

0249

BOX:

537

FOLDER:

4889

DESCRIPTION:

Keeley, Joseph V.

DATE:

10/09/93



4889

0250

3

and Jas. F. Pendleton
1720 Bway

Counsel,

Filed, *9* day of *Nov* 189*3*

Pleads, *Not guilty of the*
charge to which by 23

THE PEOPLE

vs.

B

Joseph V. Keeley

LARCENY, 2d degree
(MISAPPROPRIATION.)
(Sections 528 and 537 of the Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Part 3. January 30/94

Foreman.

Hes on Mo of
Deputy

Witnesses:

W. B. Williams

In this case, restitution has
been made under circum-
stances showing the charge
to have been a mistapprehension
Under the circumstances the
indictment should be dismissed
Jan 30/94 Stephen J. O'Hara
District Atty

Approved
John F. White
Dist Dist Atty

0254

Police Court

2nd District.

Affidavit—Larceny.

City and County
of New York, } ss:

William B Williams

of No. 3013 road Street, aged 45 years,

occupation Stock Broker being duly sworn,

deposes and says, that on the 1st day of June 1893 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 thousand and sixty dollars
good and lawful money of the United
States

\$ 160⁰⁰/₁₀₀

the property of the New York Club in the care of
deponent as Treasurer.

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 Joseph V. Keely
from the fact that said deponent was the Cashier
of said Club. That said money was paid to
deponent by J. D. Brabner for said Club as per
receipt hereto annexed. That it was the duty
of deponent to pay said money to deponent.
That deponent has failed to pay said
money to deponent and that he has made
no entry in books kept at said Club for
said purpose and thus he has appropriated
said money to his own use unlawfully.
Deponent therefore charges the deponent
with having stolen said money and
prays that he be arrested and held to answer

W. B. Williams

Sworn to before me, this

16 day

of August

1893

Police Justice

0252

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Joseph V. Keeley*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *Hotel Metropole 1 week*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I am not guilty*

Joseph V. Keeley

Taken before me this *16*
day of *August* 189*9*

[Signature]
Police Justice

0253

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 any Marshal or Policeman of the City of New York:

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 William B. Williams of No. 35 Broad Street, that on the 1 day of June 1893, at the City of New York, in the County of New York, the following article, to wit:

Good and lawful money
to the amount and
of the value of one hundred & fifty Dollars,
the property of New York Club
was taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by J. J. Healey

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 every of you, to apprehend the body of the said Defendant and forthwith bring him 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 6 day of June 1893
W. B. Williams
POLICE JUSTICE.

0254

Police Court 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William B. Williams

vs.

Joseph V. Realey

Warrant—Larceny.

Dated August 16 1893

Fleogan Magistrate.

Spicer Officer.

The Defendant *Joseph V. Realey* taken, and brought before the Magistrate to answer the within charge, pursuant to the command contained in this Warrant.

John R. Gray Officer.

Dated August 16 1893

This Warrant may be executed on Sunday or at night.

Police Justice.

4 957 AM. 31 on A.S. Book W. on State Newspaper

0255

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

Dated, *Aug 24* 1897

[Signature]
Police Justice.

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

Relief granted

Dated, *Aug 24* 1897

[Signature]
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.

0250

Ex Aug 19th 1893
10 A.M.

E. J. F.

BAILED
Ex Aug 24th 1893

No. 1, by *P. M.*
Residence _____ Street.

No. 2, by *E. J. F.*
Residence _____ Street.

No. 3, by *Mary C. Pease*
Residence *No 249 W 84* Street.

No. 4, by _____
Residence _____ Street.

#83 W B O ~ 915
Police Court---253 1/2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mr. J. Williams
30 Broad
Joseph V. Keely

2 _____
3 _____
4 _____

Larsen
Offense

Dated, *Aug 16* 1893

Hogan Magistrate.

Foley Officer.

Court Precinct.

Witnesses *W B Williams*

No. *30 Broad* Street.

taking books & etc

where left kept in seat

No. *in which books found* Street.

been entered in file 160.100

No. _____ Street.

\$ *2000* - to answer *G.S.*

Baird

0257

New York Club,

Fifth Avenue and 35th Street.

June 1895

Sir:

In accordance with the Rules of the Club, requesting members to settle their accounts monthly, I am instructed to inform you that you are indebted to the amount of \$160.11 made upon your orders, which please remit.

J. P. Prendergast
Cashier.

EXTRACT FROM HOUSE RULES.

HOUSE RULE No. 15.—On or before the 5th day of each month all members who may be indebted to the Club for games or supplies during the previous month shall be notified of such indebtedness, which, if not paid by the 15th, will be posted.

0250

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph V. Keeler

The Grand Jury of the City and County of New York, by this indictment, accuse
Joseph V. Keeler
of the CRIME OF *Grand* LARCENY, in the second degree, committed
as follows:

The said *Joseph V. Keeler*

late of the City of New York, in the County of New York aforesaid, on the *first*
day of *June*, in the year of our Lord one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, being then and there the *clerk*
and servant of a certain association
called the New York Club,

and as such *clerk and servant* then and there having in his
possession, custody and control certain goods, chattels and personal property of the said
New York Club,

the true owner thereof, to wit: *the sum of one hundred*
and sixty dollars in money, lawful
money of the United States of
America, and of the value of
one hundred and sixty dollars.

the said *Joseph V. Keeler* afterwards, to wit:
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,
did feloniously appropriate the said *sum of money*

to his own use, with intent to deprive and defraud the said
New York Club
of the same, and of the use and benefit thereof; and the same goods, chattels and personal
property of the said *New York Club,*

did then and there and thereby feloniously steal, 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.

0259

BOX:

537

FOLDER:

4889

DESCRIPTION:

Keeley, William J.

DATE:

10/27/93



4889

0260

384

Witnesses:

Ernest Seuffert

Counsel, John O. Robinson
11 Pine St.

Filed 27th day of Oct 1893

Pleas, Guilty 30

THE PEOPLE

vs.

William J. Kealey

Grand Larceny, Second Degree.
[Sections 528, 531 - Penal Code.]

In view of the statement of
complaint in enclosed
withdrawal I recommend
the dismissal of within
in settlement.

Nov. 10. 93

Taylor
[Signature]

Part 2 Nov. 10. 93 as recd of [Signature] P.S.W.

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Edward G. Taylor

on recom. of Dist. Atty. Foreman.
indict. dist. P.B.M.
Part 2 - Nov. 10/93

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

William. J. Stealy

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

My principal reason for now asking the withdrawal of the above case is that from the facts that have come to my knowledge I now believe that the defendant did not intend to steal the property mentioned in the indictment.

In presence of
J. Stealy

E. Schaffer

0262

Dealer in
DIAMONDS,
And Manufacturer of
FINE ARTISTIC JEWELRY,
viz:
Diamond Lace Pins,
Earrings, Rings,
Bonnet and
Gents' Pins,
Studs,
Sleeve Buttons,
Lockets, Bracelets,
Chains, Watches,
Etc., Etc., Etc.

New York, Sept. 2nd 1893

PRICE LIST for

Ma William J. Keely
from E. Scheffer, #75 Tompkins St Brooklyn

4 MAIDEN LANE, 2D FLOOR, ROOM NO. 2.

TERMS: NET CASH.

AUDEMAIR'S
Celebrated
Opera and
Field Glasses,
Gold and
Celluloid
Eye Glasses,
Spectacles,
Etc., Etc.
JEWELRY
Carefully—
—Repaired.

The conditions on which this Price List and these goods are sent are: that these goods remain my property until the selection is approved by me, and that I reserve the right to charge them to the consignee if not returned withindays of their receipt.

Diamond Studs # 982.	975.	101.	991.	1003
\$ 240	192.	240.	105.	125
2 1/16	1 1/32 2/64	1 7/8 1/32	1 1/4	3/4 1/32

Net Cash

0263

Police Court

District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Ernest Scheffer

of No. 4 Maiden Lane, New York City Street, aged 49 years,
occupation Jeweler being duly sworn,

deposes and says, that on the 5th day of September 1893 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 diamond stud, No 982 on ticket, stone 2 R less $\frac{1}{16}$ value \$200
- One diamond stud, No 101 on ticket, stone $1\frac{1}{8}$ R less $\frac{1}{32}$ value \$240

the property 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 William J. Keely, of 75 Tompkins
Avenue Brooklyn, said diamond studs having been
delivered to said William J. Keely by deponent on September
2, 1893 on memorandum to be returned to deponent on September
5, 1893, the same to remain the property of deponent, the
said diamond studs and each of them has been demanded
from said Keely on and since September 5, 1893 but have
not been returned.

Ernest Scheffer

Sworn to before me, this 12th day of September 1893
of [Signature] Police Justice.

0264

Sec. 198-200.

2 District Police Court. 1882

City and County of New York, ss:

William J. Keely 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 a 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. *William J. Keely*

Question. How old are you?

Answer. *36 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *75 Tompkins Avenue Bklyn, 5 months*

Question. What is your business or profession?

Answer. *Clerk*

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 J. Keely

Taken before me this *25* day of *October* 188*3*

[Signature]
Police Justice

0265

Sec. 151.

Police Court.....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 any Marshal or Policeman of the City of New York:

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 Ernest Schaffer of No. 1 Mulholland Street, that on the 5th day of September 1897, at the City of New York, in the County of New York, the following article, to wit:

Two Diamond Studs

of the value of Two Hundred and Eighty Dollars, the property of [redacted] w. [redacted] taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by William J. Kelly

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 every of you, to apprehend the body of the said Defendant and forthwith bring him 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 12th day of October 1897 [Signature] POLICE JUSTICE.

