

0180

BOX:

133

FOLDER:

1380

DESCRIPTION:

Maconner, Frank

DATE:

03/03/84



1380

Witnesses:

Sept has been  
a term for long  
in Pen

Ed

2-7-84  
Counsel,  
Filed  
day of March 1884  
Pleads

THE PEOPLE  
vs.  
Frank  
Macomber  
Grand Larceny 2nd degree  
[Sections 528, 531, — Penal Code].

PETER B. OLNEY,

District Attorney.

In view of  
plea of guilty  
A True Bill.  
H. C. [Signature]

Foreman.

2-9-84 J.P. [Signature]

0181



0-182

First

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss

James C. Fredwell  
of No. 273 275 & 277 Broadway, age 22 years Salesman

being duly sworn, deposes and says, that on the 27 day of February 188 ✓  
at the said premises, in 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, with intent to defraud the  
true owners of the same and benefit thereof  
the following property, viz:

One Fur Beaver Overcoat  
of the Value of forty eight  
Dollars

the property of Alanson Fredwell, Alanzo Hote, and  
Alanson Fredwell Jr. and doing business under the  
firm name of Fredwell Hote & Co. and in Care and  
Charge of deponent.

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by Frank Macomber (now here)  
from the fact that deponent saw said  
Frank go into the Dressing room on said  
premises at the hour of 11.10 o'clock am. on the  
above date, and having on his person the above  
described property; that said Frank came  
out of said dressing room wearing the aforesaid  
property and over said property he wore an  
ulster. That as deponent was about to  
leave the said premises, deponent had him  
arrested with the said overcoat in his  
possession. Wherefore deponent

0183

Charges that said Frank did feloniously take, steal and carry away said property from the possession of defendant

Sworn to before me  
this 27<sup>th</sup> day February 1888  
J. C. Mason  
John Justice  
James C. Fredwell

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0184

Sec. 198—200

CITY AND COUNTY }  
OF NEW YORK, } ss.

First District Police Court.

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

Question. What is your name?

Answer. Frank Macomber

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. Lewiston, Maine

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

Answer. 384 Bowery, Six or seven months

Question. What is your business or profession?

Answer. Photographer

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

Answer. I have nothing to say till I see my folks

Frank Macomber

Taken before me this

27

day of

Feb  
1888

W. J. Conroy

Police Justice.



0185

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

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 to be legally discharged

Dated February 27 1884 Carp & M Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0186

BAILED,

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

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

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

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

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

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

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

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

11246  
Police Court First District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James C. Fredwell*  
273, 275 & 277 Broadway

1 *Frank Macomber*

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Office of Grand Jurors

Dated *February 27* 188 *4*

*Robert* Magistrate.  
*Christopher Smith* Officer.

*75* Precinct.

Witnesses *Christopher Smith*

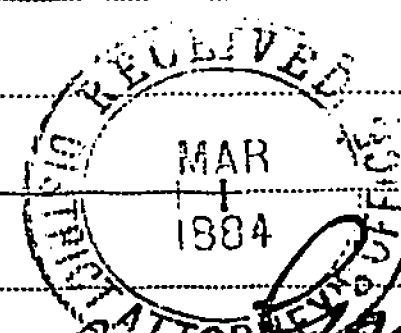
No. *75* Police Precinct Street.

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

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

\$ *500* to answer \_\_\_\_\_ sessions.

*Committed*



0187

Boston Feb 10<sup>th</sup> 1884

Mr Frank Keller

Dear Sir

I write you this note to certify that Frank Marbener has worked for me since last September until within five or six weeks I have always found him faithful and industrious and should give him a situation if I employed any one

I respectfully Remain

Horace H Johnson

Suffolk SS

Massachusetts.

Boston. State of

Personally appeared the above named Horace H. Johnson and made oath to the above before me this 10<sup>th</sup> day of March in the year of our Lord Eighteen Hundred & eighty Four Alfred H Winslow Justice of the Peace



0188

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 Macomber

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

Frank Macomber  
of the CRIME OF GRAND LARCENY in the Second degree, committed as follows:

The said Frank Macomber

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
twenty seventh day of February in the year of our Lord one thousand  
eight hundred and eighty four, at the Ward, City and County aforesaid, with force and arms,

one overcoat of the value  
of forty eight dollars

of the goods, chattels and personal property of one Olauson

Frederick

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.

Peter B. Olney  
District Attorney

0189

BOX:

133

FOLDER:

1380

DESCRIPTION:

Mahoney, Thomas

DATE:

03/20/84



1380

Witnesses:

Jacob S. York

Deft. has been

A. Penn in Pen

for larceny

ff

Counsel,

Filed 20 day of March 1884

Pleads Ashely.

THE PEOPLE

vs.  
41st St. N. Y. C.

P

Thomas Mahoney

Grand Larceny 2nd degree  
(From the person.)  
[Sections 528, 531, — Penal Code.]

PETER B. OLNEY,

2d Mar 24/84 District Attorney.

Pleads guilty.

A True Bill.

Charles B. Howard

Foreman.

Jy. M. S. S. S. S. S.

ff

0190



0191

2

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.

*James,* of No. *106 Johnson* Street, *Brooklyn, State of New York,*  
being duly sworn, deposes and says, that on the *12* day of *March* 188*4*

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

*One plated chain of steel  
value of eight dollars*

Sworn before me this

day of

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 *Thomas Mahoney, now*

*here, from the fact that about the  
hour of 11 o'clock P. M. of said day  
deponent was walking through  
Wentworth Street, and said chain was  
attached to a watch and was  
fastened to the pantaloons then  
worn upon deponents person.  
That said deponent suddenly  
seized hold of said chain and  
and broke the same from the  
watch and pantaloons and ran*

Reverend Justice,

488

0192

Away with said chain in his possession. That defendant pursued him and caught him, without ever losing sight of him, and saw him throw away said chain while running away.

Sworn to before me this }  
13<sup>th</sup> day of March 1884 } Jacob S. York  
J. W. Patterson

Police Justice

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
JAMES L. HARRIS  
vs.  
JAMES L. HARRIS

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0193

Sec. 198-200

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas Mahoney* 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 Mahoney*

Question. How old are you?

Answer.

*21 years 9 age*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*416 West St. all my life*

Question. What is your business or profession?

Answer.

*Shoemaker*

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

Answer.

*I have nothing to say.*

*Thomas Mahoney*

Taken before me this

*13*

day of

*March*

188

*W. J. C. C.*

Police Justice.



0 194

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

.....*Thomas Mahoney*.....  
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 15* 188 *J. M. Patterson* Police Justice.

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

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

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

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

0195

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court

1184 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Jacob S. Gork*  
106 Johnson St. Brooklyn  
*Thomas Mahoney*

2

3

4

Dated

*March 13*

188

*Patterson* Magistrate.

*John J. Lavagone* Officer.

*9* Precinct.

Witnesses

No.

Street.

No.

Street,

No.

Street.

\$

*1000*

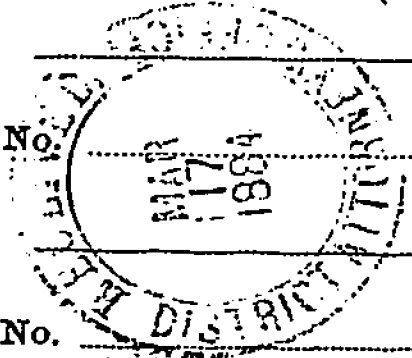
to answer

*Gen*

Sessions.

*Comd*

*Office of Henry James  
and per se.*



0196

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 First Ward of the City of New York, in the County of New York aforesaid, on the  
Twelfth day of March in the year of our Lord one thousand  
eight hundred and eighty-four, in the day time of the said day, at the Ward, City and  
County aforesaid, with force and arms, one chain of the

value of eight dollars.

of the goods, chattels and personal property of one Jacob S. York  
on the person of the said Jacob S. York  
then and there being found, from the person of the said Jacob S. York  
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.

Peter B. Orney

District Attorney.



0197

BOX:

133

FOLDER:

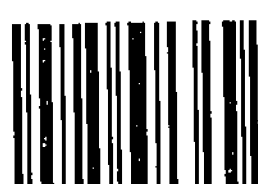
1380

DESCRIPTION:

Markham, Richard

DATE:

03/07/84



1380

53

Witnesses:

Day of Trial,

Counsel,

Filed

Pleads

7 March 1884

THE PEOPLE

vs.

P

Richard Markham

PETER B. OLNEY,

JOHN McKEON,

District Attorney.

A True Bill.

Calvin B. Knapp

Foreman.

March 10, 1884

Reads Truly and  
S. J. Two years & Co

BURGLARY—Third Degree, and  
Hawthorne, Helen, Florida.  
[See 498-506-529-532]

0198

0199

Police Court District

City and County } ss.:  
of New York,

of No. 1036 East 14 Street, aged 46 years,

occupation Shoemaker being duly sworn

deposes and says, that the premises No. aforesaid 1036 Street,

in the City and County aforesaid, the said being a store used for

the deposit and sale of shoes and boots

and which was occupied by deponent as such

and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking  
a light of plate glass in the  
front window of said premises

on the 29<sup>th</sup> day of February 1884 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Two pairs of gaiters of the  
value of eighteen dollars

the property of deponent  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Richard Markham, now present  
for the reasons following, to wit: that the aforesaid window  
was by deponent found broken  
about 7:30 O'clock A.M. on the morning  
preceding said night and the  
aforesaid property had been stolen  
and carried away therefrom. That  
the pair of gaiters here shown were found as  
by Officer Michael Oppelt in the possession of  
the defendant who now confesses & admits in Court  
that he did so break said window & stole & carried  
away the aforesaid property. Alonso Brondi

Alonso Brondi  
deponent to before Court  
at New York City  
March 1884  
in  
deponent's presence



0200

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged

23

years,

occupation

Michael Appelt  
Police Officer

of No.

the 18<sup>th</sup> Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Alfonsi Brandi

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

Sworn to before me, this

1<sup>st</sup>

day of

March 1884

Michael Appelt

Wm. Emma

Police Justice.

0201

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK, } ss.

District Police Court.

*Richard Markham* 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.

*Richard Markham*

Question. How old are you?

Answer.

*23 Years*

Question. Where were you born?

Answer.

*Philadelphia*

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

Answer.

*I live Philadelphia my home*

Question. What is your business or profession?

Answer.

*Painter*

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 of the charge*  
*Richard Markham*

Taken before me this

day of

*March*

188

Police Justice.

0202

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of three  
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 1<sup>st</sup> 188 4

[Signature]  
Police Justice.

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

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.

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

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.



0203

BAILED,

No. 1, by .....

Residence..... Street.

No. 2, by .....

Residence..... Street.

No. 3, by .....

Residence..... Street.

No. 4, by .....

Residence..... Street.

Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1  
2  
3  
4

Dated March 1<sup>st</sup> 1884

Murray Magistrate.  
Michael Offelt Officer.  
182<sup>nd</sup> Precinct.

Witnesses Call the Officer

No. .... Street.

No. .... Street,

No. .... Street.

\$200 to answer General Sessions.

(Com)

0204

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard Sparkham

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

Richard Sparkham

of the CRIME OF BURGLARY IN THE THIRD DEGREE,

committed as follows:

The said Richard Sparkham

late of the 18th Ward of the City of New York, in the County of New York, aforesaid, on the 29th day of February in the year of our Lord one thousand eight hundred and eighty four with force and arms, at the Ward, City and County aforesaid, the store of

Alfonzo Brondi

there situate, feloniously and burglariously, did break into and enter, the same being a building in which divers goods, merchandise, and valuable things were then and there kept for use, sale and deposit, to wit: the goods, chattels, and personal property hereinafter described, with intent the said goods, chattels, and personal property of the said

Alfonzo Brondi

then and there being, then and there feloniously and burglariously to steal, take and carry away, and two

pairs of shoes of the value of nine dollars each pair

of the goods, chattels and personal property of the said

Alfonzo Brondi

so kept as aforesaid in the said Store 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.

