

0094

BOX:

494

FOLDER:

4506

DESCRIPTION:

Farrell, Thomas

DATE:

09/30/92



4506

POOR QUALITY
ORIGINAL

0095

342 1213

Counsel,

Filed 30 day of Sept 1892

Pleas,

THE PEOPLE

24 743 vs.

543 labor

Thomas Farrell

Section 408, Chapter 10, Code of the State of New York, in the Third Degree.

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

James T. Kelly

Foreman.

Part 3, Oct 4/92

Prosser-Pattis Lumbering

Pen 1 yr. B.M.

Will.

2

Witnesses:

POOR QUALITY
ORIGINAL

0096

Police Court—Fourth District.

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

of No. 507 West 43 Street, aged 43 years,
occupation Liquor being duly sworn

deposes and says, that the premises No. 507 West 43 Street, 32 Ward
in the City and County aforesaid the said being a four story brick

tenement in part and which was occupied by deponent as a liquor store on the ground floor
~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly opening a window
leading from the back yard of the premises
into the rear of the store

on the 27 day of September 1892 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of cigars, one coat, a quantity
of whiskey and some guns and two revolvers together
of the value of about twenty five 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
Thomas Farrell, (nowhere),

for the reasons following, to wit: That at about the hour of
12 30 O'clock A M on said date deponent
locked and securely fastened the doors and
windows leading into the premises and the
said property was therein. That deponent
found about the hour of seven o'clock A M
that the premises had been entered as aforesaid
and the said property taken. That deponent
is now informed by Detective Frank J. Morris

of the 22nd Precinct, That he the defendant
arrested the defendant and that the defendant
had in his possession the aforesaid two
peraburg, which defendant fully and positively
identifies as part of the property taken
and that the aforesaid coat was found in
the apartment occupied by the defendant
therefor defendant prays that the defend-
ant be held and dealt with as the law directs
Signed before me this 3rd Patrick J. Cunningham
24th Day of September 1893

Charles N. Lantry
Police Justice

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

Police Court, District.

THE PEOPLE, etc.,
on the complaint of

Offence—BURGLARY.

vs.

Date 1888

Magistrate.

Officer.

Clerk.

Witnesses.

No. street.

No. Street.

No. Street.

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0098

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss:

4 District Police Court.

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

Question. What is your name?

Answer.

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

Thos Farrell

Taken before me this

day of *March* 190*8*
Charles A. Hamilton
Police Justice.

POOR QUALITY
ORIGINAL

0 100

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Frank J. Morris

aged 37 years, occupation Detective of No.

1142 Broadway Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Arthur H. Humphreys
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this

day of

189

Sept 27 Frank J. Morris

Charles J. Linton

Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Farrell

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

Thomas Farrell

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

The said

Thomas Farrell

late of the *25th* Ward of the City of New York, in the County of New York aforesaid, on the
27th day of *September* in the year of our Lord one
thousand eight hundred and ninety-*two* in the *eight* time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of
one *Patrick F. Cunningham*

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Patrick*
F. Cunningham in the said *store*
then and there being, then and there feloniously and burglariously to steal, take and carry away,
against the form of the statute in such case made and provided; and against the peace of the
People of the State of New York and their dignity.

SECOND COUNT—

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

Thomas Farrell

of the CRIME OF *Petit* LARCENY

committed as follows:

The said

Thomas Farrell

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the ~~night~~—time of said day, with force and arms,

*one hundred cigars of the value of
five cents each, one coat of the value
of five dollars, two gallons of whiskey
of the value of two dollars each
gallon, two gallons of wine of the
value of three dollars each gallon,
and two pistols of the value of
two dollars each*

of the goods, chattels and personal property of one

Patrick F. Cunningham

in the

store

of the said

Patrick F. Cunningham

there situate, then and there being found, in the *store*
aforesaid, 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.

THIRD COUNT:

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

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

The said

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

one hundred cigars of the value of five cents each, one coat of the value of five dollars, two gallons of whiskey of the value of two dollars each gallon, two gallons of wine of the value of three dollars each gallon, and two pistols of the value of two dollars each

of the goods, chattels and personal property of

Patrick Cunningham
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said

Patrick Cunningham
unlawfully and unjustly did feloniously receive and have; (the said

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

DE LANCEY NICOLL,

District Attorney.

0 104

BOX:

494

FOLDER:

4506

DESCRIPTION:

Fiala, Frank

DATE:

09/30/92



4506

POOR QUALITY
ORIGINAL

0 105

Counsel,

Filed, 30 day of Sept 1892

Pleads, *Myself v. B.*

THE PEOPLE

vs.

B.

Frank Tiala

Transferred to the Court of Special Sessions for trial and final disposition.

Par. 1, Jan 1913...133...

DE LANCEY NICOLL.

District Attorney.

A TRUE BILL.

James Tiala

Foreman.

Bill

VIOLATION OF THE EXCISE LAW.
[Chap. 401, Laws of 1892, § 83]
Selling, etc., on Sunday

POOR QUALITY
ORIGINAL

0106

Court of General Sessions of the Peace

1997

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Frank Trala

The Grand Jury of the City and County of New York, by this indictment, accuse
Frank Trala
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND
BEER ON SUNDAY, committed as follows:

The said *Frank Trala*

late of the City of New York, in the County of New York aforesaid, on the *28th*
day of *August* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, the same being Sunday, certain strong
and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill
of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spiritu-
ous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against
the form of the statute in such case made and provided, and against the peace of the People of
New York and their dignity.

SECOND COUNT—

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

Frank Trala
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,
WINES, ALE AND BEER, committed as follows:

The said *Frank Trala*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the
same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one
gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of
a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and
expose for sale to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the
form of the statute in such case made and provided, and against the peace of the People of the State
of New York and their dignity.

DE LANCEY NICOLL

District Attorney.

0 107

BOX:

494

FOLDER:

4506

DESCRIPTION:

Finnan, Thomas

DATE:

09/30/92



4506

POOR QUALITY
ORIGINAL

0108

1212
H. G. [Signature]

Counsel,

Filed

30 day of Sept 1892

Pleas,

Myself

THE PEOPLE

vs.

Section 108, of the Code of Criminal Procedure
Burglary in the Third Degree

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

[Signature]

Part 3. Oct. 14/92 Foreman.

Sworn and Acquitted.

[Signature]

Witnesses:

POOR QUALITY
ORIGINAL

0109

Police Court—^{5th} District.

City and County } ss.:
of New York,

of No. ^{John Jass} 502 East 81st Street, aged 29 years,

occupation ^{Express Business} being duly sworn

deposes and says, that the premises No. 509 East 79th Street, 12th Ward

in the City and County aforesaid, the said being a ^{stable me story}

frame building ^{stable}

and which was occupied by deponent as a ^{stable}

and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking the
lock, in the door, leading from the
street into said stable, and entrance
at stable with the intent to commit a
crime;

on the 26th day of September 1882 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

one blanket, of the value of
five 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

^{Thomas Finnan}

for the reasons following, to wit: at the hour of about 10.30

P. M. on said date, Daniel McCue
1435 Avenue A. saw this defendant
passing through 81st Street, with said
property under his arm, and informed
deponent; deponent immediately went
to the 27th Precinct Police Station;
Officer Flaherty went with deponent to
this defendant's house, and said defendant

POOR QUALITY
ORIGINAL

0110

Your defendant said property, wherefor
defendant charges this defendant, with-
feloniously taking, stealing and
carrying away said property and
wishes that he may be with-
according as the law directs-

Sum to before me this } John Gass
27th day of September 1892 }

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 188
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 188
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 188
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

1
2
3
4

Dated 188

Magistrate.

Officer.

Clerk.

Witness.

No.

Street.

No.

Street.

No.

Street.

to answer General Sessions.

POOR QUALITY
ORIGINAL

0111

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

aged 33 years, occupation Watchman of No. 1435 Avenue A Street, being duly sworn, deposes and

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

Sworn to before me, this 27 day of Sept 1892 } Daniel Mc Cue

Worme
Police Justice.

POOR QUALITY
ORIGINAL

0112

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

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

Question. What is your name?

Answer. *Thomas Finnan*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *423 East 81 St. Six years*

Question. What is your business or profession?

Answer. *Ice man*

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.*
T. Finnan

Taken before me this *27* day of *April* 189*4*
W. H. McCall
Police Justice.

POOR QUALITY
ORIGINAL

0113

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

Police Court---3445
District. 12/12

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Doe
1. Woman's Friend

Burglary

Dated, September 27 189 2

Magistrate
Officer

Witnesses Edward Mc Lane
No. 1435 Canine A
Street _____

No. _____
Street _____
No. _____
Street _____

\$ 1.000 to answer
Street _____

John Doe

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 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, Sept 27 189 2 W. W. W. W. Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0114

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

483

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Ginnam

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

Thomas Ginnam

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

The said

Thomas Ginnam

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on the
26th day of September in the year of our Lord one
thousand eight hundred and ninety-two in the night-time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the stable of
one John Gass

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said John

Gass in the said stable
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.

POOR QUALITY
ORIGINAL

0115

SECOND COUNT—

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

Thomas Tinnan

of the CRIME OF *Petit* LARCENY

committed as follows:

The said

Thomas Tinnan

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the *night*-time of said day, with force and arms,

*one blanket of the value of
five dollars*

of the goods, chattels and personal property of one

John Gass

in the

stable

of the said

John Gass

there situate, then and there being found, in the *stable*
aforesaid, 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.

**POOR QUALITY
ORIGINAL**

0116

THIRD COUNT:

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

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

The said

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

*one blanket of the value of
five dollars*

John Gass
of the goods, chattels and personal property of

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

John Gass
unlawfully and unjustly did feloniously receive and have, (the said

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

DE LANCEY NICOLL,

District Attorney.

0117

BOX:

494

FOLDER:

4506

DESCRIPTION:

Finnegan, Michael

DATE:

09/16/92



4506

POOR QUALITY
ORIGINAL

0118

Witnesses:

Counsel,
Filed *16* Day of *Sept* 189*2*
Pleads, *Not guilty*

THE PEOPLE

vs.

P.
Michael Finnegan

Burglary in the first degree,
Section 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

DR LANCEY NICOLL,
District Attorney.

A TRUE BILL.

James T. Lane

Part 3. Sept 22/92 Foreman.
Tried and acquitted
Sept 22-
G.S.B.

Police Court—H District.

City and County } ss.:
of New York,

of No. 506 East 17 Street, aged 42 years,
occupation Tailor being duly sworn

deposes and says, that the premises No. 506 East 17 Street, 17 Ward
in the City and County aforesaid the said being a four store brick dwelling
and store
and which was occupied by deponent as a tailor store and living apartments
on the ground floor and in which there was at the time of human beings by name deponent and

deponent's family
were BURGLARIOUSLY entered by means of forcibly breaking the
wire screen which he carried to form a window
of the store and breaking open a pane of glass
in the said window.

on the 8th day of August 1898 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

Sixteen pairs of pants of the value of
twenty five dollars

\$25.00

the property of deponent

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

Michael Finnegan, (nowhere) and James Kennedy,
William Brennan and James Corcoran, who are at present
imprisoned in the Tombs and awaiting trial while acting in concert
for the reasons following, to wit:

That on said date the said fugitives
were introduced to the said property taken
stolen and carried away, That the defendants
Finnegan and the defendants Kennedy, Brennan
and Corcoran, were in company with each other
and had the aforesaid property in their possession.
That Finnegan has a pair of pants on his person
at present which pants deponent identifies as

POOR QUALITY
ORIGINAL

0120

part of the property taken as aforesaid.
Munford deponent says that I may as
be dealt with according to law.

Given before me this 3rd day of September 1897
14th day of September 1897 J. W. H. H. H.

J. W. H. H. H.
Police Justice

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

Police Court, District, OFFENCE—BURGLARY

THE PEOPLE, etc.,
on the complaint of

1. 2. 3. 4.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses.

No. Street.

No. Street.

No. Street.

to answer General Sessions.

POOR QUALITY
ORIGINAL

0 12 1

CITY AND COUNTY } ss.
OF NEW YORK.

POLICE COURT, 4 DISTRICT

of No. 507 East 16 Street, aged 41 years,
occupation Upholsterer being duly sworn, deposes and says
that on the 9 day of August 1897
at the City of New York, in the County of New York.

Michael Finnegan, formerly, was seen
by deponent in company with two other
men that Finnegan had a bag of goods
in his possession, part of the proceeds
of a burglary committed in East 12 st
and for which burglary the said two other
men are at present under arrest and
awaiting trial.

F. D. Karpoff

Sworn to before me, this
1897

Police Justice.

POOR QUALITY
ORIGINAL

0122

CITY AND COUNTY
OF NEW YORK. } ss.

POLICE COURT, 40 DISTRICT.

of No. *180* *Lucie Miller*
Street, aged *35* years,
occupation *Office*

being duly sworn, deposes and says
that on the *11* day of *August* 189*7*
at the City of New York, in the County of New York. *He arrested*

Michael Fomiegau, 6000 Ave, on
complaint of Jacob Schilling for Burglary.
Deponent further says that he has
not sufficient evidence at present
and respectfully asks that the
defendant be held a reasonable time
to enable him to secure the same and
to secure the attendance of witnesses.

Lucie Miller.

Sworn to before me, this
of *11* day
189*7*

John W. Miller
Police Justice.

0123

A V T

POOR QUALITY
ORIGINAL

0124

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY { ss:
OF NEW YORK,

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

Question. What is your name?

Answer.

Michael Finnegan

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

New York City

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

Answer.

No 506 East 17th St - 5 months

Question. What is your business or profession?

Answer.

Cornet Player

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

Michael Finnegan

Taken before me this
day of Sept

189

Police Justice

POOR QUALITY
ORIGINAL

0125

Mr. McLean
326 E 36
1100 1/2 Ave
1100 1/2 Ave
BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

1912
Police Court... *1146*
District...
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Joseph Schmitt
1506 E 124 St
Max Fungau
1 _____
2 _____
3 _____
4 _____
Offence *Burglary*
Dated *Sept 14* 1892
McLean Magistrate.
Miss 18 Officer.
Witnesses _____ Precinct _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
1100 1/2 Ave
1100 1/2 Ave
SEP 15 1892
DISTRICT ATTORNEY
OFFICE

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 _____

Refusant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *10* Hundred Dollars, _____ and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *Sept 14* 1892 *1146* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Timinegan

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

Michael Timinegan

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

The said *Michael Timinegan*,

late of the *17th* Ward of the City of New York, in the County of New York aforesaid, on the
— *fifth* — day of *August*, — in the year of our Lord one
thousand eight hundred and ninety- *two*, in the *night* time of the same day, at the
Ward, City and County aforesaid, the dwelling house of one *Joseph Schilling*,

there situate, feloniously and burglariously did break into and enter, there being then and there a
human being within the said dwelling house, with intent to commit some crime therein, to wit: the
goods, chattels and personal property of the said *Joseph Schilling*,

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,
take and carry away, *the said Michael Timinegan being*
then and there assisted by a confederate,
actually present, to wit: by James Kennedy,
William Crowley and James Concoran, and
also by divers other persons to the Grand
Jury aforesaid unknown.