0266

Police Court 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Ernest Schaffer

vs.

William F. Reeley

Warrant-Larceny.

Dated October 12 1893

Roch Magistrate.

Parrell Officer.

The Defendant *William F. Reeley* taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

John F. Parrell Officer.

Dated October 25 1893

This Warrant may be executed on Sunday or at night.

Police Justice.

10:15 AM 96. Mr. H. J. Beck in No. 25 Springfield Ave
Parrell

0267

Form No. 6

State of New York, } ss.
COUNTY OF KINGS,
CITY OF BROOKLYN.

Jam W. Farrell of No. *2* *1st* Police Court.
being duly sworn says that he is acquainted with the handwriting of *Joseph Beach*
the Police Justice, who issued the annexed Warrant and that
the signature to this Warrant is in the handwriting of said *Joseph Beach*
Sworn to before me this *19* day of *Oct* 188*3*

Jam W. Farrell
John Walsh
Police Justice of the City of Brooklyn.
John Walsh
Police Justice.

This warrant may be executed in the City of Brooklyn.

Dated this *19* day of *Oct* 188*3*

0260

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 *Oct 25* 18*93* *[Signature]* Police Justice.

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

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

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

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

0265

Police Court---^{W)} 140 District. ¹¹³⁹

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Ernest Schaffer
Madame Bene
Wm J Reilly

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Offence *[Signature]*

Dated *Oct 25* 1893

Rogan Magistrate.

Farrell Officer.

Court Precinct.

Witnesses _____

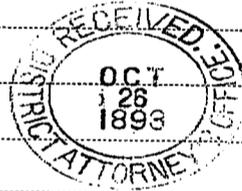
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *500* to answer *[Signature]*

Can



BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.



0270

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

THE PEOPLE OF THE STATE OF NEW YORK

against

William J. Keeley

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

William J. Keeley

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

The said *William J. Keeley*

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

two studs of the value of two hundred and forty dollars each

of the goods, chattels and personal property of one *Ernest Scheffer*

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 *William J. Keeley*
of the same CRIME OF *Grand* LARCENY, *on the*
second degree, committed as follows:

The said *William J. Keeley*,
late of the City of New York, in the County of New York aforesaid, on the
day of *September*, in the year of our Lord one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, being then and there the
bailee of one *Ernest Scheffer*

and as such *bailee* then and there having in *his* possession,
custody and control certain goods, chattels and personal property of the said
Ernest Scheffer
the true owner thereof, to wit:

two studs of the
value of two hundred and
forty dollars each

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with
force and arms, feloniously appropriate the said *studs*
to *his* own use, with intent to deprive and defraud the said *Ernest Scheffer*
of the same, and of the use and benefit thereof; and the same goods, chattels and personal property
of the said *Ernest Scheffer*

did then and there and thereby feloniously steal, 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.

0272

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kelley, James

DATE:

10/04/93



4889

0273

BOX:

537

FOLDER:

4889

DESCRIPTION:

Fox, Edward

DATE:

10/04/93



4889

0274

Kelly an exconvict

#31

Witnesses:

Off Sweeney

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

James Kelley

and

Edward Fox

Grand Juror, ^{Degree}
(From the Person)
(Sections 83, 84, Penal Code.)

Oct 10/93

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

S.P. 6 yrs 11 mo,
Oct 13/93 RBM 13

Edward G. Taylor

Oct 5/93

Foreman.

Wm. Headley

No. 2. 2 yrs S.P.
Oct 13/93 RBM

13

47
The People
Edward Fox

Court of General Sessions. Part I
Before Judge Martine. Oct. 10. 1893

Indictment for grand larceny first degree
jointly indicted with James Kelly.

Serence Rafferty, sworn and examined.

testified

I live Lock Haven, Pa., on the 29th of Sept.
of this year I was stopping at the Morton
house. I am in the lumber business. On
the night of the 29th of September I went first
to a billiard saloon upon Fourteenth St.
upon the south side between the Morton
house and Third Avenue opposite the
Academy of Music. It must have been
after nine o'clock. I stayed there probably 15 or
20 minutes and I went up Third Avenue
six or seven blocks, and then I stopped
into a place to have a glass of sherry. I
drank two glasses alone. I sat down at
a table and took one glass, a lady sat
down at the other side of the table and
spoke to me, but I did not answer;
then probably about a minute after she
sat down at the table I called for a
second glass of sherry and drank it
and I do not remember anything at
all after that until the next morning
when the policeman came and woke
me up, officer Sweeney. I think the

Court had already opened. I don't know what time it was; when I awakened I was in the station house. Then I left the Merton house that night. I had a gold watch and chain worth sixty five pounds or in American money about three hundred and twenty five dollars. I saw my watch for the last time in the Merton house.

Counsel for the defendant admits that the gold watch and chain were worn by the complainant and that they were taken from his person by the codefendant Kelly and found on Kelly's person.

Witness

I saw the watch and chain the next morning with Officer Sweeney and identified it as the one which belonged to me and which I had worn after I left the Merton house. The ring was broken from the watch. I do not believe the ring was attached to the chain when policeman Sweeney had it, but I am not sure as I did not look very closely at it.

Did you see this defendant Fox when you were aroused from your slumber by the policeman? Not until he was brought into Court. He spoke to me; he told me he had nothing at all to do with the matter. I told him I did not

know as I did not know anything at all about the case. Kelly was there at the time, he did not say anything at all. He was standing close by. I did not say anything to Kelly.

Cross-Examined: Who kept the place you were in last that night? Mr. Sweeney told me the next morning that I mentioned the name Bland, but I have no recollection of it. I do not remember when it was I went there. I have no remembrance at all from the time I drank the second glass of wine. Did not the woman who was with you take three hundred dollars off you? No, not that I know of. I had about three hundred dollars in bills when I left the Marton house. I cannot say whether she took that money or not. Who she not a "pal" of Kelly's? I do not know John J. Sweeney, sworn and examined.

I am a roundsman of police connected with the 14th precinct. I arrested Fox on the 29th of May about two o'clock in the morning. He was leaning over the person of Terence Rafferty in the doorway of 122 Third Ave. Officer Mace and myself were standing on the southwest corner of Fourteenth St. and Third Avenue. I saw two men

acting in a suspicious manner on the south east corner and I remarked to Mace, "There is something up I think." I told him to go on his post and I went into a cab on the corner of Fourteenth street and Third avenue, the same corner on which I stood. I remained in that cab about an hour. I saw Kelly and Fox come over about half an hour after I first saw them and they both stood on the corner where the complainant sat and they kept looking around. I had not seen Rafferty. I did not know he had been in the bar way. I looked out of the rear window of the cab I saw Fox step up on one side and go in the doorway where this man was and look at him and stoop down and get up in a hurry. Kelly came up on the same stoop and pushed Fox one side to his right and he stooped. Then Fox stooped. I saw them both stoop. I jumped out on the west side of the cab around the horse's head and I went down on both of them. I caught both of them by the collar, and as soon as I did I turned round and Fox put his hand on his hip

pocket and I hit him on the head with the billy. Thereabouts was Rafferty sitting when you found these two defendants standing over him? Sitting in the doorway of 122 Third Avenue. Between what streets is that? Between Thirteenth and Fourteenth. Is it the east or the west side of Third Avenue? On the west side of Third Avenue two doors from Fourteenth street. About fifty feet from where you saw the two defendants standing first? About forty or fifty feet, not more. During the hour while you were watching these two defendants standing whereabouts were they all the time at Fourteenth street? At intervals they would separate for about three or four minutes, walk down the street and back again and then get in conversation. You saw them conversing with each other? Yes, all the while when I saw them. Afterwards when you caught them over the person of the complainant Terence Rafferty in whose possession did you find the watch and chain? Officer Mace found it in the possession of James Kelly. Were you there at the time when it was taken from Kelly's person? Yes. What did the

0280

defendant Fox say when you put them under arrest? Neither one of them said anything. Did you have any conversation with either one of them on the way to the station house? No. Did you have any conversation with Fox at any time? I cannot say that I had. Did you have any conversation with Kelly at any time in the presence of Fox? I think I asked either one of them whether they knew each other or not; they claimed they did not; they said they did not know each other. Did Fox say anything to you about why he was out that hour of the morning? No. Did Kelly say anything in the presence of Fox how he got the watch and chain? No, not that I heard. This watch and chain was afterwards identified by the complainant as his? Yes, the chain was not stolen; the chain was hanging from the complainant's vest, the ring was broken off the watch. Did you see Fox put his hand on the complainant at all? No, I could not see that.

Cross Examined. Where is Officer Place? He is on his vacation. Did you have any conversation with Rafferty at all? I do

not know as I did. The information upon which this complaint was made was received from Officer Place was it not? Yes, so I believe. There was Place all this time you were in the cab? He informed me afterwards he was across the street. You are a roundsman, you saw these people acting suspiciously and you were in company with Officer Place at the time? Yes, you did tell him to keep an eye on them? Yes, I knew where he was; he was down on the other side of the street behind a truck. What was the cab doing there at the corner? It stands on that corner every night. It is a stand for cabs; several of them stand there. Where did you first see that watch? In Officer Place's hands. Did you see where he got it? Yes, I saw him put his hand in the pants pocket of Kelly and take it out. Where was Fox at the time that was done? In my custody. I had hold of him. How near to the place where Officer Place was did you see him? About two feet. You were all standing in a group? All in a group. Was anything said? All I said was to search that man.