Peter B. Olney  
District Attorney

0205

BOX:

133

FOLDER:

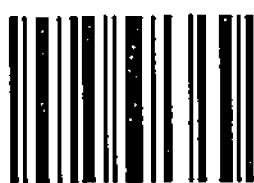
1380

DESCRIPTION:

McCarthy, Eugene

DATE:

03/20/84



1380



Ally E. Cohen  
Off Bayer card

Day of Trial,

Counsel,

Filed 20 day of March 1884

Pleads Not Guilty.

# THE PEOPLE

۷۷۳

A

U.S. *Engineer McCleary* *P*

BUCKLE UP—Third Degree,  
NOTHING STOLEN.

[SbH]

PETER B. OLIVER

JOHN H. KRON

*District Attorney.*

# A True Bill.

Emily Bernard

Harvey

Foreman.

W. Leach & Mearns  
Per. One year.

Dear One Year:

0207

Police Court District. [ ]

City and County  
of New York.

of No. 18 Wooster Street, aged 27 years,

occupation Confectioner being duly sworn

deposes and says, that the premises No 18 Wooster Street,

in the City and County aforesaid, the said being a factory for the

Making of Confectionary

and which was occupied by deponent as a factory & Sales Room

and in which there was at the time no human being by name

Attempted to be  
were **BUGLARIOUSLY** entered by means of forcibly opening the

Shutters securing the Window on the

basement floor of said premises,

which said premises are in the 8th Ward

on the 13 day of March 1884 in the night time, and the

following property feloniously attempted to be taken, stolen, and carried away, viz:

A Quantity of Flavoring Oils

Valued at One Hundred Dollars

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

Attempted to be **BUGLARY** was committed and the aforesaid property taken, stolen, and carried away by

Quinn McCarthy (nowhere)

for the reasons following, to wit:

He is informed by John O. Savercoe

An Officer of the 8th Precinct Police, that

he (Savercoe) saw said McCarthy

and another person named Peter Moore, attempt

to force the window as above stated

Alexander E. Cohen

Sworn to before me this  
17th day of March 1884  
at New York City  
Notary Public

0208

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged

36

years, occupation

John O'Savercool  
Police Officer

of No.

5th Precinct Police

being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Alexander E. Cohen

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

Sworn to before me, this

day of

March 1887

John W. O'Savercool

Andrew J. Smith

Police Justice.



0209

Sec. 198-200

CITY AND COUNTY } ss.  
OF NEW YORK, }

*2d* District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*

*Eugene McCarthy*

Taken before me this  
day of *March* 1938

*James J. Smith*  
Police Justice.

02 10

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 \_\_\_\_\_  
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 within mentioned, I order h to be discharged.

Dated \_\_\_\_\_

188 .

*Police Justice.*

0211

Police Court

Dist. 1190

THE PEOPLE, &c

ON THE COMPLAINT OF

Alexander E. Cohen  
187 West 10th St  
Eugene McCarthy

1

2

3

4

Offence: Attacking  
Surgeon

Dated

March 17th

1884

Magistrate.

Officer.

Precinct.

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Witnesses

No.

Street.

No.

Street.

No.

Street.

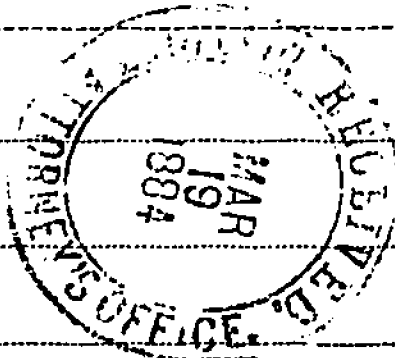
\$

1000

to answer

G. S.

Corn





02 12

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

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Engene McCarthy*

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

*Engene McCarthy*  
of the crime of *attempting to commit*  
the crime of BURGLARY IN THE THIRD DEGREE, committed as follows:

The said *Engene McCarthy*

late of the *Eighth* Ward 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 eighty *four* with force and arms, at the Ward, City and  
County aforesaid, the *factory* of *Alexander E.*  
*Cohen*

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

*E. Cohen* with intent the said  
goods, merchandise and valuable things in the said *factory* 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.

PETER B. OLNEY,

~~JOHN McKEON~~, District Attorney.

0213

BOX:

133

FOLDER:

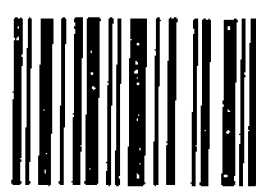
1380

DESCRIPTION:

McCarthy, John

DATE:

03/28/84



1380

Witnesses:

*Off. A. H. Armstrong.*

2621

Counsel,

Filed 28 day of March 1884

Pleads *Not Guilty*

*John Mc Carthy*  
*vs.*  
*People of the County of Cook*  
*City of Chicago*  
*Ill.*  
Grand Larceny 2<sup>nd</sup> degree  
[Sections 528, 531 Penal Code]

PETER B. OLNEY,

District Attorney.

22 Apr 1884.

*pleads G. L. 2<sup>nd</sup> deg.*  
A True Bill.

*Calet H. Kandle*

Foreman.

*State Refractory*

0214



02 15

4 District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No. 146 West 24 Street,

29 years old. Porter

being duly sworn, deposes and says, that on the 17<sup>th</sup> day of March 1884

at the day time at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent. And from deponent's person

the following property, viz :

A Silver Watch of the  
value of fourteen dollars

the property of

Deponent

and that this deponent

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

John McCarty now here  
that about 3 O'clock P.M. on  
said day deponent was standing  
among a crowd in Broadway  
upon which the defendant was  
standing by deponent's side when deponent  
felt a tug at the chain attached to the  
watch and saw the defendant have  
the chain which was then detached from  
the watch in his hand, & saw him pass  
the watch which he had taken from a  
pocket of deponent's vest to a confederate  
who instantly went away Thomas Haggerty

Sworn before me this

day of March 1884

Police Justice,

02 16

Sec. 198-200

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*John McCarthy* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty of the charge*

*John McCarthy*

Taken before me this *18th*  
day of *March* 188*8*  
*John J. McCarthy*  
Police Justice.

0217

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 Mc Carthy

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 18 188 By Amy Manning Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



02 18

Police Court 24 District 1195

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas Haggerty  
186 West 11 St  
John McCauley

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

Dated March 18<sup>th</sup> 1884

Murray Magistrate.  
Thomas H. Ambrose Officer.

Carl Precinct.

BAILED,

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

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

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

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

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

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

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

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

Witnesses

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

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

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

\$ 5.00 - to answer General Sessions.

(Oru)

02 19

**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 McCarthy*

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

*John McCarthy*  
of the CRIME OF GRAND LARCENY in the *Second* degree, committed as follows:

The said

*John McCarthy*

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

*one watch of the*

*value of fourteen dollars.*

of the goods, chattels and personal property of one *Thomas Haggerty*  
on the person of ~~the said~~ *Thomas Haggerty*  
then and there being found, from the person of the said *Thomas Haggerty*  
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.

*Peter B. Olney*

*District Attorney*

0220

BOX:

133

FOLDER:

1380

DESCRIPTION:

McCarty, James

DATE:

03/21/84



1380



0221

BOX:

133

FOLDER:

1380

DESCRIPTION:

Finnen, Thomas

DATE:

03/21/84



1380

Handwritten signature: *W. J. ...*

Counsel,

Filed 2 day of July

## Pleads

# THE PEOPLE

25.

James McCarty

20

Thomas-Timmer

PETER B. OLNEY,

JOHN MCKEON.

*District Attorney.*

# A True Bill.

Paula B. Knudsen

Foreman,

Chas. Dudley D.D.

Mr. Lutzmaier

0223

Police Court—4<sup>th</sup> District.City and County } ss.:  
of New York,of No. 666 - 1<sup>st</sup> Avenue Street, aged 53 years,occupation Watchman being duly sworndeposes and says, that the premises No 666 - 1<sup>st</sup> Avenue Street,in the City and County aforesaid, the said being a two story frameHouseand which was occupied ~~by deponent~~ as a stor. Houseand in which there was at the time no human being, by ~~name~~were BURGLARIOUSLY entered by means of forcibly forcingoff the pad lock on the frontdoor leading into said premiseson the ~~18<sup>th</sup>~~ 18 day of March 1884 in the night time, and the

following property feloniously taken, stolen, and carried away, viz:

four Bottles of Cider of the  
Value of Twenty Centsthe property of Henry and William L. Beck

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

James M. Lantry and Thomas Simmer

both now present

for the reasons following, to wit: that previous to saidBurglary the door leading intosaid premises was securely fastenby a pad lock and this deponenthas been informed by Officer PatrickSullivan that he saw the defendantscoming out of said premises aboutthe hour of 11 o'clock and arrestedthem and found in their possessionthe above property Patrick DonnellyShown before me on the 18<sup>th</sup> day of March 1884  
I, John W. Foster Justice



0224

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 29 years, occupation Police officer of No.

21 Premet Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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 1884

Patrick J. Sullivan

Wm. J. Sullivan  
Police Justice.

0225

Sec. 198-200

District Police Court.

CITY AND COUNTY,  
OF NEW YORK, ss.

*James L. Lumen* 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 L. Lumen*

Question. How old are you?

Answer.

*21 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*832 E. 38 St*

Question. What is your business or profession?

Answer.

*Camm*

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.

*The door was open  
that is all I have to say*

*James L. Lumen*

Taken before me this

day of

*March*

188

*at*

*Police Justice.*

0226

Sec. 198-200

District Police Court.

CITY AND COUNTY,  
OF NEW YORK, } ss.

*James M. Carthy* 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 M. Carthy*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *721 - 1<sup>st</sup> Avenue 1 year*

Question. What is your business or profession?

Answer. *Seegar Maker*

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. *The Place Was ~~is from~~*  
*Open*

*James M. Carthy*

Taken before me this

day of

*March 1888*  
*Police Justice.*



0227

that the crime therein mentioned has been

Lee

Hundred Dollars, and be committed to the Warden and Sheriff to give such bail.

Dated March 19 1884 J. E. [Signature] Police Justice.

*H. E. Berry* Police Justice.

### ..Police Justice

.....

guilty of the offence within mentioned, I order h to be discharged.

### Police Justice

0228

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

1196  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Patrick J. Sullivan*  
*666. First Ave*  
*James M. Carter*  
*21st Street*

3 .....  
4 .....

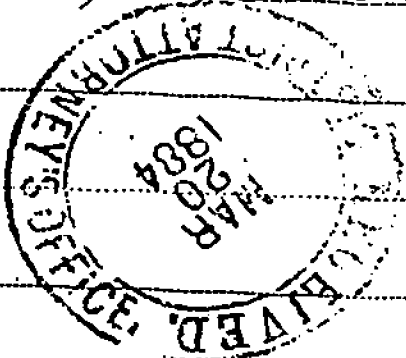
Dated *March 19* 188  
*James M. Carter* Magistrate.  
*Patrick J. Sullivan* Officer.  
*21* Precinct.

Witnesses *Patrick J. Sullivan*  
No. *21 Precinct* Street.

No. .... Street,

No. .... Street.