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

SECOND COUNT—

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

— *Michael Timogian* —
of the CRIME OF *Peter* LARCENY; — committed as follows:

The said *Michael Timogian*,

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

sixteen pairs of trousers of the value of
one dollar and sixty six cents each pair,

of the goods, chattels and personal property of one *Joseph Schilling*; —

in the dwelling house of the said *Joseph Schilling*,

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

THIRD COUNT:

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

— Michael Timinegan —

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

The said *Michael Timinegan,*

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

*fifteen pairs of trousers of the value of
one dollar and sixty six cents each pair,*

of the goods, chattels and personal property of one *Joseph Schilling,* by
James Kennedy, William Crawley, James Corcoran, and
by ~~a~~ certain ^{other} ~~person~~ or persons to the Grand Jury aforesaid unknown, then lately before felon-
iously stolen, taken and carried away from the said *Joseph Schilling,* —

unlawfully and unjustly did feloniously receive and have; the said

— Michael Timinegan, —

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

DE LANCEY NICOLL,

District Attorney.

0 129

BOX:

494

FOLDER:

4506

DESCRIPTION:

Fischer, Jacob

DATE:

09/12/92



4506

Witnesses:

Edward
Campbell

By

Victor
Joseph had a
car a new
in 1910 & so
a thing the
refuses to pay
what he does
with 9000
in the car
H

Counsel,

Filed

day of

189

Plends

THE PEOPLE

vs.

Grand Larceny,
Second Degree,
[Sections 828, 829,
Penal Code.]

Jacob Fischer

DR LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

Sept 12/1912
L. W. Campbell
Sept 11/1912

POOR QUALITY
ORIGINAL

0131

Police Court

2nd

District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Thomas M Walker

of No. 82 Wooster Street, aged 32 years,

occupation carman being duly sworn,

deposes and says, that on the 11th day of August 1894 at the City of

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

from the possession of deponent, in the day time, the following property, viz:

One case of pantaloons of the
value of One hundred and fourteen
dollars and twenty five cents

the property of S Bachmann & son in the care
and custody of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by Jacob Fischer

(Now here) from the fact that the
deponent was in the employ of
deponent as a driver and on said
date deponent gave defendant a
shipping receipt to deliver said
case of goods to the New York and
Hudson River Railroad Pier 40 East
River and one of deponent's employees
informed deponent that they never received or
shipped said case of goods and deponent
was subsequently informed by Mr Bachmann
the owner of said goods that the consignee
Locke & Bro of Watkins New York
never received said goods

POOR QUALITY
ORIGINAL

0132

Wherefore depone charges said defendant
with the Larceny of said property and
prayer the same be dealt with according
to law

Sworn to before me } Thomas M. Hacker
this 26th day of August 1893 }
John M. Ryan
Police Justice

POOR QUALITY
ORIGINAL

0133

(1885)

Sec. 198—200

2 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Joseph Fischer 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* to 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.

day of

Taken before me this

189

Police Justice.

Joseph Fischer

0134

82 and 1066

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James M. Wallace
of Officers of
West Street

2
3
4

Offense, Larceny Felony

Dated,.....189.....Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob Fischer

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

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

The said

Jacob Fischer
late of the City of New York, in the County of New York aforesaid, on the *11th*
day of *August* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*fifty pairs of trousers of the
value of two dollars and fifty
cents each pair*

of the goods, chattels and personal property of one

Simon Bachmann

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

*De Laurey Nicoll,
District Attorney*

0 136

BOX:

494

FOLDER:

4506

DESCRIPTION:

Fitzgerald, Michael

DATE:

09/12/92



4506

POOR QUALITY
ORIGINAL

0137

Witnesses

Charles Fox

Comptroller and

offices for

2nd

Counsel,

Filed,

Pleas,

THE PEOPLE

vs.

I

Michael Fitzgerald

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

James in law
Sept 16/92
Foreman.

James & connected
Sept 16/92
J. P. P. P.
Oct. 20/92

Grand LARCENY, 2nd degree.
(False Pretenses.)
[Section 528, and 581, Penal Code.]

POOR QUALITY
ORIGINAL

0138

Police Court—2nd District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No. 155 West 25th Street, aged 65 years,
occupation Car Driver being duly sworn,

deposes and says, that on the 29 day of February 1897 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the Day time, the following property, viz:

Good and lawful money of the
United States of the Amount and
Value of One Hundred and 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 Michael Fitzgerald

(Now here) from the fact that the
deponent informed deponent that
he had a horse for sale and on said
date deponent went to a stable kept
by the deponent in West 31st between
Fifth and Seventh Avenues and paid
deponent the above described amount
of money for said horse and deponent
further says that on the 4th day
of March deponent was informed
by G. Marshall that he used a mortgage
on said horse and that sales clerk of his
270 North Seventh Street, Brooklyn
was the real owner of said horse as

Sworn to before me, this

189

Police Justice

He had a Chattel Mortgage on said horse and said Marshall and the owner of said horse presenting said mortgage to defendant he defendant delivered said horse to the owner Mr Wolfe. Defendant further says that defendant obtained said money from defendant by fraudulent representations to defendant that he was the owner of said horse and defendant charged said defendant with cheating and defrauding defendant of said amount of money by said false and fraudulent representations and says he may be dealt with according to law.

Sworn to before Me this (Bernard Gortler

29th day of August 1912

John Ryan

Police Justice

POOR QUALITY
ORIGINAL

0140

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

aged 29 years, occupation Horse Dealer of No.

170 North 9th Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Bernard Gartin

and that the facts stated therein on information of deponent are true of deponent's own

knowledge.

Sworn to before me, this

day of

29
Aug 1891

John Ryan
Police Justice.

Julius Kopp

POOR QUALITY
ORIGINAL

0141

(1885)

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

Michael Fitzgerald 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.

Michael Fitzgerald

Question. How old are you?

Answer.

47 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

261 West 38th St New York

Question. What is your business or profession?

Answer.

Tack Driver

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

Answer.

I am not guilty
Michael Fitzgerald
Sworn

Taken before me this

day of

1885

Police Justice.

POOR QUALITY
ORIGINAL

0142

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

Police Court, 72 District, 1088

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward Smith
455 West 125 St
Michael Williams

Offense, Grand Larceny

Dated August 29 1899

John Magistrate.

John Officer.

John Precinct.

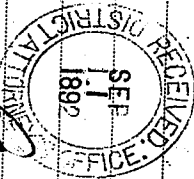
Witnesses

No. 170 North 125th St

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____



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

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

Dated, August 29 1899 John Ryan Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

8/92
THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs

BEFORE RECORDER SMYTHE.

MICHEAL FITZGERALD.

Thursday, September 15, 1892.

Indictment for grand larceny.

A Jury was empanelled and sworn.

BERNARD GARTLEN, sworn and examined:

Where do you live? 155 West 25th Street. What do you do for a living? I drive a hack. Do you know Micheal Fitzgerald? Yes. How long have you known him? About a year, I guess. What does he do? He is driving a hack. On the 29th of February of this year did you want to buy a horse? Yes. Did you have atalk with Fitzgerald about it? Yes, several times. What occuredon the 29th of February between you and Fitzgerald? I had been trying to buy a horse, a green horse. I went up to Fitzgerald. He said, Barney, here is a horse I will let you have you \$150.00 and not a cent less. I asked him how long he hadhim? He said, I had him 2 and a half years. I saw him drive him. I saidm where did you get him? He says, I got him in the country. Did you say anything further to him about the horse? No, - e told me the horse was all right and a good horse, and he would not give me anything else. Who did he say was the owner of the horse? He himself. Did he say that he was the only one who had an interest in the horse? He did not say anything about that, he had a livery stable at the time. Did he represent to you that he had a right to sell the horse? He represented to me he was selling his own horse and it was a good horse. Was that all the horse was worth, \$150.00? It was. Did he say anything to you about there being any lien on the horse, or any incumbrance of any kind? No. Did he say anything to you about anybody else having an interest

**POOR QUALITY
ORIGINAL**

0144

the horse? No. Did you pay him the money for the horse? Cash down, \$150.00. What did you do then, take the horse? I took the horse, I had a right to him. What happened along the 24th of August in regard to that horse? I had him close on six months, and Wolff Brothers took me in Madison Square over to Williamsburg, got in my carriage, I know nothing about what they are doing any more than you. When I got over I drove to Wolff Brothers stable; he called me in and said "I am sorry to have to take him from you but I have been looking for him these three months and never could find him." Mr. Fitzgerald went away in the country and when he came back he asked him (the defendant) where the horse was and he says "I sold him in the country." That is what Mr. Wolff told me that the defendant said to him. He is here and I guess he will tell you when he comes up. Mr. Wolff showed me a mortgage on the horse I took a lawyer there to see if this mortgage was right and he told me it was. Have you got the mortgage? No, there never was a dollar paid on it. I think the paper now shown me is the one that Wolff showed me, it looks like it. What finally became of the horse? I do not know. Where did you see the horse last? In Wolff's stable, I came home that day it was left there. When you came home did you go and see Fitzgerald about it? I did. He said, Barney, I have not a cent. I said, what did you sell me the horse for that was mortgaged? He said, I did not know it, Barney but I will make it right with you. That was Wednesday, I believe, he did not come down until Friday but he came down then and told me he would make it right with me and as soon as he got the money that he would pay me, if I would take so much a week that I would get paid. I told him, no, I would not be going round begging the price of my horse. He said, I did not know it was mortgaged; and by an by business went back on him and he

thought he would make it good before I would know it. You say that you gave him \$150.00 and took the horse? Yes. Did you do that relying upon what he told you that it was his horse and that it was all right? Yes, exactly.

BY COUNSEL:

You are not familiar with law papers are you? No. How long did you have that horse peaceably in your possession without being disturbed. Close on six months. As I understand it, these people (Wolff Brothers) came to you and pretended to be passengers? Yes, I thought they were. Under those circumstances they took you over across the river to another county and deprived you of the possession of the horse? Yes. You have not the horse in your possession now? No.

JULES WOLFF, sworn and examined:

Where do you live? 476 Bedford Avenue, Brooklyn. Are you one of the firm of Wolff Brothers? Yes. What is your business? Horse dealers. Did you sell to Micheal Fitzgerald, this defendant, some horses? Yes, I sold him as far back as 1889. Did you sell him a certain black horse that you subsequently took a chattel mortgage upon, in August of this year? Yes. When did you sell that horse to him? December, 1889. - At that time did he give you a chattel mortgage which was subsequently renewed? Yes, I have the original here. Is this one, December, 1889, the first one referring to the black horse in question? Yes. Is that the signature of Micheal Fitzgerald (pointing to the paper)? He always made his mark. The defendant here signed that did he? Yes.

MR. WEEKS: I offer that in evidence; People's Exhibit No. 1, a chattel mortgage, dated December 27, 1889.

Did you file it in the Register's office in your county? Yes a copy of it was filed in the Register's office. I show you

**POOR QUALITY
ORIGINAL**

0 146

m an original mortgage under dte of July 5th, 1890, and ask you if the sum of \$425.00 on demand covered the black horse purchased from Wolff Brothers, I ask you if the black horse there in referred to is the same one referred to in People's Exhibit No. 1 and the same one you took from the possession of Gartlen in August, 1892? Yes that is the horse. That was the renewal of the former mortgage, the December mortgage? Yes. A copy of that was filed in the Register's office of the city of New York? Yes. I show you a certified copy of a mortgage made by Micheal Fitzgerald, under date of September 23, 1891, for \$400.00 on demand, this being the balance due on all transactions up to date, referring in the schedule to one black horse and ask you if that black horse is the same one that is referred to in the other mortgages and the same one that you took from the possession of Mr. Gartlen? Yes. And this is a renewal of the previous mortgage? Yes. I ask you in regard to People's Exhibit No. 1, dated April 11, 1892, for the sum of \$1000.00 on demand, the schedule referring to a black horse purchased from Wolff Brothers, whether that is the same black horse referred to in the former mortgages? Yes. And the one that was taken from the possession of Gartlen by you in August, 1892? Yes. This was a renewal of the former mortgages covering the property therein recited, together with other property? Yes. On the 29th of February, 1892, were those mortgages satisfied? No. They were all outstanding? Yes. It was by virtue of such mortgages that you took possession of that property from Mr. Gartlen on the 24th of August, 1892. Yes. On the 24th of August they were unsatisfied were they? They were unsatisfied. Did you have any conversation with Fitzgerald about the sale of the horse? Yes, I did. When? I saw him a month before and found out where the black horse was. I said, Mike, what did you do with that black horse?

that was in July, 1892. He said, I have not got him, he is in the country. I says, did you sell him? He said, yes. I said where is he? He says, he is somewhere in the country, I do not know here he is now. Then I did not know where the horse was but later on I discovered that a man named Gartlen had this horse and I set about to get him. Then after I had the horse Fitzgerald came over to me and said, "Wolff, you are not going to put me to trouble, send me to State's prison?" I said I would not like to send any man to State Prison if I could help it. I said to him, "You lied ab ut that black horse, you sold a cab in Staten Island which was mortgaged, and you did other things which you should not have done." He said, Mr. Gartlen is going to have me arrested. I said, I cannot prevent him from doing that; why did you tell me the black horse was in the country when he was in New York all the time? He said, I knew what would happen to me if I told you. Did you have any other conversation with him? No, with the exception that he told me the bay mare, which I had a mortgage on, died; I have got an idea that she was sold, I know she was sold, I cannot find her.

CROSS EXAMINATION:

Does not seven horses, since 1889, constitute all the transactions that you have had with Mr. Fitzgerald? I cannot exactly say if it is seven, or eight, or nine, it is a number of horses beside a cab which I sold him. These horses have been returned to you, except the one which died? No, of all the horses which I sold him I found two in his stable when he fled to Newburgh, that was all that was left, and they were hardly able to walk home at that. Did not the transaction consist of his returning you the horse and paying you money and taking other horses? Well, when he had a horse run out
5 he would get a new one, of course we would charge him the dif-

POOR QUALITY
ORIGINAL

0148

ference. And he paid it? I did not say that. Is it not a fact that Mr. Fitzgerald has paid you over eleven hundred dollars since December, 1889? No. Is it not a fact that you very frequently gave him receipts for moneys without any date? No. Is it not a fact that you frequently gave him receipts for moneys merely in pencil? I will tell you how that would be. If, for instance, he would meet me at our stable in 24th St. and would hand me \$25.00, I would take a card and pencil out of my pocket and make out a receipt for it and hand it to him; I would make a memorandum of it and enter it in our books. Will you please state if all these receipts are in your hand-writing (receipts shown)? This one is not (taking one out of the bundle). Is that your signature or your brother's? It is my brother's. Here is a receipt of Nichols & Co. which I know nothing about. Here are nine receipts in my hand-writing and twenty-nine in my brother's hand-writing. If I gave the defendant any receipts without any dates on them, it was an oversight. Then this receipt that you gave on this black horse probably comes among the errors (receipt shown)? This receipt says, "Received \$10.00 on account of first black horse, leaving a balance on black horse of \$10.00. Signed, Wolff Brothers;" in my brother's hand-writing. I ask you if this black horse receipt of May 13th is the black horse in question? No. You never sold him but two black horses? That is all I know. It is mentioned there "Settled by note;" this receipt five months afterwards must be on some other black horse (another receipt shown)? That receipt is also on the first black horse. You did say it had been paid for? I did not say anything of the kind. Do you remember that some of those horses stated in your mortgages had been fully paid for and that you have signed receipts to that effect? If you will allow me to tell you, I will tell you how that was. He

POOR QUALITY
ORIGINAL

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would buy a horse and pay \$25.00 a month on account; and then before he had one paid for he would buy another and we would take as security the one which he had previously bought and the other one so as to make our security all right, there was no horse fully paid for at any time; we had not a mortgage on any one horse because the horse might die and the mortgage would be no good. Is that your receipt (showing receipt)? Yes, that is our receipt. It reads: "Received from M. Fitzgerald \$10.00, in full for balance on gray horse;" this is a certificate that the gray horse is paid for in full? Yes. Is that your statement of account, February 7, 1890 (paper shown)? Yes That was paid for by note was it not? "December 1st, total balance due us, including Clark's note \$54.18 and also including blankets, \$467.16." That balance was paid for by a note was it not? It does not say so here. Did he not give you a note for that balance, was not that note paid and returned to him? The note may have been taken up by maturity for ourselves and the balance due us paid but he never took up a note himself. How came he in possession of that note? He came in possession of this note by me handing it to him and getting a new note for the difference; this note was not discounted. Then if you took new notes you took them in place of mortgages? No, I never took anything in place of a mortgage but a new mortgage. Do you mean to tell the Court and Jury in these transactions, beside receiving eleven ^{hundred} dollars, you kept mortgages and took notes beside without having any accounting? He always had his account as regular and as ~~xx~~ straight as we could have it. What do all these payments mean of eleven hundred dollars? On account of different horses. These payments on account of different horses are stated in the mortgage, in the payments of accounts in general? Yes, they are on the general account. As a matter of

POOR QUALITY
ORIGINAL

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fact did you ever deliver possession of this horse to Micheal Fitzgerald? Yes. Think a little, didn't you deliver possession of that horse to his brother and not to him? Not that I know of, we knew nobody but Micheal Fitzgerald in all our transactions. But that horse nevertheless was delivered to his brother was it not? I do not know whether it was his brother or his son. We sold the horse to him. It was sold on Sunday? If it was, the note and the mortgage was dated the next day. The mortgage states all the transactions pending with Mr. Fitzgerald. Yes. The paper you presented here purports to be a copy of something he signed last April, you did not see him sign anything did you? I do not remember whether I was there or my brother, but whoever witnessed it was there. Is your brother here? No. Why didn't you have him here? Because I thought I would do as good as him. The time this last mortgage was executed there was due you the sum of \$400.? There was due us over a thousand dollars, the time the last mortgage was issued. And then one was issued for \$400.00, covering that particular black horse? Yes. The last one was for a thousand dollars on the 11th of April? Yes, in fact he owes us \$850.00 for which we have nothing.