I searched Fox and found nothing on him. I said to Klee, "Search that man." He searched Kelly and pulled out the watch. I said, "Let me have the watch," and I took the watch from him. Did Kelly say anything? No. Did Fox say anything? No, not as I remember.

Serence Rafferty recalled by Counsel for defendant. This is my signature at the bottom of this complaint. I remember signing it in the Police Court. Do you remember whether it was read to you or you read it yourself before you signed it? It was read to me I believe, I won't be positive, but I think it was read to me.

The Case for the Defence.

Edward Fox, sworn and examined.

I am 21 years old and am a waiter. I last resided at 319 West 19th Street and I was last employed in Grand Street by James Bradley, 436 Grand St. I was never arrested before, and I have been five years in this country.

What has been your business since you came here? Waiter business. State to the jury all you know about the larceny of this watch? I was on Third Avenue on the 29th inst.

0282

I was coming down from West Ninetieth St. I got up at half past two o'clock on the 29th inst., instead of getting up at half past three. I had no clock in the room and came down Third Avenue and stood on the corner of Fourteenth street waiting for a friend of mine to come down and look for a situation in the morning World. I stayed there about half an hour on the corner. I seen this man Kelly acting suspiciously around this man (the complainant) I intended to have him arrested at the same time. The officer came up and took me and Kelly in charge. Did you put your hand on Rafferty the complainant? No. Did you put a hand on Kelly? No. Did you go over to where Rafferty was sitting? No I was about three feet away away from him at the time it happened. Kelly was over the man Rafferty and lobbed him. I dont know who Kelly is. I never saw him before. Officer Place arrested me and he searched Kelly and took the watch out of Kelly's pocket in my presence. Did the officer ask you if you were acquainted with Kelly? Yes and I told him I was not.

Cross Examined: I lived with my brother at 319 West Nineteenth street; my brother kept a furnished room. At the time I was arrested I was stopping in Fifteenth street corner of Eighth Avenue and had been stopping there about two months. The reason why I gave my address in the Police Court as 319 West Nineteenth street is because I was thinking of the old address. I made a mistake at that time, giving the wrong address. My brother is not in Court and he was not here yesterday, nor was he present when the case was up in the Police Court. He is working every day. I was working as a waiter the time I was arrested. I worked over six months for Mr. Bradley. I left of my own accord because the hours were so long; they were from six in the morning until seven o'clock at night. I got the newspaper on the corner of Eighth street and Third Avenue. I was not standing on the south east corner of Fourteenth street and Third Avenue when roundsman Sweeney first saw me, but I was on that corner for a while. Did you see this man Kelly at that time while you were on the corner? No. I did not see him.

How long did you stand around that corner? About half an hour waiting for a friend of mine. James Brown is his name, he lives down town in Eighth street between First and Second Avenues. Did you expect to meet him there at that time? I expected to meet him at Fourteenth street on the corner. Did you and he meet regularly every morning while you were at work? Yes. Did he know Kelly? No. Did you meet Kelly there on that morning? No. I did not meet him at all. I don't know the first thing about Kelly. Did you meet Brown that morning? No. I did not see him, he did not come along. You were going to get your newspaper, where was your regular place of meeting with Brown? I was to meet him that morning on the corner of Fourteenth St. Is Brown in Court? No. Was he in Court yesterday? No. I did not see him. Was he in the Police Court at the time he was arraigned there? No. What is Brown's business? Waiter. Where did he wait last? I don't know. When did you become acquainted with Brown? About two years ago over in Grand street, Brooklyn. What was he doing? He was waiting over there at the time.

0288

Were you waiting there too? Yes. I walk every day. You saw Kelly on this morning around Rafferty? Yes. Did you see him do anything wrong? I did not see him do anything wrong at the time, but I saw him bending. You said you were going to get him arrested? I was watching his movements at the time. Didn't you say you were going to get him arrested? Yes. On what charge were you going to get him arrested? On the charge of robbing the man. Did you see him take anything from this man? I saw him the time the officer came up. I was going to have him arrested at the time. You were just going to call the officer when the officer came? Yes. Did you say anything to the officer with regard to seeing this man Kelly take the watch or the chain from the possession of Rafferty? No. Did you say anything against Kelly on the way to the station house to either of the officers? No. Did you say anything about this in the Police Court when you were brought up the next morning that you were going to have Kelly arrested? No. Why didn't you? I forgot all about it. Didn't you think you had better tell us

all the truth, tell us all you know about it? That is all I do know about it as far as I am concerned. Why did you not raise some alarm when you saw this man putting his hands in Rafferty's pockets and taking his watch? I did not see him; the officer came up at the time and he caught Kelly. Why didn't you tell the officer then? I did not see him at the time. Did you ever see Kelly do anything? No. Why did you want to have him arrested? I thought he was up to robbing the man; I was watching his movements at the time, I was going to have him arrested. Did you see him take the watch and chain? Yes, I seen him take it off the man. How close were you to him? I was two or three feet away at the time. You say you saw a man with whom you did not act in concert put his hands on the complainant without your knowledge and without your consent? I did not see him do it. Did you or did you not see Kelly take the watch and chain? I saw him make an attempt to ~~take~~ take it; he bent over him. Did you see it taken out of his

pocket afterwards by officer Place? Yes. Did you see it on Rafferty's person before that? Yes. Were you not watching in the mean time from the time you saw the watch and chain on Rafferty's person until you saw them taken out of Kelly's pocket - you were standing on the scene watching all the time, were you not? Yes. Did not you see Kelly put his hands upon Rafferty's person and take Rafferty's watch away from his person and put it into his pocket? No, I did not see that. I was looking up the avenue at the time. What were you looking to see, whether the policeman was ~~leaving~~ or not? No. What were you looking for up the avenue? I was watching a girl. You saw this man acting suspiciously, standing over him with a watch and chain, you wanted to have the policeman's attention called, and yet in the mean you were so much interested you looked up the street watching a girl, is that what you mean us to understand? I looked around at the time. Did you see Brown whom you were waiting to see? No. Do you know where you can find him? No. I do not. Where did you live

on the 29th of September? In Fifteenth St. corner of Eighth Avenue on the up town side there is a saloon on the corner; it is the north side of the street, it is on the east side of the Avenue, the north east corner. I live on the top floor; my brother hires the apartments; he is a single man and is in the grocery business on Eighth Avenue. I live and sleep with him for the last two months. Did you sleep there on the 29th of September? Yes. What time did you go home? I went home about half past seven o'clock that night. Did you stay in the house all that evening? Yes. I went to bed early. Did you go out again? No. I went to bed about half past eight o'clock. Was your brother home? He was home about half an hour afterwards. Did he go to bed? Yes. You and he slept together that night, that is sure is it? Yes. I got up about half past two o'clock I believe. Did anything awaken you? No. I was going to look for a situation in the paper. I got up at half past two o'clock thinking it was half past three. I got up and dressed myself and came down stairs and I walked through

Fifteenth street to Third Avenue from Eighth Avenue. I walked on the uptown side of the street. I wanted to see an advertisement in the newspaper to get a situation. Could you not get a newspaper on Eighth Avenue? Not at that hour of the morning. I was going to buy it at Eighth street and Third Avenue. You tell this jury that you left your house at half past two o'clock in the morning thinking it was half past three, that you left your home and went all the way to the corner of Eighth street and Third Avenue with the intention of buying a newspaper and for no other purpose, is that right? Yes. When was it you first thought of meeting Brown on that morning? The same morning. What hour was it when you first thought of seeing Brown that morning? I was to see him at half past four o'clock. I made the engagement the night before. I expected to meet him on Third Avenue and Fourteenth street. I stayed and waited half an hour for Brown and he did not come. I did not go to Eighth street. That morning I did not get a newspaper. I was arrested about a quarter to three o'clock.

The jury rendered a verdict of guilty of grand larceny, first degree with a recommendation to mercy.

0291

Testimony in the
case of
Edward Fox

filed

Oct 1893

403.

0292

Sept 10/93

Police Court District

Affidavit-Larceny.

1912

City and County of New York, ss.

Terence Rafferty

of No. 114th Street, aged 31 years,

occupation lumber-dealer being duly sworn,

deposes and says, that on the 29 day of September 1893 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:

A gold watch and gold chain together of the value of Three Hundred and twenty-five Dollars

\$325⁰⁰/₁₀₀

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 James Kelly and Edward Fox

(both now here) acting in concert from the fact, that, on the aforesaid date, about 2.45 AM. deponent is informed by Officer Place of the 14th Precinct Police, that he saw the defendants, above-named, in company with deponent and on placing them under arrest he found a watch and chain in possession of said Kelly which deponent identifies as his property. Wherefore deponent prays that the defendants may be dealt with according to law.

Terence Rafferty

Sworn before me, this 29 day of September 1893

John W. ... Police Justice.

0293

CITY AND COUNTY }
OF NEW YORK, } ss.

1021

Charles J. Plase

aged *29* years, occupation *Police Officer* of No.

141 Grand Police

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of

Terence Rafferty

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

Sworn to before me, this *29* day

of *September*, 189*3*

Charles J. Plase

John P. Morris

Police Justice.

0294

Sec. 198-200.

3

District Police Court.

1983

City and County of New York, ss:

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

Question. What is your name?

Answer. *James Kelly*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *153-3-Ave. 5 years*

Question. What is your business or profession?

