mott Street.

Q. Did he run? A. He ran and then he stopped.

Q. How far did he go? A. A short distance, probably half a block; I could see him plainly holding out his hand.

Q. And you heard him say what? A. "I have got it."

Q. Go on, what next? A. I took a room down at 173 Park Row, that is the next thing I did, my head was very sore and my head was bleeding.

By Mr. McIntyre. Q. What did you say you did afterwards, you took a room did I understand you to say? A. Yes sir.

Q. At 173 Park Row? A. Yes, Park Row.

Q. When he held up his hand and said, "I have got it", did you then pursue him, did you go after him?

A. No sir, I did not, I was stunned.

Q. Your money was gone? A. Yes sir.

Q. You felt his hand in your pocket taking out your keys and the hundred and four dollars? A. Yes sir, I did.

Q. The party who struck you was it the prisoner at the bar or someone else A. It was not him that struck me, it was a party that I do not know, I saw two fellows behind me, that is all I know.

By the Court. Q. Two fellows were behind you? A. Yes sir.

Q. Was he one of the two? A. No sir, he was walking alongside of me.

Q. What were you struck with, do you know?

A. I do not know.

Q. What was the effect did it cut your head? A. It cut my head, I had a deep gash in it, it has commenced to heal up now.

Q. Did it bleed much? A. Yes, it ran down my neck a little.

By Mr. McIntire. Q. I understand you to say your head was cut and it bled? A. Yes sir.

Q. Did you see where the prisoner went to after he held up his hand and stated to you that he had got it?

A. I did not; he halloed to the other fellows that was behind.

Q. When was the prisoner arrested do you know, was he arrested on your complaint? A. Yes sir, I had him arrested myself.

Q. When? A. On the 11th day of January.

Q. Where did you meet him? A. I saw him going down in a dive in Park Street with a woman.

Q. You called an officer and had him arrested? A. I went up to the Elizabeth Street station and got an officer; I went down ahead of him and the officer was behind.

By the Court. Q. That was on Christmas night was it, at eleven o'clock? A. Yes sir.

Q. What time was it when you were knocked down?

A. I would judge about a quarter past eleven.

Q. Were you sober then? A. Yes sir.

Q. And this money that you had, how did you become possessed of that? A. I was working for it.

Q. Were you discharged by Mr. Jessup? A. No sir.

Q. Was it wages that you had earned? A. It was wages, my own earned wages.

Q. You had it in your pocket you say? A. Yes sir.

Q. Did you have more money than that? A. I did.

Q. How much more? A. I had seven dollars in silver when I came in.

Q. It was in another pocket? A. Yes sir.

Q. What pocket was it in? A. The pantaloons pocket.

Q. You then went after you say you were robbed to 173 Park Row and took a room there and went to bed, is that right?

A. Yes sir.

Q. When did you tell the police about this? A. The next morning.

Q. What station house did you go to? A. The Elizabeth Street station.

Q. You made a complaint? A. Yes sir.

Q. Did you describe the man? A. I did.

Q. Did you state there what had been done to you?

A. Yes sir.

Q. I understood you to say you knew this man before this night?

A. Yes sir.

Q. How long did you know him? A. I seen that man in

September, the 18th of last September.

- Q. Where did you see him then? A. I met him at the corner of Pell Street and Bowery, him and a couple of other men.
- Q. Only met him casually in the street, is that all?
A. Yes sir.
- Q. Did you drink together? A. He asked me for a drink and I asked him in and a friend was with him, there was three or four.
- Q. He asked you to give them a drink? A. Yes sir, to give them a drink.
- Q. You did? A. I did.
- Q. This night when you say that you were knocked down in this way, how long were you in 27 Mulberry Street before you left to go out? A. I was in 27 Mulberry Street not more than twenty minutes.
- Q. Did you have a drink there? A. I had a cigar there.
- Q. Did you take out your money? A. Not the bills.
- Q. You took out the change? A. The change that I had.
- Q. And paid for the cigars? A. Yes sir.
- Q. Did you treat anybody then? A. I did.
- Q. Who? A. This man and several others.
- Q. You treated them to what? A. Treated them to whatever they wanted.
- Q. I don't know what, they keep all kinds of things in Mulberry Street. A. They keep liquor and beer.
- Q. You treated them to drink and paid for it?
A. Yes sir.
- Q. Then you came out? A. Yes sir.