THE CASE FOR THE DEFENCE:

MICHEAL FITZGERALD, sworn and examined:

You are the defendant in this action? Yes. Come right down to the transaction with Bernard Gartlen about this horse? Mr. Gartlen came to me and said that he wanted a horse; he inquired for a horse; I let him have the use of the horse for a day and he liked him and I sold him the horse; I was sure that the horse was paid for. What did you say to Gartlen when you sold the horse to him? I told Gartlen I had a horse, I did
8 have him away in the country because he was sick a little

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ORIGINAL

0151

while, I had him turned out, he was only back a little while and I told Gartlen the horse is sound and good, I have him two years, if there was anything wrong with him I would not give him the horse. That is all the conversation Mr. Gartlen and I had. Did you tell him there was a chattel mortgage on the horse? I did not. Will you state your entire transactions with these Wolff Brothers, what sum of money have you paid to Wolff Brothers since your dealings with them in December, 1889? The first dealing that I had with Wolff was with his brother, I have done it all with his brother, never with this gentleman the witness. The first dealing I had with him, I had a big sorrel horse of my own, I took him over and traded him for a little brown horse. The night I brought him home he took sick, I could not move him out of the stable; it was just the time of the first Centennial; he was so sick I had to leave him for a week and at the end of the week I took the horse back and told him that he would not satisfy me. So I got this bay horse and I told him that he would suit me better and he wanted \$175.00 with my horse and that made it \$275.00. You sold this horse to Gartlen on the 27th of February? Yes. Did you know the horse was mortgaged at that time? I did not. Were you indebted for that horse to Wolff Brothers at that time. I thought not for that horse, because he never gave me a full receipt of what I owed him. You paid him for that horse? you considered eleven hundred dollars paid him for everything you owed him? Yes. Had he been near you all for months for any payment? No. Were the horses, except the two horses, you ever had from Wolff Brothers ~~xxx~~ returned to them? Yes, I returned them back and \$1122.00 beside. This black horse was never delivered to you, this black horse in question? No. And the bargain for this black horse was made on Sunday? Yes. And he testified that horse was never given

to you? No, it was given to my brother, I sent my brother after him. I will explain to you: On Sunday I went there, there was two horses hitched up to the pole, there was a bay and this black, I took the bay horse, I thought he would make a better horse than the black horse. On Monday morning I hitched him up to a hansom and my brother drove him; he was a regular bum. So Monday morning, I sent my brother and I told my brother to bring the black horse in question, I got the horse. You sold that horse to Gartlen? Yes. At the time you sold him you did not consider that you owed Wolff Brothers anything? Yes. Did you hear the conversation which Mr. Wolff related took place between yourself and Mr. Wolff? Yes, I heard what he said. In so far as anything that you said about this horse, did you ever say anything to him? He asked me where the horse was? I did not tell him because I thought he had no need to inquire, ~~I knew the horse was paid for.~~ Did he pretend at that time the horse was not paid for? Yes, he told me there was nothing paid for. "For all my money and time, I spent four years and a half, I have not a cent?" I said this to him. You told him everything was paid for? Yes.

CROSS EXAMINATION:

You sold the gray horse you bought from Wolff Brothers didn't you? Yes. Before you sold the gray one you went to Wolff Brothers and paid some money for it and got a receipt? No, my wife is in court, she got the receipt the day that she paid the last money on it. You got a receipt certifying that that horse was all paid for? Yes. Did you do anything of that sort in regard to this black horse? No, I did not. You supposed that when you sold that horse you did not owe them any money? I knew I owed them money but not on that horse, I had the horse long enough. You owed eight or nine hundred dollars? I did not know that I owed them that. How much did you owe

POOR QUALITY
ORIGINAL

0153

them? I could not exactly say because I never got a settlement. After you sold that horse you paid them some money on the 7th of February? Yes, and I paid may be later than that. In March you paid them \$25.00 didn't you? Yes. And in April you paid him \$25.00? Yes. This was after you had sold the horse? Yes, long after. In May you paid him \$25.00? Yes. And those receipts for these payments were either on account of the balance, or on account of the horse? Yes, they kept going on and they kept me paying till doomsday. Did you ever make any application to have that horse released from the mortgage? No, I did not. You knew that the black horse was included in the mortgage that you gave in April, 1892? Not to my knowledge, I have not given them a mortgage. If you want me to explain the first mortgage, it was on the first gray horse, it was a brown horse, they took me before a notary public. I signed the mortgage--that is all the mortgages I signed to my knowledge. You never have seen any since then? No. Never signed any papers? No, I do not write myself, it is my mark. Do you mean to tell this jury that you never put your mark on any paper since then? Not since then to my knowledge. When was that? It was on Sunday, the day I bought the bay horse. What year? It must be two or three years ago. Since then you do not remember putting your name to any paper? No. You never went before a notary and no notary asked you if that was your mark? No, only the first bill that I had with them. I understand you to state positively you have never signed any mortgage since 1889? They took me to the notary public that time, they took me in a wagon, I do not know the name of the street. You do not write? No. You do not read writing? No.

Friday, September 16, 1892.

ARMAND WOLFF, sworn and examined:

You are a member of the firm of Wolff Brothers and a brother of Jules Wolff who was here yesterday? Yes. Do you know Micheal Fitzgerald? I do. He had been in the habit of dealing with your firm in the purchase of horses, coupes, cabs, etc.? Yes, a number of years. On the 22nd of September, 1891, he was indebted to your firm in the sum of \$400.00, was he? Yes. As security for which did he give a chattel mortgage? He did. And that original chattel mortgage you have? That is the original (producing it)? Is that your name there as subscribing witness and was it executed in his presence? Yes. That cross was made by this defendant, Micheal Fitzgerald, in your presence, and it covered the black horse that was taken by your firm from the possession of Mr. Gartlen? Yes.

MR. WEEKS: I offer that mortgage in evidence.

Subsequent to that time did Fitzgerald buy some more property from your firm? Yes, three times since that time. On April 11, 1892, did he give another chattel mortgage? Yes. Covering that same black horse? The same black horse. Is this the original mortgage (shown)? Yes. That signature is your signature, you were a witness to that mortgage? Yes. Did you see Micheal Fitzgerald make his mark, sign and execute that mortgage? Yes; that day he bought a horse from us and he gave that note and that mortgage on that day.

BY THE COURT:

What is the date of that mortgage and when was it filed? The date is September 22, 1891, and filed October 1st, 1891, for \$400.00. What is the date of the second one?

MR. WEEKS:

The second one is April 11, 1892, and filed April 25, 1892, for

12 \$1,000.00. The last one is subsequent to the sale of the

POOR QUALITY
ORIGINAL

0155

horse to the complainant.

CROSS EXAMINATION:

Do you remember how many horses that covers on your entire transactions with Fitzgerald? Six or seven. Didn't Mr. Fitzgerald frequently sell horses for you and you allow him commissions? All the horses he ever sold for me was two that I know of. Was he in the habit of coming to your place quite frequently? Very frequently. He signed many documents? Quite so. Were you in the habit of receiving a great many payments from him? I gave receipts for all the payments. He made you forty or fifty? He was in the habit of paying about \$25.00 a month; that was the agreement; some months he would skip and some months he would not pay quite as much. Sometimes you would give him receipts dated and sometimes not dated? I was in the habit of giving receipts that were dated, there may be one or two slip by that was not dated. Look at these two documents and say if they are your signatures? They are not my signatures. Are they your brother's signatures? Yes, May 13, 1889. What about this eleven hundred odd dollars which Fitzgerald had paid you, what does it cover? He got \$650.00 owrth the last six months and he did not pay them by the rate of \$25.00 per month. He got a bay horse on the 9th of November, 1891, for \$225.00, and got a horse for \$200.00 on January 11, 1892, and he got a horse on the 11th of April, a bay mare for \$225.00. On that day I gave him this new mortgage covering all the other horses; he owes us about \$1,000.00. When was the last transaction he had with you? The last transaction was he bought a bay mare on the 11th of April for \$225.00 and an old brown horse to boot that he could not use. This year he gave me a note for \$225.00 for that mare and also executed the mortgage in evidence for all that he owed. The last transaction was in April? On the 11th of January he got

a white legged bay horse.

HENRY R. HANLAN, sworn and examined:

You are a commissioner of deeds duly authorized to take acknowledgements of instruments? Yes. Did you on the 22nd of September, 1890, take that acknowledgement on Exhibit A? Yes. Do you recognise Fitzgerald as the man who was present? His face is familiar, I drew all of Wolff's papers but it would be hard to recognise one out of a lot. I met Fitzgerald before. You knew he was Micheal Fitzgerald? Yes, he was introduced to me as Micheal Fitzgerald.

CROSS EXAMINATION:

You are in the habit of taking a great many acknowledgements? Yes. It would be impossible for you to identify the various parties whose acknowledgements you have taken, months after- you think this acknowledgement was signed, was it over in a moment merely and signed before you, and that was all? Yes

The Jury rendered a verdict of GUILTY.

POOR QUALITY
ORIGINAL

0157

THE JURY RENDERED A VERDICT OF GUILTY.

moment merely and signed before you, and that was all; yes

you signed this statement, is that correct? yes, that is correct.

Exhibits whose acknowledgements you have taken, would you sign-

yes. It would be impossible for you to identify the various

yes in the matter of taking a great many acknowledgements?

CROSS EXAMINATION:

to me as MICHAEL FITZGERALD.

you knew he was MICHAEL FITZGERALD? yes, he was introduced

here to recognize one out of a lot. I met FITZGERALD before.

face is familiar, I don't all of MOTT's papers but it would be

do you recognize FITZGERALD as the man who was present, his

September, 1920, take that acknowledgment on Exhibit A? yes.

acknowledgements of instruments? yes. Did you on the 13th of

you are a commissioner of deeds duly authorized to take ack-

HENRY K. HAMILTON, sworn and examined:

a white feathered red horse.

Testimony in the
case of
Michael Fitzgerald
filed
1892

POOR QUALITY
ORIGINAL

0158

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Michael Fitzgerald

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

Michael Fitzgerald

of the CRIME OF *Grand* LARCENY in the second degree, —
committed as follows:

The said *Michael Fitzgerald*,

late of the City of New York, in the County of New York aforesaid, on the *fourteenth*
day of *February*, in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *Bernard Lighten*

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the
use and benefit thereof, and to appropriate the same to *his* own use, did then and there
feloniously, fraudulently and falsely pretend and represent to *the said*

Bernard Lighten,

That *the said Michael Fitzgerald* was
then the sole and absolute owner of a
certain horse which he then and there
offered to sell to the said Bernard
Lighten at and for the price and sum
of one hundred and fifty dollars; that
the said horse was then free and
clear of all liens and encumbrances; and
that the said Michael Fitzgerald was
then rightly and legally authorized to

POOR QUALITY
ORIGINAL

0159

sell and dispose of the same and to
convey a free clear and absolute
title thereto,

By color and by aid of which said false and fraudulent pretenses and representations, the said

— Michael J. Fitzgerald —

did then and there feloniously and fraudulently obtain from the possession of the said

Bernard Fichten, the sum of one
hundred and fifty dollars in
money, lawful money of the United
States of America, and of the value
of one hundred and fifty dollars,

of the proper moneys, goods, chattels and personal property of the said

Bernard Fichten —

with intent to deprive and defraud the said Bernard Fichten, —

of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said Michael J. Fitzgerald
was not then the sole and absolute owner
of the said horse, and the said horse
was not then free and clear of all
debt and encumbrances, and the said
Michael J. Fitzgerald was not then

POOR QUALITY
ORIGINAL

0160

rightly and legally authorized to
sell and dispose of the same, or to
convey a free, clear and absolute
title thereto.

And Whereas, in truth and in fact, the pretenses and representations so made as afore-
said by the said Michael S. Fitzgerald
to the said Bernard Sparten was and were
then and there in all respects utterly false and untrue, as he the said

Michael S. Fitzgerald
at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said
Michael S. Fitzgerald
in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said Bernard Sparten, -

then and there feloniously did STEAL, against the form of the statute in such case made and pro-
vided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.

0 16 1

BOX:

494

FOLDER:

4506

DESCRIPTION:

Flanagan, Edward

DATE:

09/12/92



4506

POOR QUALITY
ORIGINAL

0162

Witnesses:

Counsel,

Filed

189

Pleads,

THE PEOPLE

vs.

Second Degree.
[Section 125, 23/ Penal Code.]

Edward Blanagan

Grand Larceny,
[Sections 125, 23/]

De LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

Sept 16/92 PM 16

POOR QUALITY
ORIGINAL

0163

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York, }

of No. 3005 Third Ave Street, aged 24 years,
occupation Contractor being duly sworn,
deposes and says, that on the 29th day of August 1892 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
session of deponent, in the day time, the following property, viz:

One horse and set of harness
and one wagon together of
the value of three hundred
dollars.

the property of

Deponant

and that this deponent

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

Edward Flanagan
(unknown) from the fact that
at about the hour of 7 o'clock P
M said date. deponent visited
said property from No. 153
Avenue bet 153rd and 154th Sts.
and then after deponent found the
defendant at the corner of 7th
Avenue and 149th St. with said
property in his possession.

whereupon deponent charges the
defendant with feloniously taking
stealing and carrying away said
property.

Joseph Stapleton

Sworn to before me, this 30th day

of

1892

Police Justice.

POOR QUALITY
ORIGINAL

0164

Sec. 798-200.

CITY AND COUNTY OF NEW YORK, ss:

S¹ District Police Court.