Answer. *Painter*

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

Answer. *I am not guilty
James Kelly*

Taken before me this

day of

September 24
1895

John W. ...

Police Justice.

0295

Sec. 198—200.

District Police Court.

1882

City and County of New York, ss:

Edward Fox

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

Question. What is your name?

Answer. *Edward Fox*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *319 W. 19 St. —*

3 years

Question. What is your business or profession?

Answer. *waiter*

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

Answer. *I am not guilty - Edward Fox*

Taken before me this

day of *September* 189*3*

John A. Lawrence

Police Justice.

0296

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Two 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 29 1893 John McLeod 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.

0293

Police Court--- 3 1050 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Terence Rafferty
Merion Jones
James Kelly
Edward Fox

Offense
the person

2
3
4

Dated, *Sept. 29* 189 *3*

Voorki Magistrate.

Roundman Street Office Place
14 Precinct.

Witnesses *Comp At*
No. *310 Water* Street.

Lockhart PA
No. _____ Street.
RECEIVED
OCT 2 1893
CLERK ATTORNEY

No. _____ Street.
\$ *1000* to answer *G.S.*

Com

Ex 1
answer

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

0298

Police Court--- 3 1050 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Terence Rafferty
McDonough
James Kelly
Edward Fox

Offense
Jarcey from
the person

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, *Sept. 29* 189 *3*

Noon Magistrate.
Roundman Green Office Place
14 Precinct.

Witnesses *Comp at*
No. *310 Water* Street.

Lockwood Pa
No. Street.
RECEIVED
661
2
1893
STRICT ATTORNEY

No. *1000* *G.S.* Street.
\$ *1000* to answer *G.S.*

Com
E.H. Mum

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
James Kelley
and
Edward Fox

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

James Kelley and Edward Fox
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *James Kelley and Edward Fox*, both

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

one watch of the value of two hundred and twenty five dollars and one chain of the value of one hundred dollars

of the goods, chattels and personal property of one *Terence Rafferty* on the person of the said *Terence Rafferty* then and there being found, from the person of the said *Terence Rafferty* 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 Lacey Nicoll
District Attorney

0300

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kelly, Charles

DATE:

10/09/93



4889

0301

Witnesses:

Off Jones

A. G. H.

Counsel,

Filed

9th day of

1893

Pleas,

THE PEOPLE

vs.

F

Charles Kelly.

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

23
Burdyn
Winters

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Foreman.

J. M. 193
Heath
S. P. 2 yrs & 6 mo
R. B. M.

0302

Police Court— / District.

1081

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

of No. 1st Precinct Charles J. Lyons
occupation Policeman Street, aged 25 years,
being duly sworn,

deposes and says, that on the 3 day of October, 1893 at the City of New
York, in the County of New York attempted to be in South Ferry

he was violently and feloniously ASSAULTED and BEATEN by Charles Kelly
(now here) who pointed ~~at~~ a knife at deponent and made a lunge at deponent with said knife attempting to cut deponent, while deponent was in discharge of his duty as a police officer in uniform

Charles J. Lyons

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

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

Sworn to before me, this 4 day }
of October 1893 } Charles J. Lyons

James J. McNeill
Police Justice

0303

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Charles Kelly

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. U. S.

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

Answer. 127 1/2 Portland Avenue Brooklyn 2 years

Question. What is your business or profession?

Answer. Plumber

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

Answer. I am not guilty.
Charles Kelly

Taken before me this 7 day of Oct 1888
Wm. H. ...
Police Justice.

0304

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 two 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, Oct 4 1893

[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 h to be discharged.

Dated,..... 189.....

..... Police Justice.

0305

194

1069

Police Court--- / District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles J. Lyons
vs.
Charles Kelly

Offense
Delinious
Assault

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

2
3
4
Dated, Oct 4 189 5
Hessle
Lyons
Magistrate.
Officer.
Precinct.

Witnesses

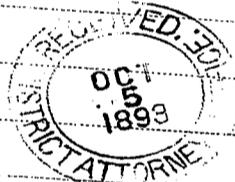
No. Street.

No. Street.

No. Street.

\$ 1000 to answer

G. S.
Committee
after



0306

Hon. Randolph Martine Judge
of the General Sessions

Your Honor

I wish to state a few facts, concerning my case. I paid a visit to a friend of my mine, living in East 124th St. on the evening of Oct 5th. We had a few drinks together, and then I left him, I took an "L" train at 126th St & 3rd Av for home, it happened to be a South going train, but I took it

0307

intending to change at Chatham
Square - After getting on the
train, I remember nothing,
my mind is a perfect blank
until I woke up the next
morning in the Old Ship
Station House. In regard to
the knife as God is my judge
I have no knowledge of ever
having seen the knife until
the officer exhibited it in the
Toombs Police court the next
morning - I am an American
born of American parents in
New York City I am 23 yrs of
age & was never arrested
before I am the support of
my mother & two sisters.

0300

Hoping that you will be as
lenient with me as possible
I remain

Yours Respectfully
Chas W. Kelly

P.S. I also wish to state that I
was a classmate of your son
in the 4th grade of Grammar
school in 115th St & 3rd Ave.
Our teachers name was Miss
McLeabe our Principals
Mr John McVary
Chas Kelly

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Kelly

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

Charles Kelly

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

The said Charles Kelly

late of the City of New York, in the County of New York aforesaid, on the third
day of October in the year of our Lord one thousand eight hundred and
ninety-three —, with force and arms, at the City and County aforesaid, in and upon
the body of one — Charles J. Lyons — in the peace of the said People
then and there being, feloniously did make an assault, and him the said
— Charles J. Lyons — with a certain knife

which the said — Charles Kelly —
in his right hand then and there had and held, ~~the~~ ^{attempt to} same being a deadly and
dangerous weapon, then and there wilfully and feloniously did ^{attempt to} strike, beat, cut, stab and
wound,

with intent — him — the said — Charles J. Lyons —
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

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

Charles Kelly

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

The said Charles Kelly

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
Charles J. Lyons in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and him the said Charles J. Lyons
with a certain knife

which the said Charles Kelly —
in his right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
~~attempt to~~ ^{attempt to} strike, beat, cut, stab and wound, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their
dignity.

Al Loney Nicoll,
District Attorney.

0310

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

THE PEOPLE OF THE STATE OF NEW YORK
against
Charles Kelly

The Grand Jury of the City and County of New York, by this indictment, accuse
Charles Kelly
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Charles Kelly*
late of the City of New York, in the County of New York aforesaid, on the *14th*
day of *October* in the year of our Lord one thousand eight hundred and
ninety-*three* —, with force and arms, at the City and County aforesaid, in and upon
the body of one — *Charles J. Lyons* — in the peace of the said People
then and there being, feloniously did make an assault, and *him* the said
— *Charles J. Lyons* — with a certain *knife*

which the said — *Charles Kelly* —
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did ~~strike~~ ^{attempt to} strike, beat, cut, stab and
wound,

with intent — *him* — the said — *Charles J. Lyons* —
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Charles Kelly
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Charles Kelly*
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
Charles J. Lyons in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *him* the said *Charles J. Lyons*
with a certain *knife*

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

Al Lancy Trull,
District Attorney.

0314

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kelly, George

DATE:

10/17/93



4889

03 12

207

Witnesses:

off Thos Hewitt
Daniel Dillon

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

George Kelly

Grand Larceny, First Degree,
(From the Person.)
[Sections 828, 830, Penal Code.]

73
Wm

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Oct 17 1893

Foreman.

Henry J. Gray

S.P. 24ms & 6mo

RS. M.

0313

Police Court 4th District.

Affidavit—Larceny.

City and County }
of New York, } ss. Daniel Dillon
of No. 517 West 141st Street, aged 38 years.
occupation Agent being duly sworn,
deposes and says, that on the 12th day of October 1893 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession

and person of deponent, in night time, the following property, viz:

One Silver Watch of the value
of Fifteen Dollars
(\$15.00)

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by George Kelly (nowhere) from the following facts, to wit: that at about the hour of 9 P.M. on the aforesaid day deponent was standing on West 54th Street and was holding the aforesaid property in his deponents hand and said deponent did seize hold of and wrench the said watch from off the chain to which it was attached and run away with the same and deponent pursued said defendant and saw said defendant throw the said watch down on the sidewalk just prior to his arrest
Daniel Dillon

Sworn to before me this 13th day of October 1893
John R. Smith
Police Justice

03 14

Sec. 193-200.

4

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

George Kelly

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

New York

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

Answer.

In home

Question. What is your business or profession?

Answer.

Labour

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.
George Kelly*

Taken before me this 14 day of April 1893
John C. [Signature]
Police Justice

03 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 Alford

Len 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, Oct 14 1893 Wm. H. Drake 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.

0316

207
Police Court--- District. 1101
1894

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Daniel Kelly
George Kelly

Offense
Larceny

1
2
3
4

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated, Oct 14 1893

Magistrate. Burke

Officer. Mrs. Heenath
Precinct. 23

Witnesses
No. Call Officer Street.
George Carrat
No. 352 E. 54 Street.

