

0 136

**BOX:**

464

**FOLDER:**

4258

**DESCRIPTION:**

Hall, Harvey F.

**DATE:**

01/25/92



4258

0137

**BOX:**

464

**FOLDER:**

4258

**DESCRIPTION:**

Craven, Henry

**DATE:**

01/25/92



4258

Witnesses:

*Arthur Brown*

Counsel,

Filed 25 day of Jan 1892

Pleas,

184 years the people  
207 W. 32 St. N.Y.C.

Henry Hall  
207 W. 32 St. N.Y.C.  
you make ample  
Henry Craven

Burglary in the Third Degree.  
[Section 498, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Chas. T. De Lancy*

Jan 2 - Feb. 1, 1892 Foreman.  
Court Read Burglary 3rd Deg.  
Feb 14 2

*Ed. Ref. 13. Feb. 16*

New York June 30

Needs committed by  
Harvey Hall. in.

March of 1890 served 15 one  
month in Stockensack jail  
for ~~stealing~~ dealing pigeons.

June or July <sup>1890 - or 91</sup> sent to James-  
burg Reform School for  
Burglary at Cherry Hill N.J.  
escaped from there.

August <sup>91</sup> stole from my house  
a ring & revolver he pawned  
Sep. 24/91 committed Burglary  
and stole suit of cloths.  
fired his entrance.



the pawn tickets of  
ring  
revolver  
coat & vest  
Pants

have been got rid of by  
wife and she will not  
produce them. The officer  
who made the arrest  
knew that I did have  
them. at the police Court.

(Luther Brown)

New York Dec 10/92  
 To his Honor  
 Judge Fitzgerald  
 Dear Sir

In behalf of Harry Hall  
 I would like to withdraw  
 all that I have said and  
 done to him, as I think he  
 will do better if he has a  
 chance again. For when I  
 spoke to him I done it in  
 a moment of passion and  
 I am sorry for it, and the  
 disgrace of his folks and  
 father. I wish you to be  
 merciful to him and do  
 what you can in his favor.

0142

and give him another chance  
if possible. I give this to  
his father and father in law  
to give to you. please don't  
you can for him.

Yours & Oblige

Arthur Brown

P.S. and Henry Brown

0143

Police Court—5<sup>th</sup> District.City and County }  
of New York, } ss.:of No. 106 West 99<sup>th</sup> Street, aged 28 years,  
occupation Engineerdeposes and says, that the premises No 106 West 99<sup>th</sup> Street,  
in the City and County aforesaid, the said being a Dwelling House the first  
flat or floor ofand which was occupied by deponent as a Dwelling~~and in which there was at the time a person living by name~~were **BURGLARIOUSLY** entered by means of forcibly breaking the Window  
on the 1<sup>st</sup> floor of said premises thereby opening said  
Window and entering said premiseson the 9<sup>th</sup> day of January 1892 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:One Coat and Vest  
one Ladies Coat  
One Silk Muffler and  
One Revolving Pistol all of the value of  
Sixty dollars \$60<sup>00</sup>/<sub>100</sub>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  
Harvey Hall and Henry Corvett (both now in)for the reasons following, to wit: That on said day said premises were  
securely locked and fastened, at about 2 o'clock in  
the afternoon by deponent when he was  
going to business that when he returned about 7 o'clock  
P.M. he discovered that his said apartments had been  
burglariously entered as aforesaid and the said property  
taken stolen and carried away, that said defendants  
in the presence of officer Philip Fitzpatrick of the 26<sup>th</sup>  
Princel Police that they acknowledged and confessed

that they did enter said premises as aforesaid and did take steal and carry away said property, Depoynt further says that said Harry Hall gave to him two Pawn Tickets representing a portion of said property so stolen. He therefore asks that said defendants be held to answer and dealt with according to law.

John E. Kelly  
Sworn to before me this  
15<sup>th</sup> day of January 1892

Arthur Brown

Police Justice.

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Degree.

Burglary

No.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No.

Street.

0145

(1895)

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, ss.

*Sub*  
District Police Court

*Henry Hall*

being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is *h<sup>is</sup>* 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 *h<sup>is</sup>* waiver cannot be used against *him* on the trial.

Question. What is your name?

Answer. *Henry Hall*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *Long Island*

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

Answer. *no time*

Question. What is your business or profession?

Answer. *none*

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

Answer. *I am guilty*

*Henry F. Hall*

Taken before me this

*17th*

day of *August* 189*2*

Police Justice.

0146

(1885)

Sec. 198—200.

5th

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

*Henry Craven* 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. *Henry Craven*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New Jersey*

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

Answer. *201 West 32nd Street, 10 days*

Question. What is your business or profession?

Answer. *none*

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

Answer. *I am guilty*

*Henry Craven*

Taken before me this

day of *January* 189*2*

*John J. Kelly*  
Police Justice.

0147

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.....

*Henry Hall and Henry Cravie*  
guilty thereof, I order that they be held to answer the same and they be admitted to bail in the sum of

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

Dated *January 15<sup>th</sup>* 1892 *John E. Kelly* Police Justice.

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

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

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

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



0148

Diecks & Co Foster  
West 52<sup>nd</sup> St N.Y.

3<sup>rd</sup> per m R for 1890

62

Police Court-- 5<sup>th</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Arthur Brown  
106 # 89 St  
1. Harvey Keall  
2. Henry Craven  
3.  
4.

Offence per [Signature]

BAILED.

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

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

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

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

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

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

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

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

Dated January 15<sup>th</sup> 1892

J. E. Kelly Magistrate

Fitzpatrick Officer.

26 Precinct.

Witnesses Philip Fitzpatrick

26<sup>th</sup> Precinct (officer)

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

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

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

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

\$ 1000 each to answer

Leam



354  
9th 2

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 F. Hall*  
and  
*Henry Craven*

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

*Henry F. Hall and Henry Craven*

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

The said *Henry F. Hall and Henry Craven, both*

late of the *12th* Ward of the City of New York, in the County of New York aforesaid, on the  
*ninth* day of *January* in the year of our Lord one  
thousand eight hundred and ninety-*two*, with force and arms, in the *day* - time  
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

*Arthur Brown*

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 *Arthur*  
*Brown* in the said dwelling house then and there being, then and there  
feloniously and burglariously to steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York and  
their dignity.

## SECOND COUNT—

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

*Havery F. Hall and Henry Craven*

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

The said

*Havery F. Hall and Henry Craven, both*

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

*one coat of the value of twenty  
dollars, one vest of the value of  
ten dollars, one other coat of the  
value of fifteen dollars, one  
muffler of the value of five  
dollars, one pistol of the value  
of ten dollars*

of the goods, chattels and personal property of one

*Arthur Brown*

in the dwelling house of the said

*Arthur Brown*

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

*DeLancey Nicoll,  
District Attorney.*

0 15 1

**BOX:**

**464**

**FOLDER:**

**4258**

**DESCRIPTION:**

Hallen, James D.

**DATE:**

**01/28/92**



4258

0 152

**BOX:**

464

**FOLDER:**

4258

**DESCRIPTION:**

Halsey, Henry

**DATE:**

01/28/92



4258

0153

POOR QUALITY  
ORIGINAL

*H. O. O. Ball*

*B. M. Jany 28/92*

Witnesses:

*Wm. Jones*  
*Therapy John J. G.*  
*Benedict S. W.*  
*Offr. O. Reilly*

Counsel *J. D. Hallen*  
Filed *28/92* day of *May* 1892  
Both Plead *Not Guilty (March 24)*

THE PEOPLE

vs. *VA*

*James O. Hallen*  
and *A. B.*  
*Henry Stacey*

*Conspiracy*  
(Sec. 16 & Penal Code)

*Chas. Jany 28/92*  
DE LANCEY NICOLL,  
District Attorney.

Bailed by  
*Clara E. Hallen*  
*10 + Harkley Pl*  
*Ny*

A TRUE BILL.

*Chas. J. DeForest*

*Pol 173. May 5/92*  
*W. Dick des 8m Foreman.*  
*W. Dancy & Baid*  
*esch. Fid*

In my opinion the evidence  
in this case will not  
warrant a conviction.  
I recommend the  
dismissal of this indictment.

*May 5/92*  
*V. M. Danc*  
*ant*

0154

POOR QUALITY  
ORIGINAL

#1000 Bail

(501)

Witnesses:

Wm. Jones  
Sheriff John J. Gorman  
Benjamin S. Wise  
Offr. O'Reilly

Bailed by  
Clara Estallen  
70 + Hudson St  
NY

#7  
Bailed by  
Alfred Stern  
Emery 129 E 17<sup>th</sup>

In my opinion the evidence  
in this case will not  
warrant a conviction.  
I recommend the  
disposal of this indictment.  
May 5/92 U.M. Dams.  
ant

Counsel,

Filed

day of Aug 1892

Both Pleads,

THE PEOPLE

vs.