\$ *1000* to answer *3rd* Sessions.  
*Comm*



0229

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 Finnen  
and  
James Mc Carthy

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

Thomas Finnen and James  
Mc Carthy of the CRIME OF BURGLARY IN THE THIRD DEGREE,

committed as follows:

The said Thomas Finnen and  
James Mc Carthy

late of the Twenty-first Ward 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 four with force and arms, at the Ward,  
City and County aforesaid, the store house of William

L. Peck there situate, feloniously and  
burglariously, did break into and enter, the same being a building  
in which divers goods, merchandise, and valuable things were then and there kept  
for use, sale and deposit, to wit: the goods, chattels, and personal property hereinafter  
described, with intent the said goods, chattels, and personal property of the said

William L. Peck then and there being, then and there  
feloniously and burglariously to steal, take and carry away, and

bottles of cider of the  
value of five cents each  
bottle

of the goods, chattels and personal property of the said William

L. Peck

so kept as aforesaid in the said storehouse 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.

Peter B. Olney

District Attorney



0230

BOX:

133

FOLDER:

1380

DESCRIPTION:

McCullough, John

DATE:

03/12/84



1380

Samuel Bates

Let <sup>o</sup> the Cure  
 & Sam. Ringers  
 appearing  
 Capt. Williams  
 and Mr. Cullen.  
 That the in the  
 first time West.  
 then Cullen as  
 Cullen appears  
 His General Ch,  
 is that of  
 Be a King to  
 in the Pacines



✓  
124  
Counsel,  
Filed 12 day of March 1884  
Pleads May 13

**THE PEOPLE**

*John McCullough  
H. J.  
N.Y.*

vs.

**F**

**Robbery in the 1<sup>st</sup> Degree**  
**(Sections 224 and 228)**

PETER B. OLNEY,  
JOHN McKEOWN

Mr. District Attorney

Added & corrected ~~the~~  
A TRUE BILL.

Charles D. Harris  
Chairman, Foreman.

21

all Ref 11

May 24, 1908

17 APR 1962

Orange 12-22-22

0232

Sec. 198-200

2d

District Police Court.

CITY AND COUNTY OF NEW YORK

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*Not Guilty*

*John McCallough*

Taken before me this

day of

1888

Police Justice.



0233

Police Court *J. D.* District.

CITY AND COUNTY } ss  
OF NEW YORK, }

of No. *106 West 17th* Street, Aged *31* Years  
Occupation *Writer* being duly sworn, deposes and says, that on the  
*J. D.* day of *March* 188*4*, at the *10th* 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:

*a Bank Note of the denomination  
of One Dollar, lawful Money of  
the United States*

of the value of *One* DOLLAR,  
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

*John  
McLoughlin* nowhere *John* who, in  
company with two other men who  
are not arrested and whose names  
are unknown, assaulted deponent.  
That said *McLoughlin* knocked  
deponent down, and while deponent was  
lying prostrate, defendant took from his

day of

Sworn to before me, this

188

Police Justice.

0234

Test pocket the One Dollar  
Note above described  
from before me this } Samuel Bates  
4<sup>th</sup> day of March 1884 }  
County of White  
Police Justice

Dated 1884 Police Justice.

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

Dated 1884 Police Justice.

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

Dated 1884 Police Justice.

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

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

Police Court, District.

THE PEOPLE, &c.  
on the complaint of

Offence—ROBBERY.

Samuel Bates  
vs. John McCallough

Dated March 4<sup>th</sup> 1884

John Carey, Magistrate.

Clerk.

Witnesses, P. Landford

No. 1000

Street.

No. 1000

Street.

No. 1000

Street.

No. 1000

Street.

No. 1000

Street.

No. 1000

Street.

No. 1000

Street.



0235

City and County of New-York, SS.:

Peter J. Ruetzel, of No. 343 Seventh Avenue, in said City, being duly sworn, deposes and says: That he is an important and material witness on the part of the People in the case of The People on complaint of Samuel Bates against John Mc'Cullough; that on or about the 12<sup>th</sup> day of March, 1884, deponent was called upon at his place of business at the above number by a man who gave his name as A. J. Mathewson, and who represented that he was connected with the District Attorney's Office, and asked deponent if he could tell him where he, the said Mathewson, could find the complainant above named; that deponent directed him to go to 126 West 27<sup>th</sup> street, fourth floor; that the said Mathewson replied that he had been there but could not find him and that he had never lived there. Deponent was then informed by the said Mathewson that there was a warrant for the arrest of the said Samuel Bates and that he was liable to go the State's Prison. That deponent was then asked by the said Mathewson if he, deponent, was going to appear against the said Mc'Cullough and deponent replied that he was, whereupon the said Mathewson told deponent that he should not put so much weight in this Samuel Bates. He said to deponent "You might state the assault but don't mention anything about the robbery", to which deponent replied that Mc'Cullough was guilty and ought to be punished, and deponent made the remark that it was very funny if he, the said Mathewson, was connected with the District Attorney's office that he should come with any such proposition, and that he was very sorry that he had made him the statements that he had made. That the said Mathewson then said that he had not said that he was from the District Attorney's office, but that a friend of his was in the District Attorney's office and had requested him to come to see deponent in regard to the case. Deponent then stopped all further conversation with the said Mathewson.

Sworn to before me, this :  
24<sup>th</sup> day of March, 1884. :

*Rudolph L. Schaaf*  
Notary Public N.Y. Co.  
*Commissioner of Deeds*  
*N.Y. City & Co.*

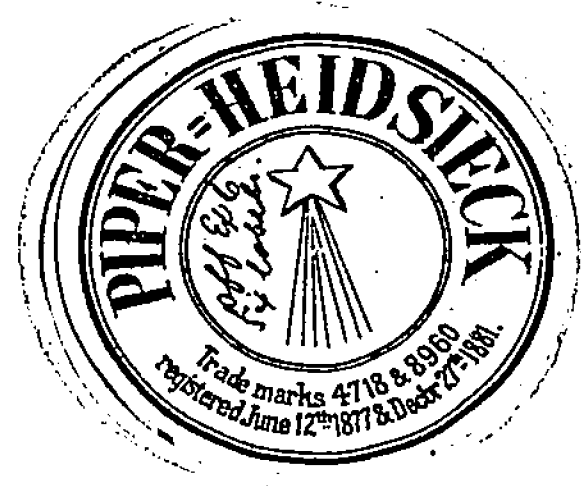
*[Signature]*



0236

COURT OF GENERAL SESSIONS OF THE PEACE,  
In and for the City and County  
of New York.

----- x  
T H E P E O P L E ,  
against  
J O H N M C C U L L U G H .  
----- x



TO THE HON.

P E T E R B. O L N E Y,

District Attorney of the City and County

of New York.

Sir:

Please take notice, that a motion will be made for the discharge of the above-named prisoner John McCullugh, (he being now confined in the City Prison on a charge of robbery having been committed to said Prison by Justice Andrew J. White on the 4th day of March, 1884, and thereafter and on the 12th day of March, 1884, indicted by the Grand Jury then in session) before the Honorable Frederick Smyth, Recorder of the City of New York, at the opening of the Court of General Sessions in Part I thereof on Monday the 5th day of May, 1884, at eleven o'clock in the forenoon or as soon thereafter as Counsel can be heard, as well as for an order that the indictment in this action be dismissed, upon the ground that the defendant herein was not brought to trial at the next term following his indictment, or for

0237

2

such other or further order as to the Court may seem meet.

New York, May 2nd, 1884.

Yours &c.,

E. M. Friend,

Defendant's Attorney,

25 Chambers Street,

New York City.

0238

3

COURT OF GENERAL SESSIONS OF THE PEACE,  
In and for the City and County  
of New York.

----- x  
T H E P E O P L E ,  
against  
J O H N M c C U L L U G H .  
----- x

CITY AND COUNTY OF NEW YORK. : SS.

JOHN McCULLUGH the defendant herein, being duly  
sworn, deposes and says:

That on the second day of March last, deponent was  
arrested, and held by Andrew J. White, Esq., one of the  
Police Justices of said City for trial in default of one  
thousand dollars bail; that thereafter as deponent has  
been informed, he was on the 12th day of March, 1884, in-  
dicted by the Grand Jury of this County then in session.  
That deponent has since his arrest been and now is an in-  
mate of the City Prison being unable to procure bail; That  
he is entirely innocent of the charge upon which he is in-  
dicted, and is ready to proceed to trial herein, as yet not  
having had same; That deponent has always borne a good  
character and can produce testimony to that effect from the  
various gentlemen in whose employ he has been; that he is  
a horse shoer by trade and for two years last past and to  
the day of his arrest was in the employ of Charles Rose of  
No. 149 West 30th Street in said City. That he resides



0239

4

with his widowed Mother in West 33rd Street in said City  
and is her only support.

W H E R E F O R E deponent prays that he be tried  
upon said indictment forthwith, or that the said indict-  
ment be dismissed, or that deponent be discharged upon his  
own recognizance, or for such other relief as may be meet  
in the premises.

Sworn to before me, this :  
2nd day of May, 1884. : John McCullagh.

John C. Fraser,

Notary Public,

N. Y. City & Co.

0240

5

COURT OF GENERAL SESSIONS OF THE PEACE,  
In and for the City and County  
of New York.

----- x  
T H E P E O P L E ,

against

J O H N M c C U L L U G H .  
----- x

CITY AND COUNTY OF NEW YORK. ; ss.

EMANUEL M. FRIEND defendant's Attorney herein, being sworn, says:- That during the March Term of this Court, the defendant herein was indicted; That both the March and April Terms of this Honorable Court have passed and the defendant, though an inmate of the City Prison, being unable to procure bail, has not been brought to trial on said indictment.

Deponent avers upon information received, which he believes to be true, that the complainant herein cannot be found; that such information was imparted to deponent by the Clerk in the Office of the District Attorney, Mr. Hugh Donnelly by name.

Sworn to before me, this :  
3rd day of May, 1884. : E. M. Friend.

John C. Fraser,

Notary Public,

N. Y. City & Co.



Against

John McLaughlin,  
Defendant.

AFFIDAVIT AND NOTICE OF MOTION.

E. M. Friend,  
Att'y for Defendant,  
25 Chambers Street,  
New York City.

To the Hon.  
Peter B. Quay  
Dist. Att.



8



0242

L. HARRIS, 14  
25 CATHARINE ST. N. Y.  
No. 29257  
1884  
APR 27  
Lot 57  
712th  
Not accountable in case of fire, damage, theft,  
or robbery. 25 per cent. per annum. Good for  
one year only.

0243

P  
P. J. RUTZEL,  
DEALER IN  
LEATHER AND FINDINGS,  
MANUFACTURER OF  
Boots, Shoes and Gaiter Uppers,  
No. 313 Seventh Avenue, betw. 29th & 30th Sts.

*Impr. 10*  
New York, April 17<sup>th</sup> 1884  
Mr. Peter B. Olney, District Attorney,  
City

Dear Sir,

I take the liberty to  
write a few lines to you as I under-  
stand, that in the robbery case, The People  
against John McCullough, and Samuel  
Bates plaintiff, will be dismissed on  
Friday next if plaintiff does not appear  
against the prisoner.

If there would be efforts made  
the plaintiff could be found as I have  
spoken a man who has seen him last  
Thursday. The plaintiff is merely kept  
away by the defense. Mr Allen, assis-  
tant district attorney holds an affidavit

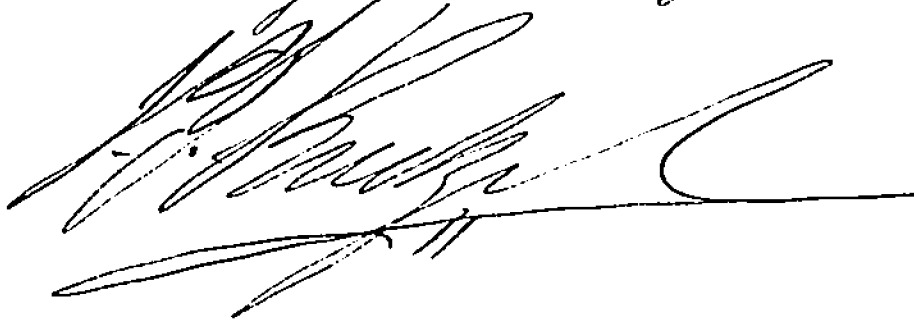
OVER

0244

from me, that I was seen by the  
defense to keep out of it as I am one  
of the main witnesses in this case and  
ordered the arrest.