Edward Flanagan 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 sees 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 Flanagan

Question. How old are you?

Answer.

27 years old

Question. Where were you born?

Answer.

Ireland

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

Answer.

69 E. St. 2 years

Question. What is your business or profession?

Answer.

Drum

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

Answer.

I was drunk and don't remember anything about it.
Edward Flanagan
Munk

Taken before me this

day of

189

Aug 11
189
Wm. H. White

Police Justice.

POOR QUALITY
ORIGINAL

0165

BAILLED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____
No. 5, by _____
Residence _____ Street _____

Police Court... 74' 1086
District 3

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph McElton
2805 - 1st Avenue
Edward Lennigan

Offense

Larceny

Dated, *Aug 20* 189 *2*

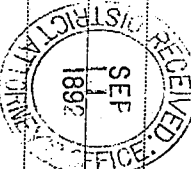
Charles Thomas Magistrate

22 Precinct

Witnesses *Can the officer*

No. _____ Street _____

No. _____ Street _____



No. *1000* Street _____

to answer

Can the officer

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

Dated, *Aug 20* 189 *2* *M. J. [Signature]* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0 166

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Flanagan

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

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

The said

Edward Flanagan

late of the City of New York, in the County of New York aforesaid, on the *29th*
day of *August* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*one horse of the value of one
hundred and fifty dollars, one
wagon of the value of one
hundred dollars, and one set
of harness of the value of
fifty dollars*

of the goods, chattels and personal property of one

Joseph Stapleton

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.

**POOR QUALITY
ORIGINAL**

0167

SECOND COUNT—

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

Edward Hanagan
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

Edward Hanagan

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

*one horse of the value of one
hundred and fifty dollars, one
wagon of the value of one
hundred dollars, and one set
of harness of the value of
fifty dollars*

of the goods, chattels and personal property of one

Joseph Stapleton

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

Joseph Stapleton

unlawfully and unjustly did feloniously receive and have; the said

Edward Hanagan

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

DE LANCEY NICOLL,

District Attorney.

0 168

BOX:

494

FOLDER:

4506

DESCRIPTION:

Flanagan, Lizzie

DATE:

09/20/92



4506

0169

Witnesses:
Prof. A. J. J. J.

189

THE PEOPLE

778-

Grand Larceny, [Sections 628, 687, Penal Code.]
 Degree.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL

Foreman.

Reader

Mrs. J. H. Jones

POOR QUALITY
ORIGINAL

0170

(1885)

Police Court, 1 District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No. 438 3rd Avenue Street, aged 21 years,
occupation Type Setter being duly sworn,

deposes and says, that on the 18 day of August 1892 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property, viz:

One diamond ring of the value of fifty
dollars and two five dollar bills good
and lawful money of the United States
together of the value of fifty dollars.

the property of

Defendant

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 Lizzie Flanigan (now-his) for the

reason that on said date defendant accompanied
defendant to a house in East 27th Street
for purpose of prostitution. Defendant had the
above described property in his pocket for which
was in the inside pocket of his coat which
defendant placed upon a chair in said premises.
Defendant knows he had said property in his pocket
when he entered said premises with defendant and
when he came out of said premises the above
described property was missing. As no one
was near enough to defendant to take the said
property but the defendant from the time he last
saw such property until he missed the same and
as he saw defendant place her hand in said

Sworn to before me, this
1892 day

Police Justice.

POOR QUALITY
ORIGINAL

0171

pocket, previous to the time he missed
said ring and money, he charges the
defendant with Grand Larceny
Dorian Heyman

Sworn to before me, this 3/ day
of August 1892
H. M. M. M. Police Justice.

POOR QUALITY
ORIGINAL

0172

(1835)

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer. *Lizzie Flanagan*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *205 East 29th Street 2 Weeks*

Question. What is your business or profession?

Answer. *Seamstress*

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*
Lizzie Flanagan

Taken before me this

27

day of *February* 189 *24*

Police Justice.

POOR QUALITY
ORIGINAL

0173

BATED,
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
vs.
ON THE COMPLAINT OF

John McManus
438-3rd Avenue
Long Island City
New York

Offense

Dated, Aug 23 1892

Magistrate.

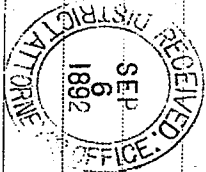
Officer.

Precinct.

Witnesses

No. _____
Street _____

No. _____
Street _____



No. _____
Street _____

No. _____
to answer _____

1500 1st Ave. N.Y.C.
1500 1st Ave. N.Y.C.

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 Fifteen Hundred Dollars, _____ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Sept 1 1892 _____ Police Justice.

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

Dated, _____ 1892 _____ Police Justice.

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

Dated, _____ 1892 _____ Police Justice.

POOR QUALITY
ORIGINAL

0174

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Lizzie Hanagan

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

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

The said

Lizzie Hanagan

late of the City of New York, in the County of New York aforesaid, on the *18th*
day of *August* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*one finger ring of the value of
forty dollars, and*

two promissory notes for the payment of money, of the kind commonly called United
States Treasury Notes, of the denomination and value of *five* dollars each; *two*
promissory notes for the payment of money of the kind commonly called Bank Notes, of the de-
nomination and value of *five* dollars each; *two* United States Gold Certificates,
of the denomination and value of *five* dollars each; *two* United States
Silver Certificates, of the denomination and value of *five* dollars each;

of the goods, chattels and personal property of one *Veran Meymarian*

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

De Lancey Nicoll
District Attorney

0175

BOX:

494

FOLDER:

4506

DESCRIPTION:

Flanagan, Lizzie

DATE:

09/30/92



4506

POOR QUALITY
ORIGINAL

0176

Witnesses:

Counsel,

Filed 30 day of Sept 89

Pleads, *Inguilty*

THE PEOPLE

vs.

Eddie Flanagan

H.D.

Dr. LANCEY NICOLL,
District Attorney.

Speed & Reported

A TRUE BILL.

James T. Casey

Foreman.

Oct 1 9:00 AM

Bill - 4

Grand Larceny,
[Sections 88, 89,
Penal Code.]

POOR QUALITY
ORIGINAL

0177

Police Court, 2 District.

City and County }
of New York, } ss.

of No. 114 Prigent James A Donigan
occupation Officer Street, aged years,
being duly sworn, deposes and says,
that on the 27 day of Sept 1897, at the City of New
York, in the County of New York, Richard Roseboro

is a non resident witness against
one Lizzie Flanigan charged with
larceny, alleging that he has
reason to believe said Roseboro
will not appear as such witness
deponent asks that said Roseboro
be required to find bail as such
witness to secure his attendance
on the trial of said complaint.

sworn to before me this 28 day

of Sept 1897

A. J. White
Police Justice.

James A. Donigan

POOR QUALITY
ORIGINAL

0178

Police Court

2

District.

Affidavit—Larceny.

City and County } ss:
of New York,

Richard Roseboro
of No. 216 Grand St. New York City, aged 22 years,
occupation Railroad being duly sworn,

deposes and says, that on the 28 day of September 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the night time, the following property, viz:

gold and lamp
money of the United States of the value of
portion dollar; a gold watch of the
value of thirty five dollars, a seal
box of the value of five dollars all
of the value of fifty four dollars & 54
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 Lynne Flannigan nowhere

Deponent went with Deponent to bed in
a room in the house No 216 Thompson
street, about the hour of 1.30 o'clock
A.M. for the purpose of prostitution, and
Deponent left the said property in his
pockets of his clothing in said room
which was locked on the inside. Deponent
awoke about the hour of 3.30 o'clock
A.M. and the Deponent was gone
and said property was missing and
when Deponent was arrested and searched
at the station she had in her possession a
ten dollar note that resembled the
one Deponent had hid stolen from him
as aforesaid. Richard Roseboro

Sworn to before me, this

28

day

Police Justice.

POOR QUALITY
ORIGINAL

0179

(1895)

Sec. 198-200.

2
District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Lysie Flanagan

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

Question. What is your name?

Answer. *Lysie Flanagan*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *202 Thompson 4 years -*

Question. What is your business or profession?

Answer. *Housework*

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

Answer. *I am innocent*

Lysie Flanagan 202

Taken before me this
day of *September* 1895

28

Police Justice.

POOR QUALITY
ORIGINAL

0180

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

Police Court... District...

345 1216

THE PEOPLE, &c.,
ON THE COMPLAINT OF

HOUSE OF DETENTION CASE.

Richard R. Rorberg
Lysie Hampar

2 _____
3 _____
4 _____

Offense *Larceny*
felony

Dated *Sept 28* 189 *2*

Magistrate *White*

Officer *Donovan*

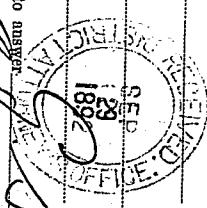
15 *15* Precinct

Witness *Charles L. Larnaud*

No. *15* Street *15*

No. _____ Street _____

No. *5110* Street *15*



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 _____

Lysie Hampar

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

Dated *Sept 28* 189 *2* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0 18 1

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Lizzie Hanagan

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

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

The said

Lizzie Hanagan

late of the City of New York, in the County of New York aforesaid, on the *38th*
day of *September* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*the sum of fourteen dollars in
money, lawful money of the
United States of America, and of
the value of fourteen dollars, one
watch of the value of thirty-five
dollars, and one scarf-pin of
the value of five dollars,*

of the goods, chattels and personal property of one *Richard Roseboro*

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

SECOND COUNT—

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

Lizzie Hanagan
of the CRIME OF ORIGINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

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

*the same goods, chattels and
personal property described in
the first count of this
indictment*

Richard Roseboro
of the goods, chattels and personal property of one

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

Richard Roseboro
unlawfully and unjustly did feloniously receive and have; the said

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

DE LANCEY NICOLL,

District Attorney.

0 183

BOX:

494

FOLDER:

4506

DESCRIPTION:

Flory, Frank

DATE:

09/30/92



4506

POOR QUALITY
ORIGINAL

0184

Witnesses

Off Michael

Off Conner

h p

I examined the discharge
of defendant on his own
representing secure
I have examined the
to this case with
pent care and have
come to the conclusion
con that a com mi
tion cannot be obtained
for the reason that the
representations alleged in
the indictment are in repute
to the Bank Department
whereas the representations
alleged to be thrown upon the
Pursuant to the provisions of
Act 1472

Counsel,

Filed,

Pleads,

30 day of Sept 1892

A. H. Smith

THE PEOPLE

vs.

Frank Strong

DE LANCEY NICOLL,

District Attorney.

TRUE BILL.

James T. L. ...
Oct 24 92
Foreman.
W. J. ...
... ..
and ...

*Grand LARCENY, 2nd degree,
(False Pretenses.)
[Section 528, and 531, Penal Code.]*

POOR QUALITY
ORIGINAL

0185

(1885)

Police Court— / District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 127 Mulberry Vincenzo Chilette Street, aged 30 years,

occupation pedler being duly sworn,

deposes and says, that on the 18 day of January 1897 at the City of New

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

of deponent, in the day time, the following property, viz:

Eighty dollars
good and lawful money of the
United States

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 Frank Flory (now here) for the
reason that on or about said date the
defendant promised deponent that in case he
the said deponent would give him Flory
the said sum of eighty dollars - he would
give employment to eight men to be named
by deponent the following day. Deponent further
swears that defendant agreed to give the said
eight men employment in the Dock Department
of the City of New York. Deponent believing the
statement of the defendant to be true and upon
defendant's statement that the same was true
deponent gave to the defendant the said
eighty dollars. Deponent further swears that
after he had given the said Flory the said

Sworn to before me this
of _____ day
1897

Police Justice.

eighty dollars, the defendant Henry left
New York, without providing the employment
for the money as he had promised.
Whereupon defendant charges the defendant
with Grand Larceny

Chicago Ill 1892

Sworn to before me this
7th day of July 1892

Chas. H. Brady
Police Justice

POOR QUALITY
ORIGINAL

0 187

(1885)

Sec. 198-200.

District Police Court

CITY AND COUNTY
OF NEW YORK, ss.

Frank Flori 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?

Frank Flori

Answer.

Question. How old are you?

31

Answer.

Question. Where were you born?

Italy

Answer.

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

New Haven Ct.

Answer.

Question. What is your business or profession?

Driver

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

Frank Flori
Mark

day of

Taken before me this

1892

Police Justice.

POOR QUALITY
ORIGINAL

0 1 8 8

The presiding magistrate
is authorized to hear and
determine this case in my
absence, and to accept bail
for the defendant.
M. J. Brady
Police Justice

BAILIED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

335 30 1210
Police Court--- District.
1894

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Joseph White
123 Broadway

1. Edward Henry

2.

3.

4.

Offense

Larceny
felony

Dated, Sept 17 189 2

Magistrate

Matthew C. Cushman

Precinct

Witnesses

No. 62 Mulberry Street

James E. Cushman

No. 100 West 14th Street

Full

No. 1500 Street

\$ 1500 to answer

committed

Sept 23. 1894
Sept 23. 1894

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

defendant

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

POOR QUALITY
ORIGINAL

0189

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 Flory

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

Frank Flory

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

The said *Frank Flory*,

late of the City of New York, in the County of New York aforesaid, on the *eighteenth*
day of *January*, in the year of our Lord one thousand eight hundred and
ninety *two*, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *one Vincenzo Ciletti*

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the
use and benefit thereof, and to appropriate the same to *his* own use, did then and there
feloniously, fraudulently and falsely pretend and represent to *the said*

Vincenzo Ciletti,

That *he* the said *Frank Flory* was then authorized
to secure appointments to places and employments
in the Dock Department of the City of New York
and to procure any persons whom he might select
to be employed in the said Dock Department, and
that he *so* did and was then authorized to
cause any eight *men* whom the said *Vincenzo*
Ciletti might name, to be employed in the
said Dock Department.

POOR QUALITY
ORIGINAL

0190

By color and by aid of which said false and fraudulent pretenses and representations, the said

Frank Tracy

did then and there feloniously and fraudulently obtain from the possession of the said

Vincenzo Cietti, the sum of eighty dollars in money, lawful money of the United States of America, and of the value of eighty dollars,

of the proper moneys, goods, chattels and personal property of the said

Vincenzo Cietti

with intent to deprive and defraud the said Vincenzo Cietti,

of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said Frank Tracy was not then authorized to secure appointments to places or employments in the said Dock Department, or to ^{cause or} procure any persons whatever to be employed in the said Dock Department.

POOR QUALITY
ORIGINAL

0191

And Whereas, in truth and in fact, the pretenses and representations so made as afore-
said by the said Frank Flory —
to the said — Vincenzo Ciletti — was and were
then and there in all respects utterly false and untrue, as he the said
Frank Flory —
at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said
Frank Flory —
in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said Vincenzo Ciletti, —
then and there feloniously did STEAL, against the form of the statute in such case made and pro-
vided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.

0 192

BOX:

494

FOLDER:

4506

DESCRIPTION:

Flynn, Thomas

DATE:

09/14/92



4506

0 193

BOX:

494

FOLDER:

4506

DESCRIPTION:

O'Donnell, William

DATE:

09/14/92



4506

0194

Sgt. J. M. McMahon for \$22-
C. L. P. V. S. 10/22
J. C. 9000000000
Jan'y 4/93

- - - - - x
 The People of the State of New York : Before,
 against : Hon. James Fitzgerald
 THOMAS FLYNN. : and a Jury.
 - - - - - x

Indicted for Grand Larceny in the First Degree.

APPEARANCES.

For the Defendant,
Mr Hugh Coleman.