James D. Mallon  
and

Henry Stalvey

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Alfred DeLozier

Freeman.

Edw. A. Baile  
Besch.

Thurman G. Jones  
against

James D. Hallen

Charged with  
Perjury  
Perjury  
Perjury  
Police Justice  
September 21st

James Lyon called by the  
people being duly sworn  
deposes and says

By the Court

Where do you reside?

At 1185 Madison Avenue.

What is your business?

At Law the Deputy Clerk  
even of the Supreme Court  
and Calaveras Clerk.

Have as much as your  
charge of the calendar of the  
Circuit of the Supreme Court.

Deposits.

Do you remember of having  
made a search in the  
at the Court of the  
at the Court of the



of that paper  
Q Is that paper in your handwriting?

A And you find by that paper  
that there is no note of issue  
filed there?

A Yes Sir between the dates  
mentioned in that paper there  
is no note.

Q Do you have a record for the  
payment of jury fees?

A There is no record except  
of the trial of the case.

Q Is it possible that a jury fee  
would be paid for this case  
when no note of issue was  
filed?

A It is not.

Q By Mr. Hallan  
I have you swear no jury fee  
was paid?

A I will not swear between  
those dates only.

Complaints Examined  
 by Mr. Hallen  
 Q Where do you reside?  
 A 511 3rd St Brooklyn  
 Q How long have you resided  
 there?  
 A A bout six or and over  
 Q Where did you reside previous  
 to that?  
 A Quincy Mass Brooklyn  
 Q What business were you in  
 on November 30th 1890?  
 A As with the collection business  
 Q Where at?  
 A 280 Broadway  
 Q Under what name?  
 A The United States Mercantile  
 collection agency  
 Q A corporation organized under  
 the laws of the State of New York  
 A Yes  
 Q Where was that company  
 organized?  
 A In August 1889

4

Q Have you got the certificate of Incorporation?

A I have not got it here.

Q Where is it?

A In the office.

Q Will you produce it?

A I will.

Q Have you any books of the organization of that company?

A We have.

Q Produce one, they?

A At the office.

Q Will you produce them?

A Yes, unless the Court orders me to do so.

Q Is it not stated in the books of the Corporation, the original minutes kept by the organization and the officers of the Corporation are?

Objected to Sustained Exception

Q Do the minutes books of the Corporation state what salary Mrs. Hallen was to receive?

5

as attorney for the company  
 A they do

Will you produce them?  
 As the court so orders I will  
 go if you remember making  
 a charge against Mr Hallen  
 before this Honor Justice O'Reilly  
 in which you charged that  
 Mr Hallen stole an this claim  
 the sum of \$35.00 dollars,  
 Aborted to By the court (the court)  
 Tercentum

Of Mr Jones in all cases brought  
 by Mr Hallen while in the  
 office of the United States  
 Commercial Collection agency  
 in whose names were the  
 suits brought as attorney?  
 A Mr Hallen was the attorney  
 of record in those cases  
 Of course they brought in  
 his name as attorney of  
 record?  
 A Of course they were

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Q Attorney of record for whom  
 A They were brought by the  
 clients but you were paid  
 for doing them;

Q Were the cases brought by  
 Mustallen as attorney of  
 record for each individual  
 client?

A The papers will show for  
 themselves

Q Were they?

A They were

Q And now as a matter of fact  
 in all the cases brought  
 by Mustallen commenced  
 by him as attorney for the  
 plaintiff or defendant  
 in the various cases prosecuted  
 by him was Mustallen's name  
 on the papers as attorney  
 of record for the plaintiff or  
 defendant

A Of course

Q And on those papers did it

anywhere appear that the United  
 States Commercial Agency  
 or collection agency had  
 anything to do with the case  
 of Asia a corporation or  
 Commercial Agency could  
 practice <sup>law</sup> any body knows that  
 of what were Mr Hallen's duties  
 as attorney for your company  
 A. Hallen employed by the  
 company for the purpose  
 of conducting the suits that  
 were placed in the hands  
 of the company by its  
 subscribers to the company  
 The company paid Mr  
 Hallen for his services  
 and he has no interest  
 in any fees or costs nor  
 did any client pay any  
 fees or costs to him  
 More to state it and  
 of the Court Mr Hallen and  
 of what were his duties?

8  
 A To commence <sup>and</sup> amend all  
 suits that were placed in  
 his hands by the company  
 ¶ As a matter of fact was it  
 not Mr Hallen's duty to bring  
 suits with those cases wherein  
 Mr Hallen saw fit where he  
 was instructed so to do by  
 clients in any case?

A He had no option in the  
 matter at all.

¶ Is it not a fact that before  
 commencing a suit Mr  
 Hallen was instructed by  
 clients to do so?

Objected to By the Court  
 Sustained Exception

¶ Is it not a fact that Mr  
 Hallen had sole charge  
 of the business and the paper  
 in the case including the  
 case in question that was  
 put up to the time or shortly  
 before the time that he lost



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the agency?

A He had sole charge of the case from the time the suit was commenced up to the time he left the agency. After this case was commenced was it presented by Mr. Hareen as attorney without consulting with anybody in the office or with anybody except the clients in the case in which he prosecuted and defended?

A I cannot answer it yes or no I guess it is not true. Garbo did Mr. Hareen consult with?

A With me always reporting to me and getting to me to write the clients the facts in the case and the clients would decide whether or not suit would be entered.



10  
 After suit was ordered Mr  
 Hallen had entire charge  
 of the case as attorney?  
 As attorney of record employed  
 by us to conduct the  
 business for us?

Defendants counsel moves  
 to strike out the answer?

Motion denied Exception

If a suit was commenced was  
 it not true that Mr Hallen

had entire control of the case

Objected to By the Court Sustained

Was there ever a case commenced  
 or defended in the office  
 of the United <sup>States</sup> Commercial Agency  
 and collection agency  
 where any one had anything  
 to do with the prosecution  
 except Mr Hallen up to  
 the time he left?

Objected to By the Court Sustained

Was it not Mr Hallen's duty  
 to act under the direction

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of clients and use his own  
judgment in the prosecution  
or settlement of cases  
without any direction from  
the United States Commercial  
Agency.

Objected to By the Turkish Sustained  
Perception

If an action was commenced  
by Mr. Hallen under direction  
of the client named any one  
done to discontinue the suit  
without of Mr. Hallen.

Objected to By the Turkish Sustained  
Perception

In the case of Smith against  
Malapleish when the case  
was commenced did any  
body in the office have power  
or authority to settle or dis-  
continue the action without  
Mr. Hallen's consent & authority  
Objected to By the Turkish Admitted  
A It would be impossible for

anybody to do it without his  
consent and signature, he was  
the attorney of record  
Now Mr Jones after you had  
paid Mr Hallen the 13<sup>50</sup> dollars  
in the suit of Smith vs Kallfleis  
to whom did you charge that  
13<sup>50</sup> dollars?

A I charged it to H B Smith & Co  
The plaintiff in the suit  
Ayes vs  
J of Smith against Kallfleis  
which was being prosecuted  
by Hallen?

A Yes Sir I wish to correct it  
I cannot charge it to anybody  
the bookkeeper made the  
charge

Q After giving the 13<sup>50</sup> dollars  
to Mr Hallen in the case of  
Smith vs Kallfleis was  
the 13<sup>00</sup> charged on the books  
of your company

A It was

13

Q To A B Smith & Co ?  
 A It was

Q To Mr Hallens agent with the case  
 A No sir

Q To whom was it charged ?

A A B Smith & Co. United States  
 Commercial Agency

Q Were they not Mr Hallens  
 clients ?

A They were not, you never had  
 a client since from the time  
 you entered our office not  
 now. I never heard of your  
 knowing me, I am or positively  
 I never heard of it

Defendant waives further  
 examination & demands a  
 trial at Court of General  
 Sessions held under  
 \$300 Ad. to ans

(1865)

Police Court—First District.

**Affidavit-Larceny.**

City and County } ss.  
of New York, }

William C. Jones  
of No. 511 Third Street Brooklyn Street, aged \_\_\_\_\_ years,  
occupation Prest. of U.S. Commercial Agency & Coll'g Company being duly sworn,  
deposes and says, that on the 30th day of November 1889 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:

Thirteen Dollars and Fifty Cents.

the property of the United States Commercial Agency and Collecting  
Company of which this deponent is President and Treasurer

.....and that this deponent  
has a probable cause to suspect, and does suspect, <sup>and positively alleges</sup> that the said property was feloniously taken, stolen

and carried away by James D. Hallen.  
Deponent alleges as follows. That on the above mentioned day the  
said Hallen was in the employ of the above named corporation as the  
attorney upon a regular salary. That as such attorney said Hallen  
had charge of the suits and litigated business of the company.