When the crime was committed it  
was a frightful sight to see a man knocked  
down at bright day light and robbed and  
almost killed. The same time if my tes-  
timony is not sufficient I will be  
able to furnish a dozen more witnesses.  
I remain

very respectfully





0245

582 W. 26 St.

N.Y. City

June 24/82

Stephen Cutler Esq

Dear Sir

In answer to your kind letter just received about my nephew John McCullough, I would state first, that I understood it was robbery in the second degree he was convicted of - but that is bad enough, and a very serious crime. I am heartily sorry for the boy. He worked for me for three years, had the collecting of all the bills and the handling of my money and I found him faithful and honest and always behaved well until he fell into bad company & consequently took to drink as they all do who start on the downward path. His mother is almost ready to go to a lunatic

0246

Anglum. His father was killed  
several years ago and his mother  
since then has been striving hard  
to raise the family respectably.  
There are two girls & a boy beside. In  
they are of a highly respectable  
family and nothing up to this  
unfortunate occurrence has  
darkened their history. Anything  
you can do will be considered  
a personal favor to me & his poor  
mother & sisters. I have great hope  
of his reformation. He has turned  
away from drink more & I hope with  
God's blessing will be enabled  
to keep his word.

Yours Truly  
Andrew D. Saw

0247

**PART 2.**

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court-Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

*Please find the Complainant*  
**SUBPOENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To *Off. Carey*  
of No. \_\_\_\_\_ Street,

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *14* day of *April* instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

*John McCullough*  
in a case of Felony whereof *he* stands indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of *April* in the year of our Lord 188 *4*

PETER D. COLNEY, JOHN McKEON, District Attorney.



0248

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 McCullough*

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

*John McCullough* —  
of the CRIME OF ROBBERY IN THE *First* — DEGREE, committed as follows:

The said *John McCullough* —

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
*Second* — day of *March* — in the year of our Lord one  
thousand eight hundred and eighty-*two*, at the Ward, City and County aforesaid, with force  
and arms, in and upon one *Samuel Bates* —

in the peace of the said People then and there being, feloniously did make an assault *(the said*

*paid John McCullough being then*  
*and there aided by two accom-*  
*plishes actually present, whose names*  
*are to the Grand Jury aforesaid*  
*unknown) and one promissory note*  
*for the payment of money of the*  
*kind known as United States*  
*Treasury notes, the same being*  
*then and there due and unpaid*  
*for the payment of and of*  
*the value of one dollar —*

of the goods, chattels and personal property of the said *Samuel*  
*Bates* —  
from the person of said *Samuel Bates* — and against  
the will and by violence to the person of the said *Samuel Bates* —  
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,

PETER B. OLNEY,  
JOHN McKEON, District Attorney.

0249

BOX:

133

FOLDER:

1380

DESCRIPTION:

McDonald, John

DATE:

03/28/84



1380

0250

BOX:

133

FOLDER:

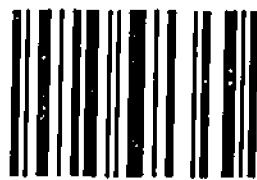
1380

DESCRIPTION:

Kiend, Edward

DATE:

03/28/84



1380



0251

BOX:

133

FOLDER:

1380

DESCRIPTION:

Burne, George A.

DATE:

03/28/84



1380

0252

*Wm. H. McKeon*

Counsel,

Filed 28 day of March 1884

Pleads *McKeon*

THE PEOPLE  
vs.  
*John McDonald*  
*Edward H. H. H.*  
*George A. Burns*  
Forgery in the Second Degree.  
(Sections 511 and 521.)

PETER B. OLNEY,  
JOHN McKEON,

In April 17/84 District Attorney.  
All plead. Attorneys *Wm. H. McKeon*  
A True Bill.

*Calder B. Knickerbocker*

112 City Prison 10 days Each.  
3, City Prison 2 days.  
Foreman.

April 14<sup>th</sup> 1884.

*Wm. H. McKeon*  
April 17<sup>th</sup> 1884  
at 22

*Wm. H. McKeon*

Bail \$1000.  
Each -  
*Wm. H. McKeon*

0253

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

POLICE COURT— 3 —DISTRICT.

aged 30 years  
of No. 50 West 30th

James A. Hammond

Street, being duly sworn, deposes and  
says that on the 26 day of March 1888

at the City of New York, in the County of New York, John M. Donald

Edward Klind and George Burns  
(all now here) did falsely and feloniously  
make forge counterfeit and utter as  
true a certain written order on  
deponent purporting to have been signed  
by Alexander M. Cornell for fifty  
Jack Roses, fifty Tea Roses and one  
hundred white pinks with the intent  
to cheat and defraud and whereby  
deponent was so cheated and  
defrauded

That on said day said  
Burns came to deponent's place of business  
at No. 50 West 30th Street, and then & there  
presented said order to deponent,  
and on which order deponent delivered  
said described property.

Deponent after delivering said  
property suspected that said order  
may be a forgery followed said Burns  
and who was then in company of said  
Mr. Donald & Klind that said three  
defendants attempted to sell said property  
in several stores.

Deponent is informed by  
Alexander M. Cornell of No. 729, 6th  
Avenue, that he did not make said  
order and did not authorize any person  
to make the same for him, and that



0254

Said order is false and untrue  
Said Bureau acknowledges to defendant  
that he received said order from  
Said M<sup>r</sup> Donald, that Said M<sup>r</sup> Donald  
told him he would give him something  
if he would give the goods on  
said order.

Defendant charges that  
said defendant did act in  
concert with each other in making  
and uttering said order, and  
whereby defendant was defrauded

Sworn to before me this }  
26<sup>th</sup> day of March 1887 } James M. McDonald

John J. Korman

Deputy  
James M. McDonald

Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFIDAVIT.

vs.

Dated 188

Magistrate.

Officer.

Witness,

Disposition,

0255

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 39 years, occupation Flourist of No.

729 6<sup>th</sup> Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of James A. Shannon

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

Sworn to before me, this 26  
day of March 1888 Alexander M. Cornell

John J. Shannon  
Police Justice.

0256

Sec. 198--200.

3 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*George Burns* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I got the order from Mr Donald  
I got the goods. He promised to  
give me something*

*George Burns*

Taken before me this 26  
day of March 1887  
*John J. Brown*  
Police Justice.



0257

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

3 District Police Court.

*Edward Kind*

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 Kind*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New Orleans*

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

Answer. *34<sup>th</sup> Street & 9<sup>th</sup> Avenue 5 months*

Question. What is your business or profession?

Answer. *Gardener*

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

Answer. *I have nothing to say**Edward Kind*

Taken before me this

day of

*May 1887**John J. ...*

Police Justice.

0258

Sec. 198-200.

CITY AND COUNTY,  
OF NEW YORK, } ss.

*3rd* District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*  
*John M. Donald*

Taken before me this *21*  
day of *March* 188*7*

*James J. Conner*  
Police Justice.

0259

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 McDonald  
Edward Kenna George Burns  
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 26 1889 John Horner Police Justice.

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

Dated \_\_\_\_\_ 1889 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 1889 \_\_\_\_\_ Police Justice.



0260

Police Court

3 1210 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James A. Hammond  
50 West 30<sup>th</sup> St.

1 John Mc Donald

2 Edward Flind

3 George Burns

4

Office George

BAILED,

No 1, by

Residence Street.

No. 2, by

Residence 854 8<sup>th</sup> Ave Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated

March 26

188

Corman

Magistrate.

Rourke

Officer.



Precinct.

Witnesses

Sara

No.

Street.

Alexander Mc Connell

No.

729 6<sup>th</sup> Ave Street.

No.

Street.

\$

500 to answer

Commitment

0261

POOR QUALITY  
ORIGINAL

These are the  
Please give me  
50 Lakes shoes  
50 Tea  
100 white shoes  
and 100  
— 100 shoes

0262

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 Donald  
Edward Hendon  
George A. Burne

The Grand Jury of the City and County of New York, by this indictment, accuse  
John Mc Donald, Edward Hendon  
and George A. Burne  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said John Mc Donald, Edward  
Hendon and George A. Burne, each

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the  
twenty sixth day of March in the year of our Lord one thousand eight hun-  
dred and eighty-four with force and arms, at the Ward, City and County aforesaid, feloniously  
did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain  
instrument and writing, to wit: an order for the delivery  
of goods, -

which said forged order for the delivery of goods -  
is as follows, that is to say:

Messrs. Hammond & Hunter

Please give Bearer

50 yards roses

50 Tea =

100 White Pinks

and oblige

Alex Mc Connell

42" St 6" One

with intent to defraud, 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.



0263

SECOND COUNT.

And the Grand Jury aforesaid by this indictment further accuse the said *John Mc Donald, Edward Heid and George A. Burne,* \_\_\_\_\_  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *John Mc Donald, Edward Heid and George A. Burne,* each \_\_\_\_\_

late of the Ward, City and County aforesaid, afterwards, to wit, on the said *twenty sixth*  
day of *March* \_\_\_\_\_ in the year of our Lord one thousand eight hundred and  
eighty *four* with force and arms, at the Ward, City and County aforesaid, with intent to defraud,  
*having in their* \_\_\_\_\_ ~~in~~ possession,  
a certain forged instrument and writing, *to wit: an order for*  
*the delivery of goods,* \_\_\_\_\_

which said last-mentioned forged *order for the delivery of goods*  
is as follows, that is to say:

*Messrs. Hammond & Hunter*

*Please give Bearer*

*50 Jacks roses*

*50 Tea =*

*100 White Pinks*

*and oblige*

*Alex Mc Connell*

*42" St 6" Ave*

*with force and arms, the said forged order for*  
*the delivery of goods, did* \_\_\_\_\_ *utter, dispose of and put off*  
as true, *they* the said *John Mc Donald, Edward Heid and George*  
*A. Burne,* then and there well knowing the same to be forged, 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.

PETER B. OLNEY,

~~JOHN McCONNELL~~, District Attorney.

0264

BOX:

133

FOLDER:

1380

DESCRIPTION:

McGonigal, David

DATE:

03/21/84



1380

0265

Witnesses:

James M. Moore

William Roemer

James C. Ryan

Bailed by

Edward M. Stone

46. West 16th St

Wm. B. Singer and Son

Counsel,

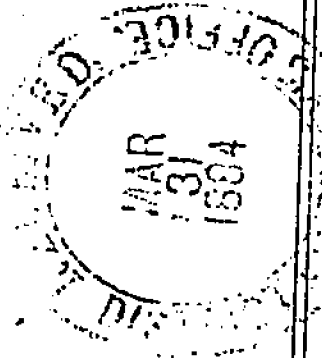
Filed 21. day of March 1884

Pleadg

Court order for John B. Connelley to be put into THE PEOPLE Apr 22/84

[Seal 557]

David M. Connelley  
vs.  
B



PETER B. OLNEY,

~~JOHN WILKINSON~~

District Attorney  
denies disallowed  
Apr 22. 1884

A True Bill. Mich. 21/84

Ernest C. Thrush

Foreman.

Order in my writing

Carl J. Cooney

Dec 1. 1884



0266

Court of Oyer and Terminer  
Held in and for the City and  
County of New York.

The People of the State  
of New York.

against  
David M<sup>c</sup> Gonigal

Extortion.