- Q. Who did you expect to meet in Mulberry Street, somebody you say befriended you? A. Yes sir.
- Q. What is the name of that friend? A. His name is John Gruber.
- Q. John Gruber, is that right? A. Yes sir, that is right.
- Q. Who is John Gruber? A. He is a man who gets money regularly from the Old Country and when that money lasts he lives pretty fast and then when his money is gone he goes and carries coal for a living.
- Q. Mr. Gruber gets an income from the other side of the water, where, Norway? A. No, from Germany, he is a German.
- Q. And he lives very well while that lasts and goes and shovels coal until he gets more money, is that right?
A. Yes sir.
- Q. You knew this man A. Yes sir.
- Q. He had befriended you? A. I had my ankle sprained last New Years.
- Q. Not last New Years? A. No, the one before that and he helped me along then when I was sick.
- Q. How do you mean he helped you? A. Giving me money, whatever he could do for me.
- Q. So he gets something from his people on the other side, is that right? A. Yes sir, he does.
- Q. You went to look for him? A. I did.
- Q. Did you find him? A. I did not.
- Q. That is what took you to Mulberry Street? A. Yes sir.
- Q. Did you expect to find him in 27 Mulberry St. A. Yes sir.
- Q. Why? A. He mostly hangs around there.

CROSS EXAMINED by COUNSEL.

- Q. Where did you come from when you came to New York City?
A. Portchester.
- Q. How far is that from New York city? A. About twenty-six miles.
- Q. How long had you been working out there?
A. A year ago last August.
- Q. Did you work from a year ago last August up to the day that you came to New York city steady? A. Yes sir.
- Q. When last were you here? A. I was here in September.
- Q. Whattime in September? A. I was here on the 18th of September, my birthday was the 17th.
- Q. How long did you remain here then? A. Two days.
- Q. What part of the city were you in? A. I was in Mulberry Street/ uptown all over the city.
- Q. Then you went back to Portchester and worked in Portchester from that time up to the present? A. Yes.
- Q. What do you work at? A. Taking care of horses, I have got charge of that stable.
- Q. How much do you get a month? A. I got ten dollars a week and a sleeping apartment.
- Q. You have to pay for your eating out of that?
A. Yes sir.
- Q. About how much do you pay? A. Three dollars a week.
- Q. That leaves you twenty-eight dollars a month?
A. Call it thirty.
- Q. What time did you get to New York city that evening?
A. About seven o'clock.
- Q. What time did you leave Portchester? A. Six o'clock, I came in the six o'clock train.

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Q. What time did you stop working that day? A. About half past five, I had my work done up at that time.

Q. Did you have any drink in Portchester? A. No sir.

Q. Did not drink anything at all? A. No sir.

Q. You do drink, don't you? A. I do sometimes, yes sir.

Q. Beer, whiskey and brandy? A. Yes sir, anything at all when I drink.

Q. When you came to New York city that evening where did you go to at first, where did you land? A. No. 25 Mulberry Street was the first place I went into.

Q. What train did you come in by? A. On the six o'clock train, in 42nd Street, Grand Central Depot.

By the Court. Q. You came on the New Haven Road on the New Haven. A. Yes sir,

By Counsel. Q. How did you go from there? A. I took the elevated station down to Chatham Square.

Q. Did you have anything to drink up at 42nd Street? A. No sir.

Q. Where did you get off on the Bowery? A. Chatham Square.

Q. Did you have anything to drink in the Bowery? A. No sir.

Q. Did not have a drop, did not go into any liquor store at all or beer saloon? A. No sir.

Q. Or any place where liquor or beer or wine of any kind was sold? A. No sir, I was not.

Q. Did you go right to Mulberry Street? A. I went right to No. 25 Mulberry Street.

Q. Who do you know there? A. I know several there.

Q. Give us the name of one? A. I do not know any of them by name except I was looking for John Gruber.

- Q. Where did he live? A. I do not know where he lives.
- Q. You came to New York city to look for John Gruber?
A. Yes sir.
- Q. You do not know where John Gruber lives? A. No sir, I
knowed he used to stop at the Bismark House, a cheap lodging
house when he was hard up, at the corner of Worth and Mul-
berry Streets.
- Q. How long ago since he stopped there? A. That I could
not tell you.
- Q. Did you go the Bismarck House when you came there?
A. No sir, I did not.
- Q. You did not go there to look for him? A. No sir.
- Q. Did you expect to find him at 25 Mulberry Street?
A. Yes sir.
- Q. Did not you say a short time ago you did not know where he
lived?