That on the above mentioned day, viz. November 30, 1889, said Hallen received from this deponent as Treasurer the sum of \$13,50/100 to be ~~paid to~~ (and claimed by Hallen to have been paid to) the Clerk of the City and County of New York as Jury Fees in the case of the H.B. Smith Company vs Kalbfleisch. Deponent alleges that the above sum so obtained by Hallen from this deponent was not paid to the Clerk of the County of New York, but was used and kept by the said Hallen for his own use and benefit and was so fraudulently obtained and received by said Hallen and with the intent and purpose to injure and defraud the said Agency of which this deponent is the

0 169

President and Treasurer. Deponent alleges that the case had never been placed on the Calendar of the Court nor any fees whatsoever had been paid to the Clerk of New York County in said case by said Hallen.

Sworn to before me this  
25th, day of August 1891.

*Wm G Jones*

Police Justice.

Police Court First District.

City and County of New York SS.

Newton C. Lucas being duly sworn says that he has read the affidavit of William C. Jones the President of the United States Commercial Agency and Collecting Company the complainant herein. That he was the Secretary and Bookkeeper of the U.S. Commercial Agency and Collecting Company prior to and subsequent <sup>and at</sup> to the times mentioned in said affidavit of said Jones and that the statements therein contained in reference to the acts of said Hallen are true to deponents own knowledge.

Sworn to before me this  
25th, day of August 1891.

*Newton C. Lucas*  
*[Signature]*  
*Police Justice*

0171

CITY AND COUNTY  
OF NEW YORK, } ss.POLICE COURT, 1st DISTRICT.

Thomas F. Lommerford

of No. 413 E 14<sup>th</sup> Street, aged \_\_\_\_\_ years,  
occupation Clerk in N.Y.C. Clerk's office, being duly sworn deposes and says,  
that on the 9<sup>th</sup> day of April 1890.at the City of New York, in the County of New York, at the Clerk's office

for said County where this deponent is employed a search after the records in that office was made in the case of N.B. Smith Co vs Halbfleisch pending in the N.Y. Supreme Court to ascertain whether any Note of Issue to place the above named cause on the Calendar was filed - and nothing was found to have been filed & in consequence whereof no jury fees were paid to or received by the Clerk of the Supreme

Sworn to before me, this \_\_\_\_\_

of \_\_\_\_\_

188

(day)

Police Court



0172

of M. County - That such case  
was not on the Calendar.

Sworn to before me }  
Aug. 26. 1891. } Thomas L. Comerford

*[Signature]*  
Police Justice

Police Court, District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFRIDA VIT.

Dated 188

Magistrate.

Officer.

Witness,

Disposition,

0173

The Society of the New York Hospital,  
HOUSE of RELIEF, 160 Chambers St.,  
New York, *Aug 27* 1891.

1 P.M.

James Hallen is not  
in a condition to be  
sent to Court today -

John Van Rensselaer  
House Surgeon

0174

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, Aug 27<sup>th</sup> 1891.

Jas Hallen is suffering  
from nervous prostration  
and is not able to appear  
in Court this morning  
John A. Russell  
Attorney

0175

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

of No. 240 Broadway Street, that on the 20 day of November  
1887 at the City of New York, in the County of New York, the following article to wit:

Good and lawful  
many of the United States  
of the value of Thirty Dollars,  
the property of U. S. Commerce Agency  
w. taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and  
believe, by James W. Hall.

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 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 26 day of November 1887

POLICE JUSTICE

0176

136  
W  
N.S.  
Lawyer  
M  
Yes  
2307.  
7 Ave

The within named

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

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

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

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

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Warrant-Larceny.

vs.

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

\_\_\_\_\_  
Magistrate

Officer.

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

James K. Engdahl Officer.

Dated Aug 28 1889

This Warrant may be executed on Sunday or at  
night.

James K. Engdahl  
Police Justice.

0177

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty.*  
*James D. Hallen*

Taken before me this  
day of *August* 188*9*

Police Justice.

0178

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

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

Dated September 2d 1897 J. C. [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.

0179

Boston Aug 28 2.30 PM  
in Dept 1-130 PM  
2 10. a M

W/ 26 1166  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James V. Hallen

Office of  
Peter W. Henry

BAILED,

No. 1, by William Maske  
Residence Gary Gray NY

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

The Justice presiding  
in my absence will  
hear and determine  
the within case

Police Justice

Dated Aug 28 1889  
Magistrate.  
Officer.  
Precinct.

Witnesses  
No. 413-6-14<sup>th</sup> Street.

No. Street.

No. Street.  
\$ 300 to answer G. S.

Committee



0180

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 D. Hallen  
and  
Henry Halsey

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

Indictment accuse

James D. Hallen and  
Henry Halsey

of the crime of

Conspiracy

committed as follows:

The said

James D. Hallen and  
Henry Halsey, both

late of the City of New York, in the County of New York, aforesaid, on the  
twenty-fifth day of February in the year of our Lord one thousand  
eight hundred and eighty-ninety, at the City and County aforesaid,

being evil-disposed persons, and wickedly  
devising and intending not only to  
deprive one William G. Jones of his  
good name, fame, credit, and reputation  
but also to subject him, as far as in them lay, to  
the pains and penalties by the laws of this State  
made and provided against one inflicted  
upon persons guilty of the crime of grand larceny  
in the second degree, did amongst themselves unlawfully  
conspire, falsely and maliciously to procure the  
said William G. Jones to be complained of and  
arrested for having, on or about the nineteenth

day of February, in the year aforesaid, at the  
 City and County aforesaid, personally there, John  
 and arrived among the sum of eighty seven dollars  
 and fifty one cents in money, lawful money  
 of the United States of America, and of the value  
 of eighty seven dollars and fifty one cents, of  
 the former money and personal property  
 of one William A. Rogers, that he did will  
 of the said Rogers, and that he did will  
 and aforesaid, to wit: on the said twenty  
 first day of February in the year aforesaid, at the  
 said City and County of New York in presence  
 and furtherance of the said confessor, the said  
 James P. Walker and Henry Volney, willingly  
 his maliciously, wicked, violate, induce and  
 procure the said William A. Rogers, then and  
 there to go before one John J. Berman, Esquire,  
 then being one of the Police Justices of the City  
 of New York, and before the said Charles Justice  
 then and there falsely complain, charge and  
 allege that on the said nineteenth day of February  
 in the year aforesaid, at the City and County aforesaid,  
 the said William A. Rogers did personally take  
 and carry away the said former money,  
 and personal property of the said William A. Rogers.  
 And aforesaid to wit: on the said twenty first day  
 of February in the year aforesaid, at the City and  
 County aforesaid, in the furtherance  
 and furtherance of the said confessor, the said  
 James P. Walker and Henry Volney, willingly  
 did falsely and maliciously cause and procure

the said William D. Angell then and there before the said Police Justice to falsely make, subscribe and verify a certain complaint and deposition in writing wherein and whereby he did upon his oath falsely charge and accuse the said William G. Jones with having committed the said crime of grand larceny in the second degree, and did further falsely allege, swear, depose and say upon his oath, in substance and to the effect following, to wit: that he had probable cause to suspect and did suspect that the said moneys were feloniously taken, stolen and carried away by the said William G. Jones for the reasons that previous to the said nineteenth day of February in the year aforesaid, Charles Helfrich's sons were indebted to him the said William D. Angell in the sum of two hundred and thirty-one dollars and eighty-one cents, and that he placed the said claim in the hands of the United States Commercial Agency, of which the said William G. Jones purported to be the president, for collection; that on or about the said last-mentioned day, he, the said William D. Angell, received a letter and statement whereby the said agency, through its agents informed him that they had made

a settlement and endorsed a check cheque to him for the sum of one hundred and twenty-nine dollars and eighty-eight cents; a sum much less than the original amount due as aforesaid, and that he the said William D. Angell, believing the said statement and representations to be correct and true, accepted said sum in settlement of said claim: that he was informed by the said James D. Hallen that he the said James D. Hallen was in the employ of the said agency, and that the said agency was composed of no others but the said William G. Jones, and that about the said last-mentioned time, he collected the sum of two hundred and thirty-one dollars and eighty-one cents, the claim which was due the said William D. Angell from the said William G. Jones, and paid the said sum to the said William G. Jones, who received the same.