No. Street.
\$ 1000 to answer

RECEIVED
OCT 18 1893
LEON
DISTRICT ATTORNEY

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

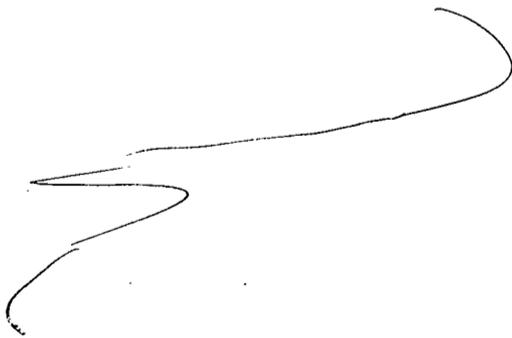
THE PEOPLE OF THE STATE OF NEW YORK
against
George Kelly

The Grand Jury of the City and County of New York, by this indictment, accuse
George Kelly
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *George Kelly*

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

*one watch of the value
of fifteen dollars*



of the goods, chattels and personal property of one *Daniel Dillon*
on the person of the said *Daniel Dillon*
then and there being found, from the person of the said *Daniel Dillon*
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*

03 10

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kelly, Peter

DATE:

10/13/93



4889

03 19

Witnesses:

Chas H Agnew

169 B W Oct 19/93

Counsel, *J. A. House* *Walter*

Filed, *13* day of *Oct* 189*3*

Pleads, *Not guilty*

THE PEOPLE

vs.

D. B.

Peter Kelly.

J. A. House
Present to the Court
at the Sessions,
Oct 20 1893

DE LANCEY NICOLL.

District Attorney.

And sent 11/19/93

VIOLATION OF THE EXCISE LAW.

(Selling to Minor.)

[Chap. 401, Laws of 1893, § 82].

A TRUE BILL.

Edward G. Taylor

F. Oct 19/93 Foreman.

0320

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Peter Kelly

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

Peter Kelly

of the crime of SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER TO A CHILD actually and apparently under the age of sixteen years, committed as follows :

The said

Peter Kelly

late of the City of New York, in the County of New York aforesaid, on the 6th day of October in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, certain strong and spirituous liquors, and certain 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 sell to one *John May* who was then and there a child actually and apparently under the age of sixteen years, to wit: of the age of seven years, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0321

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kelly, Richard

DATE:

10/30/93



4889

0322

Witnesses:

off Hartwell
off Geo. H. White

45-1

~~W.C.L.~~

Counsel,
Filed *30* day of *Oct* 1893

Pleads, *Not Guilty*

THE PEOPLE

vs.

Richard Kelly

Burglary in the Third Degree.
[Section 498, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

Part 2 Nov 13th 93

A TRUE BILL.

Edward G. Taylor

Part 2 - Nov. 13, 1893. Foreman.
Tried and Acquitted

0327

Police Court 2 District.

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

Robert W Courtney

of No. 523 Greenwich Street, aged 60 years,

occupation Dry Goods Dealer being duly sworn

deposes and says, that the premises No. 523 Greenwich Street,
in the City and County aforesaid, the said being a three story brick
building

and which was occupied by deponent as a store on the ground floor
and in which there was at the time ^{no} human being, by name

were **BURGLARIOUSLY** entered by means of forcibly breaking the
glass panes of the side light of a show
window of said store, fronting on the
street

on the 27th day of October 1888 in the night time, and the

~~following property feloniously taken, stolen, and carried away, viz:~~ attempt made
to steal a quantity of dry goods of the
value of about forty dollar
\$40.

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

John Richard Kelly (now here)

for the reasons following, to wit: Deponent is informed by
Policeman John H. White, now here, that
about the hour of 9.30 o'clock A.M.
on said date, he was patrolling his post
at the corner of Spring and Greenwich Sts,
about 75 feet from deponents store, that
he heard the breaking of glass from
the direction of deponents store and that
he immediately saw three men running

0324

from the direction of Deponent's store; that two of said men escaped; that one of said men ran into the building No 548 Greenwich Street; that he at once notified Officer Hartnet of the 8th Precinct by blowing his whistle. Deponent is informed by said Hartnet that he at said time followed the Defendant into the said building at 548 Greenwich Street and that he, said Hartnet, found said Defendant there secreted in a water closet, with his coat off. Deponent is informed by said Policeman White that immediately after the arrest of the Defendant he went to Deponent's store and there found the said show window and the wire grating thereof broken. Deponent therefore charges the Defendant with having been one of the men participating in said burglary.

R. M. Courtney

Sworn to before me this
29th day of October
1893.

[Signature]
Deputy Justice

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary
Degree

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street.

0325

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Maurice Hartnett
aged 30 years, occupation Police officer of No. 8th Precinct Street, being duly sworn, deposes and

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

Sworn to before me, this 24 day of October 1893 } Maurice Hartnett

[Signature]
Police Justice.

0326

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

aged 35 years, occupation John H. White
Police officer of No. 8
Precinct Street, being duly sworn, deposes and

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

Sworn to before me, this 24
day of October 1893

John H. White

[Signature]
Police Justice.

0327

Sec. 198-200.

2 District Police Court. 1882

City and County of New York, ss:

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

Question. What is your name?

Answer. *Richard Kelly*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *536 Greenwich St. 4 months*

Question. What is your business or profession?

Answer. *Sign painter*

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

Answer. *I am not guilty*
R. Kelly

Taken before me this *27* day of *October* 1893

[Signature]
Police Justice.

0320

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 *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 *Oct 24* 1893 *[Signature]* Police Justice.

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

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

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

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

0329

1136

Police Court---

2

District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Robert M. Courtney
523 Greenwich

Richard Kelly

2

3

4

Offender
Burglary

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated Oct 24 1893

Hogan Magistrate.

Hartnet Officer.

8 Precinct.

Witness Maurice Hartnet

No. 8th Precinct Street.

John N. White

No. 8th Precinct Street.

No. _____ Street.

\$ 1000



0330

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

THE PEOPLE OF THE STATE OF NEW YORK
against
Richard Kelly

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

Richard Kelly

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

The said *Richard Kelly*

late of the *8th* Ward of the City of New York, in the County of New York, aforesaid, on the
twenty-third day of *October*, in the year of our Lord one
thousand eight hundred and ninety-*three* in the *night* time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of
one *Robert W. Courtney*

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
Robert W. Courtney 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.

De Lancey Nicoll,
District Attorney.

0331

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kelly, William T.

DATE:

10/13/93



4889

0332

BOX:

537

FOLDER:

4889

DESCRIPTION:

Mullen, Patrick

DATE:

10/13/93



4889

0333

BOX:

537

FOLDER:

4889

DESCRIPTION:

Logue, John M.

DATE:

10/13/93



4889

0334

Kelly has been in S.P.
Muller - Pen 1 yr.

Witnesses:

Hugh O'Rielly
Off Farrell
Henry Radtke

Counsel,

Filed

day of

1893

Pleads

37
401
9/20/93

THE PEOPLE

vs.

William J. Kelly
Patrick Muller
and
John M. Logue

Grand Larceny, Second Degree
(From the Person)
[Sections 528, 541, 550 Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor
Att'y

Foreman.

Rec'd
No. 1 S.P. 2 yrs 6 mo.
" 2 - " " " " " "
" 3 - Pen - 1 yr - RB. M.

0335

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 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, October 11 1893 [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 h _____ to be discharged.

Dated, _____ 189 _____ Police Justice.

0336

1094
1884

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Hugh O'Reilly
315 E. 14th St.
1 *William Kelly*
2 *Patrick Mullin*
3 *John Logue*
4

Offense & case coming from the Prison

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, *Oct 11* 1893

Burke Magistrate.

Bernard J. Farrell Officer.

18 Precinct.

Witnesses *Henry Badstein*

No. *338 E 25* Street.

No. Street.

No. Street.

\$ *1000* to answer *G.S.*



[Handwritten scribble]

G.R. 2
[Signature]

0337

Police Court Fourth District.

1912

Affidavit—Larceny.

City and County of New York, ss.

of No. 315 East 14 Street, aged 37 years,
occupation Craftsman being duly sworn,

deposes and says, that on the 9 day of October 1893 at the City of New

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

One silver watch of the value of about
ten 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 William Kelly, Patrick Miller and John Logan, all of whom, while acting in concert, for the following reasons: That deponent, on the 8th day of October, had the said watch in the lower left hand of his vest, and attached to the said vest by a chain. That deponent is informed by Henry Badstein, that on the 9th day of October, he, Badstein, saw these three defendants in company with deponent in East 12th Street and saw the defendants bring deponent in an alleyway. That the defendants left deponent in the alleyway and went away in company with each other. That while going away after leaving deponent, he, Badstein, saw the de-

*Person
Name*

0330

defendants with a silver watch in their possession. Deponent further says that when the defendants were arrested a watch was found in the possession of the defendant Kelly, which watch Deponent Kelly and Protigely identified as his property. Wherefore Deponent Prays that the defendants be held and dealt with as the law directs.

Sworn before me
this 11th day of October 1933

Hugh O'Reilly

Wm. H. Burke
Police Justice

Hugh

0339

1900

CITY AND COUNTY }
OF NEW YORK, } ss:

POLICE COURT, S DISTRICT.

Bernard J. Farrell

of No. The 18th Street Street, aged 4 years,

occupation Police Officer being duly sworn, deposes and says,

that on the 9 day of October 1895

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

William Kelly, Thomas Smulla and John Logue

(all now here and acting in court) on the

suspicion of having committed a Larceny

and deponent asks that they may be

held to enable him to produce the complainant

in Court

Bernard J. Farrell

Sworn to before me this 9 day of October 1895

James C. Smith

Police Justice

0340

NY 13
Police Court, *9* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

William Kelly
Patrick Sullivan
John Fogar

AFFIDAVIT.
W. C. [Signature]

29 4th St 408 7 am
29 " " 296 1 am
27 " " 110 1 am

Dated, *Oct 9* 189*3*

Banks Magistrate.