City and County of New York ss: I, Abraham  
H. Hummel, being duly sworn, do  
depose and say: I am one of the  
Counsel for David M<sup>c</sup> Gonigal the  
defendant above named.

That said defendant is now under  
Indictment in this Court for the  
crime of Extortion, it being charged  
that said defendant, as a deputy  
Sheriff of the County of New York,  
did unlawfully receive as fees from  
one William Roemer, who was then  
in his custody under an order of  
arrest, the sum of Twenty six  
dollars and seventy five cents, the  
same being in excess of the amount  
chargeable according to law.

I further depose that David  
M<sup>c</sup> Gonigal has fully and fairly

STATE OF NEW YORK,

} ss.:

stated the case herein to me as his Counsel as aforesaid, and from the statement so made to me — said defendant has a good and substantial defence to said Indictment on the merits thereof, which I verily believe, and I have so advised defendant.

I further say that Michael A. Koffman is a necessary and material witness for the said David M. Gonigal on the trial of said Indictment and it would in my opinion be unsafe and improper for the said defendant to proceed to the trial thereof — without the testimony of said Michael A. Koffman.

It is expected, and I have been so informed by said Michael A. Koffman, that said Michael A. Koffman will prove that at the time of the transaction described in the Indictment he was in the employ of the firm of Howe & Hummel, the Attorneys for the said William Roemer in the matter of his arrest aforesaid; that on the arrest

of said Roemer the said Michael A. Hoffman attended with said Roemer at the office of the Sheriff of the County of New York; that at the said time, the amount of money set forth in the Indictment was paid. Said Michael A. Hoffman will testify that said money was not given to said M<sup>c</sup>Gonigal, nor was it demanded by said M<sup>c</sup>Gonigal as a fee, and that no charge whatever was made by said M<sup>c</sup>Gonigal to said William Roemer as for any fee whatever, but said money was paid to other persons for the procurement of certain bail by them for the said defendant Roemer and at his request and solicitation and as compensation for the bondsmen of the said William Roemer and for other services rendered; and that said Roemer paid said sum of money voluntarily and not in pursuance of any demand whatever made upon him by said M<sup>c</sup>Gonigal.

I have had frequent conversations with said Hoffman since



0269

the finding of this Indictment, and from the statements made to me by him I make the statement that I expect to prove by him the facts above stated.

Said Michael A. Koffman is at present in the City of London, England. This statement I make from the following information.

Some three weeks since I received a letter from London stating that said Michael A. Koffman was in London.

I am informed by Benjamin Steinhardt that Mr. De B. Wilmut an Attorney of this Court recently saw said Koffman in London.

I was informed by one Kenward Philp, who returned from London several days ago, that he met said Michael A. Koffman in London.

Said Koffman left the City of New York during last September without my knowledge and the knowledge of the defendant, and has not since been in this City.

0270

I am, however, informed by the  
relatives of said Koffman that  
said Koffman will return to  
this City during next month.

Sworn to before me  
this 5<sup>th</sup> day of December 2<sup>d</sup> 1884.

Arthur Kinner,  
Commissioner of Beeds,  
New York City.

0271

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

.....being duly  
sworn, says that he resides at No. .... Street, in the City of  
New York; that he is ..... years of age; that on the ..... day of .....  
18....., at Number..... in the City of New  
York, he served the within ..... on .....  
the ..... by leaving a copy thereof with .....

Sworn to before me, this  
day of

18

*N. D. Levent of Oyster & Brunner*

*the People &c.*

Plaintiff

against

*David M. Conigal*

Defendant.

*Port.*

*Hon. Gen. C. Barrett.*

HOWE & HUMMEL,

Attorneys for *Deft.*

87 & 89 CENTRE ST., New York City.

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

Attorney.

*filed Dec. 5. 1884*



0272

At a Court of Oyer and Terminer held in and for the County of New York, at the New Court House in the City of New York, on the                      day of December, 1884.

Present, Honorable:- G E O R G E C. B A R R E T T, Justice.

X-X.

The People of the State of New York,

against

D a v i d M c G o n i g a l.

X-X.

On reading and filing the annexed affidavit, and on inspection of the indictment and all proceedings herein, and on motion of Howe & Hummel, of counsel for defendant, it is

ORDERED that a commission in the usual form issue out of and under the seal of this Court ~~at the City of London~~ London, England, directing him to examine Michael A. Koffman a witness on behalf of the defendant, residing at said City of London England, said examination to be upon interrogatories to be hereafter settled and annexed to said commission.

And it is further ORDERED that the District Attorney of the County of New York be at liberty to join in said commission, if he be so advised.

And it is further ORDERED that the trial, of this criminal action be and the same hereby is stayed for the period of <sup>forty</sup>~~sixty~~ days from the entry of this order, unless said commission be <sup>so</sup>~~soon~~ returned.

Enter Geo Hancock

0273

returned.

LEAVE FROM THE OFFICE OF THIS COURT, unless said commission be sooner  
action be and the same hereby is stayed for the better of justice  
and it is further ORDERED that the filing of this writ shall  
be so stayed.

COUNTY OF NEW YORK be of itself to join in said commission, if he  
and it is further ORDERED that the District Attorney of the  
City of New York be and is directed to join in said commission.

ORDERED, said commission to be upon the return of the writ of habeas  
corpus on behalf of the defendant, together with said writ of habeas

dictment on the merits thereof, and I have so advised said defend-  
ant, and so verily believe.

The charge which is the subject matter of said indictment is  
as follows:-It is claimed that said defendant, being a Deputy  
Sheriff of the County of New York, unlawfully demanded and received  
the sum of twenty six dollars and seventy five cents as fees from  
one William Roemer who was in the custody of the defendant upon an  
order of arrest.

I further say that one Michael A. Koffman, now residing at  
London, England, is a necessary and material witness for the defend-  
ant on the trial of said indictment, and defendant cannot safely  
proceed to trial without the testimony of said Michael A. Koffman.

I further say that I have conversed with said Michael A. Koff-  
man upon the subject matter of said indictment, and I was informed



0274

When upon the subject matter of said indictment, and I was informed  
I further ask that I was conversed with said witness V. Koll-  
mosek to first attempt the testimony of said witness V. Kollmosek  
and on the first of said indictment, and defendant cannot testify  
therefore, the jury is a necessary and material witness for the defend

order of arrest.

One William Brown, who was in the custody of the defendant when he was indicted and who was one of the witnesses who testified at the trial of the defendant, was arrested and taken to the New York House of Detention, where he was held for a period of ten days, and then released.

It is claimed that said defendant, during his detention, was subjected to various indignities and was treated in a cruel and oppressive manner.

It is further claimed that said defendant was subjected to various indignities and was treated in a cruel and oppressive manner.

[illegible]

The defendant has fully and fairly stated the case herein so  
entitled upon said indictment.

NOTICE TO EMIT FOR APRIL 1968 - 100% TO VED ENT NO

AND "ATTENTION" TO BEH & APRIL - 100% TO VED ENT NO

Approved: \_\_\_\_\_  
Special Agent in Charge

and that said defendant did not demand said money or make any charge whatever as or for any fee as Deputy Sheriff.

I further say that the defendant expects to prove said facts by said Michael A. Koffman.

I therefore pray that a commission issue to examine said Michael A. Koffman, at London England, upon interrogatories to be annexed to said commission to be settled according to law,

Sworn to before me this 8th day of November, 1964: *[Signature]*

Arthur Kinnier

Comm'r of Deeds, N. Y. City.



0275

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

.....being duly  
sworn, says that he resides at No. .... Street, in the City of  
New York; that he is ..... years of age; that on the ..... day of .....  
18....., at Number ..... in the City of New  
York, he served the within ..... on .....  
the ..... by leaving a copy thereof with .....

Sworn to before me, this  
day of ..... 18..... }

N. D. Court of Oyer & Terminer.

The People &c.

Plaintiff,  
against

David M. Gonnigal

Defendant.

Affidavit and Order  
for Committal.

HOWE & HUMMEL,  
Attorneys for Plaintiff.  
87 & 89 CENTRE ST., New York City.

Due and timely service of copy of the within  
this ..... day of ..... 18.....  
by admitted

CLERK OF THE COURT  
1889  
DEC 8  
7889  
100  
To Hon. George S. Bennett

Filed Dec 8 1889

0276

Court of Oyer & Terminer

The People vs -

David <sup>Mc</sup>McGonigal.

City and County of New York ss:

William Forster being duly sworn  
deposes and says. I am the  
Complainant in above Actus.

I reside 269. Broome Street New York  
City - and I have there my  
place of business which is the  
Manufacture of Travelling bags.  
I am informed by the District  
Attorney that on his moving  
this Case for trial the defendant  
has obtained an order for the  
Examination by Commission to  
London, <sup>of Michael Kauffmann</sup> and that such order  
has been granted on an affidavit  
that said Kauffmann was a  
necessary and material  
witness for the defendant.

On my arrest I sent to officer of  
Horse & Foot and there I saw said  
Kauffmann, I asked him to go  
along with me so that I could

0277

2

get my bondsman; he said  
all night, & met with me  
at Sheriff's office - and then  
he said "I think I can  
arrange that for you -" by  
that he meant the bond.

Quincy a lawyer was  
there, and he said to me he  
would see that I got Temporary  
Bondsman till the next day.

Kauffman said "If you give  
them these temporary bonds  
men a dollar a two (it will  
be all right" by them. I under-  
stood him to mean the bondsmen.  
Then either Kauffman or  
the Sheriff's Clerk who did  
the writing at the Desk said to  
me ask these men to go on  
Jury bond - I did ask  
them - they made no reply  
but "yes" and then they signed  
the bonds. Then I paid the  
cheque over to the clerk and  
I have heretofore testified in  
detail before the Grand Jury.  
Now then the Clerk said "I  
suppose you need not leave them



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3

is a little something to go to these  
two bondsmen - I saw all  
right - I put away their  
leaving Kauffman there.

I think I knew now what  
all that was said by Kauff-  
man and all I said to  
him and all he did in my  
presence or to my knowledge.

I saw Kauffman talking  
privately with Gonzal. I did  
not hear and don't know what  
their conversation was -

Sworn to before me this 3<sup>rd</sup> day of December 1884. William Swann

Henry Thorgback

Notary Public (167)  
N. J. Co.

Bond Renewed

April 19<sup>th</sup> 1888.

by Rose W. Congal

56 East 9<sup>th</sup> St.

Court of Oyer and  
Tenners

The People &c.

vs.  
David Mc Congal.

Affidavit of  
William Tenners.

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0280

- 1 Proof that Mc Enigle  
was Deputy Sheriff.
- 2 Order of arrest from City  
Court of New York in  
Gustave Bernheim  
against  
William Roemer  
about January 29, 1884.



Court of Over and Terminer for

the City and County of New York.

100-443889-1023

-X-X-X-X-X-X-X-X-X-X-Y-Y-X-X-X-X-Y-Y-Y-X.

The People of the State of New York, :

against

D a v i d M c C o n n e l l .

[illegible]

Interrogatories to be propounded to Michael A. Keffman, a witness for the defendant, residing out of the State, to be annexed to the commission herein:-

FIRST INTERROGATORY: -

Give your name, present residence and occupation?

SECOND INTERROGATORY: -

Are you acquainted with David McConigal, the defendant, and  
either of them?

THIRD INTERROGATORY:-

During the months of January and February, 1884, were you connected with the firm of Howe and Hummel, and did said firm at that time act as attorneys for William Roemer in the suit brought against him by Gustave Bernheim, in the City Court of New York, and if you was said Roemer arrested on or about the 28th day of January 1884 upon an order of arrest issued by said court, did you attend before David McGonipal at the Sheriff's Office in the City of New York, upon the arrest of said Roemer?