And the said James D. Hallen in the further pursuance and furtherance of the said conspiracy, afterwards to wit: on the said twenty-fifth day of February in the year aforesaid, at the City and County aforesaid, then and there before the said Police Justice did falsely and maliciously make, subscribe and verify a certain affidavit and de-

position in writing, wherein and whereby he did upon his oath falsely and maliciously swear, depose and say, (in substance and to the effect) that he had read the said complaint and deposition of the said William D. Angell, and that the facts stated therein on his information were true of his own knowledge.

And the said James D. Hallen and Henry Halsey, by so causing and procuring the said William G. Jones to be charged with and accused of the said crime, and by the making, signing, subscribing and verifying of the said complaint, and depositions, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid in the further pursuance and furtherance of the said conspiracy, unlawfully did falsely and maliciously induce and procure the said Police Justice to issue a certain warrant of arrest addressed to the Sheriff of the said County of New York, and to any marshal or policeman of the City of New York, and commanding the said Sheriff, Marshals and policemen, and every of them, to apprehend the body of the said William G. Jones and bring him before the said Police Justice, at the First District Police Court, in said City,

or in case of his absence or inability to act, before the nearest or most accessible police justice in said city, to answer the said charge, and be dealt with according to law, which said warrant was thereupon then and there placed for execution in the hands and possession of a policeman of the said city who did then and there, by virtue thereof, arrest the said William G. Jones as thereby he was commanded, and take him before the said Police Justice to answer the said charge, which said charge and complaint was thereafter in due form of law, examined by Daniel T. McMahon, Esquire, another of the Police Justices of the said city, upon which examination, there being no sufficient cause to believe the said William G. Jones guilty thereof, he the said Daniel T. McMahon Esquire, Police Justice as aforesaid, did dismiss the same, and order the said William G. Jones to be discharged therefrom -

And so the Grand Jury aforesaid do say that the said James D. Hallen and Harry Halsey, in the manner and form aforesaid, did unlawfully conspire, falsely and maliciously, to procure the said William G. Jones to be complained of and arrested for the said crime of grand larceny in the second degree, against the favor 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 Lancy Nicoll,  
District Attorney,

0 187

**BOX:**

464

**FOLDER:**

4258

**DESCRIPTION:**

Hallisey, Thomas

**DATE:**

01/29/92



4258



0 188

**BOX:**

464

**FOLDER:**

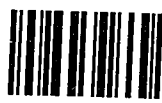
4258

**DESCRIPTION:**

Hallissey, William

**DATE:**

01/29/92



4258

POOR QUALITY  
ORIGINAL

Witnesses:

*Dec 8, 1892*  
Mrs. G. L. ...  
Thomas ...  
Martha ...  
Mrs. ...  
Paul ...  
Rich ...  
George ...  
Charles ...  
Offr ...  
William ...  
Mrs ...  
Mary ...  
Officer ...  
Officer ...

Counsel,

Filed,

day of

1892

Pleads,

THE PEOPLE

*27* vs.

Thomas Hallissey

William Hallissey

DE LANCEY NICOLL

District Attorney

June 28, 1892

Ordered to the Court

for trial

March 17, 1893

Found guilty

Murder in the First Degree

Section 183, Penal Code

with strong recommendation

to mercy of Court

with strong recommendation

to mercy of Court

with strong recommendation

to mercy of Court

with strong recommendation

to mercy of Court

0190

POOR QUALITY  
ORIGINAL

Witnesses:

deposed  
# 8, 92  
Mrs. Galla  
Florence Clark  
Martha Smith  
Mrs. Haacker  
Paul Haacker  
Rich. Krause  
George Hamilton  
Charles Muth  
Offr. Kaiser  
William Brunk  
Mrs. Halling  
Mary Mc Bride  
Officer Doyle  
Officer Hostetler

286 April 20 for trial

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE

27 J. J. H. 87 vs.

Thomas Hallisey

William Hallisey

DE LANCE NICOLL

District Attorney

A TRUE BILL.

John J. DeFord

Foreman.

W. B. P. Life

March 17, 1893

Found guilty and convicted  
murder 2nd degree  
with strong recommendation to mercy of Court

Murder in the First Degree.  
(Section 183 Penal Code)

No. 2. Discharged on his own recognizance in amount of \$1000.

COURT OF GENERAL SESSIONS.

## Part III.

The People of the State of New York, :  
 :  
 against : Before Hon.  
 : Randolph B. Mar-  
 : tine, and a jury.  
 THOMAS HALLISSEY, impleaded with :  
 :  
 William Hallissey. :  
 -----x:  
 Indictment filed January 29th, 1891.  
 Indicted for murder in the first degree.

APPEARANCES: For the People; Assistant District Attorney John F. McIntyre.

For the Defendant; Mr.  
Charles E. Le Barbier.

WILLIAM BURKE, a witness for the people, sworn testified:

I have no particular business. I last worked with the Street Department for five years. I lived with my father and mother, about the 1st of August 1891, at 242 Mott Street. I knew Thomas McLoughlin since he was a boy, he was an umbrella maker and lived in West 67th st. On the first day of August 1891, I saw him coming out of his shop with his brother, at 18 Walker Street. The three of us went into a bar-room on Church Street. It was about twelve o'clock: We had several drinks there. Then we went to Mike Smith's shop. They stayed on the corner and sent me up with a message to Mike Smith. I delivered the message and came back to them, and we went to White Street. Terry McLoughlin another brother was on the corner talking with a woman. He came across the street and shook hands with me, and then he went back to the woman and we went down on the Bowery to Joe Messinger's place,

4 or 6 Baxter Street, a clothing store. We went to various saloons and other places that afternoon, drinking constantly. We went to Tom McLoughlin's sister's and mother's house. We went to Mrs. Hallissey's house at about 8 o'clock at night. When we arrived there our condition was one of intoxication. I know Kate Hallissey. She was there together with her daughter Dolly McBride and a little girl. Tom McLoughlin was with me. There was a piano in the room. I can't tell whether it was a front or rear room. The defendant was not there to my knowledge. Dolly McBride played the piano and sang. Tom McLoughlin was standing beside her. After that McLoughlin went for some beer. After the beer was drunk, Tom McLoughlin's sister Kate and Dolly were talking for about fifteen minutes. Then we got up to go, and I went down stairs right away. I saw a shadow of a man on the stairs and I said 'Hurry up Tom'. Then I went out on the sidewalk and turned to my left and walked very fast. I was alone. I was two or three houses away from the door when I heard the shots. I heard two shots in quick succession. I turned around and saw Tom McLoughlin staggering. I don't think he was in front of the house we came out of; he was nearer to me. To the best of my judgment the time may have been between 10 and 11 o'clock. I caught him in my arms, and spoke to him; he did not answer. I held him as long as I could and then lowered him to the sidewalk until the Officer. While I held him in my arms I saw blood streaking down from his forehead. I did not see any other wound. I held him in my arms about twenty five minutes. Then two policemen

came and carried him away to the station house on a stretcher. I went with them. I have been in the House of Detention fifteen months and five days on this case. I have known the defendant since 1877. I first knew him when he was working for his father in a jewelry store in Chatham Street. I know the family pretty well.

Cross-Examination:

. It was probably in the neighborhood of one o'clock when we arrived at Massinger's the clothing store, one hour after we had started out. We had been drinking lager beer. We had 7 or 8 glasses during that hour, and 7 or 8 during the next hour. About 2 o'clock, John McLoughlin, left me and Tom and a man named Mike Smith on the corner of Mulberry and Park Row. Terry left us shortly after 12 o'clock.

. Mike Smith left us about 3 o'clock. . We then went to my mother's house, and stopped at four or five saloons on the way, drinking beer all the time. We then went to my aunt's house 133 West 28th Street. He name is Mrs. O'Reilly. The deceased was not drunk at that time. We went to make a social visit. We left there about six o'clock. We went up Sixth Ave. At 31st Street we met a man named Coburn. We went into a saloon and had another drink. We then went to McLoughlin's mother's house, and stayed there about fifteen minutes. When we came down it was raining heavily. The deceased went back for a umbrella. He suggested to go over and see his sister Kate. It was about 8 or half past 8 o'clock. I dont recollect whether we

0194

4

rode or walked. The girl Dolly was not playing the piano when we went in. She played it after Tom had asked her several times. I cannot say what she sang. The deceased was standing with his left hand on Dolly's shoulder part of the time while she was playing. He coaxed her and kissed her to play. I never budged out of one chair from the time I went in until I came out for good. I may have gotten up to shake hands with some of the people, but to the best of my knowledge all the handshaking was done when we came in. Tom McLoughlin did not stay in the room all the time, he went in and out of the room. Mrs Hallissey went in and out also. I did not see anyone else in the room but Mrs Hallissey, Dolly and the little girl. There was only one pitcher of beer sent for. There was not an angry word spoken during our visit. When we got up to go he seemed to follow me. The deceased opened the room door and slapped me on the back and said 'Away with us' I went out first. I did not hear the door shut. There was two or three flights of stairs. When I got near the street door I turned around and saw a figure, which I supposed was my friend, and I said "Hurry up". The door was open; the hallway was five or six feet wide. There was a light in the hallway, it seemed bright. The other hallway's upstairs seemed to be bright. I don't know the number of the house. There was a stoop to it, I did not wait for McLoughlin on the stoop. It was a man that I saw on the stairs not the shadow of a man. I cannot say positively that it was Tom McLoughlin. I didn't see anybody follow me out. I didn't turn round until I heard the shots.