Small Officer.

Witness,

Disposition, *Oct 11 9 am*
Oct 10 9 am
\$2000

034 A

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged 31 years, occupation Henry Badstein
338 E 25th Street, being duly sworn, deposes and
clothing cutter of No.

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

Sworn to before me, this 11th day } Henry Badstein
of October 1893 }

Chas. H. Burke Police Justice.

0342

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *John Logue*

Question. How old are you?

Answer. *38 yrs*

Question. Where were you born?

Answer. *NS*

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

Answer. *404 E 24 St 3 months*

Question. What is your business or profession?

Answer. *Confectioner*

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

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

Taken before me this 11
day of Dec 1893
John W. [Signature]
Police Justice.

0343

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Patrick Muller

Question. How old are you?

Answer. 26

Question. Where were you born?

Answer. U.S.

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

Answer. 296 1st Ave 2 yrs

Question. What is your business or profession?

Answer. Button maker

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

Answer. I am not guilty
Patrick Muller

Taken before me this 11
day of Oct 1893
James P. Rank
Police Justice.

0344

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. William Kelly

Question. How old are you?

Answer. 38

Question. Where were you born?

Answer. N.S.

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

Answer. Houston St 6 months

Question. What is your business or profession?

Answer. Tailor

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 S. Kelly

Taken before me this

day of

Oct

11

1893

James H. Burke

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
William J. Kelly, Patrick Mullen and John M. Logue

The Grand Jury of the City and County of New York, by this indictment, accuse
William J. Kelly, Patrick Mullen and John M. Logue
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *William J. Kelly, Patrick Mullen and John M. Logue*, all late of the City of New York, in the County of New York aforesaid, on the day of *October*, in the year of our Lord one thousand eight hundred and ninety-*three*, in the day-time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of ten dollars

[Large decorative flourish]

of the goods, chattels and personal property of one *Hugh O'Reilly* on the person of the said *Hugh O'Reilly* then and there being found, from the person of the said *Hugh O'Reilly* 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.

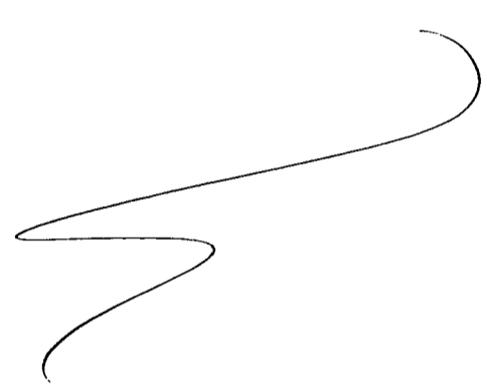
SECOND COUNT—

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

William T. Kelly, Patrick Mullen and John M. Logue
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *William T. Kelly, Patrick Mullen and John M. Logue*, all late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

one watch of the value of ten dollars



of the goods, chattels and personal property of one

Hugh O'Reilly

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

Hugh O'Reilly

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

William T. Kelly, Patrick Mullen and John M. Logue

Kelly, Patrick Mullen and John M. Logue

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.

0347

Kelly has been in S.P.
Muller - Pen 1 yr.

Witnesses:

Hugh O'Rielly
Off Farrell
Henry Dalton

Counsel,

Filed

day of

1893

Pleads

THE PEOPLE

vs.

William D. Kelly
Patrick Muller
and
John M. Logue

Grand Larceny, second Degree
(From the Person.)
[Sections 638, 639, 1770
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor
11/6/93

Foreman.

Rec'd
No. 1. S.P. 2 yrs & 6 mo.
" 2 - " " " " " "
" 3 - Pen - 1 yr - P.B. M. G.

0348

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kerrigan, George

DATE:

10/17/93



4889

0349

Witnesses:

Edward Dalton

David F. Morse

209 House

Counsel,

Filed 17 day of Oct 1893

Pleas, Not Guilty - 17

THE PEOPLE

vs.

P

George Kerrigan.

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

DE LANCEY NICOLL,

District Attorney.

P. II

Monday Oct 20/93
A TRUE BILL.

Edward G. Taylor

Foreman.

Part 2 - Oct. 24, 1893.
Tried and Acquitted.

Part 2 - Oct 24 - 1893

0350

Police Court _____ District.

1931

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

of No. 763 Mulaney Street, aged 31 years,

occupation Barber being duly sworn,

deposes and says, that on the 14 day of October 1899 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by George Arrigan (now here), who feloniously cut, lacerated and wounded with a knife, in the face, his dependent, while defendant held said knife in his hand

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

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

Sworn to before me, this 15 day of October 1899,

Edward Patton

John Ryan Police Justice.

0351

Sec. 198-200.

3

District Police Court.

1882

City and County of New York, ss:

George Kerrigan 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 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. *George Kerrigan*

Question. How old are you?

Answer. *21 Years of Age*

Question. Where were you born?

Answer. *Irish State*

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

Answer. *314 West 40th St*

Question. What is your business or profession?

Answer. *Seaman*

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 did it in defending myself*
George Kerrigan

Taken before me this
day of *Sept* 189*9*

[Signature]

Police Justice.

0352

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

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, 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.

0357

209
Police Court--- District. 1099

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Amos D. [unclear]
203 Delaney
Geo. [unclear]

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

2 _____
3 _____
4 _____

Dated, *Oct 15 1899*

[Signature]
Magistrate.

[Signature]
Officer.

[Signature]
Precinct.

Witnesses

No. *761 Delaney* Street.

[Signature]

No. *763 Delaney* Street.

No. _____ Street.

\$ *1000* to answer *[Signature]*



0354

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

THE PEOPLE OF THE STATE OF NEW YORK

against

George Kerrigan

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

George Kerrigan

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

The said

George Kerrigan

late of the City of New York, in the County of New York aforesaid, on the fourteenth day of October in the year of our Lord one thousand eight hundred and ninety-three, with force and arms, at the City and County aforesaid, in and upon the body of one Edward Dalton in the peace of the said People then and there being, feloniously did make an assault, and him the said

Edward Dalton with a certain knife

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

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

SECOND COUNT—

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

George Kerrigan

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

The said

George Kerrigan

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Edward Dalton in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Edward Dalton

with a certain knife

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

THIRD COUNT—

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

George Kerrigan

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

The said

George Kerrigan

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Edward Walton* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *knife* *Edward Walton*

which *he* the said *George Kerrigan*

in *his* right hand then and there had and held, in and upon the *face* of *him* the said *Edward Walton*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~bruise~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

Edward Walton

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.

0356

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kiley, James

DATE:

10/11/93



4889

0357

Witnesses:

Edwin Brown
Left attacked prop
of place with a knife when
caught & when resisted arrest
& had to be overcome by
Jno. - RB.M.
L

28

Counsel,
Filed 11th day of Oct 1893
Pleads,

THE PEOPLE

vs.

James Riley

41
Mason

Burglary in the Third Degree.
[Section 498, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Edward G. Taylor
Foreman.
O. J. M. 93
Thos. D. King 3 day
S. P. H. W. S. -
RB.M.
L

0350

Police Court— 5 District.

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

of No. 1906 Park Avenue Street, aged 36 years,
occupation Saloon Keeper being duly sworn

deposes and says, that the premises No. 1906 Park Avenue Street, 12 Ward
in the City and County aforesaid the said being a three story

Brick Building
and which was occupied ^{in part} by deponent as a liquor saloon & dwelling
and in which there was at the time a human being, by name

Henry W. Pappé
were **BURGLARIOUSLY** entered by means of forcibly

climbing through the fan light
over the front door of said
store.

on the 6 day of October 1889, in the night time, and the
~~following property feloniously taken, stolen, and carried away, viz:~~

[Large handwritten flourish or scribble]

~~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

James Kiley (now Lee)
for the reasons following, to wit: That at the hour of
11:30 P.M. October 5th deponent
closed said saloon and retired
for the night in the rear
room. That at about two o'clock
in the morning of October 6th de-
ponent was awakened by a
noise in said store and saw
said defendant in said store

0359

and found said fan light open. That defendant attempted to catch hold of said defendant when the defendant drew a large knife and attempted to stab defendant with it.

Wherefore defendant charges said defendant with burglariously entering said premises as aforesaid with the intent to commit some crime therein.

Sworn to before me }
this 6th day of } Henry W. Poppe.
October, 1893 }

W. W. White
Police Justice

Dated _____ 188_____ Police Justice

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

Dated _____ 188_____ Police Justice

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

Dated _____ 188_____ Police Justice

of the City of New York, until he give such bail.

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, _____ District, _____

THE PEOPLE, &c.,
on the complaint of

vs.

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated _____ 188_____

Magistrate.

Officer.

Clerk.

Witnesses,

No. _____ Street,

No. _____ Street,

No. _____ Street,

No. _____ Street,

§ _____ to answer General Sessions.

0360

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I was drunk; and I went into the premises to sleep.

James Kiley
mark.

Taken before me this

day of

189

W. J. [Signature]

Police Justice.

0361

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

Dated *October 8* 189*3* *[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 offence within mentioned. I order h to be discharged.

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

0362

Police Court--- 5 District. 1074

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry a Pappé
1906 Park Ave
James Kiley

Offence *Dr. med. am.*

1
2
3
4

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

Dated *October 6* 189 *3*

Milde Magistrate.
Brown Officer.
29 Precinct.