The Court: He said he knew he hung around there.

By Counsel. Q. Do you know any person who lives in 25 Mulberry St.

A. I know the proprietor Martini or something like that,
I do not know the other name, he is in the liquor business.

- Q. Did you go into his liquor store? A. I did.
- Q. How long had you been acquainted with him?
A. Probably three years.
- Q. Where did you get acquainted with him?
A. By going into his place.
- Q. How many times? A. I have been in a good many times,
I could not state that for a certainty.
- Q. How many times have you been in there during the past year?
A. I was in in May and September and this time, that is
three times.

Q. You were in the city in the month of May? A. I was.

Q. How long had you been in the city then? A. I guess two weeks.

Q. You were not doing anything? A. I left with the understanding I can come back again whenever I wish to.

Q. You came down to the city to stop two weeks? A. Yes sir.

Q. Did you meet Mr. Gruber when you were in the city in May? A. Yes sir.

Q. Did you see Gruber and where? A. I did, in 25 Mulberry Street.

Q. Was he living in 25 Mulberry Street? A. No, he did not live there, there is no sleeping apartment there, there is nothing but a liquor store.

Q. Where did he live then? A. I did not ask him where he was living.

Q. Did not you learn where he lived? A. I told you that I knew he had been stopping in a cheap lodging house that they call the Bismarck.

Q. When did you learn that he stopped there? A. Last winter he was stopping there.

Q. What time last winter? A. He was there New Years time, I was in at New Years day.

Q. Did you get that information New Years? A. Yes sir.

Q. And were you in the city then last New Years? A. I was.

Q. You were here in May and September, that makes four times within a year you have been in the city? A. That is not one year, I call that last year New Years day.

Q. That is a year ago last New Years? A. Yes sir, a year ago last New Years.

- Q. I am speaking of last year, you were in the city then?
A. I was.
- Q. How long did you remain then? A. Two days.
- Q. Where did you stop then? A. I think I was stopping at 173 Park Row, I always stop there if I am going down town.
- Q. Did you meet Gruber then? A. I did.
- Q. Where did you meet him? A. I met him in 25 Mulberry St.
- Q. Last New Years? A. Yes sir, last New Years.
- Q. How long did you remain at 25 Mulberry Street that night after you went there before you left it? A. This last time you mean?
- Q. Yes, this last time? A. I was there from seven o'clock till a little after ten.
- Q. Did you drink anything while you were there? A. I did.
- Q. What did you drink? A. I drank soda water and two glasses of California red wine.
- Q. Nothing else? A. Nothing else.
- Q. Did you leave there at half past ten? A. Yes sir.
- Q. Where did you go to from there? A. No. 27 Mulberry St.
- Q. Was that a liquor store? A. That is a liquor store.
- Q. Had you anything to drink while you were in there?
A. I had a cigar.
- Q. Did you have anything to drink in there? A. I did not.
- Q. How long did you remain there? A. I remained there till a little after eleven o'clock, probably a quarter past eleven.
- Q. Where did you go from there? A. I went from there up towards Worth and up Worth until I struck the corner of Mott where I was robbed.

- Q. Did you go into No. 90 Worth Street? A. No sir.
- Q. Are you sure about that? A. I am sure of that.
- Q. Just think for a moment, did you not go into No. 90 Worth Street? A. I did not.
- Q. Did you not go into No. 90 Worth Street and call for drinks there? A. No sir, I did not.
- Q. Are you a married or single man? A. I am a single man.
- Q. What did you come down to the city last New Years for? A. I always keep New Years day.
- Q. What did you come down to the city for in the month of May? A. The job did not quite satisfy me and I thought I could better myself, I have been railroading in the city before, I thought I would get on the Seventh Ave. railroad.
- Q. You made an agreement if you wanted to you could go back again to Portchester? A. Yes sir.
- Q. What did you come down in September for? A. My birthday was the 17th, it was raining that day and so I took the 18th.

By the Court. Q. Is that the cut on the back of your head that you got? A. Yes sir.

Q. Turn your head and let the Jury see, that is the cut you got that night? A. Yes sir.

Q. Were you ever in No. 26 Mulberry Street last May?

A. I do not know the place 26.

Q. Were you in any place, in a liquor store last May where there was a row, the time you were in here before?

A. I was in no other liquor store that I can remember but 25 and 27, I did not frequent any other place.

By the Court. Q. He wants to know if there was a row in any of them last May when you were there? A. That I do not recollect; there is often a row in these places.