I dont know why I didn't wait on the stoop. I dont know whether the house was on the North or South side of the street. I knew I was in East 89th Street. At the time I lived at the Corner of Prince and Mott. I cannot tell which direction I went from the house. At the time we started to go Tom McLoughlin had his iumbrella in his hand. I dont know whether it was raining when I came out but the streets were all wet. It was a very dark night. I walked at a quick pace because I wanted to get home because my father and mother were sick, not because of any occurrence. I was dressed in a light suit and a straw hat. When I turned around I saw Tom McLoughlin falling back. I did not see anybody pass or run by I did not see him have any umbrella at the time. He staggered sideways from the house towards the sidewalk. I caught him before he fell. The watchman Mr Muth came at the moment I caught him. I dont know whether I had him in my arms or on my knee when Mr. Muth came. Inthink he weighed in the neighborhood of 160 pounds. I held him until I was tired and then let him down gently on my knee. When he was staggering back w he was facing diagonally towards the house. I saw his wound at the time and saw the blood, I cannot say whether it was a bullet wound; the doctor said no, and he shoved me away, at the station house. I was in the station house when the doctors pronounced him dead. They kept me at the station house all night. I did not state at the station house, whonfired the shot I said "Old man Hallissey might have done it". It was probably two months since I saw old man Hallissey before



I have seen Tom McLoughlin and old man Hallissey together repeatedly for years, friendly as far as I knew. I said it might have been old man Hallissey because I heard they had trouble. I saw Hallissey's wife at the station house; there was also a crowd of people there; I saw the deceased there and several officers; I can only name one of the officers--Officer Keyser. I had not seen William Hallissey Jr. or Sr. or Thomas Hallissey on that day. It was the next day I saw the father of the boys at the police court. I did not say anything to him then. He spoke to me there afterwards, I suppose he was under arrest the same as I was. I saw a woman in the court room, that I took to be Mrs. Hallissey, but which was Mrs. Jolly. Since I left the House of Detention I have been at the Tomb's prison. I was put there because I am under indictment for an assault upon another man at the House of Detention.

Q. What crime or crimes have you been convicted of.  
(Witness refuses to answer the question on the ground that it may tend to criminate or degrade him.

Re-direct examination:

To my knowledge there was no altercation in Hallissey's house on that night. I could not tell who was in any of the rooms besides the one I was in. The deceased was dressed in a cutaway coat and a dark gray low shaped derby hat. William Hallissey is the one I refer to when I say old man Hallissey; the father of the defendant. . I have not been convicted of the assault which reference was made to. . When I came down the stairs of the house, I thought the

deceased would go to his house and I would go to mine.. I had not bid him good night, I expected him to follow me. . I never looked back until I heard the shot. He neither had his hat or umbrella when I caught him. When he was about to come out of the room he had his hat and umbrella in his hand.

MARTHA GUNTHER, a witness for the people, sworn, testified:

Direct examination:

I live at 312 East 119th Street.

On 1st of August 1891, I lived with Mrs. Fritz 420 East 89th Street. I was at her house on that day. She lives on the ground floor. I came from the kitchen into the hall at half past ten that evening to put the light out, when I saw three men coming down the stairs and I went after them. I heard they were at Mrs. Hallisseys. They went out the front door. I followed them out the front door and I went into the next house 418. These men were not just fighting, I saw them catch hold of one another; they were standing by 414 or 416. They were talking, I didn't hear nothing, it was not loud. One went to the middle of the street; and the one with a light suit, he held the other man, and then the other man was standing in the middle of the street he fired one shot off. The man who was holding had on a light suit, and the man who fired the shots had dark clothes on. I heard two shots and saw a flash. There was about one minute between the first and second shot. He didn't fall; the man with the light suit held him up; he held him before the shot was fired.

I did not see anybody come there after the second shot. I went and told Mrs. Fritz. I saw the man who fired the shot going up to Second avenue in the middle of the street. . I stayed in house after that. . When the first shot was fired the man with the light suit was away from the man who was shot; he had hold before the shot was fired. The man with the dark suit stood about ten feet away. He was near the gutter. . The man with the light suit went to one side when the first shot was fired. about fifteen feet away., towards Avenue A. After the second shot , four or fi e minutes, the man with the light suit came back and held the man who was shot. These men walked quickly out of the house, they were quiet when they came out. They walked close together and stopped at 414.

Cross examination.

I worked for Mrs. Fritz about ten months. She was the janitor. It was my practice to turn out all the lights in the house. I turned the gas out on all the floors first in 418. I then turned out all the lights in 420. I came out to put out the lights in 420 when I saw these men coming down stairs. I was standing in the back of the hall and I saw them pass under the light. I could not see their faces. I dont know whether the man with the light s it was first or last. When I saw them I was about to go into 418 and put out the lights. I passed them and went on the stoop of 418, and stood there talking to a girl. The men talked quietly. I could not tell what ~~they~~ said. The man with the dark suit separated from the others, when the second shot fell, he came back.

It was about four or five minutes between the shots

(The Court held a watch and the witness indicated the time between the shots)

The Court: That is just about half a minute.

Q The two shots were within that time? A. Yes sir.

I saw the man take the pistol out from his pocket behind and he was facing the man that was killed ; his back was towards me. The man whom fired the shots stood in the same place when he fired both shots.

I went right in after the second shot and told Mrs. Fritz, and then came out and there was a crowd. After the man fired the second shot he went up 89th Street and crossed First Avenue and I saw him go up between First and Second avenue, about half the block. He was running. When these shots were fired I saw nobody in the street but these three men.

I never saw them before that night. I did not know Thomas Hallissey or Thomas McLoughlin. . I put the lights out every night at ten o'clock and Saturday nights at half-past ten. I knew the Hallisseys. I did not know the brothers. I never seen them. I dont know they lived there.

MARY HALLISSEY, a witness for the people, sworn, testified.

Direct examination:

In August 1891, I lived at 420 East 89th Street, I live now in 124th Street. I am the daughter of Mrs. Kate Hallissey, who is the wife of Wm. Hallissey Sr.. My mother lived at 420 E. 89th Street on the

1st of August; my family consisted at that time of my step-father, Mr. Hallissey, my mother, two little children, two girls, William Hallissey, Thomas Hallissey and myself. The defendant lived there for a period of about three weeks before August 1st, and his brother Wm. Hallissey lived there seven or eight weeks before August 1st. We moved from 420 E. 89th st. about August 10th, 1891. We occupied five rooms on the fourth flat. Thomas Hallissey was in the premises on that morning. William Hallissey was the father of Thomas and William Jr. The three of them left the house about eight o'clock in the morning. Thomas Hallissey returned to the house that day. I saw him at the supper table about six o'clock. Wm. and Wm. Jr. were not there then. My mother and a relative of my mother were there. When he got up from the supper table he went into the front room and remained in there. My mother went out for the errands about a quarter of nine o'clock. Then there was no one in the house except the children and myself and Thomas Hallissey. About twenty minutes after nine Mr. Burke and my uncle Thomas McLoughlin called, they were not sober. When they called they came into the kitchen and spoke to me. Thomas Hallissey was in the front room, I don't know whether McLoughlin saw him or not; the front room was a parlor and there was a piano in there. Nothing was drunk in the kitchen after the men went in the parlor they sent Thomas Hallissey out for some beer. He went out and came back. My uncle came over to me and asked me to play. Burke sat by the window. My right name is McBride. I played, and then my uncle went over to Thomas Hallissey and

asked him to sing and he made no answer. Then McLoughlin gave Hallissey some money and asked him to go for some beer. He went through the bedrooms into the kitchen and from the kitchen to the stairs and returned with beer in the pitcher. He then went to the kitchen, and my uncle looked out and said he was drinking tea. Then he came back to the parlor and sat on the window sill. My uncle made the remark to "That bum is crazy" in an ordinary tone. He was about three feet away from Thomas Hallissey. Hallissey had a watch in his hand. He was opening it and snapping the case. . My uncle said "Let's see it" and he said "Dont, it's Bill's" , and then my uncle took it from his hand and he let him take it; my uncle put the watch in his pocket. Burke was sitting by the other window all this time. Thomas Hallissey said to me afterwards while my uncle was in the kitchen, "He has my watch". My mother was still out them. I returned shortly after the watch was taken, and spoke to my uncle and Burke. My uncle and my mother went to the kitchen, and Burke and Hallissey remained in the front room. Burke said "I suppose I will see you after" Hallissey didn't answer, and Burke said " Dont you understand?" and Hallissey said; Yes I understand, that is all right" Burke followed McLoughlin into the kitchen. I went into the bed room, and Hallissey came in and said to me "Tell me when they go down, " and I said, "All right. I went from there into the kitchen , and then into the bath room, and Hallisey went into the parlor. The children were disturbed by my uncle. As soon as I heard the door close I came out of the bath room, and