On the 3rd of September about half past 8 o'clock in the evening, I went with my brother to a picnic at Lyon Park. I had a pocketbook in my pocket containing \$1.60. At half past 11 o'clock, as I was preparing to leave the park, I felt a tug at my pocket. I looked around, and I saw the defendant taking his hand out of my pocket. My brother-in-law caught him and held him until he was arrested. I saw him hand the pocketbook to a man named O'Donnell who was near him. I saw O'Donnell drop it; the officer picked it up and returned it to me.

I made the same statement in the police court that I made here to-day. This occurred when the dancing was all over and the people were preparing to go home. I last

saw my pocketbook when I reached the picnic grounds and paid 20 cents for two cloak checks. The prisoner was facing me at the time he took my pocketbook.

AUGUST GROSS, a witness for the People, sworn, testified:

I am the brother-in-law of the last witness. I was present in Lyon Park on September 3rd at the time her pocketbook was taken from her. I watched the defendant working Miss Marks' pocket. I saw him take something out of the pocket and then swing around; as soon as he swung around I jumped over and grabbed him. As I grabbed him he handed me a pocketbook. Then my sister-in-law said "He just handed the pocketbook to the other fellow." I grabbed the other fellow and then she says "That fellow dropped it." I called an officer and had both of the men arrested.

CROSS EXAMINATION.

I am Colonel of the Lafayette Guards who gave the picnic at Lyon Park on September 3rd. I was looking the prisoner right in the face at the time he was attempting to steal this pocketbook. I did not see the pocketbook in his hand at any time. I am positive I saw the defendant have his hand in Miss Marks' pocket.

MARTIN MORRISON, a witness for the People, sworn, testified:

I am a police officer attached to the 26th Precinct. I was passing Lyon Park about half past 11 on September 3rd

POOR QUALITY
ORIGINAL

0198

3

A special officer came out and told me I was wanted inside. When I got inside I found Flynn and O'Donnell in the custody of some soldiers and I arrested them on complaint of Miss Marks. Mr Gross handed me the pocketbook which he claimed had been stolen from Miss Marks. That is the only pocketbook I saw.

D E F E N S E .

E D W A R D J. M I T C H E L L, a witness for the defendant, sworn, testified:

I live in Yonkers and have lived there 38 years. I am Coroner of the County of Westchester. I have known the defendant since his childhood. His character for honesty is good.

D E N N I S M U R P H Y, a witness for the defendant, sworn, testified.

I am a mason and builder residing at Yonkers. I have known the defendant for several years. I have known him to be strictly honest. His only fault is that he takes too much liquor sometimes.

T H O M A S F L Y N N, the defendant, sworn, testified:

I did not steal this pocketbook. I did not attempt to steal it, nor did I aid or abet anyone in stealing it. I went to the Park that night in company with O'Donnell. It was Labor Day and we had a half-holiday in Yonkers. When the picnic was over we were standing looking at a wheel of fortune; there was quite a crowd around it. While I was standing there Mr Gross grabbed me and accused

POOR QUALITY
ORIGINAL

0199

4

me of stealing the lady's pocketbook. I told him I did not touch it. I then put my hand in my own pocket and took out my pocketbook in which there was \$4.50 of my own money. I did this to prove to him that I had not stolen the lady's pocketbook. I never have been charged with any crime before.

CROSS EXAMINATION.

I saw Miss Marks in the park but did not take any particular notice of her. Mr Gross is mistaken when he says he saw my hand in that lady's pocket. I never put my hand in her pocket. There was a large crowd around there and I might easily have been mistaken for someone else. I never was nearer than within five feet of the lady. I went to this picnic to oblige my friend who was fond of dancing. I did not do any dancing at that picnic. I intended to return to Yonkers on that night. O'Donnell belongs in Yonkers and he intended to return together. I have worked steadily in Yonkers for the past year. I came down to New York that afternoon about half past one, and spent most of my time around 41st Street in a pool-room. I generally come to the city on holidays. I gave Mr Gross full permission to go through me and see if I had this lady's pocketbook. That is the reason I handed him my pocketbook.

The jury returned a verdict of guilty of Grand Larceny in the First Degree.

POOR QUALITY
ORIGINAL

0200

Indictment filed Sep. 14-1892.

COURT OF GENERAL SESSIONS

Part III.

THOMAS S. FLYNN
against
THOMAS S. FLYNN

impleaded with Wm. O'Donnell.

Abstract of testimony on

trial New York September

16th 1892

OLTING BEFORE.

THE JURY, a Dockbrook. I never have been charged at any time
before. I am here to show to you that I had not stolen
any of the Dockbrook in any of these cases. I am not
a thief. I am a man of good character. I am not a thief.
I am not a thief. I am not a thief. I am not a thief.

0201

PHILLIPS & MOWER, 82 NASSAU ST., N. Y.

The People's

Hon. James Fitzgerald,
and a Jury.

Thomas Flynn, in-
pleaded with Wm. O'Donnell.

September 16th 1892

Direct.	Cross.	Re-Direct.	Re-Cross.
---------	--------	------------	-----------

Mumme Marks,

August 1888,

Peter P. W. Longhew
Official Stenographer

POOR QUALITY
ORIGINAL

0202

PHILLIPS & MOWER, 82 NASSAU ST., N. Y.

STENOGRAPHER'S MINUTES.

Cont of General Sessions
Part III

The People vs.

BEFORE

Hon. James Fitzgerald,

and a Jury.

Thomas Flynn, vs.
pleaded with Wm. O'Donnell.

September 16th 1892.

WITNESSES.

Direct. Cross. Re-Direct. Re-Cross.

Minnie Marks,

August Gross,

1-

4

Peter P. W. Longhini
Official Stenographer

**POOR QUALITY
ORIGINAL**

0203

People
Thos. M. M. M.

Stenographer's Transcript.

189

POOR QUALITY
ORIGINAL

0204

COURT OF GENERAL SESSIONS, Part III.

----- x
THE PEOPLE :
OF THE STATE OF NEW YORK : Before,
against : Hon. James Fitzgerald,
THOMAS FLYNN, Impleaded : and a Jury.
with William O'Donnell. :
----- x

Indictment filed September 14, 1892.

Indicted for Grand Larceny in the first degree.

New York, September 16, 1892.

A P P E A R A N C E S .

For the People,

Assistant District Attorney Gunning S. Bedford.

For the Defendant,

Mr Hugh Coleman.

M I N N I E M A R K S, a witness called on behalf of the
People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr Bedford.

Q Are you married? A. No sir.

Q On September 3rd, were you with your brother at Lyon Park?

POOR QUALITY
ORIGINAL

0205

2

A. Yes sir.

Q In this city? A. Yes sir.

Q What time did you go there? A. About half past eight o'clock.

Q How long did you remain there with your brother? A. Till it was over.

Q Till the concert was over? A. Yes sir.

Q What did you have in your pocket the night you went there? A. I had nothing but the pocketbook?

Q You had a pocketbook? A. Yes sir.

Q What was in the pocketbook, a dollar and sixty or seventy cents? A. Yes sir.

Q Where was that pocketbook in what pocket? A. In the dress pocket.

Q In your dress pocket? A. Yes sir.

Q Did you lose it that night? A. Yes sir.

Q About what time? A. Half past 11 o'clock.

Q You don't know of your own knowledge who took it, you didn't see anybody take it? A. Yes sir, I did.

Q Well, so much the better for justice, who did you see take it? A. This man sitting there.

Q This man? A. Yes sir.

Q Will you tell the jury exactly where you were when he took

that pocketbook? A. Well, I was standing all ready to go home, standing next a crowd, and I felt a tug at the back of my dress and looked around in time to see the man take his hand out of my pocket.

Q You are sure this is the man? A. Yes sir, I am certain.

Q Did you see Mr August Gross? A. He was standing right before me I let a scream and he had grabbed the man already.

Q He had grabbed the man already? A. Yes sir.

Q He was held until he was arrested? A. Yes sir.

Q Then he was searched? A. At the time Mr Gross grabbed him he handed the pocketbook to this other fellow.

Q Did you see him? A. Yes sir, I saw him handing the pocketbook to this other fellow, and then I screamed, " He has got it now." They took hold of this other fellow and with that he dropped the pocketbook.

Q The other fellow dropped it? A. Yes sir; I myself picked it up and handed it to the officer.

Q Who is the other fellow? A. O'Donnell.

Q Did you learn the name of the other man at any time after that? A. No sir, I think it was called out in court, I don't know that certainly.

Q Then this other fellow dropped the pocketbook? A. Yes sir.

Q You picked it up? A. Yes sir.

POOR QUALITY
ORIGINAL

0207

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Q Can you tell the Judge and jury that the pocketbook you
picked up is unquestionably the one you had in your pocket?
A. Yes sir.

Q At the time you felt the tug? A. Yes sir.

Q Did you see this other man drop it? A. Yes sir; just as
the officer went to take him he dropped it.

Q You saw that? A. Yes sir.

Q Did you have anything in the pocketbook? A. Yes sir, the
money, I got it back.

CROSS EXAMINATION by Mr Coleman.

Q Is that your signature (Handing witness an affidavit)?
A. Yes sir.

Q Now, you say that you saw the defendant Flynn take the
pocketbook out of your pocket? A. Yes sir.

Q And hand it to another person? A. Yes sir.

Q Did you? A. Yes sir.

Q That is your story in court to-day? A. Yes sir.

Q That you are sure of? A. Yes sir.

I Q Did you make this same statement to any person else besides
what you have made in court to-day in regard to the matter?
A. I made the same statement at the other court that I was
at.

Q Now, this signature that was shown you is your signature, is

it not? A. Yes sir.

Q That affidavit was read over to you before you signed it,
was it not? A. I did not read it.

Q The paper you signed in the police court, did you read it?
A. No sir, I did not.

Q Was it read over to you? A. No sir.

Q "Minnie Marks, age 19, by occupation cashier, deposes and
says, that on the 3rd day of September, 1892, in the city
of New York, in the County of New York, was feloniously
taken, stolen and carried away from the possession of de-
ponent in the night time the following property: One pock-
etbook containing money of the value of \$1.60, the property
of deponent. That this deponent has probable cause to
suspect and does suspect that said property was feloniously
taken, stolen and carried away by Thomas Flynn and William
O'Donnell (both now here) from the fact that deponent was
informed in Lyon Park and was informed by August Gross,
of 23rd Street and Broadway, that he saw the defendants
Thomas Flynn take said property from the pocket of her dress
and pass said pocketbook to William O'Donnell. Wherefore
deponent charges said defendants with acting in concert,
and asks that they may be dealt with according to law."
Why did you make that statement in the police court and

POOR QUALITY
ORIGINAL

0209

6

here you make a different statement altogether? A I made that statement. I don't make any different statement.

The paper referred to was offered in evidence.

Q Now, you say you are a cashier, where? A. At 54th Street and First Avenue.

Q Whom did you go to the park with? A. My brother.

Q What time did you leave the house? A. About half past eight.

Q When did you put the pocketbook in your pocket? A. I had it in my pocket all evening.

Q When was the last time that you saw the pocketbook and the contents of it before you put it in your pocket? A. I cannot say for certain what time, but the same evening.

Q Do you know whether or not you saw the inside of your pocketbook at any time of the day before you went to Lyon Park? A. Yes sir.

Q Where were you when you saw the inside of it? A. In Lyon Park.

Q Did you open it there? A. I did.

Q Why did you open it? A. Because I used some money for a hat check?

Q For a hat check? A. Yes sir.

Q Did you pay the way to go into Lyon Park? A. No sir.

**POOR QUALITY
ORIGINAL**

02 10

7

- Q Did your brother pay the way? A. Yes sir, he did.
- Q Did you put away your hat? A. Yes sir.
- Q In Lyon Park? A. Yes sir.
- Q What was there, a picnic? A. Yes sir.
- Q A picnic? A. Yes sir.
- Q What association held it? A. Gardes La Fayette.
- Q Lyon Park is an open place where dancing is held? A. Yes sir.
- Q Do not the ladies usually wear their hats in dancing at a picnic? A. Yes sir, they do as a rule.
- Q Isn't it a fact that it is a rare thing for ladies to put away their hats at a picnic? A. I didn't put away a hat, it was my coat, mine and my sister's coat.
- Q The same coat you have on now? A. Yes sir.
- Q Did you have that coat on when you went there? A. Yes sir.
- Q You had the same coat on? A. Yes sir.
- Q About what time in the evening was it you put away that coat? A. About nine o'clock, a little after nine o'clock.
- Q How much money did you have in your pocketbook when you put away that coat? A. \$1.80, I spent 20 cents for two hat checks.
- Q You mean for two coat checks? A. Two cloak checks, either one.

POOR QUALITY
ORIGINAL

0211

3

Q You went out upon the platform and danced, did you?

A. Yes sir, I did.

Q For how long did you dance? A. I could not say.

Q Where were you at the time you saw the defendant? A. We were standing in a crowd, I can't say exactly where, just ready to go home; they were playing "Home, Sweet Home."

Q The crowd you speak of was around a wheel of fortune?

A. No sir, I could not say that.

Q There was some kind of a game there in the Park? A. I could not say whether there was a game or not.

Q Wasn't there something going on there which attracted the attention of a great many people so that they surrounded it?

A. No sir, I don't know.

Q Wasn't there a large crowd around there? A. A lot of people going home.

Q None of them standing, were they? A. People standing around this way to go home.

Q Were you standing there at the time? A. Yes sir.

Q If you were going home why were you standing there? A. I was waiting for the rest of our folks to go home.

Q Were there other people standing there at the same time?

A. Yes sir.

Q Were you before the prisoner or behind him? A. I was right

POOR QUALITY
ORIGINAL

02 12

next to him.

Q Next to him? A. Yes sir.

Q What side was he on? A. The right hand side.

Q Of you? A. Yes sir.

Q Were you faced towards him or faced from him? A. Faced from him.

Q Where was this gentleman you speak of? A. Standing right before me.

Q Did you ever see him before? A. Yes sir, he is my brother-in-law.

Q The witness is? A. Yes sir.

Q Did he go to the Park with you? A. No sir, he did not; he was there before me.

Q Was anybody with him at the time? A. There was my sister, she was with him.

Q Now, when he was standing to the right of you, weren't there a number of people around you crowding in against each other? A. I don't know, there was quite some around.

Q Weren't people crowding against you and your brother-in-law and all the parties there? A. Not to my knowledge.

Q Weren't they very thickly together? A. There were people all around us; none crowding us.

Q Close together? A. Yes sir, not crowding us.

POOR QUALITY
ORIGINAL

02 13

10

Q The greater portion of them were standing at the time looking on at something? A. Not to my knowledge.

Q They were walking along going out of doors, some going in and some going out? A. I don't know whether they were getting their hats or not.

AUGUST GROSS, a witness called on behalf of the people, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr Bedford.

Q Mr Gross, where do you live? A. 23rd Street and Broadway.

Q In this city? A. Yes sir.

Q What is your business? A. Commissioner.

Q On September 3rd you were in Lyon Park? A. Yes sir.

Q The lady who has just left the witness box is your sister-in-law? A. Yes sir.

Q You met her there? A. Yes sir.

Q You were standing near her in the neighborhood of half past 11 after the concert and dance were over? A. Yes sir, right in front of her.

Q Did you see the prisoner at the bar? A. Yes sir.