**FOURTH INTERROGATORY:-**

State what occurred in your presence between the defend-

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

.....being duly  
sworn, says that he resides at No. .... Street, in the City of  
New York; that he is ..... years of age; that on the ..... day of .....  
18....., at Number ..... in the City of New  
York, he served the within ..... on .....  
the ..... by leaving a copy thereof with .....

Sworn to before me, this  
day of

18



N. D. Court of App. & Term. & Review

The People of the  
State of New York  
Plaintiff,  
against

David M. Conigal

Defendant.

Interrogatories.

Copy

HOWE & HUMMEL,  
Attorneys for Defendant.  
87 & 89 CENTRE ST., New York City.

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

Attorney.  
Peter B. Meyer Esq.  
Deputy Atty.

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Court of Oyer and Terminer

The People &c. }  
against }  
David M. Gonigal }

City and County of New York ss:

David M. Gonigal  
being duly sworn says: I am the person  
named as defendant in the so-called  
indictment presented to this Court on  
the 21<sup>st</sup> day of March, 1884, which said  
indictment purports to have been a true  
bill found and presented by a so-called  
Grand Jury empaneled at the Court of  
Oyer and Terminer held in and for the  
County of New York, on the 12<sup>th</sup> day of  
November 1883.

I further shew as basis of this  
motion to set aside the said so-called  
indictment as follows: -

1. That the said so-called indictment  
was not found with the concurrence  
of at least twelve Grand Jurors of the  
County of New York in this: that the  
said so-called indictment purports to  
have been by the Grand Jury of the  
Court of Oyer and Terminer held in



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and for the County of New York on the second Monday of November 1883, on which day said so-called Grand Jury was empaneled, and said so-called indictment purports to have been presented at an adjourned day of said Court on the 21<sup>st</sup> day of March, 1884; and that on said 21<sup>st</sup> day of March, 1884, there was not a Grand Jury of said Court; and that Merritt E. Trumble, Charles G. Keys, Harvey B. Lane, George H. Putnam, Francis S. Wynkoop, Jacob Adler, Max Drey, George H. Robinson, Lowell Lincoln, John M. C. Guinness Jr., Thomas G. Hoane, William F. Bridge, Robert C. Livingston, Henry V. Mead, Henry J. Hermann, Francis A. Stout, Alexander Brandon, Matthew Murray, David R. Nash, Bowie Dash, Christopher Wray, George H. Leventritt, are not and on said 21<sup>st</sup> day of March 1884 were not Grand Jurors of the City and County of New York.

2. That the said so-called indictment was not endorsed and signed by the foreman of the Grand Jury of the City and County of New York, in this, to wit; that on said 21<sup>st</sup> day of March, 1884, said Merritt Trumble whose name is endorsed and signed on said so-called indictment, was not the foreman

of any Grand Jury lawfully empaneled in any Court whatever within the City and County of New York.

And deponent further says that on the first Monday of November, 1883, a Court of General Sessions of the Peace in and for the City and County of New York, duly and lawfully assembled and convened at a stated term thereof, duly appointed to be held at the Court House in the said City and County on that day, at which Hon. Frederick Smyth, Recorder of the City and County of New York and Judge of the Court of General Sessions was present, and presided, and the following good, true and lawful men of the City and County of New York, to wit: William M. Crane, Edward L. Merrifield, Robert Colby, Samuel S. Constant, Thomas C. P. Bradhurst, Charles P. De Forrest, Leonard H. Kempland, Peter A. Welch, William J. C. Berry, William P. Wharton, John Ten Brook, Richard Irwin Jr., Ignatius Buckman, Cephas C. Thompson, Theodorius Barton, Dennis C. Donohue, Cyrus J. Lawrence, Asher J. Mayer, William A. Caldwell, Martin Doscher, Henry Hughes, Allen S. Appgar, and Walter Stokes, all of whom were duly qualified to act as Grand Jurors having been lawfully summoned to attend at the opening of said Court as a Grand Jury in and for the County of New York, the said persons did appear at the Court House, at the opening of the said Court, and then and there were duly empaneled and sworn as the Grand Jury of the City and County of New York, and the above named William M. Crane,

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was duly designated as foreman of the said Grand Jury by the said presiding justice according to law, and were then and there duly charged and directed to enquire into all crimes committed within the body of the said county against the peace of the people of the State of New York, and that said Grand Jury did then and there enter upon the discharge of their duties.

And deponent further says that on the first Monday of December 1883, a Court of General Sessions of the Peace in and for the City and County of New York duly and lawfully assembled and convened at a stated term thereof duly appointed to be held at the Court House in the said City and County on that day at which Hon. Rufus B. Coving, City Judge of the City of New York and judge of the Court of General Sessions was present and presided and the following good, true and lawful men of the City and County of New York to wit: John L. Riker, Marcus Berliner, John L. Tonnele, Joseph R. E. Moore, Francis Hovey, Edward W. Perry, John C. Alexander, Freeman Bloodgood, Jacob A. Bogert, Alexander K. Dung, James J. Buckman, John Oxford, Jacob Ramsay, Joseph Milbank, James L. Stewart, George Montague, Robert Campbell, Adam W. Martin, Meyer Finn, Benjamin Brewster, Mordaunt Bodine, Thomas J. French, David Valentine Jr., all of whom were duly qualified to act as Grand Jurors having been lawfully summoned to attend at the opening of said Court as a Grand Jury in and for the County of New York, the said persons did appear at the Court House at the opening of the said court and then and there were duly empanelled and sworn as the Grand Jury of the City and County of New York, and the abovenamed John L. Riker was duly designated as foreman of the said Grand Jury by the said presiding judge according to law and were then and there duly charged and directed to enquire into all crimes



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committed within the body of the said county against the peace of the people of the State of New York and the said Grand Jury did then and there enter upon the discharge of their duties.

And deponent further says that on the first Monday of January 1884 a Court of General Sessions of the Peace in and for the City and County of New York duly and lawfully assembled and convened at a stated term thereof duly appointed to be held at the Court House in the said City and County on that day, at which Hon. Rufus W. Coving City Judge of the City of New York and judge of the court of General Sessions was present and presided and the following good, true and lawful men of the City and County of New York to wit:- Andrew Little, Robert Shutheis, Frederik R. James, Edwin Dobbs James M. Bailey, Walter R. Wiod, Peter Donald, Walter W. Wood, Leopold Lithauer, Harvey Barmore, J. Hanson Purdy, James P. Kinnivan, Charles S. Wiske, Robert Porsett, August J. Clarkson, Philip Tillinghast, Samuel Abraham, Charles H. Scott, Courtland D. Moss, Rufus W. Stivers, Oscar E. Schmidt, Thomas Fessenden, all of whom were duly qualified to act as Grand Jurors having been lawfully summoned to attend at the opening of said court as a Grand Jury in and for the County of New York, the said persons did appear at the Court House at the opening of the said court, and then and there were duly empanelled and sworn as the Grand Jury of the City and County of New York, and the abovenamed Andrew Little was duly designated as the foreman of the said Grand Jury by the presiding judge according to law, and were then and there duly charged and directed to enquire into all crimes committed within the body of the said county against the peace of the people of the state of New York, and the said Grand Jury did then and there enter upon the discharge of their duties.

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And deponent further says that on the first Monday of February 1884 a Court of General Sessions of the Peace in and for The City and County of New York duly and lawfully assembled and convened at a stated term thereof duly appointed to be held at the Court House in the said City and County on that day, which Hon. Frederick S. Mythe, Recorder of the City and County of New York, Judge of the Court of General Sessions was present and presided and the following good, true and lawful men of the City and County of New York to wit: Oliver K. King, William V. Brokaw, Benoit Kahn, John P. Townsend, Edward Buivivier, William Porwoning, James T. Young, James A. Paulding, Benjamin A. Kissam, Henry Friedman, John E. Byrne, J. Ebeland Gady, Samuel T. Peters, Oliver H. P. Arnold, Henry M. Bleiss, Nathaniel Irving, Isaac Moses, Benjamin R. Loutrell, Edmund L. Whitman, Franklin Chandler, Robert M. Galloway, Edward Colgate, Luther C. Voorhis, all of whom were duly qualified to act as Grand Jurors having been lawfully summoned to attend at the opening of said court as a Grand Jury in and for the county of New York, the said persons did appear at the Court House at the opening of the said court, and then and there were duly empanelled and sworn as the Grand Jury of the City and County of New York and the abovenamed Oliver K. King was duly designated as foreman of the said Grand Jury by the said presiding judge according to law and were then and there duly charged and directed to enquire into all crimes committed within the body of the said county against the peace of the people of the State of New York, and the said Grand Jury did then and there enter upon the discharge of their duties.

And deponent further says that on the first Monday of March 1884 a Court of General Sessions of the Peace in and for the

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City and County of New York duly and lawfully assembled, and convened at a stated term thereof duly appointed to be held, at the Court House in the said City and County on that day, at which Hon. Henry A. Sildersleeve judge of the Court of General Sessions was present and presided, and the following good, true and lawful men of the City and County of New York to wit: Caleb B. Snerals, Frederick Neilson, Robert Macclay, William A. Marston, Alston Gerry, Henry A. Dyer, Charles H. Kent, Benone Lockwood, Thomas L. Parrshall, John H. Caswell, Melville Brown, Bernard Eisig, Francis Hendrix, Sidney W. Hopkins, Theodore T. Wilmerding, George F. Gantz, Henry S. Allen, Thomas C. Lyon, David M. Lochler, Henry C. Ward, Courtland D. P. Field William Van Rensselaer, Joseph H. Bennet, all of whom were duly qualified to act as Grand Jurors having been lawfully summoned to attend, at the opening of said Court as Grand Jury in and for the County of New York, the said persons, did appear at the Court House at the opening of the Court and then and there were duly empanelled and sworn as the Grand Jury of the City and County of New York, and the above named Caleb B. Snerals was duly designated as foreman of the said Grand Jury by the said presiding judge according to law and were then and there duly charged and directed to enquire into all crimes committed within the



body of the said County against the peace of the people of the State of New York, and the said Grand Jury did then and there enter upon the discharge of their duties.

That each of the said Grand Juries of the said Court of General Sessions of the City and County of New York were duly empanelled, and directed to enquire of all crimes and misdemeanors committed or triable in the said County of New York.

That the said persons so empanelled as Grand Jurors by said Court of Oyer and Terminer were not, nor were either of them Grand Jurors, and said Jury was not the Grand Jury of the City and County of New York, in this that the statute under, and in pursuance of which said Grand Jury was empanelled and met at the same time, the said Grand Jurors of said Court of General Sessions were empanelled and sitting was, and is unconstitutional, as deponent is advised and believes in this that the said statutes (section 1651 of the Consolidation Act) prohibits the Grand Jury from inquiring of all crimes and misdemeanors committed or triable in the said County of New York.

And deponent further shows: That on the       day of December 1882 the Justices of the Supreme Court in and for the first Judicial Department, duly appointed the times and places for holding the Special Term

of the Supreme Court, and terms of the Circuit Court, and Courts of Oyer, and Terminer within their department for the year 1883, commencing on the first Monday of January 1883, and among other things did appoint and direct that a Court of Oyer and Terminer be held in and for the said County of New York on the first Monday of February 1883, and that a Court of Oyer and Terminer be held on the first Monday of November 1883.

That on the       day of December 1883 the justices of the Supreme Court in and for the first judicial department duly appointed the times and places for holding the Special Terms of the Supreme Court, and terms of the Circuit Courts and Courts of Oyer and Terminer within their department for the year 1884, commencing on the first Monday of January 1884, and among other things did appoint and direct that a Court of Oyer and Terminer be held in and for said County of New York on the first Monday of February 1884, and on the first Monday of November 1884.