By Counsel. Q. You do not know whether there was a row in this place and someone struck you, do you? A. There was nobody struck me then.

Q. Did anybody strike you at any time during last May while you were in the City? A. No sir.

Q. Did anyone strike you in any liquor store or beer saloon last May in Mulberry Street? A. No sir.

Q. Do you recollect being in ~~the~~ same place with the defendant at the same time? A. I have seen him, I do not know whether it was in May I saw him or not, I saw him many times.

Q. Were you not in there one time when there was a quarrel?

The Court: Excluded.

A. That might be.

The Court: Excluded; do not answer till I tell you.

By Counsel Q. The night you say he was walking alongside of you where did he and you meet that night? A. We met in No. 27 Mulberry Street.

Q. What time? A. A little after eleven o'clock.

Q. Were you in Mulberry Street before him or he before you?

A. He was there when I came in there.

Q. And you and he spoke to each other immediately, didn't you?

A. Yes sir.

Q. Did you have any drinks together? A. Yes sir, and I gave him a quarter besides.

Q. Did you have a drink there? A. Yes sir.

- Q. That was the last place that you were in Mulberry Street?
A. Yes, that was the last place.
- Q. Did you drink there? A. I had a cigar there.
- Q. Did not you drink anything? A. I did not, not in that place.
- Q. You and he walked out together? A. Yes sir.
- Q. And went down to the corner of where? A. Corner of Mott and Worth Streets.
- Q. Were you walking together at the time? A. Yes sir.
- Q. Which way were you going? A. I was facing up towards Chatham Square elevated station.
- Q. You and he were looking to the front all the time, were you?
A. We were walking together chatting along as we were walking.
- Q. And the first thing you knew you were struck in the back of the head? A. Yes sir, and the next thing I knew was his hand in my pocket, he took the keys and my money.
- Q. When you were struck on the head you were dazed, weren't you? A. I was, partly.
- Q. Dazed somewhat? A. Partly.
- Q. Then after you were struck you say you saw him put his hand into your pocket and run? A. Yes sir.
- Q. How far did he run? A. A short distance, probably half a block and then he stopped.
- Q. And held up his hand you say and said, "I have got it"?
A. "I have got it."
- Q. And stood there perfectly still? A. He stood there perfectly still.
- Q. And he had the money out of course? A. O, I guess he did not have time to count the money.

Q. You did not run after him? A. I did not.

Q. You did not attempt to follow him? A. I did not think it would be worth while in the street I was in.

By Mr McIntyre. Q. When you were having a drink in the first instance with the prisoner at the bar did you tell him or show him the amount of money you had on your person?

A. I did not.

JOHN FARRINGTON sworn and examined.

By Mr. McIntyre. Q. You are a police officer connected with what precinct? A. The 20th.

Q. Do you remember arresting the prisoner at the bar upon the complaint of the complainant here? A. No sir.

By the Court. Q. Did you arrest him? A. I did not arrest him.

By Mr. McIntyre. Q. What do you know about this case?

A. At the time I was ward detective in the sixth precinct; this was reported there, I was on the case for two weeks and while out one day this man came to the station house.

Q. Complaint was made at the station house by this man?

A. Yes sir.

Q. What station house? A. Elizabeth Street, I was detailed.

Q. Did he tell you who had assaulted him? A. Yes sir, he gave a description of the man the first day he came and I walked down with him to have him show me the place where the thing occurred. I then told him -----

Objected to.

Q. You did not arrest this man? A. No sir.

Q. That ended your business with this case?

A. Until the prisoner was brought to the Station House.

Q. When was the prisoner brought to the Station House, you were there? A. I was.

Q. What time was it? A. On a Sunday.

Q. What day of the month? A. January 13, I think.

By the Court. Q. Then was he brought to the Station House on the same day the complaint was made? A. Yes sir.

Q. That was the 13th of January? A. The day before the complaint was made, the 12th of January, he was over to the Station House and the 13th he was brought to the Tombs Police Court.

Q. By what officer? A. Officer *Grandall* Grandall.

Q. Was he taken to Court? A. Yes sir.

By Mr. McIntyre. Q. What occurred? A. I asked the prisoner what he had to do with this or if he had done it. He told me that he had been drinking with this man but that he had not robbed him, he had been drinking with him in No. 27 Mulberry Street and that he left with two other men, the complainant left with two other men.