Q Just tell the jury what you saw him do? A. My wife was sitting right in front of me on a little bench. My sister-in-law was back of her. I watched that fellow there working.

her pocket. My wife was talking to me, but I was not listening to her; I was watching that fellow, and all at once I seen him take something out. He swung around, and as soon as he swung around I jumped over and grabbed him, and just as I grabbed him he handed me a pocketbook. So I took that pocketbook away from him, as I wanted to let him go when my sister-in-law says, "He just handed the pocketbook to the other fellow." I grabbed him. She says "That fellow dropped it;" she picked up her pocketbook and handed it to me. I held the two fellows and called some of my soldiers to take those two fellows and put them in the back room there until the policeman came. This fellow tried to give me over that other pocketbook and I would not take it; I grabbed the pocketbook and handed it to the policeman. The inside of that pocketbook was turned out. The policeman made them put up their hands. The other fellow says "I did not do anything." That is the end of it. We took them to the police station and I went there to complain that those were the two fellows who robbed this lady, which is my sister in law.

Q In whose possession, if at all, did you see your sister-in-law's pocketbook? A. This fellow here; he was right in front of me.

Q He offered you another pocketbook? A. Yes sir.

Q Your sister-in-law says "That ain't mine"? A. Yes sir;

she said to me "He gave it over to that other fellow."

I grabbed the other fellow and I could not see it. While

I grabbed the other fellow she says "Now he dropped it."

He had his hand back here.

Q You did not see him drop it? A. No sir.

Q After your sister-in-law said he dropped it, what did she

do, did she pick it up? A. She went down and picked it

up and she handed it to me.

Q That was hers? A. Yes sir.

Q You did not see him drop it? A. No sir.

Q You saw her pick it up? A. Yes sir.

Q She says "This is mine"? A. Yes sir.

Q And the other one was not? A. Yes sir.

CROSS EXAMINATION by Mr Coleman.

Q When you say "My soldiers" what do you mean by that?

A. I mean that I am the commander of this battalion, the
55th Lafayette Guards.

Q What rank do you hold? A. I am a Colonel.

Q How long have you been a Colonel? A. Four years.

Q How late at night was this, Colonel? A. I don't understand
what you say.

**POOR QUALITY
ORIGINAL**

02 16

13

It was just about when the music stopped, it must have been between half past 11 and 12.

Q When you were sitting down there was a number of people sitting down at the same time? A. I was standing up.

Q Pardon me for asking you the question; had you been drinking anything that day? A. I never drink.

Q Now, were there a number of people standing there? A. Yes sir.

Q A large crowd? A. Yes sir.

Q It was dark there, wasn't it? A. No sir.

Q You stated that it was about 11 o'clock at night? A. It was between half past 11 and 12.

Q Were you facing towards the prisoner or was he facing towards you? A. I was looking the prisoner right in his face.

Q Was the prisoner facing towards you? A. Yes sir.

Q Your sister-in-law, which way was she facing? A. Facing me too.

Q Both facing the same way? A. Yes sir; he was about that way; she was facing me standing about here, that way, working her that way; she had her pocketbook in the right hand side and he worked her pocket, and as soon as he took it out, just as I said here, I jumped out and grabbed him.

POOR QUALITY
ORIGINAL

0217

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- Q Did you see the pocketbook in his hand? A. No sir, I did not see anything.
- Q You don't know whether he had anything in his hand or not? A. I could not say what he had in his hand.
- Q Now, you don't know whether he had anything in his hand belonging to your sister-in-law at any time? A. I don't understand you.
- Q You don't know of your own knowledge whether he had anything in his hand belonging to your sister-in-law at any time? A. No sir, I don't know what he had in his hand.
- Q Then, the reason why you think he took the pocketbook was because you saw a movement on his part to walk away? No answer.
- Q You admit you did not see anything in his hand? A. Well, I simply grabbed the wrist -- no sir.
- Q You mean to answer that you saw nothing in his hand belonging to your sister-in-law? A. I saw nothing.
- Q Were the people going out of the park or standing at the time? A. They were all standing around, and some walking out.
- Q Was there a wheel of fortune going on at the time? A. No sir.
- Q Or any kind of a game? A. All the games were stopped.

Q Was there anything going on at the time to induce people to stand and look on at something? A. No sir, everything was closed up, the music was just playing "Home, Sweet Home"; everything was closed up at the time.

Q How far away were you from the gate at the time? A. From the gate, about 200 feet, I guess.

Q Was it very easy to get out towards the gate, there was nothing to hinder you? A. It was not very easy, because there was a crowd moving around.

Q Couldn't you move along with the crowd? A. No sir, you could not move out very easy.

Q You were able to move at the time? A. No sir, I was able to move and catch this fellow.

Q Others were able to move? A. Some people were moving very slowly.

By the Court.

Q What became of that pocketbook you say the defendant handed to you? A. I handed it to the police.

Q That is this police officer here? A. Yes sir.

Q Did you see the man's hand in the pocket? A. I saw him have his hand in her pocket; I saw the hand disappear in her pocket and come back.

By Mr Coleman.

Q Now, if there was a surging crowd there at the time endeavoring to get out, might not his hand, in the natural position of things be close to her pocket, and you think it was in her pocket; might not his hand be in a natural position? A. It could not be because I saw it go into the pocket, I saw it go in.

Q The pocket was in the hind part of the dress? A. Just as I described to you, she was standing facing to me. I just want to explain it to you so that you will know it clearly.

Q Where was her pocket? A. On the side, the right hand side.

Q Did she have her sack on at the time? A. No sir, she had no jacket on.

Q Did she have it on her arm? A. That I could not remember.

Q You don't know? A. No sir, I don't know.

Q What kind of a sack did she have? A. I don't know, I think it is the one she has got on now.

Q You say you are a commission merchant? A. Yes sir.

Q Where? A. No. 176 Fifth Avenue.

Q What doing? A. Paintings.

Q Stand up and show us what you saw? A. The lady was facing me that way; my wife was sitting down on a bench; she tried to talk to me but I did not listen to what she said, because I was watching this fellow working my sister-in-law's

**POOR QUALITY
ORIGINAL**

0220

17

pocket; just as I watched him I saw his hand disappear in her pocket; as soon as it got in he came out again and pushed away. I grabbed him, and just as I grabbed him she hollered to me "He passed it to the other fellow." I grabbed the other fellow with this hand, and had this fellow in this hand. I hollered to some of my soldiers to come and take these men and put them in the room, when she says, "This fellow dropped it"; she went down and picked it up and handed me the pocketbook. I handed it right over to the police.

Q The pocketbook she picked up? A. Yes sir.

Memoranda:

I was in Lion Park on Sept 3 at a picnic. I was coming away at about 11⁴⁵ P.M. I was waiting for my brother-in-law who was talking to a gentleman a few feet away from me. I felt a tug at my pocket. I turned around and saw Flynn (who has been tried for and convicted of Grand Larceny in 1st degree) take his hand out of my pocket. Saw the pocket-book in his hand. I said to Flynn "You've got my pocket-book". He immediately passed it to O'Donnell who was standing next to him. My brother-in-law August Gross caught Flynn. I then said this man (pointing to O'Donnell) has it now. ~~He~~ I saw the pocket-book in his hand. He put his hands behind his back and said "My God Miss I haven't got it". My brother-in-law caught him of him and turned him around so that his back was toward me. I saw the pocket-book in his hand and saw him drop it on the ground. I picked it up.

Officer Martin Morrison.

It just simply came up and made the arrest, and both denied any knowledge of the affair.

People
to
Folmer and O'Rourke

Statements of
Minnie Marks

Investing in debt
434 E 57th

Expatriated every week

August from
a witness for the
people, a commercial
traveler out of town.
do not know when
he will return

Two

put on line or
week of any
week

Thomas Flynn.

I came from Yonkers on September 3rd 1892.
I met Dan Ryan, and, alas, Mr O'Donnell
in N.Y.C. We were together during
the afternoon. Took the 6th ave elevated,
to go home. When we reached 10th St
Ryan said "lets get off and have a dance".
I said "I never dance". We got off and
went in Lion Park. I was looking at the
wheel of fortune. I heard the lady say
"My pocket-book is gone. I was there, at
least, five feet away from her. There were
several people between the lady and my-
self at that time. I did not put my hand
in her pocket, and I could not have done
so as there were several people between
us at the time. A number of people
took hold of me, held my hands down
and searched me. O'Donnell came on
the outside of the crowd and said
"That man wouldn't do anything Mister."
They then said "and you're with him too".
and they ^{took} hold of O'Donnell. They locked
us in a room until the policemen
came and took us to the Station House.

Have worked since last November at

Flagg's Hat Factory, James St near Rhine
ave, Yonkers. James Vallely, foreman.

Have worked for Mrs Ronan, on a
chuck sloop, for the past seven or eight
seasons: she lives at 82 St Marys Street.

Have lived all my life in Yonkers.
live with and support my step-mother.
Have been arrested in Yonkers for
being drunk: and once, 8 or 10 years
ago on an excursion barge for
violating the excise law.

I have known O'Donnell since he
was a little boy; he has always
worked steadily since he left school.

People
v
Flynn and
O'Donnell
Statement of
Thomas Flynn.

Court of Sessions,

City and County of New York.

The People of the State of New York

vs.

Thomas Flynn and William O'donnell

City of Yonkers

County of Westchester ss:

Daniel Ryan being duly sworn, says that he resides in the City of Yonkers and has resided in said city for the past 8 years.

That on the 3rd day of September/92 in the City of New York on forty first street, he met William O'Donnell and Thomas Flynn, with both of whom he had been acquainted for some time, and that after spending most of the afternoon with O'Donnell and Flynn in a pool room on said forty first street, they started down town for the purpose of going to a theatre, but changed their mind and started on the 6th. avenue elevated railway to take the train on the Northern Railroad for their home in Yonkers.

That on the way up, deponent noticed dancing in Lion Park and desiring to dance at the picnic, he asked O'Donnell and Flynn to get off the train with him at the station and go to the picnic ground, and they got off the train and started for the ground. In front of the picnic ground he met Officer Morrison with whom deponent went to school

in the City of New York about 15^c years ago..

That said Morrison shook hands with deponent and deponent introduced him to his friends, and said they would like to go in the grounds, and that said Morrison past them through the gate and treated them. That said Flynn and O'Donnell would have never gone to the picnic ground had it not been for deponent, and deponent left O'Donnell sitting on the grounds and Flynn standing near what deponent supposed was a Wheel of Fortune when deponent went off to dance with a girl with whom he had been become acquainted upon the grounds.

That deponent did not see any of the subsequent occurrences which led to the arrest of O'Donnell and Flynn, except to notice that while he was dancing, O'Donnell was sitting where deponent had left him before the dancing had commenced.

Sworn to before me this
9th day of December 1892.

Geo. C. Harrigan
Notary Public
New York City

Daniel Ryan

**POOR QUALITY
ORIGINAL**

0227

Joseph H. Bully,
Counselor at Law,
Yonkers, N.Y.

Yonkers, November 15, 1892.

James Osborne, Esq.,
Asst. District Attorney.

Dear Sir:-

Your letter of the 14th. requesting interview with O'Donnell to hand, and in answer would say that I am perfectly willing that you should have a talk with O'Donnell and that he should make to you a statement of the case, and for that purpose he calls upon you with this letter. I fully understand that your letter and mine and this interview with O'Donnell is all without prejudice to the case if you desire to try the same. I am perfectly convinced of O'Donnell's innocence from the story he has told me and from the character he bears in Yonkers, and I think if you will listen to his story and make the same inquiries in reference to his character as I have done, you will come to the same conclusion as I have.

Truly yours,

Joseph H. Bully

William O'Donnell

Came to New York City on September 3rd 1892: arrived about 1³⁰ P.M. Had worked in Yonkers, in John J. Warrin's hat factory, until 11³⁰ A.M. that day: it was Saturday and we had a half holiday. Was paid before I left Yonkers: gave part of my wages to my mother, and brought about \$6 to N.Y. with me: went to the pool-room in West 4th St. and bet on the races. I won and lost, and had about \$4 left when arrested.

Met Thomas Tilynn and Dan Ryan, both of Yonkers, in 4th St. at about 3 P.M. and again at 4 P.M. and remained with them after that time. We missed the 7¹⁰ P.M. train for Yonkers from Grand Central. Ryan then wanted to go to the Theatre: reached there about 8²⁰ P.M. and Ryan said "it was too late". Then went to 6th Ave and took the elevated to connect with the N.Y. and Northern Road at 155th St. for Yonkers. Saw the lights at Live Park, Ryan said "lets get off and have a dance". Tilynn and myself said "we don't dance". We got off at 104th St. and met Policeman Morrison, who knew Dan Ryan. We went and had two drinks with him: Solo

drink liquor. Officer Morrison came and told the gateman to let us in. Ryan was dancing. Flynn was over towards the wheel of fortune and I was sitting down, nearly 100 feet from the wheel of fortune. I saw Flynn coming towards me, a man in uniform had hold him (the Association giving the picnic were uniformed) I started towards him and had walked 20 or 30 feet when we met. I said to the man holding Flynn "What did that man do Mister? He didn't do anything, did he? I know him, he's from Yorkers." He said "are you with him?" I said "Yes, he came in here with me". Then he grabbed me, and searched me. They only ^{found} \$4, which I had left of the \$6 I brought to New York with me. I did not see them pick up the pocket-book. I did not see it that night, and I have never seen it since. The police officers came after we had been locked in a room for fully half an hour. They searched us and took us to the Station House. When we got outside one of the policeman said "They didn't do anything, let's free them and let them go" — they took us to the Station House. After we had walked about a block the policeman with me said "Morrison they have your friend, too". I then saw

they had Dan Ryan; he was let go at the
Station House.

Was born in Yonkers; have lived there all my
life. Have worked in John D. Waring's
hat factory ever since I left school, about
six years ago. work steadily: sometimes
make as high as \$18 and 20 per week; make on
an average, the year round; I live with
my parents.

I was never arrested in my life before
this trouble

POOR QUALITY
ORIGINAL

0231

People
to
Flynn and
O'Donnell
Statement of
Mr O'Donnell

POOR QUALITY
ORIGINAL

0232

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY } ss:
OF NEW YORK,

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

Question. What is your name?

Answer.

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
Thomas Flynn

Taken before me this

day of

Police Justice.

POOR QUALITY
ORIGINAL

0233

1902

POLICE COURT 5 DISTRICT.

City and County of New York, ss.

THE PEOPLE

vs.

On Complaint of

For

Minnie Marks
Larceny

William O'Donnell

After being informed of my rights under the law, I hereby waive a trial by Jury on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated

September 4 189

P. J. Peck
Police Justice.

William O'Donnell

1902

POLICE COURT 5 DISTRICT.

City and County of New York, ss.

THE PEOPLE

vs.

On Complaint of

For

Minnie Marks
Larceny

Thomas Flynn

After being informed of my rights under the law, I hereby waive a trial by Jury on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated

September 4 189

P. J. Peck
Police Justice.

Thomas Flynn

POOR QUALITY
ORIGINAL

0234

Police Court

District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 434 East 56 Street, aged 19 years,
occupation Cashier being duly sworn,

deposes and says, that on the 3rd day of September 189 2 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
session of deponent, in the night time, the following property, viz:

one Pocket-Book, containing
money, of the value of one
dollar and Sixty-cents,

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 Flynn, and

William O'Donnell, both now here,
from the fact, that deponent was
in Lin Park, and was informed
by August Gross #23 West 4th
Broadway, that he saw the
deponent. Thomas Flynn, take
said property from a pocket of
her dress, and passed said
pocket-book to William O'Donnell
whereupon deponent charges said
deponent with acting in concert,
and asks that they may be
dealt with according to law.

Minnie Marks

Sworn to before me this

of

189

day

Police Justice.

POOR QUALITY
ORIGINAL

0235

Sec. 198-200.