That the said November 1883 Term of the Court of Oyer and Terminer was adjourned without day on the 1<sup>st</sup> day of February 1884, and that on the first Monday of February 1884 a Court of Oyer and Terminer was duly opened and was in session and adjourned to the first Monday of April 1884 by the Hon. George C. Barrett a Justice of the Supreme Court presiding and that there is now no



legal, or properly organized Court of Oyer and Terminer in session, and was not in session on said 21<sup>st</sup> day of March 1884.

And deponent further says that on the 1<sup>st</sup> day of February 1884, at a Court of Oyer and Terminer held in and for the County of New York, Hon. John R. Brady, a justice of said Supreme Court presiding the order hereto annexed, marked "A", which deponent makes part hereof was made and entered.

That the said order did not continue the said November 1883 term of said Court beyond the time assigned for the commencement of said February 1884 term of said Court of Oyer and Terminer. That at the time of the making of the order extending the said November Term of said Court of Oyer and Terminer the said matter the subject of the said so-called indictment was not then pending before said so-called Grand Jury.

That at the time the charge embraced in the said so-called indictment was under consideration, a person, not the District Attorney nor a member of said Grand Jury nor any judge or justice of the Supreme Court was permitted to be present during the sessions of the so-called Grand Jury.

Deponent further says that he offers to give evidence of all the matters herein alleged and set forth.

Wherefore he prays that the said indict-



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ment may be set aside.

Sworn to before me, }

March 31<sup>st</sup> 1884 }

D. Mc Konigal

Benj. Steinhardt.

Commissioner of Deeds

New York City.

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

..... being duly  
sworn, says that he resides at No. .... Street, in the City of  
New York; that he is ..... years of age; that on the ..... day of .....  
18 ....., at Number ..... in the City of New  
York, he served the within ..... on .....  
the ..... by leaving a copy thereof with .....

Sworn to before me, this  
day of ..... 18 }  
}

*N. D. Oyer & Terminer.*

*The People*

Plaintiff,

against

*David M. C. Longueval*

Defendant.

*(Copy)*

*Motion to dismiss.*

*Indictment.*

HOWE & HUMMEL,

Attorneys for *Defendant.*

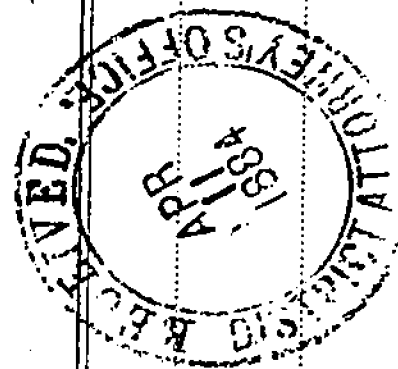
87 & 89 CENTRE ST., New York City.

Due and timely service of cop of the within  
hereby admitted

this day of

18

Attorney.



To

0295

COURT OF OVER AND TERMINER  
of the City and County of New-York.

-----x  
The People of the State of New-York :  
- against - :  
David Mc' Gonigal. :  
-----x

The GRAND JURY of the City and County of New-York, by this indictment, accuse David Mc' Gonigal of the Crime of EXTORTION, committed as follows:

The said David Mc' Gonigal, late of the First Ward of the City of New-York, in the County of New-York aforesaid, on the twenty-ninth day of January, in the year of our Lord one thousand eight hundred and eighty four, **WAS** a Deputy Sheriff of the City and County of New-York and as such Deputy Sheriff, then and there did have in his custody one William Roemer, who had been duly arrested under and by virtue of a certain order of arrest theretofore duly issued out of the City Court of New-York in a certain action wherein one Gustave Bernheim was plaintiff and the said William Roemer was defendant, then and theretofore pending in the said Court, which said last mentioned order of arrest was directed to the Sheriff of the City and County of New-York, and whereby the said Sheriff was duly required to arrest the said William Roemer, the defendant in the said action, if found within his County, and to hold him to bail in the sum of one thousand dollars, and to return the said order, with his proceedings thereunder, as prescribed by law. And thereupon the said David Mc' Gonigal, in pursuance of the terms of the said last mentioned order of arrest, duly required the said William Roemer to enter into an undertaking in the sum of one thousand dollars; and the said William Roemer did accordingly then and there enter into and deliver to the said David Mc' Gonigal, as such Deputy Sheriff as aforesaid, an undertaking of him, the said William Roemer, in the said amount, with sufficient sureties, in compliance with the said order of arrest.

And the said David Mc' Gonigal, being such Deputy Sheriff as aforesaid, did then and there unlawfully, corruptly and extorsively, and by color of his said office, ask and receive of and from the said William Roemer the sum of twenty six dollars and seventy five cents as fees for his official service in the matter of the said arrest and holding to bail of him, the said William Roemer, under the order of arrest aforesaid, there being then and there no fees allowed by statute to the said David Mc' Gonigal for his official service, or for the official service of the Sheriff of the City and County of New-York, in connection with the service and execution of the said order of arrest and the said holding to bail of him, the said William Roemer, other than the sum of fifty cents, allowed by statute as a fee for the drawing of the said undertaking, the said sum of twenty six dollars and seventy five cents, so as aforesaid unlawfully, corruptly and extorsively, and by color of his said office, asked and received by the said David Mc' Gonigal, as such Deputy Sheriff as aforesaid, of and from the said William Roemer as aforesaid, being in excess of the fees allowed by statute for his official service as aforesaid by the



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sum of twenty six dollars and twenty five cents; 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 Mc'Gonigal of the Crime of EXTORTION committed as follows:

The said David Mc'Gonigal, late of the First Ward of the City of New-York, in the County of New-York aforesaid, on the twenty-ninth day of January, in the year of our Lord one thousand eight hundred and eighty four, was a Deputy Sheriff of the City and County of New-York and as such Deputy Sheriff, then and there did have in his custody one William Roemer, who had been duly arrested under and by virtue of a certain order of arrest theretofore duly issued out of the City Court of New-York in a certain action wherein one Gustave Bernheim was plaintiff and the said William Roemer was defendant, then and theretofore pending in the said Court, which said last mentioned order of arrest was directed to the Sheriff of the City and County of New-York, and whereby the said Sheriff was duly required to arrest the said William Roemer, the defendant in the said action, if found within his County, and to hold him to bail in the sum of one thousand dollars, and to return the said order, with his proceedings thereunder, as prescribed by law. And thereupon the said David Mc'Gonigal, in pursuance of the terms of the said last mentioned order of arrest, duly required the said William Roemer to enter into an undertaking in the sum of one thousand dollars; and the said William Roemer did accordingly then and there enter into and deliver to the said David Mc'Gonigal, as such Deputy Sheriff as aforesaid, an undertaking of him, the said William Roemer, in the said amount, with sufficient sureties, in compliance with the said order of arrest.

And the said David Mc'Gonigal, being such Deputy Sheriff as aforesaid, did then and there unlawfully, corruptly and extorsively, and by color of his said office, ask and receive of and from the said William Roemer the sum of twenty six dollars and seventy five cents as fees for his official service in the matter of the said arrest and holding to bail of him, the said William Roemer, under the order of arrest aforesaid, there being then and there no fees allowed by statute to the said David Mc'Gonigal for his official service, or for the official service of the Sheriff of the City and County of New-York, in connection with the service and execution of the said order of arrest and the said holding to bail of him, the said William Roemer, which could be lawfully demanded of or taken from him, the said William Roemer; 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.

PETER B. OLNEY,  
District Attorney.

0297

BOX:

133

FOLDER:

1380

DESCRIPTION:

McGuire, John

DATE:

03/14/84



1380

Witnesses:

William Clark

Sept 21, 1884

1884

Counsel,

Filed 14<sup>th</sup> day of March 1884

Pleas of Nov 13, 1883

THE PEOPLE

vs. John McQuire

Grand Larceny 2<sup>nd</sup> degree  
(From the person.)  
[Sections 528, 531, Penal Code.]

PETER B. OLNEY,

2<sup>d</sup> Mar 24/84 District Attorney.

Indictment returned

A True Bill.

Charles J. Munn

Foreman,

24<sup>th</sup> March 1884

Mar. 24<sup>th</sup> 1884. F.B.

0298



0299

1<sup>st</sup> District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK } ss.

of No. 131 West 56 Street, William Clark  
18 years Clerk  
being duly sworn, deposes and says, that on the 12 day of March 1884

at the day time at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent and from deponent's person

the following property, viz:

one Gold watch of the value of  
fifty dollars

the property of deponent

and that this deponent

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

from the fact that while deponent was  
in a crowd on Canal Street in said  
city when deponent saw said defendant  
take the aforesaid property from  
the pocket of the vest then and there  
worn by deponent and ran away

William Clark

Sworn before me this

Police Justice,

0300

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

18 District Police Court.

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

Question. What is your name?

Answer.

*John M. McGuire*

Question. How old are you?

Answer.

*18 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*25 Oak St about 5 years*

Question. What is your business or profession?

Answer.

*Printer*

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

Answer.

*I am not guilty*

*John M. McGuire*

Taken before me this

day of

1888

Police Justice.

0301

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 17 March 1888 John W. Guire Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.



0302

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Police Court

First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Clark

131 West 56th

John W. Lure

.....

.....

.....

.....

Dated 12 March 1884

P. L. Duffy Magistrate.

Thomas Gray Officer.

14 Precinct.

Witnesses .....

No. .... Street.

No. .... Street,

No. .... Street.

No. .... Street.

\$1000 to answer Sessions.

.....

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0303

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 McQuire*

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

*John McQuire*  
of the CRIME OF GRAND LARCENY in the *Second* degree, committed as follows:

The said *John McQuire*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
*Twenty-fifth* day of *March* in the year of our Lord one thousand  
eight hundred and eighty-*two*, in the *day* time of the said day, at the Ward, City and  
County aforesaid, with force and arms, *one watch of the*

*value of fifty dollars*

of the goods, chattels and personal property of one *William Clarke*  
on the person of *the said William Clarke*  
then and there being found, from the person of the said *William Clarke*  
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.

*Peter B. Osney*

*District Attorney*

0304

BOX:

133

FOLDER:

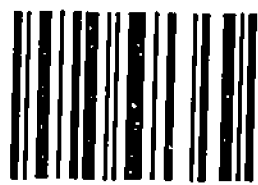
1380

DESCRIPTION:

McKinley, John H.

DATE:

03/28/84



1380



Witnesses:

Sergt. Geo. H. Dicks

Wm E. Hinchey

On motion of  
Def't's Counsel, as it  
appears that the defendant  
is discharged upon  
his own recognizance.

Wm E. Hinchey  
Oct 14<sup>th</sup> 1884. J. G. S.

Wm E. Hinchey  
Counsel,  
Filed 28 day of March 1884  
Pleads

THE PEOPLE  
vs.  
John H. McKinley  
[Section 558]

PETER B. OLNEY,  
JOHN MCKEON,  
District Attorney

A True Bill.

Foreman.

Part 2.  
Kuchly & Co. Corral  
on over escape  
Oct 14<sup>th</sup> 1884.

0306

First District Police Court  
At, ~~a Court of Special Sessions of the Peace,~~

Held in ~~the~~ the City and County of New  
York, at the Halls of Justice of the said City, on  
Tuesday, the 4<sup>th</sup> day of March  
in the year of our Lord one thousand eight hundred  
and eighty four

Present,

The Honorable

Patrick J. Duffy

Justice

of the

said Court.

~~Police Justice of the City of New York.~~

THE PEOPLE OF THE STATE OF  
NEW YORK,

Susan Smith  
vs.