I saw Thomas Hallissey with his coat thrown over his shoulders just going out of the door. He shut the door of the kitchen after him. I could not see him go down stairs, or did not hear him. I stayed in the kitchen. In about three minutes I heard a shot. My mother had gone into the parlor and was looking out the window. I ran into the parlor, and then ran down to the street and up to where a man was lying. It was my uncle. I found him lying between 418 and 146. He was apparently dead. I saw blood. I don't know whether he was breathing. He was lying face down near the railing of the house. There was nobody there. Burke wasn't there. There was blood around his head on the sidewalk. I ran back and spoke to my mother. She came right down. I didn't see her until the following Tuesday. William Hennessey Sr. or Jr. were not at the house that evening. Will Hallissey got home at ten or fifteen minutes after one on Sunday morning. The killing occurred about half-past ten Saturday night. My step father came in about 12 o'clock, and two policemen took him away. I didn't see the defendant from the time he closed the door after him, until the night I saw him in the Tombs. There was a gas light opposite our house across the street and also one between 414 and 1416. There is an electric light corner First avenue and 89th St.. I could distinguish people that I knew on the street. The watch that you show me, I have seen in the possession of Tom. Hallissey. I did not see my uncle give the watch back to Hallissey at any time.

## Cross-examination.

I cannot swear that is the watch, but it looks exactly like the one. . I never saw Tom Hallissey smoke, and he does not drink that I know of. He is my step-brother. I saw the defendant every day on the premises. He does not wear mustache; always clean shaven. I never saw a collar or cravat on him. He wore a white shirt or a lawn tennis shirt. There was no quarrel in the room that night. I was playing but I wasn't singing. After McLoughlin and Burke left the parlor was left with the full light turned on.

WILLIAM BURKE recalled, further testified:

- Q. You were asked this morning if you were ever convicted of a crime; that is a proper question; you must answer it, yes or no. A. Yes sir.
- Q. How many times? A. Three.
- Q. What kind of crime? A. Larcenies
- Q. What was the character of the assault you were charged with committing at the House of Detention?
- A. Biting his ear. I have never been convicted of homicide. I knew Denny Halloran; I saw him two or three weeks before this trouble. I was shot by him, and I hit him with bottles and cut him. The defendant did not know of my former convictions, I never told him of it.



CHARLES MUTH. a witness for the people sworn, testified:

Direct examination.

I reside at 402 East 89th Street. I lived there seven years. I lived there August 1st 1891. I am janitor for Hugo Gorsh; I have the houses 1712 and 1714 First Avenue and 416 and 418 East 89th St. . I was on the downtown corner of 89th St. and First Ave. between 10 and 11, and I heard a shot. I think ten or fifteen seconds intervened between the first and second shot. I was away from the corner when I heard the first shot. I ran to the corner and looked down the street. I saw a man running across the street from the south side to the north side. He had on a dark suit. . He ran along and when he got to the corner he turned around and looked back and then put something into his pocket with his right hand. He ran up First Avenue on the East side of the Avenue. I ran into my house and got my club and rapped on the sidewalk. A young man came along dressed in a dark shirt and dark trousers, without a hat on. Another man was behind him, in white shirt sleeves, without a hat on. A policeman came and he and I went towards the spot; we saw there a man with a light suit of clothes. This man had another man in his arms who was bleeding, the bleeding man had a black mustache. I stayed there a while, and Mrs. Hallissey came down and looked at the man. The policemen took the man away. I saw Mrs. Hallissey going to the station afterwards. I never knew the defendant before that night.

Cross examination.

At the time of the shot I was about 2 30 feet on the avenue away from the corner. When I heard the shot I went towards the corner but before I got there another shot came. When I saw the man running he was the width of the street away from me. He was a midlingsized man with a dark suit on a dark hat and a black mustache. I saw his face as he went round the corner. I did not know the Hallisseys before they were arrested; I knew the father only. I saw the defendant at the coroner's office. . I was asked to identify them at the coroner's office but could not. The one I saw had a black mustache. The shots were fired about two or three seconds apart. When the man turned his face towards me on the corner I saw that he had a white shirt or collar on and a black hat. I only had a slight glance at him. I had sufficient time to see that he had a black mustache.

XAVIER M. KEYSER, a witness for the people, sworn, testified:-

Direct examination:

I am connected with the 27th precinct. I was there on the 1st of August 1891. I have been an officer since Feb. 27th, 1889. My beat on that night was 87th to 94th Street, on First Avenue. About half past ten I was coming down First Avenue from 92nd Street on the West side of the way. I heard two shots in quick succession; a boy told me a man was shot; I came down quickly to 89th Street. I found a crowd on 89th Street between the premises 146 and 418.

I saw one man in the arms of another. One of the men was Burke, I ascertained from him that the other man was McLoughlin. I saw the man was bleeding, I believe from the mouth. I sent to the station house for a stretcher and he was taken away on the stretcher. He was alive when placed in the stretcher; he died in my arms at the station house. We stripped him and found one wound on the left breast in the region of the heart, and the doctor found another wound in the left arm back of the elbow. I found the watch shown me in the left pocket of his vest. I also found the card shown me and 95 cents in money. We then carried him out to the corridor of the station house. I was present at the autopsy next day. After that I went to the house with another officer and got Mr. Hallissey in the water closet, and I took Mrs. Kate Hallissey and him to the station house. I took the elder Hallissey first at about a quarter to 11 or so, and then took Mrs. Hallissey at about 11. I got Mrs. Hallissey first. I didn't see the defendant at the house on that night. He was arrested by Detective Doyle a few days afterwards.

Cross examination:

I testified on this case before the coroner. It was about five minutes after the second shot that I reached the deceased. Burke was holding him. I did not know the Halliseys before this occurrence. I know Mrs. Hallissey now. She came down after I got there. She said nothing at the time. She said at the station house that it was her brother. I took

Burke to the station house. Burke and Hallissey Sr. didn't come together that night. I heard Burke say to Mrs. Hallissey; "Kate, if you dont tell who shot him or killed him, I will". . I cannot say whether or not I heard Burke say "Old man Hallissey fired the shot". Mrs. Hallissey was locked up that night, and then was sent to the hospital, and I was sent to Bellevue to watch her as a prisoner. She was sent there because she was about to become a mother. From the time I went to 420 and arrested Mrs. Hallissey she was in my custody until she was locked in the cell.

(Adjourned to Mar. 15th. )

Mar. 15th, 1893.

Trial resumed.

FLORENCE CLARK, a witness for the people sworn, testified:

Direct examination:-

I live with my parents at 174 East 122nd Street. On August 1st, 1891, I lived at 418 East 89th St. We occupied the third flat. I did not know the Hallisseys but by name;; I knew the daughter. I did b not know the boys. I saw one of them come out with his father in the morning.

Q Is that the one (Pointing to William)? A. Yes sir. . I was at a sociable on that evening, and came home about half past ten, I went out again to the store, and when I came back I stood at the door a few minutes

alone. I saw three men come out of 420. I was facing towards Avenue A. ; they passed me. . Two were attired in dark, and one had a light suit and a straw hat. I heard a pistol shot and that attracted my attention, and I saw the three men struggling between the two flats, 414 and 146. No one passed between the time I saw them pass and the time I heard the shot. I heard the words "fellow" and "show" very distinctly. I heard these words after I heard the first shot. I heard the words and the shot and Mrs. Golly's screams all at the same time. I saw the flash of the second shot. I saw the man with the pistol in his hand; he was standing on the sidewalk, the man that was shot was standing nearer the railing nearer 1416. The man with the light clothes was standing close to the man who was shot. The man who shot was the width of the walk away from the man who was shot; he was near the gutter. I did not see the first shot but when I looked I saw him move away from where the two men were standing towards the gutter, before he fired the second. After that I saw him run to First Avenue and along First Avenue; then I stepped to the bottom of the stoop. I don't know what kind of a hat he had on. He was attired in dark. The man who did the shooting ran up on the North side of the street.