5
District Police Court.

CITY AND COUNTY } ss:
OF NEW YORK.

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

Question. What is your name?

Answer.

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
William O'Donnell

I taken before me this
day of

Police Justice.

POOR QUALITY
ORIGINAL

0236

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by Denis Murphy
Residence Stuyvesant St Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

123
1181
Police Court---
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
James M. Kelly
Magistrate
John O'Donnell
Offense Larceny

Dated Sept 4 189
Magistrate
Officer

Witnesses
James M. Kelly Precinct
John O'Donnell Street

James M. Kelly Precinct
John O'Donnell Street
to answer



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

Dated, September 4 189 Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0237

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

504

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Flynn
and
William O'Donnell

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

Thomas Flynn and William O'Donnell
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said Thomas Flynn and William O'Donnell, both

late of the City of New York, in the County of New York aforesaid, on the third
day of September in the year of our Lord one thousand eight hundred and
ninety-two, in the night-time of the said day, at the City and County aforesaid,
with force and arms,

the sum of one dollar and
sixty cents in money, lawful
money of the United States of
America, and of the value of
one dollar and sixty cents, and
one pocketbook of the value of
fifty cents

of the goods, chattels and personal property of one Minnie Marks
on the person of the said Minnie Marks
then and there being found, from the person of the said Minnie Marks
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.

POOR QUALITY
ORIGINAL

0238

SECOND COUNT—

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

Thomas Flynn and William O'Donnell

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

The said

Thomas Flynn and William O'Donnell, both

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

the sum of one dollar and sixty cents in money, lawful money of the United States of America, and of the value of one dollar and sixty cents, and one pocketbook of the value of fifty cents

of the goods, chattels and personal property of one

Minnie Marks

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

Minnie Marks

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

Thomas

Flynn and William O'Donnell

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

DE LANCEY NICOLL,

District Attorney.

0239

BOX:

494

FOLDER:

4506

DESCRIPTION:

Foley, Edward

DATE:

09/08/92



4506

0240

BOX:

494

FOLDER:

4506

DESCRIPTION:

Smith, John

DATE:

09/08/92



4506

POOR QUALITY
ORIGINAL

0241

See Carder

Assault

Witnesses:

Supra in case of John Smith
James Collier
Freeman Sam Smith

Motion for Am
Exhibit
Exhibitions
Exhibitions
Exhibitions

1892
day of
1892

Burglary in the
[Section 486, Penal Code, 1892]

THE PEOPLE

vs.

Edward Foley
John Smith

DE LANCEY NICOLL,
District Attorney.

TRUE BILL. Oct 7/92
so 1- Jan 17
James T. L. 17/92

Foreman.

Part 3. Sept. 14/92
17/92 Pleading Attorney
We have and do hereby
willfully and maliciously
with intent to commit a felony
U.S. District Court
Sept 22/92

People
Edward Foley

① Under Sec 445 Code Crimes Pro -
The prisoner might be found guilty
of any crime, the Commission of
Who is necessary included in that
Charged in the Indict

② The Indict for
Burglary, by excluding the
Words (break into and) and
Charge the crime of unlawfully
entering a building under Section
508 Penal Code

③ The Unlawful Entry
under Section 505.P.C must be
with intent to commit a felony
or a larceny or a ~~Misdemeanor~~
Molestation mischief

(4) The Charge in the Indictment is that the breaking into & entering the house was with intent to steal the goods Chattels of Solomon Ellsworth & so sufficiently Charges the intent to Commit a Larceny

Mr Mc Laughlin argues that the unlawful Entry is a separate Crime & not necessarily included in the Charge of Burglary -

Argues
that it is included
Gunning Bedford

POOR QUALITY
ORIGINAL

0244

Purple
Deer
Birds
Agave

**POOR QUALITY
ORIGINAL**

0245

New York, September 20, 1892.

Hon. James Fitzgerald,
Judge of the Court of General Sessions.

Dear Sir:-

I would respectfully submit the following report relative to John Smith and Edward Foley alias Peter Green, who are charged with burglary.

The boy, John Smith, says that he never saw Edward Foley at any time prior to his arrest, and the only time he saw him in his life was when he was arrested for the burglary which he, Smith, and a boy named John Murphy, who hangs out on Madison Street, near Rutgers St. committed.

Roundsmen Sweeney and Officer Sullivan of the 7th Precinct both identified, in the Tombs Prison, Edward Foley as Peter Green as they had arrested him under the name of Peter Green before.

Both officers will be in court when the case is called on Thursday, the 22nd inst.

Respectfully submitted

Jacob Von Gerichten

NEW YORK COURT OF GENERAL SESSIONS.

-----x
The people, etc.,
:

against
:
:
:
:
:
:
-----x

City and County of New York.ss:

A.H.Purdy being duly sworn says that when above named defendant was called for trial in the Court of General Sessions before Justice Fitzgerald, he had no counsel, and stated to the Court that he had no means to employ such.

The deponent was thereupon assigned to defend him, he stated to deponent that he was innocent of the charge, and that there were two witnesses who could swear that they were with him on the night on which the alleged crime was committed, but on deponent having asked the co-defendant about the matter, and the co-defendant who had just pleaded guilty having assured deponent that the defendant was entirely innocent, and deponent having examined the case enough to be satisfied that the grave charge of Burglary in the 1st degree could not be sustained under the proof, felt justified in going to trial without asking for an adjournment in order to procure the witnesses whom defendant said he had. Deponent is now satisfied that while he at the time acted for what he believed to be the best interest of the defendant, that he deponent made a mistake, and he should have asked for an adjournment, and procured the witnesses. Deponent trusts that his action will not redound to the injury of the defendant.

A. H. Purdy

Sworn to before me this

29th day of September, 1892.
Blair Blair Justice of the Peace N.Y. County.

POOR QUALITY
ORIGINAL

0247

COURT OF GENERAL SESSIONS.

-----x
THE PEOPLE

agst.

EDWARD FOLEY.
-----x

The defendant moves for a new Trial on the following grounds to-wit:

FIRST: Because the verdict is clearly against the evidence.

SECOND: Because the verdict is clearly against the law.

THIRD: Because the Court has mis-directed the Jury in a matter of Law.

FOURTH: On the following Affidavits. Read the Affidavits.

The indictment was for Burglary in the First Degree. A new Trial should be granted.

Section II 278 of the Code of Criminal Procedure is as follows:

The indictment was charged but one crime and in one form, except as in the next Section provided.

Section II, 278 and where the Acts complained of may constitute different crimes such Crimes may be charged in separate accounts.

To uphold the conviction of unlawfully entering a building with intent to commit a Larceny, you make

the single count in the indictment charged two distinct crimes, a felony and a misdemeanor.

Under Section 289~~as~~ to sufficiency of indictment we could not modify the indictment in this case so as to satisfy that Section.

Under Section 284 an indictment is good if it contains sufficient averment to inform defendant of the nature of the accusation against him, to prepare his defense and to admit of the record as a bar to a second prosecution.

People vs. Dowling 84 N. Y. 478.

People vs. Palmer 5 Crim. Reports 101.

Sections 444 and 445 of the Code of Criminal Procedure, the Jury may find the defendant Guilty of the degree charged in the indictment, and guilty of any degree inferior thereto or of an attempt to commit the crime or of any crime the commission of which is necessarily included in that which he is charged in the indictment.

All that Foley could be convicted of under the indictment would be Burglary in the First Degree, Burglary in the Second Degree, Burglary in the Third Degree, or of an attempt at Burglary. The crime of unlawfully entering a building is not included in the crime of Burglary First Degree, it is an independent crime that is clearly laid down in the People vs. Meegan 104 N. Y. 530.

Section 35 of the Penal Code is to the same effect. Upon the trial of an indictment the prisoner

may be convicted of the crime therein, or a lesser degree of the same crime, or of an attempt to commit the crime charged, or of an attempt to commit a lesser degree of the same crime.

In the People vs. Kohout indictment Feb. 3, 1886. The indictment is for Murder in the First Degree. The killing of a human being, when perpetrated in committing the crime of Arson in the first degree. Under subdivision 4 of Section 183 of the Penal Code, the verdict was for Arson in the First Degree.

In that case the indictment did not even need modification. The crime of Arson was fully made out by the proof and was necessarily included in the crime charged by the indictment.

The evidence clearly made out a case of Burglary in one of its degrees under Section 496 of the Penal Code and it was clearly error for the Court to charge the crime of unlawfully entering a building with intent to commit a larceny under Section 505 of the Penal Code. It is so held in the People vs. James Meegan 104 N. Y. 530.

It is safe to say that in the case of the People vs. Meegan a similar indictment in form was found as in the case of Foley and the only justification and the only way of sustaining the conviction is the obiter dictum of the learned Judge in the latter part of his decision in regard to modification of the indictment. But the modification does not mean that the Court shall re-make an indictment.

POOR QUALITY
ORIGINAL

0250

The proof also fully made out the crime of Attempt at Grand Larceny in the Second Degree. Why not strike out sufficient words in the indictment to leave the larceny and convict of an attempt at Larceny in some of its degrees.

But it is clear where Burglary is charged in one count there must be a larceny count before the Court would be warranted in submitting larceny to the consideration of the Jury.

I most respectfully submit that a new trial should be granted in the above case.

James W. Mc Laughlin,
Attorney for Defendant,
280 Broadway,
New York City,
New York.

POOR QUALITY
ORIGINAL

0251

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

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

Sworn to before me this _____ day of _____ 189 _____ }

U.S. Court of Appeals, Second

The People

Plaintiff

against

Edward Foley

Defendant

Brief

James J. McLaughlin
Attorneys for

No. 280 BROADWAY, New York City

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

To _____

POOR QUALITY
ORIGINAL

0252

Police Court— District.

City and County } ss.:
of New York,

of No.

occupation.

deposes and says, that the premises No.

in the City and County aforesaid the said being a

and which was occupied by deponent as a

and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly

on the

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

Good and lawful money to the
amount of two hundred, dollars

the property of

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

for the reasons following, to wit:

Edward Foley & John Smith (both now here)
that at about 12 o'clock
deponent retired for the
night. that at about 1.30 o'clock
a PM. deponent was aroused by
a noise in the front part of the
store. deponent ran into the front
of the store and discovered the
said defendants behind the
counter of the store deponent then

POOR QUALITY
ORIGINAL

0253

caught hold of the defendant Smith
and the defendant Foley pushed
defendant away from the door
turned the key in the door
opened and made his escape.
After the said Smith was
placed under arrest the defendant
Foley returned and attempted to rescue
the defendant Smith. That defendant
then fully identified the said Foley
as the man that had made his
escape from the said premises.

Subscribed and sworn to before me
this 28th day of Sept 1888 } Solomon Ellinson
Police Justice

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

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

vs.

1
2
3
4
5

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses.

No.

Street,

No.

Street,

No.

Street,

to answer General Sessions.

POOR QUALITY
ORIGINAL

0254

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss:

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

Question. What is your name?

Answer.

Edward Foley

Question. How old are you?

Answer.

22 years.

Question. Where were you born?

Answer

New York

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

Answer.

33 Monroe St. N.Y. 1 month

Question. What is your business or profession?

Answer.

Blacksmith's Helper

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

Answer.

*Am not guilty
Edward Foley*

Taken before me this

day of

189

Police Justice.

POOR QUALITY ORIGINAL

0255

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

John Smith 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 sees 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 Smith

Question. How old are you?

Answer.

15 years

Question. Where were you born?

Answer.

New York

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

Answer.

202 Madison St. N.Y.

Question. What is your business or profession?

Answer.

Idler

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 Smith

Taken before me this

day of

189

Police Justice.

[Signature]

POOR QUALITY
ORIGINAL

0256

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

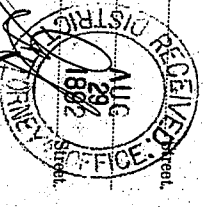
John Smith
119 Broadway
New York
Offense, *Burglary*

Dated, *Aug 28th* 1892

Magistrate
Magistrate

Witnesses
Call Officer
Officer

No. _____
No. _____
No. _____
to answer.



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

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

Dated, *Aug 28th* 1892 *[Signature]* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Court of General Sessions.

-----o
: The People
:

vs
:

Edward Foley
:
-----o

City and County of New York, ss:-

Defendant being duly sworn, deposes and says, that
counsel was assigned to him and the case was tried at once..
Deponent told counsel that he had two material witnesses who
were with him on the night in question and the case proceed-
ed without the attendance of said witnesses and deponent was
convicted as appears by the record.

Sworn to before me this

28th day of September 1892.

:
: x Edward Foley +
:

James J. Finn
Com. of Deeds
N.Y.C.
Edward Foley

POOR QUALITY
ORIGINAL

0258

Court of General Sessions.

-----o
: The People
:
: vs
:
: Edward Foley
:
-----o

City and County of New York, ss:-

JAMES McBRIDE being duly sworn deposes and says,
he resides at No.220 Cherry Street, in the City of New York,
and work as a Truckman for the New York Herald.

That deponent knows the defendant who gave his
name as John Smith for about six years and has repeatedly
seen John Smith whose right name is John Collins in company
with John Murphy and John Gueron.

My work as Truckman for the New York Herlad
consists mostly of night work and I have repeatedly seen John
Murphy and John Smith together during the month of August
both night and day.

I saw John Smit, John Gueron and John Murphy
on the Corner of Rutgers and Monroe Streets about fifteen
minutes or thereabouts after 12 o'clock. I fix the time at
about this time because the Officers were just relieving
each other. I was coming up with my horse to hitch him to
the truck to go to the Herald Building.

Sworn to before me this :
29th day of September 1892 :

James M. McBride
James V. Finner
Com. of Deeds
N.Y.C.

xx This was on the night of September 29th 1892

Court of General Sessions.

-----o
: The People :
: vs :
: Edward Foley :
-----o

CITY AND COUNTY OF NEW YORK, SS:-

GEORGE DAVIS being duly sworn deposes and says, he resides at No. 136 Division Street in the City of New York.

That on the night of the 27th. day of August 1892 I met the defendant Foley at about the hour of 11 O'clock or a little after and was in his company up to the time of his arrest and all during that time the defendant did not go out of the sight of deponent. I was standing with Henry Brown and the defendant in front of No. 151 Madison Street for some time when I heard an outcry of "Murder Watch" this cry came from the block above. At that time Foley was standing at the railing of No. 151 Madison Street, with Brown and had been standing there for a considerable time before that. After the cry Foley, Brown and myself ran towards the next block where a crowd had gathered. Soon after we arrived at No. 189 Madison Street in front of the store of D Solomon Ellensohn two Officers came out with a boy and started on their way to the Station House. Someone in the crowd cried out "You ----- let the boy go" and the Officer turned with the boy and one of them said grab one

POOR QUALITY
ORIGINAL

0260

of them and they grabbed the defendant Foley and took him
along, and the complainant said I think that is one of them.

Sworn to before me this
28th. day of September 1892.

: George Harris
:
:

Wm. S. Funn
Commr. of Deeds
N.Y.C.

Court of General Sessions.

-----o
The People :
vs :
Edward Foley :
-----o

City and County of New York, ss:-

JOHN T. HIGGINS being duly sworn deposes and says, I reside at No. 34 Rutger Street, in the City of New York. I work for Edward H. Dinan at No. 149 Madison Street, as a plumber's helper. I remember the night on which the defendant was arrested, as I was told he was arrested for committing a Burglary at No. 189 Madison Street.