On Complaint for

Blackmail

John H. McKinley

committed in said City. 16 February 84

The Defendant not appearing, and David Manus  
his surety not bringing him forth to answer to this Complaint,  
pursuant to the condition of their recognizance. On motion of the  
District Attorney, It is Ordered by the Court, that the said  
Recognizance be and the same is hereby forfeited. And it is  
further Ordered, that the said Recognizance, together with a  
certified copy of this Order, be filed in the office of the Clerk of the  
City and County of New York, and that Judgment be entered  
thereon, according to law, against the said John H. McKinley  
the Defendant above named, and

the said David Manus  
his surety, for the several sums set forth in said Recognizance.

A true Extract from the Minutes.

P. J. Duffy  
Police Justice

0307

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

POLICE COURT, 1

DISTRICT.

agw 60

of No.

61

Elizabeth

Susan Smith

Street, being duly sworn, deposes and

says that on the

16

day of

February

188

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

John Mc Kinley did on the above date/cause to be served on deponent the paper hereto annexed, and made a part of this complaint that thereafter said Mc Kinley as deponent is informed by officer William E. Smith that said Mc Kinley demanded the sum of one hundred dollars for the purpose of discontinuing any further action in the matter alleged in the said annexed writing.

Deponent therefore charged the said Mc Kinley with knowingly having sent the said annexed writing knowing the contents thereof and with intent by means thereof to extort money thereby.

Subscribed and sworn to before me  
this 20 day of Feb 1888  
J. J. S. Smith  
Police Justice



0308

REAL ESTATE OWNERS' PROTECTIVE ASSOCIATION.  
Form No. 1.—Notice.

New York, Feby 16<sup>th</sup> 1884

To Susan Smith owner of the  
premises No. 61 Elizabeth Street, in the  
City of New York:

You are hereby notified that I am the tenant of real property, in the City of New  
York, in the immediate neighborhood of your house, No. 61 Elizabeth Street  
Street, in said City, and that your said house is used and occupied as a bawdy house or house of  
assignation for lewd persons, and that I require you to make application for the removal of the person so  
using and occupying the same. In case you do not make such application within five days after the service  
upon you of this notice, or, having made it, do not in good faith diligently prosecute it, I will, by virtue of  
the Statute in such case made and provided, make and prosecute such application to the end that said  
nuisance may be abated.

JOHN H. MCKINLEY,  
Counsel,  
335 Broadway.

Thomas Costello  
Immediate Neighbor

AFFIDAVIT OF PERSONAL SERVICE.

..... being duly sworn, says that on  
the ..... day of ..... 188..... at No. ....  
Street, in the City of New York, deponent then being upwards of 18 years of age, he served the above notice  
upon the above named ..... personally, by delivering  
a copy thereof to ..... personally and leaving the same with ..... and at the same time showing to  
him or her the original thereof, and that he knows the person so served to be the person mentioned and  
described in the above notice.

Sworn to before me this  
day of ..... 188..... }

0309

PD M  
MC Andy

Susan Swick  
61 Elizabeth St

03 10

CITY AND COUNTY }  
OF NEW YORK, } ss.

William E. Smith  
aged 25 years, occupation Detective Sergeant of No.

300 Mulberry Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Susan Smith

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

Sworn to before me, this 20  
day of January 1888

William E. Smith

[Signature]  
Police Justice.



0311

Sec. 151:

Police Court \_\_\_\_\_ District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*  
OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York, GREETING :*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by *Muspar Smith*

of No. *61 Elizabeth* Street, that on the *16* day of *February*  
188*8* at the City of New York, in the County of New York, *Defendant charges*

*John W. De Kunder with knowing*  
*falsely sent a complaint writing*  
*to defendant with intent by*  
*means thereof to steal money*  
*thereby*

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to  
answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring *him*  
forthwith before me, at the \_\_\_\_\_ District Police Court, in the said City, or in case of my absence  
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to  
be dealt with according to law.

Dated at the City of New York, this *16* day of *February* 188*8*

*[Signature]*  
POLICE JUSTICE.

03 12

Police Court ..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs

Warrant-General.

Dated ..... 188

Magistrate.

*Frank & Alice K. Officer.*  
*Central Office*

The Defendant .....  
taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

Officer.

Dated ..... 188

This Warrant may be executed on Sunday or at  
night.

*M. E. Duffy*  
Police Justice.

## REMARKS.

Time of Arrest, .....

Native of .....

Age, .....

Sex, .....

Complexion, .....

Color, .....

Profession, .....

Married, .....

Single, .....

Read, .....

Write, .....



03 13

admitted  
not 62 Dix St Avenue

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 within mentioned, I order h to be discharged.

*Dated* \_\_\_\_\_ 188 \_\_\_\_\_ *Police Justice.*



0314

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Witness.

Eliza Beinecku  
49 Delancey St.

~~Kooning Wing Lung~~  
~~42 Matte St.~~

Police Court

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Susan Smith

61 Elizabeth St.

John H. Kuley

Date

February 20

188

Magistrate.

Wm. K. Weeks

Officer.

Central Precinct.

Witnesses

Louisa Curry

No.

13 West 13<sup>th</sup>

Street.

No.

Mrs Louisa Woodbury

No.

140 West 24<sup>th</sup>

Street.

No.

Mrs J. S. Shorb

No.

204 West 40<sup>th</sup>

Street.

\$

500

to answer

Sessions.

March 3

723

for H. a  
David Man

0315

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

The People  
against  
John H. McKinley

Mary Ellen McKinley being  
duly sworn deposes and says that  
she is the wife of John H. McKinley  
the above named defendant, who was  
indicted for the offense of Blackmailing  
on the information of Susan Smith.  
That this prosecution caused my hus-  
band, acting under the advice of his  
friends and counsel to leave the  
state. In consequence of which abandon-  
ment I have <sup>been</sup> reduced to extreme pen-  
ury as I have been unable to provide  
sufficient support for myself and  
my five children, unaided by my hus-  
band, who during his enforced absence  
from home has <sup>been</sup> not <sup>been</sup> able to contribute any  
thing toward the support of his family.  
That I have been compelled to pawn every  
thing of value that I have in order to  
provide myself with the necessities of  
life and having exhausted all my

v. 24.5

v. 24.5.

0316

resources, about a week ago I was  
dispossessed for the non payment of  
rent,

I swore to before me }  
this 13<sup>th</sup> day of October } Mary. Ellen. McKinley.  
1884 }

Haw Water Stowell  
Notary Public Kings Co.  
Cert. filed in N. Y. Co.



0317

In the Court of Gen. Sess.

The People

vs. McVicker

Attorney  
McVicker & McVicker

W. J. McVicker  
Oct 14 85

0318

Rooms 41 & 42.

LAW OFFICES OF  
JOHN O'BYRNE,  
TEMPLE COURT,  
5 Beekman Street.

New York

October 14 1884

In re Mr McKimley Case.

Hon Peter B Olney  
Dist Atty

Dear Sir

In so far as the conditions of  
Mr McKimley is concerned I  
know it to be true, I visited  
his present residence at 103  
& 106th St - and was amazed  
at the evidence of poverty. I  
heartily join in asking you to  
discharge McKimley on his own  
recognizance. He appears and

0319

(FORM 1.)

**MONTREAL AND DOMINION TELEGRAPH COMPANIES' LINES,**

OPERATED BY THE GREAT NORTH WESTERN TELEGRAPH COMPANY OF CANADA.

This Company transmits and delivers messages only on conditions limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission.

H. P. DWIGHT, General Manager.



or delivery of unrepeatable messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.

This is an unrepeatable message, and is delivered by request of the sender, under the conditions named above.

ERASTUS WIMAN, President.

REC'D NO.	FROM	SENT BY	REC'D BY	TIME	CHECK
108	NY	A J G		12:00 PM	Red

This Telegram has been received upon the above conditions.

No. 8240 Toronto Feb 6 188 4

By Telegraph from New York 5

To James Graham  
Walker House

READ THE NOTICE AND AGREEMENT AT THE TOP.

Mamma thought letter  
might not reach  
in time to  
Connect on Thursday -  
no chance - better  
go on next steamer -

Willie



0320

THE MONTREAL AND DOWNS

OPERATED BY THE GREAT NORTH WEST.

This Company transmits and delivers messages only on conditions limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission.

H. P. DWIGHT, General Manager.



case writing with message.

This is an unrepeatable message, and is delivered by request of the sender, under the conditions named above.

ERASTUS WIMAN, President.

Rec'd No.	From	Sent by	Rec'd by	Time	Check
81	My Nalm			530p	7p

This Telegram has been received upon the above conditions.

No. 684 Toronto, 5 Meh 1884

By Telegraph from New York

To James Graham Walker House

I think you had better go on

K

READ THE NOTICE AND AGREEMENT AT THE TOP.

0321

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before  
of the City of New York, charging  
the offence of

a Police Justice  
Defendant with

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned.

We, John W. M. Kinley Defendant of No. 64  
Sixth Ave Street, by occupation a Laborer  
and David Mannus of No. 62 Sixth Avenue  
Street, by occupation a Merchant Tailor Surety, hereby jointly and severally undertake that  
the above named John W. M. Kinley Defendant  
shall personally appear before the said Justice, at the 1 District Police Court in the City of New York;  
during the said examination, or that we will pay to the People of the State of New York the sum of five  
Hundred Dollars,

Taken and acknowledged before me, this 21 day of February 188 John W. M. Kinley  
David Mannus  
P. H. Duffy POLICE JUSTICE.



0322

CITY AND COUNTY OF NEW YORK, ss.

Sworn before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Five Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of

Stock and fixtures of  
Merchant Tailor Establishment  
at Number 62 Sixth Avenue  
New York City value three  
thousand dollars over and  
above all encumbrances

(D. Morris)

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear during the Examination.

vs.

Taken the 21 day of 188

Justice.



0323

DAVID MANUS,  
**DRUM TAILOR,**  
62 SIXTH AVENUE.  
NEW YORK.  
CLEANING AND REPAIRING.

0324

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 H. McKinstry

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

John H. McKinstry

of the CRIME OF Blackmail

committed as follows:

The said John H. McKinstry

late of the City and County of New York, on the Sixteenth day of February in the year of our Lord one thousand eight hundred and eighty four with force and arms, at the City and County aforesaid, feloniously did

send, and did cause to be received by one Susan Smith, a certain writing threatening to accuse her and Susan Smith of the crime of keeping a house of ill fame and prostitution and place for persons to visit for unlawful sexual intercourse, which said writing is as follows, that is to say:

New York Feb 16th 1884

To Susan Smith Owner of the premises no. 61 Elizabeth Street, in the City of New York:

You are hereby notified that I am the tenant of real property in the City of New York, in the immediate neighborhood of your house, no. 61 Elizabeth Street, in said City, and that your said

0325

House is used and occupied as a  
bandy house or house of amu-  
sation for lewd persons, and that  
I require you to make application  
for the removal of the person so  
using and occupying the same.

In case you do not make such  
application within five days after  
the service upon you of this  
notice, or, having made it, do not  
in good faith diligently prosecute  
it, I will, by virtue of the Statute  
in such case made and provided,  
make and prosecute such appli-  
cation to the end that said mi-  
sance may be abated.

Thomas C. Corbett

Immediate neighbor

John H. McHenry,

Council

335 Broadway.

Re, the said John H. McHenry  
then and there well knowing  
the contents thereof, and with  
intent, my means thereof to extor-  
t and gain from the said Susan  
Smith a sum of money, to wit:  
the sum of One Hundred dollars  
in money lawful money of the  
United States and of the value  
of One Hundred dollars: against  
the form of the Statute in  
such case made and provided  
and against the peace of the



0326

People of the State of New  
York, and their dignity.  
Peter B. Olney,  
District Attorney.