Cross-examination:

I have been living at 174 East 127th Street since my parents moved from East 89th St. I think it is two years this past November since they moved. I returned from the sociable about half-past ten. . I did not state at the coroner's inquest that I went to

the store, I merely said I came home from the party. The lights were lit in the hallway when I returned from the candy store. I was alone on the stoop until I heard the shots. These men came out and passed in an orderly way. The words I mentioned were the only words I heard them say. I saw Mrs. Golly on the sidewalk after I heard the first shot. Nobody was standing on the stoop of 420 when I passed it. I knew William Hallissey by sight before this but I didn't know that he was a Hallissey. I did not see the defendant at the house that night for I did not see their faces. When I turned after hearing the first shot the three men were near the railing. It was a foggy night, it was too dark to distinguish their faces from where I was. They were struggling when I looked at them. The man who fired the second shot backed away from the men, from the railing towards the edge of the gutter, and from there fired the second shot. His pistol was in the hand further from me. In his right hand. I did not scream at all. I cannot say whether the man had a shirt on or not; he looked dark around the neck; he may have had his coat buttoned. I could see his face but it was so dark I could not identify it. I am perfectly sure in everything I have stated. When questioned at the coroners inquest I did not say anything about screams. Whether I stated about them or not, I heard them. I do not remember stating at the coroner's inquest that the man went to the middle of the street to fire the second shot.

After the second shot Mrs. Golly came towards me from the direction of 1st Avenue. I heard no words from these men from the time they passed the stoop I was on until after the first shot. After the second shot, the man who fired did not say anything that I heard.

. Nobody was on the stoop with me.

KATE HALLISSEY, a witness for the people, sworn, testified:-

I reside at 108 West 124th Street. I am the wife of William Hallissey Sr. . I lived on the fourth floor of 420 East 89th Street with my husband, my two babies and my daughter about the 1st of August 1891. The defendant had been living with us for about two weeks previous to that time. William Hallissey Jr. lived with us about six weeks. I lived there about two years. Thomas McLoughlin, the deceased was my brother. He was about 28. . On the first of August Thomas Hallissey went out about half-past nine and returned about four o'clock. After he had his dinner in the kitchen he went into the front room. He remained there all the evening. I went out about nine o'clock. Miss McBride and the two children were there when I went out. . The children are both under three years of age. . I got back about ten o'clock. I entered by the kitchen. There was no one in the kitchen. In the front room I found William Burke and my brother Thomas McLoughlin. Thomas Hallissey and Miss McBride were there also. Burke and my brother were both under the influence of drink. I went to the kitchen and my brother followed me. He then went into the other room to look at the children and the

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Burke and he went out together. They had no conversation with Thomas Hallissey just before they went out.

Then Tom. Hallissey came out of the front room and said to me "Are they gone?" and I said "Yes". He was dressed in a dark suit and a dark hat. I saw him go out the kitchen door. I went to the window about five minutes after my brother and Burke were on the sidewalk between 416 and 418 and Tom Hallissey was on the street. I saw him fire twice, as I opened the window. I am quite sure it was the defendant at the bar.. He was in the street a yard or two from the gutter line. The others were on the edge of the curb. I could hear no conversation, I called my daughter and asked her to go downstairs and see who was shot. When she came back I went down stairs. I saw my brother lying on the sidewalk with his back against the railing. I think Burke was standing by him. I spoke to my brother and he did not answer me. I didn't see any wound or injury, I was too frightened. . The defendant fired the two shots from the roadway; he was not on the sidewalk; after that I saw him run across the street and towards First Avenue. My brother was taken to the 88th St. Station. I was taken to the hospital; I was ill from fright; I was <sup>not</sup> about to become a mother. I saw my brother the same night, dead, at the station house. Tom Hallissey used to have a watch like the one shown me.

Cross examination:-

Tom Hallissey was sober that night. I never saw him drunk. He did not wear a mustache.. I don't remember ever seeing him with a collar, tie, or cravat.



My brother visited us very seldom. He was not very  
drunk that night. He could converse, so could Burke.  
I didn't have any conversation with them. I just said  
"Good evening". About two minutes after that McLoughlin  
came in the kitchen after me. They left about twenty  
minutes after I got home.. McLoughlin didn't sit down in  
the kitchen. He put his hat on and had his coat in  
his hand before he went out. It might have been two  
minutes after they went out that Tom Hallissey went out.  
There are five floors in the house. . There were three  
bedrooms between the parlor and the kitchen. The bath-  
room is in the rear of the kitchen and is entered from the  
kitchen. The head of the stairs is about seven yards  
from the kitchen door. After they went out Tom Hallissey  
came out from the parlor and asked me if they had gone.  
About five minutes after that I went into the parlor,  
because, from his question, I thought they might have some  
trouble on the street. The shutters were closed in the  
window I looked out of, and were open in the other  
window. I went to the left hand window. I threw the  
shutters open. As I looked out he was firing the first  
shot. The room I was in was lighted. I thought I heard  
a shot before I got to the window. I didn't notice any-  
body else in the street but Burke and my brother and the  
defendant.. After the defendant fired the second shot  
he ran across the street. Then I called my daughter  
and sent her down, and when she came back I went down.  
I fainted when I got down beside my brother. I saw  
my brother in the station house. I don't know any of the  
officers. I accused nobody of the murder in the station  
house. All Burke said to me was to tell the truth.

I went to the Court on the following Tuesday. I made a statement there that a man had killed my brother. I said that Tom Hallissey fired the shot. My husband was discharged after I made that statement. I was always friendly with my brother, and preferred him to Tom Hallissey. The defendant was in the habit of going every morning and returning for his dinner in the evening. He slept with his brother William in the room next the kitchen. I went into that room the day after they went away. I never saw a pistol with the defendant. I saw him have a watch. My cause of thinking there might be trouble was not on account of anything that Burke had done. I did not tell my husband that he tried to kiss me. My daughter Dolly McBride never went by the name of Hallissey. Everything that I have said in this case is true. My name was McBride before I married Mr. Hallissey. I was never married to any man named Kilbride. My former husband's name was John McBride. I was married to John McBride in the old Cathedral. My name before I was married was Catherine McLoughlin. I don't know anything of the man pointed out to me as John Kilbride. I have had three children, one of them died about July 17th, 1885; John McBride was it's father. I was not cited to appear in the Tomb's Police Court; I did not appear there. I was married to Hallissey six years ago. I was married about the year 1867. My oldest son is about 22; his name is John Edward McBride, the other one is called James Thomas, he is about 21; my other children were Mary McBride and Joseph Henry who died. John McBride my husband used to open oysters; I never knew him to be a crook. He

lived with me about seven years. I lived at 51 Mott Street about ten years ago. The landlord of that house was a Mr. Hox I think. Hallissey visited me once or twice while I lived in Mott St. I cant state when it was. I dont remember who it was married me to John McBride. After that I lived for about three years at 109 Charlton St. William Hallissey Sr. visited our family there. From there I moved to 88th Street. I was married to Hallissey before I moved up town. I obtained a divorce from McBride. I think I can produce a copy of the decree. . James Thomas my son is now living with me. I do not remember appearing before Judge Duffy in November 1885. I deny having seen this man in May 1885, or that he asked me to live with him, or that I had him arrested for disorderly conduct. I do not know the Rev. James Barry; he did not call on me and ask me to return to my husband. When the defendant lived with us I dont know what he worked at; he worked at nothing that I know of. I did not say anything to him to persuade him from leaving the house on the night of the homicide. The first statement I made as to the murderer was to a police officer. If Mr. Hallissey Sr. and I had not been arrested I would not have told on him. I have had four children by Mr. Hallissey. I think it was about 1887 I was married to Hallissey. He came to Charlton Street and we went to Morrisania to be married. When getting married I did not state that I had been divorced.