On the night in question, I was standing at the door of the plumber's shop 149 Madison Street and the defendant Foley and two young men, Henry Brown, and one Davis were with him, this was after 12 O'clock. I heard a cry of "Murder Watch" this cry came from the block above. At that time Foley was standing at the railing of 151 Madison Street, with Brown and Davis and they immediately ran towards the block above. I started to run in the same direction, but was stopped by my employer who said to me you will know about the trouble soon enough. Foley, Davis and Brown were standing for some considerable time at the railing before the cry of "Murder Watch" was heard.

Sworn to before me this
24th. day of September 1892

: John T. Higgins

James J. Higgins
Comm. of Deeds
N.Y. Co.

POOR QUALITY
ORIGINAL

0262

Court of General Sessions.

-----o
:
The People
:
vs
:
Edward Foley
:
-----o

City and County of New York, ss:-

HENRY BROWN being duly sworn, deposes and says, he resides at No. 149 Madison Street, in the City of New York, and work for Mr. Dinan at the same number as a plumber(s helper.

That on the night of the arrest of Foley for committing a Burglary at No. 189 Madison Street at about the hour of 12 O'clock or a little after, Foley walked up to the plumbing shop door and called me out when I reached the sidewalk Davis was with Foley, we were standing at the railing next door talking and stood there for about fifteen minutes, when we heard the cry of "murder Watch" and three of us ran to the next block, where a crowd had gathered. Soon after we arrived at 189 Madison Street in front of the store of Solomon Ellensohn two officers came out with a boy and started on their way to the Station House.

Someone in the crowd cried out "let the boy go" and the Officers turned with the boy and one of them said "grab one of them" and they grabbed the defendant Foley and took him along. The complainant said "I think that is one of them. Sworn to before me this 24th. day of September 1892. : H J Brown

Jacob M. L. ...
Notary Public
N.Y.C.

POOR QUALITY
ORIGINAL

0263

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

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

Sworn to before me this
day of _____ 189 _____ }

J. J. G. Leisner

The People

Plaintiff

against

Edward Foley

Defendant

Affidavit

James J. McLaughlin
Attorneys for

No. 280 BROADWAY, New York City

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

18

Attorney.

To _____

POOR QUALITY
ORIGINAL

0264

Court of General Sessions.

-----o
The People :
vs :
Edward Foley :
-----o

City and County of New York, ss:-

John T. Higgins being duly sworn deposes and says, I reside at No. 34 Rutger Street in the City of New York. I work for Edward H. Dinan at No. 149 Madison Street, as a plumber's helper. I remember the night on which the defendant was arrested, as I was told he was arrested for committing a Burglary at No. 189 Madison Street.

On the night in question, I was standing at the door of the plumber's shop 149 Madison Street and the defendant Foley and two young men, Henry Brown, and one Davis were with him, this was after 12 O'clock. I heard a cry of "Murder Watch" this cry came from the block above. At that time Foley was standing at the railing of 151 Madison Street, with Brown, and Davis and they immediately ran towards the block above. I started to run in the same direction, but was stopped by my employer who said to me you will know about the trouble soon enough. Foley, Davis and Brown were standing for ^{some} considerable time ^{at the railing} before the cry of "Murder Watch" was heard.

Sworn to before me this
24th. day of September 1892.

Louis F. Trim
Deputy Clerk

John T. Higgins

POOR QUALITY
ORIGINAL

0265

Court of General Sessions.

-----o
: The People :
: vs :
: Edward Foley :
: -----o

City and County of New York, ss:-

HENRY BROWN being duly sworn, deposes and says, he resides at No. 149 Madison Street, in the City of New York, and work for Mr. Dinan at the same number as a plumber(s helper.

That on the night of the arrest of Foley for committing a Burglary at No. 189 Madison Street at about the hour of 12 O'clock or a little after, Foley walked up to the plumbing shop door and called me out when I reached the sidewalk Davis was with Foley, we were standing at the railing next door talking and stood there for about fifteen minutes, when we heard the cry of "murder Watch" and three of us ran to the next block, where a crowd had gathered. Soon after we arrived at 189 Madison Street in front of the store of Solomon Ellensohn two officers came out with a boy and started on their way to the Station House.

Someone in the crowd cried out "let the boy go" and the Officers turned with the boy and one of them said "grab one of them" and they grabbed the defendant Foley and took him along. The complainant said "I think that is one of them. Sworn to before me this :
24th. day of September 1892. :

Jacob M. Brown H. D. Brown
Notary Public
J. M. Brown

POOR QUALITY
ORIGINAL

0266

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

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

Sworn to before me this
day of _____ 189 _____ }

J. J. General Secy

vs. People

Plaintiff

against

Edward Foley

Defendant

Affidavit

James M. McLaughlin,
Attorneys for

No. 280 BROADWAY, New York City

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

Attorney.

And to Judge

*Received by J. J. General Secy
advised to Sept 29
1895*

POOR QUALITY
ORIGINAL

0267

463

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

A. B.

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

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

The said

A. B.

late of the *28th* Ward of the City of New York, in the County of New York aforesaid, on the *28th* day of *August* in the year of our Lord one thousand eight hundred and ninety-*two* in the *night* time of the same day at the Ward, City and County aforesaid, the dwelling house of one

C. D.

there situate, feloniously and burglariously did *(break into)* and enter there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said

C. D.

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

(aided by an accomplice actually present)

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.

POOR QUALITY
ORIGINAL

0268

Witnesses:

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Q. B.

degree.

Burglary in the
[Section 49]

DE LANCEY NICOLL,
District Attorney

A TRUE BILL.

Foreman.

POOR QUALITY
ORIGINAL

0269

463

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Edward T. Day and
John Smith*

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

Edward T. Day and John Smith

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

The said *Edward T. Day and John Smith*

both

late of the *seventh* Ward of the City of New York, in the County of New York aforesaid, on the
twenty-first day of *August*, in the year of our Lord one
thousand eight hundred and ninety-*two*, in the *night* time of the same day, at the
Ward, City and County aforesaid, the dwelling house of one *Adoniam Eldersden*.

there situate, feloniously and burglariously did break into and enter, there being then and there a
human being within the said dwelling house, with intent to commit some crime therein, to wit: the
goods, chattels and personal property of the said *Adoniam Eldersden*,

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

*the said Edward T. Day and
John Smith, and each of them, being
then and there assisted by a confederate
actually present to wit: each by the
other.*

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

*Deaneysville,
District Attorney*

0270

BOX:

494

FOLDER:

4506

DESCRIPTION:

Fortin, Jules

DATE:

09/28/92



4506

POOR QUALITY
ORIGINAL

0271

1336

1182

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE

vs.

Grand Larceny,
[Sections 428, 429,
Penal Code.]

Second Degree.

DR LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Sep 20/92

Foreman.

Witnesses:
Auditor official

Henry

Jules Fortin

23

S. J. Fortin

Sep 20/92

Henry J. 2509

Bill
2509 Pen
Sep 20/92

POOR QUALITY
ORIGINAL

0272

Police Court

2

District.

Affidavit—Larceny.

City and County } ss:
of New York,

Emile Pellon

of No. 238 8th Avenue Street, aged 27 years,

occupation Cook being duly sworn,

deposes and says, that on the 15 day of July 1892 at the City of New York,

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

the day time, the following property, viz:

cash value in

gold and lawful money of

the United States \$60—

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 Fortin (now here)

The said money was in the coat

pocket of deponent and the coat

was hanging on a nail in the kitchen

at No 238 8th Avenue and Deponent

is informed by Charles Taest now

here that about the hour of

11 o'clock A.M. he saw the

Sworn to before me this 15th day of July 1892
Police Justice

POOR QUALITY
ORIGINAL

0273

Defendant put his hand in the
said pocket, and subsequently the
said money was missing, and
the defendant has confessed in
open court this day, in the
presence of said Jact, that the
defendant stole said money
at said time.

Attest my hand and the
19th day of September
1892 }
John P. Ryan }
John P. Ryan }
John P. Ryan }

538

POOR QUALITY
ORIGINAL

0274

Defendant put his hand in the
said pocket, and subsequently the
said money was missing, and
the Defendant has confessed in
open court this day, in the
presence of said Juror, that the
Defendant stole said money
at said time.

On }
Subscribed and sworn to }
19th day of September }
1892 }
John Ryan }
John Fisher }

E. J. J. J.

138

POOR QUALITY
ORIGINAL

0275

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Charles Jacob
aged *42* years, occupation *Selection Store* of No.
227 7th Avenue 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 deponent's own
knowledge.

Sworn to before me, this *19*
day of *Sept* 189*2*

Charles Jacob

J. M. Ryan
Police Justice.

POOR QUALITY
ORIGINAL

0276

(1895)

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, ss.

2 District Police Court.

Jules Fortin 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.

day of

Taken before me this

Police Justice.

POOR QUALITY
ORIGINAL

0277

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

Emile Dillan
333 8th Ave
False Statist

Offense

Dated,

Sept 19 189

Magistrate.

Magistrate.

Precinct.

Witnesses

No. 1, by _____
Charles Jacob

No. 2, by _____
333 8th Ave

No. 3, by _____
Street _____

No. 4, by _____
Street _____

No. 5, by _____
Street _____

No. 6, by _____
Street _____

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 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, Sept 19 189 John Ryan Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0278

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Jules Fortin

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

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

The said

Jules Fortin
late of the City of New York, in the County of New York aforesaid, on the *15th*
day of *July* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*the sum of sixty dollars in
money, lawful money of the
United States of America,
and of the value of sixty
dollars*

of the goods, chattels and personal property of one

Emile Pelon

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

De Lasseray Nicoll
District Attorney

0279

BOX:

494

FOLDER:

4506

DESCRIPTION:

Friedman, Jacob

DATE:

09/16/92



4506

POOR QUALITY
ORIGINAL

0280

Witnesses:

Sworn
Ames
1892

Sept 18 1892
James 180th
checks, which
which he got
the proceeds

M

Counsel,

Filed

day of

Pleas

THE PEOPLE

vs.

Jacob Freeman

Forgery in the Second Degree.
[Sections 611 and 621, Penal Code.]
(Indorsement, etc.)

DE LANCEY NICOLL
District Attorney.

Sept 20 1892
Heads Quilly

A TRUE BILL.

To

James T. Lamb

Foreman.

Sept 18 1892
J. P. F.
1892

POOR QUALITY
ORIGINAL

0281

Police Court, 2 District.

City and County } ss.
of New York,

Peter Patry

of No. 299 11th Avenue Street, aged 55 years,
occupation Lumber dealer being duly sworn, deposes and says,
that on the 9th day of August 1892, at the City of New

York, in the County of New York, one Jacob Friedman
did falsely and fraudulently frame forge
deponent's name to the endorsement of
a certain check hereunto annexed, drawn
by Fred Bonbeck to the order of
deponent on the Twenty Third Ward Bank
of the City of New York for one hundred
and five dollars, dated August 9 1892.
Said Friedman was a bookkeeper
in deponent's employ and had access
to deponent's letters and papers whereby
he had facilities to forge deponent's
name to said check whereby deponent
was defrauded of the said one
hundred and five dollars. Deponent
asks that defendant be arrested
and dealt with as the law directs.

Sworn to before me this 5 day

of September 1892

[Signature]
Police Justice.

Peter Patry

POOR QUALITY
ORIGINAL

0282

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

Police Court-- 2 District.

THE PEOPLE & Co.,
ON THE COMPLAINT OF

John P. Paly

John Friedman

Offence, _____

Dated _____ 188 _____

White Magistrate.

John Taylor Officer.

Clark.

Witnesses,

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ _____ to answer _____ Sessions

POOR QUALITY
ORIGINAL

0283

Sec. 151.

Police Court 2 District.

CITY AND COUNTY }
OF NEW YORK, } ss.

*In the name of the People of the State of New York; To the Sheriff of the County
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 Peter Patsy

of (No. 299 11th Avenue Street, that on the 9 day of August

1887 at the City of New York, in the County of New York,

one Jacob Friedman

did forge defendant's name to a certain
check for one hundred and five dollars
whereby defendant was defrauded of said
sum of money

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 2 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 5 day of September 1887

A. J. White
POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0284

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated _____ 188

Magistrate

Taylor *Officer.*

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.

A. Smith *Police Justice.*

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated _____ 188

The within named

Police Justice.

POOR QUALITY
ORIGINAL

0285

(1885)

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

Jacob Friedman

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

Canada

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

Answer.

446 West 24th St 5 years

Question. What is your business or profession?

Answer.

Book keeper

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
Friedman*

Taken before me this

day of

189

Police Justice.

POOR QUALITY
ORIGINAL

0286

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

Police Court...
District.

172

1127

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Pete Patsy
299-
Jacob Friedman

Offense

Loose
Foxy

Dated, Sept 16, 1892

White
Magistrate.

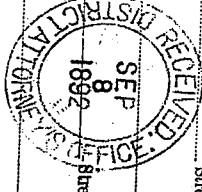
Taylor
Officer.

Witnesses _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____



1500 to answer
Sept 2 last
Indorsement

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 _____

Jacob Friedman

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, Sept 16, 1892

Police Justice.

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated, _____ 189

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated, _____ 189

Police Justice.

POOR QUALITY
ORIGINAL

0287

EDGAR J. PHILLIPS.

PHILLIPS & AVERY,
ATTORNEYS & COUNSELLORS AT LAW,
154 Nassau Street, Tribune Building.

FRANK M. AVERY.

Dist atty
ny co.

New York Sept. 1892

Please deliver to Phillips
& Avery check with you used
in case of Jacob Freedman.
Check is for about \$105 —
I want the check to use to
get reimbursement from
the bank.

Peter Patry

Encl - Sept 16

POOR QUALITY
ORIGINAL

0288

Oct 4 1892

Received from the Clerk's
Office Court of General
Sessions the check within
referred to be held by
Mr. Pabst Subject to order
of the Court

Received
Atty for P. Pabst

POOR QUALITY
ORIGINAL

0289

524

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob Friedman

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

Jacob Friedman
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

Jacob Friedman
late of the City of New York, in the County of New York aforesaid, on the ninth
day of August in the year of our Lord one thousand eight hundred and
ninety-two, at the City and County aforesaid, having in his custody a
certain instrument and writing, in the words and figures following, that is to say:

New York, Aug. 9th 1892. No. 125.
Twenty Third Ward Bank
of the City of New York
Pay to the
Order of P. Patry \$105 ¹⁴/₁₀₀
One Hundred & five ¹⁴/₁₀₀ Dollars
Fred Bubeck

The said

Jacob Friedman
afterwards, to wit: on the day and in the year
aforesaid, with intent to defraud, at the City and County aforesaid, feloniously did forge, on the
back of the said instrument and writing
a certain instrument and writing commonly called an endorsement which said forged
instrument and writing commonly called an endorsement is as follows, that is to say:

Peter Patry

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.

POOR QUALITY
ORIGINAL

0290

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment further accuse the said *Jacob Friedman* of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Jacob Friedman* late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, having in *his* possession a certain instrument and writing, in the words and figures following, that is to say:

New York, Aug 9th 1892. No 125.
Twenty Third Ward Bank
of the City of New York
Pay to the
order of P. Patry — \$105-¹⁴/₁₀₀
One Hundred & five ¹⁴/₁₀₀ — Dollars
Fred Bubeck

on the *back* of which said ~~instrument and writing~~ there was then and there written a certain forged instrument and writing commonly called an *endorsement* which said forged instrument and writing, commonly called an *endorsement* is as follows, that is to say:

Peter Patry

with force and arms, the said forged instrument and writing then and there feloniously did utter, dispose of and put off as true, with intent to defraud, *he* the said *Jacob Friedman* 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.

DE LANCEY NICOLL,

District Attorney.