Witnesses *Call Office.*

No. _____ Street.

No. _____ Street.



No. *Lopp* *G* Street.
to answer

Com *Bury 3*

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

THE PEOPLE OF THE STATE OF NEW YORK

against

James Kiley

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

James Kiley

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

The said

James Kiley

late of the *12th* Ward of the City of New York, in the County of New York, aforesaid, on the
sixth day of *October* in the year of our Lord one
thousand eight hundred and ninety-*three* in the *night*-time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the ~~building~~ of
one the saloon of one Henry W. Poppe

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

Henry W. Poppe in the said *saloon*
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.

De Lancey Nicoll
District Attorney

0364

BOX:

537

FOLDER:

4889

DESCRIPTION:

Klickman, Henry

DATE:

10/11/93



4889

0365

177

X

Witnesses:

Joe Marsh
Off Craig

Counsel,

Filed

Pleads,

Osborn

16th day of *Oct*

1893

THE PEOPLE

vs.

Henry Klickman

Grand Juror, Second Degree.
(From the Person.)
[Sections 238, 239, Penal Code.]

off for term of LANCEY NICOLL,
District Attorney.

Nov - 17

Part 2 of 16.93 BSW

A TRUE BILL.

Jan 24.93

Edward G. Taylor

~~*John ...*~~

Foreman.

~~*Indians*~~

Dec 4 93

True & ...

0366

Police Court— District.

Affidavit—Larceny.

City and County of New York, ss.

of No. 91 Mulberry Street, aged 34 years, occupation Laborer

deposes and says, that on the 11th day of October 189 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 watch of the value of five dollars

the property of Alpmunt

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

Henry Kliekman (now Lee), who approached Alpmunt put his hand in Alpmunt's pocket and took the property, run away with it and when pursued dropped it

his Joseph March

830-1 Sworn to before me, this 11th day of October 1891 James J. [Signature] Police Justice

0367

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Near Kliekman 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 ~~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.

Near Kliekman

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

Germany

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

Answer.

180 Shiping St.

Question. What is your business or profession?

Answer.

Saddler

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

*his
Near Kliekman
mark*

Taken before me this

day of

1888

Police Justice

0368

and
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 Aguedant

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, Oct 17 1893 James M. [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 h to be discharged.

Dated, _____ 189 _____ Police Justice.

0369

706 1085
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph March
91 Mulberry St
New York

2
3
4

Offense
...

~~BAILED,~~

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated, *Oct 7* 189

Meade Magistrate.

Craig Officer.

6 Precinct.

Witnesses *Jim Campbell*

No. *3 days notice* Street.

Serafino Murro
No. *91 Mulberry St.* Street.

No. _____ Street.

\$ *1000* to answer *G.S.*



Commuted

0370

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Henry Klickman

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

Henry Klickman

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

The said *Henry Klickman*

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

one watch of the value of five dollars

[Large flourish]

of the goods, chattels and personal property of one *Joseph March* on the person of the said *Joseph March* then and there being found from the person of the said *Joseph March* 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

0371

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kopyy, Simon B.

DATE:

10/05/93



4889

0372

Witnesses:

Harry A. Bernstein

Note advising Geo. Jones
asst. clemency

Oct. 1/94 R.B.M.

Counsel,

Filed

day of

1893

Pleads,

Original #15

5th day of Oct 1893
City of St. Louis - 6

THE PEOPLE

vs.

Simon B. Koppy

Grand Larceny, second Degree.
[Sections 528, 529, Penal Code.]

DR. LANCEY NICOLL,

District Attorney,

Oct 20 1893

Pleads 2 deg

Pen 1 deg & 10 mo

A TRUE BILL.

Edward G. Taylor R.B.M.

Foreman.

0372

Police Court 5 District. Affidavit—Larceny.

City and County of New York, ss: Henry A. Bernstein
of No. 177 East 17th Street, aged 39 years,
occupation Merchant being duly sworn,
deposes and says, that on the 25 day of August 1898 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:

A quantity of Infants Caps
of the value of One hundred
dollars

the property of Benjamin Trach & Co, in
care 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 Simon P. Kopyny
now here, for the reason
that on said date deponent
gave said defendant said caps
as samples to sell, and said
defendant disposed of said
goods in some manner un-
known to deponent and as
said defendant refuses to
account for said goods, now
deponent charges him with
taking, stealing and carrying
away said property and
prays that he be dealt with
as the Law directs.

Henry Bernstein

Sworn to before me, this 27 day of August 1898
of New York Police Justice.

0374

Sec. 196-200.

5

1882

District Police Court.

City and County of New York, ss:

Simon B Kopp

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 a 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. *Simon B Kopp*

Question. How old are you?

Answer. *37 Years of age*

Question. Where were you born?

Answer. *Germany*

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

Answer. *28th St near Broadway*

Question. What is your business or profession?

Answer. *salesman*

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
Simon B Kopp*

Taken before me this

day of *Sept* 189*2*

Henry J. Ferriss

Police Justice.

0375

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

Dated *Sept 22* 189 *3* *Chas. F. Smith* 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 offence within mentioned. I order h to be discharged.

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

0376

Et 25 Sept 193 at 20 m. P 242 Police Court--- 5 1036 District.

\$1000 Bail
Carriage to 27 Sept 193 at 2 P.M.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry A. Bernstein
125 E 12th
Simon B. Koppay

Office
L. Aronson
Jelmy

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

2 _____
3 _____
4 _____
Dated Sept 22^d 1933
Feitner Magistrate.
Ferretti Officer.
28 Precinct.

Witnesses _____
No. _____ Street.
No. _____ Street.
No. _____ Street.



\$ 1000 to answer

Com

9/22
to Sub
clerk
as bailer

0377

*District Attorney's Office
City & County of
New York.*

RETURNED TO SENDER
CANNOT BE REPAID
AUG 10 1894
DO NOT
ENV.
IN THIS
WRAPPER.



Wm. Pennington Esq

*122
New York
City*

E 12 St

NY

0370

*District Attorney's Office,
City & County of
New York.*

August 16th, 1894.

Henry A. Bernstein Esq.

122 East 12th Street.

Dear Sir :-

The Governor has referred to this office for a report upon the merits of the application for Executive clemency made on behalf of Simon B. Kopy, who, upon your complaint, was indicted and sentenced on October 10, 1893, to imprisonment for one year and ten months.

The papers in the case do not disclose the special circumstances of it, and I would thank you to either call at this office and explain the case, or send me a statement informing me what the facts of the case are.

Truly yours,

Henry W. Wright

*Deputy Assistant and Secretary,
to the District Attorney.*

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Simon D. Koffy

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

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

The said

Simon D. Koffy

late of the City of New York, in the County of New York aforesaid, on the *25th*
day of *August* in the year of our Lord, one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, with force and arms,

*two hundred caps of the value
of fifty cents each*

of the goods, chattels and personal property of one

Henry A. Bernstein

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.

0380

Second COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said *Simon D. Kappy* of the same CRIME OF *Grand* LARCENY, in the *second degree*, committed as follows:

The said *Simon D. Kappy*

late of the City of New York, in the County of New York aforesaid, on the *twenty fifth* day of *August*, in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, being then and there the *clerk, servant and bailee* of

and as such *clerk, servant and bailee* then and there having in *his* possession, custody and control certain goods, chattels and personal property of the said

the true owner thereof, to wit:

two hundred caps of the value of fifty cents each

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, feloniously appropriate the said *Henry A. Bernstein* goods, chattel and personal property to *his* own use, with intent to deprive and defraud the said *Henry A. Bernstein*

of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said *Henry A. Bernstein*

did then and there and thereby feloniously steal, 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.

0381

BOX:

537

FOLDER:

4889

DESCRIPTION:

Kuhl, John

DATE:

10/04/93



4889

0382

BOX:

537

FOLDER:

4889

DESCRIPTION:

Santo, Ferdinand

DATE:

10/04/93



4889

0387

Witnesses:

Daniel O'Keefe

35
Counsel

Filed 14 day of Oct 1893

Pleas Guilty

THE PEOPLE

vs.

P

John Kuhl,

and P

Ferdinand Sauto.

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

add days 23
+ 107 days

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Edward G. Taylor

October 10/93

Foreman.

(Book)

Tried & Acquit

In v. Kuhl & Sauto

Pen 1/2 R. M.

0384

Police Court _____ District.

1931

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

of No. 10 Washington Daniel O'Keefe Street, aged 23 years,
occupation Salesman being duly sworn,

deposes and says, that on the 30 day of September 1893 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by
John Kuhl and Ferdinand Santo
acting in concert.

The defendant Kuhl struck him several
violent blows on the head and face
with his clenched hands and the defendant
Santo cut and stabbed him (deponent)
on the left ear with a knife which he
defendant) then and there held in his hand

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

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

Sworn to before me, this 1 day of October 1893 Daniel O'Keefe

[Signature]
Police Justice.

0385

Sec. 196-200.

District Police Court

CITY AND COUNTY OF NEW YORK

John Kuhl

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

Question. What is your name?

Answer.

John Kuhl

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

Austria

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

Answer.

10 Washington St - 1 day

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty

John X Kuhl
his
mark

Taken before me
day of *October* 1893
[Signature]
Police Justice

0386

Sec. 193-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Ferdinand Santo

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

Question. What is your name?

Answer.

Ferdinand Santo

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

Austria

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

Answer.