By the Court. Q. Did he tell you the names of the other two?

A. No sir, He did not, I asked him for the names of them, he said he did not know it.

Q. Between the time that the complaint was made at the station house and the 12th of January when this man was brought in were you looking for him? A. Yes sir.

Q. You did not find him? A. No sir, I looked in all of his haunts, that is where we were told he was in the habit of being and could not find him.

By Counsel. Q. Officer, do you remember whether or not the Defendant told you he was in No. 90 Worth Street with the complainant?
A. No sir, he did not.

Mr. McIntyre: That is the case for the People.

THE CASE FOR THE DEFENCE .

JAMES WALSH sworn and examined, testified:

- By Counsel. Q. Is that your right name? A. That is my right name, that is what I was christened, born and brought up to
- Q. Were you in the company of this man at the time he says that he was robbed? A. No sir.
- Q. Did you see him robbed? A. No sir, I did not.
- Q. Did you have anything to do with the robbery either directly or indirectly? A. Nothing at all.
- Q. Or did you know anything about it? A. I did not know one bit about it until I got accused for it on the following Sunday.
- Q. Where were you living at the time that he states he was robbed? A. I was living within half a block, Eclipse House, No. 7 Khatham Square.
- Q. How long had you been there? A. I have been there about over two months.
- Q. You were after getting over a sickness? A. Yes sir, I was after getting over a sickness, I generally get pains in the head and I have them always, I have been attending the hospital.
- Q. When was the first time that you met the complainant in this city? A. When I first came to this city I came down from Patterson, I guess it must be a year ago last May, that is the first time.

Q. When is the first time you met the complainant, the man on the stand making the charge against you? A. A year ago last May.

Q. You are sure about that? A. I am sure I met him.

Q. Where did you meet him? A. I met him, I was drinking glass of beer, three cent beer what they sell in Mulberry Street and he came in; he says to me, "will you have a drink with me?" I says, "thank you, I am much obliged to you"; he was a stranger to me then; I said, "I am having a drink now;" he stepped in with a lot more of his countrymen.

By the Court. Q. Did you take a drink with him? A. Not Last May, I did the Christmas time he is talking about.

Q. Did you decline it? A. I declined it because I was drinking myself.

Q. You had enough? A. I had enough, I did not want any more.

Q. Was that the first time you ever saw him? A. That was the first time I ever saw him.

Q. What was the next time you saw him? A. The next time I saw him was Christmas night.

By the Court. Q. Was that last Christmas? A. Christmas night.

By Counsel. Q. Did you see him at any time or in any place where there was a row, a quarrel? A. Yes sir.

Q. Where was that? A. Last May, I think it was 27 Mulberry Street.

Q. That is last May, 1890? A. Last May of all.

Q. Was he in that quarrel? A. It seemed he was, when he came out his hat was off and he came to me and he said ---

Objected to.

By the Court. Q. There might be thirty rows in No. 27 Mulberry StL, and a man might get his hat knocked off without being in a row, it is not an unusual occurrence, go on?

A. He came over to me and he had his hat off; he said, "it was you hit me." I says, "what would I hit you for? You asked me not half an hour ago to drink with you, I have no animosity against you, in fact you are a stranger." He said, "I was told you did --- never you mind, I will get square with you if it was ten years to come."

Q. What did you say to that? A. I says, "there is no use to have spite in for me, my dear man, I never done nothing to you in my life", and he went away.

By Counsel. Q. You had no cause of quarrel? A. No sir.

Q. Come right down to the time of this occurrence?

A. The next time I saw the man after that was on Christmas night.

Q. Where? A. I met him corner of Worth Street, I was standing beside Mr. Sullivan's oyster stand, he came along and he says to me, "hello, how are you?" I says, "fine, how is yourself." He says, "come in and have a drink with me." With that we went in; there was three more young fellows came in and they went up to the bar, I had one glass of beer off him there and he had a glass of beer. This fellow's name was called Tony; it was not at ten or eleven o'clock, it was half past eight in the evening when I first met him, when I went in there. He says to me, "did you see this John around?" Some fellow he called John. I says, "no, I have not seen him." He said, "will you come up the Bowery with me?" I said, "no, I don't feel well, I do not like to be out so much." He says to me, "I am