10 Washington St - 1 day

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

*I am not guilty
F Santo*

Taken before me this

day of *October* 1893

[Signature]
Police Justice

0387

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

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

Dated, *Oct 1* 189 *3* *[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 h to be discharged.

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

0388

1524
Police Court--- / 1051 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Daniel O'Keefe
10 Washington
vs.
John Kuhl
Ferdinand Santo

Felony
Assault
Offense

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

BAILED,

No. 1, by.....
Residence Street.

No. 2, by.....
Residence Street.

No. 3, by.....
Residence Street.

No. 4, by.....
Residence Street.

Dated, *Oct 1* 189*3*

Meade Magistrate.

Shanahan Officer.

2 Precinct.

Witnesses *Luke Murphy*

No. *10* Street.

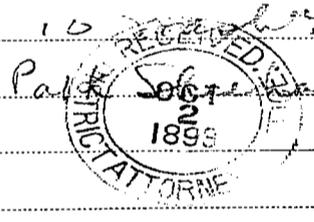
No. *5061* Street.

No. *2* Street.

No. *9.8* Street.

\$ *1000* Each to answer *G.S.*

Examined
Case 1



47
 The People
 vs.
 John Kuhl
 and
 Ferdinand Tauto

Court of General Sessions. Part I
 Before Judge Martine. October 1893
 Indictment for assault first degree.

[This case was commenced yesterday in Part I
 and the case for the people was finished. It was
 reported by Mr. Beard.]

The Case for the Defence.

Ferdinand Tauto, sworn and examined
 testified. I live at 10 Washington street with
 my wife. Kuhl, the co-defendant lives with
 me, he is not married. How long had
 you been ~~living~~ at 10 Washington street before
 you were arrested? Friday I moved into that
 place and Sunday I got into trouble. Did
 your wife go out on Saturday night upon
 an errand? Yes, a German came to
 call on me and I was about to treat
 him with a pint of beer; my wife went
 for the beer, I was undressed because I
 did not have my shoes on, and when
 she came back she was crying. She
 said that several young men were
 standing at the door and tried to take the
 beer from her, and they got hold of her
 personally; they spoke indecent language
 to her and they called her a whore
 and other indecent words. Then I
 immediately put my shoes on and

I went outside and my boarder, Mr Kuhl came after me. My wife came with me and she pointed out the people who insulted her; she pointed out the little fellow with the bandaged head (O'Keefe) Then I went up to him. I said, "Did you call this lady a whore?" He said, "yes, you son of a b h, that is none of your business." May be he did not know that it was my wife. I saw that the policeman was standing at the corner. Then I caught hold of him; I say, "if it is not my business, you come with me, I will show you it is my business." Then he jumped at me and he gave me a blow in the chest. Then the larger of the two (Murphy) he took my hat away, and in a minute the little one seized me by the throat. Then I do not know what he did with the hat but he came behind me and commenced to beat me; both commenced to beat me. Then my boarder came to help me. I am crippled in one hand and I cannot do very much with it, but with the other hand I got hold of his ear and

held on to it and said, "you have to come with me. I held on to him," as tight as I could, and I hallowed "Police." Then the others who were standing around outside in front of the door came and knocked my boarder down. They tried to hit me too, but I jumped backward to the wall and I commenced to defend myself. My wife also left them away from me. She received several blows and the marks on her body are yet to be seen. When I saw my boarder lying on the floor then I jumped away from the one that held me and went to help him. I was calling "Police" all the time and the police came and took me to the station house - they took both of us to the station house. I did not have a knife. I did not cut the man with the knife; but he gave me several blows. I did not cut the round hole in his hat. I have been in the country nearly two years. I was never arrested in my own country or here, charged with any crime before this. I have been married six months. The smaller one (O'Keefe) with the

bandaged head struck the first blow because I went to him and tried to take him to the police station.

Cross Examined: Before I ~~lived~~ moved to No. 10 Washington St. I lived in 31 Rosevelt street about three months and I lived before that in Rose St. for two months and before that I lived in Larrytown. I went to Larrytown as soon as I landed. On the night of the 30th of Sept. the night on which this assault is alleged to have been committed you were drinking very heavily were you not? I did not drink anything, I did not even taste beer which my wife brought in. Did you have any company excepting the company of your wife and boarder on the night of the 30th of September? As I said, a German friend of mine who came to call on me, Max Newman; that is why I sent out for beer. Max Newman is not in Court; he did not see anything. I understand English somewhat, but not much. Did you hear one of the witnesses for the people say yesterday that he saw your wife bring in three pints of beer on that night? It is not true. He had some beer before when we were moving but not that evening. That time of

0393

night was it when this German friend of yours, Max Newman left you? I do not know when he left me. I did not see him go away because I was arrested. When my wife came in and told me she had been insulted by men outside, Max Newman did not go out with me. My boarder and a friend named Gaja Pope came out with me. Had Kuhl been drinking anything that night? No, he was already in bed. My wife had not drunk anything, she never drinks beer. My wife pointed out O'Keefe as the man who had insulted her. I said to the policeman, "Why didn't you arrest these people?" The policeman said, "No, no, you come along." Another policeman then took O'Keefe to the station house. Did you make any charge either against O'Keefe or Murphy at the Police station? I was not given a chance to talk, and immediately they put me back into the cell. I signed the paper now shown to me, I answered the questions put to me. I told them, as I say here, that the man called my wife a whore. At the time I was asked to give an explanation of the facts appearing against me, my wife was standing near me

and she fell in a fit at that moment and I got so confused I could not speak any more when she was lying down on the floor. I told the Police Justice that he called my wife a whore and they commenced to beat me. Since I have been in America I worked for a firm; they first had their shop in Tarrytown and the shop was burned and now they have their factory in 30 Cliff street. Max Bromberger and Son, machinery and tinsmiths tools. I am a machinist; the foreman's name is John Scheckelot.

Mary Sarto, sworn and examined, testified. The defendant is my husband and the man Kuhl is my boarder. I remember the night my husband was arrested. I went out to bring in beer, I only went out one time. When you came back with the beer did you have any trouble in the hallway with anybody? Yes with the fellow who has his head bandaged. He was standing on the sidewalk near the door. I had to pass him to go into the door and as I came near him he grabbed for the beer first and then he caught hold of me; he just

reached out for me and he could not get hold of me because I ran away from him and then he called me a whore. He said, "Give me the beer," and he tried to get hold of my corn, but I ran into the hall and ran up stairs. I said, "I am not a whore, I am a married woman and have a husband. When I came in I told my husband and I cried; he was undressed and about to go to bed. I said to him, "Go out and ask that man there at the door why he called me a whore. I said, "Have him arrested for it. My husband went outside and asked him why he called me a whore. He says, "You son of a b h, what do you want with me? She is a whore." Then another one ran up to my husband and hit him in the head and took his hat away. Then the one who called me a whore, the man with the bandaged head, he got hold of my husband by the collar and got hold of his ear and held on to his ear. Then others came up and they commenced to beat me also. There were about ten of them on the complainant's side and I commenced to

Lalor "Police". The police came and I and my husband and boarder were taken to the station house. They held my boarder and my husband and they let me go home. You heard O'Keefe testify that when you came out with your husband you pointed out him and said, "this is the son of a b h, did you do that?" No. I did not.

Cross Examined. I never saw O'Keefe before that night. I never spoke to him. I don't know why he should call me a whore. I only saw him when he went to take the beer from me. Then my husband and boarder went out after I told them I had been insulted I left a little boy inside. Max Skoman came that night to see my husband about ten o'clock. I don't know what time he went away. I did not see Murphy went he went across the way to the barber shop to have the blood washed off his head. I did not see these girls that are in the Court room on the stoop near my house that night I saw that there were girls among those people; they were laughing at me. I called them no names. The jury rendered a verdict of guilty of assault in the third degree against Santo; Kuhl, not guilty.

0397

Testimony in the
case of
John Kuhl and
Ferdinand Santo

filed Oct. 1943

2052

0398

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

THE PEOPLE OF THE STATE OF NEW YORK
against

John Kull and Ferdinand Sauts

The Grand Jury of the City and County of New York, by this indictment, accuse
John Kull and Ferdinand Sauts
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *John Kull and Ferdinand Sauts*

late of the City of New York, in the County of New York aforesaid, on the *thirtieth*
day of *September* in the year of our Lord one thousand eight hundred and
ninety-*three* —, with force and arms, at the City and County aforesaid, in and upon
the body of one *Daniel O'Keefe* in the peace of the said People
then and there being, feloniously did make an assault, and *him* the said
Daniel O'Keefe with a certain *knife*

which the said *John Kull and Ferdinand Sauts*
in *their* right hands then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent *him* the said *Daniel O'Keefe* —
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
John Kull and Ferdinand Sauts
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *John Kull and Ferdinand Sauts*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
Daniel O'Keefe — in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *him* the said *Daniel O'Keefe* —
with a certain *knife* —

which the said *John Kull and Ferdinand Sauts* —
in *their* right hands then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their
dignity.

THIRD COUNT—

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

John Kuhl and Ferdinand Sauts

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

The said *John Kuhl and Ferdinand Sauts*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Daniel O'Keefe* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *knife* — *Daniel O'Keefe* —

which — *They* — the said *John Kuhl and Ferdinand Sauts* in *their* right hand *then* and there had and held in and upon the *head* and *face* of *him* the said *Daniel O'Keefe* —

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~bruise~~ *bruise* and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

Daniel O'Keefe —

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.