Michael Sheehan a witness for the people, sworn,  
testified:

I am connected with the 19th Precinct. On or about August 1st 1891, I was connected with the 27th. I have been an officer 25 years. . I was acting captain at that time. I had a conversation with the defendant at the bar at that time, and reduced it to writing. The paper shown me is my handwriting. . I took down his statement, and it was w read to him afterwards. I will need the paper to refresh my memory in stating what occurred. I asked the defendant where he lived and what he knew about the shooting affray. He was very reluctant at first and then said "I wish to make a statement". I took down his statement. as follows: " He said "On Saturday August 1st, I was sitting in the front room looking out of the window. McLoughlin and Burke came in the kitchen. Mrs. Hallissey was out and Dolly was in, and she received them in the kitchen; she fetchen them in to me; they were drunk; she lit the gas and sat down and played the piano. McLoughlin introduced Burke; he asked me to go for a pint of beer and I went. As I got down to the door I saw a man with a black mustache; he had his hand in his right front pocket; he was about 27. He looked at me suspiciously; had black derby hat, and hair chain; I walked over and got the beer. I came back with the beer. McLoughlin asked me to dring; I said I was not drinking; I told him I would go out and have a cup of tea. I came into the front room in fifteen minutes, and told McLoughlin about the man at the door, and asked him if he had any

trouble 'Oh' he said, 'that's all right'. I sat at the window, west side. . Mrs. Hallissey came into the house about twenty minutes after this, and seeing McLoughlin was drunk tried to go into the kitchen without him seeing her. He went out to the kitchen and was very noisy. Was out there about twenty minutes when I told Burke to go out and take him away. Mac. came back to me and asked me what kind of a man I saw at the door. I described him, and showed him to him; he being still at the door. He then went to kitchen and he and Burke went out. I asked Dolly if they were gone, and she said 'yes'. I went to front room and slipped on my shoes and walked to next room to kitchen and put on my coat and hat. I expected Mac. to get into a fight, and I might be able to stop it, if I got down. At the second landing my shoestring caught, and I sat down and tied it when I heard a shot; I thought it must be Mac and Burke in a fight. Went down next floor and heard another shot as I got to the door. I went outside and saw a man running up the street. I walked up to the crowd, and saw Mac. lying on the sidewalk and Burke beside him standing. I knew if I went back to the house I would be held as witness. I stood for about three minutes and walked up to Third Avenue and went down Third Avenue"

Defendant was brought by one of the officers from Headquarters about three days after the shooting. I delivered this statement to the District Attorney.

I think a witness named George W. Hamilton testified there; I don't know where he is now.

---It is admitted that an autopsy was made by Dr. William T. Jenkins one of the Coroner's physicians upon the body of the deceased. Two bullet wounds were found, and death was due to hemorrhage and shock from pistol shot.

The People rest.

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D E F E N S E .

JOHN KILBRIDE, a witness for the defendant, sworn, testified:)

Direct examination:

I am an oysterman and cook; I live at 161 Elizabeth Street. I know Kate Hallissey, she is my wife. I was married to her at Transfiguration Church, New York; on the 23rd of September 1866; the name of the woman I married was Catherine McLo ughlin. I never lived at 51 Mott St. I went up there twice a month, when I worked at the Astor House and gave her my pay. I know Father Barry; he called on Kate Hallissey four times, at my request. Some used to call me McBride on account of my wife; she didn't want Kilbride.

Cross examination:

I was subpoenaed here. I know Wm. Hallissey Sr. seven years. I only saw the defendant twice. I saw him at the Tombs: I wanted to see if he would tell me where my daughter was or my two sons.

Adjourned.

N.Y. Mar 16th, 1893.

SUSAN GOLLE, a witness for defendant, sworn, testified:-

Direct examination.

I reside at 502 East 89th St. I resided there August 1st 1891. On that evening I was walking from First Avenue to Ave. A, and I saw three men standing at the foot of 420. They walked towards me three abreast. The man on the inside was in light clothes, the man in the centre was dark and the man on the outside was dark. The men on the outside seemed to be bringing the man in the centre along against his will. When they got close to me the man in the centre broke away, saying "Now will you give it up?. Somebody made the remark; "Give the fellow a show"; I think it was Burke. Then the man who had broken away, was in the gutter, and fired the shot. He had a small mustache. He was facing me when he fired the pistol. I said at the Coroner's inquest that the build and shape of the man resembled William Ha lissey, but I could not swear to the face, except that he had a small mustache. It was dark and foggy. I saw and heard the two shots. . The man that fired the shots, took two steps forward, raised his arm and fired the pistol a second time; he faced the man.

Cross examination.-

I was going in an easterly direction; I was about at 410 when I saw them at the foot of the stoop of 420. I only saw three men there. I heard not another word besides the words I have stated. It was right after the exclamation "Give the fellow a show", that the first shot was fired. When the man fired the second shot

he was nearer to the man than when he fired the first. He took aim. Burke was standing about ten feet away from the man who fired the first time; when he made two steps forward he came nearer to Burke. I cannot swear who did the shooting. After the shooting Burke stayed there and the man who fired went across the street and up to the corner and stood there for a while, when a man came running up from Avenue A. in his shirt sleeves, and then the man who fired ran towards First Avenue; this man had on dark pants and vest; he ran by and ran after the man who fired; this man came from some point further down that 420, towards Avenue A.; he did not stop at the body; I did not see him again. I went up on the stoop of 418, and I saw McLoughlin stagger and Burke held him and lowered him to the ground: Burke said "Won't some of you folks come here?", and by that time a policeman came running down. The man who did the shooting had on a black tie or scarf. I could not see any vest; he had on a light shirt, I don't know what kind it was. These men passed within five feet of me; they appeared as if they were pulling him. I did not see anything in the hands of either of the men.

AMELIA HAACKER a witness for defendant, sworn, testified:---

Direct examination:

I am married. I understand what I am here for. I testified before the Coroner's jury. I live at 325 East 83rd Street. On the first of August 1891, I lived at 414 East 89th St. I was in the house on that evening on the ground floor together



with a friend and my husband. About half past ten my attention was attracted by hearing some words, and also a shot; when I heard the shot I went to the window and opened the shutters; I saw a man standing with a pistol in his hand, right in front between the two houses. I only saw two men. I saw the second shot; the man with the pistol was tall, a black mustache, dark clothes, and a dark straw hat. I then went away from the window, I was so excited.

Cross examination:

The man fell slowly. I am sure the man who fired had on a dark straw hat; he was about ten feet from the window; when he fired the second shot he was on the sidewalk and near the gutter; he was in the middle of the sidewalk.; The man fell back on the railing I then sat down, and after a while my husband went out. He was dressed in a dark suit and had on a necktie. When he went outside it was only to the door. The man who did the shooting had a mustache, and he was tall, and slight; I don't remember what his complexion was like..

PAUL H. HAACKER a witness for the defendant, sworn, testified:

I am the husband of Amelia Haacker, the lady who just testified. I am a mechanical draughtsman in the U. S. Navy. I was living at 414 East 89th Street on the evening of August 1st, 1891. My wife, myself and a friend were sitting in our room on that evening; suddenly a report came from the outside; my wife went to

close the window; it appeared she was looking at something awful; as I was going to the window another report came. I looked out and saw two men; then the one that was shot bent down and staggered back to the railing and hung on it with his left arm; the other man was stooping also, he had a black straw hat, his mustache was very perceptible he had a black cutaway and black trousers, his shirt was a common Summer shirt; he appeared to be about medium size. I started to go out the window

because I wanted to catch the fellow if I could; my friend pulled me back by the coat. I went out the door and saw a man in gray clothes hold the shot man in his arms. From my window I saw the man in the grey suit on the stoop of 418. I saw a woman in the background but I couldn't make her out. I saw the man turn around and go towards First Avenue. It was a misty night.

Cross examination:-

I saw no other men but the three men on the street. I saw Burke; he was attired in a light suit and yellow straw hat; the man shot had a mustache and a dark straw hat. The man who did the shooting was dressed in black. I cannot say if he had a cravat. I did not come to the window until after the two shots were fired. The man I saw on the street, I could see had a black mustache; the rest of his face did not seem to be clean shaven. When I went to the street I went in an Easterly direction; I did not speak to anyone; I stayed there until they took the dead man away. The man who did the shooting was medium sized.

Mr. Le Barbier then read the deposition of George W. Hamilton, as follows:

GEORGE W HAMILTON, being duly sworn by the Coroner:

I live at 414 East 89th Street. I have no business now. The last place I worked was with Wellen & Co. in 100th St.. The Hallisseys are strangers to me. I was in the basement of 414 and I heard the two shots fired. I went up on the sidewalk, and my attention was attracted to a man lying on the walk and another man--Burke-- holding him; there was a crowd around there and some of them were calling for police. . When I was in the basement I heard the following, as near as I can remember, said by somebody: "For God's sake, Will, what are you doing? Don't shoot again". That was between the two shots. I heard the words distinctly. . I was talking to George Lorin, my nephew, the janitor of the place. . It happened about 20 minutes after 10t I did not see any one running away.

MARGARET KILBRIDE, a witness on behalf of the defendant, sworn, testified:-

I live at 78 Smith St. Brooklyn, with my husband; his name is William Kilbride. That man (indicating) is my husband's oldest brother. I have seen that woman ( Indicating Dolly McBride) before. I saw her when she was a baby in her mother's arms. Her mother is Mrs McBride, now Mrs. Hallissey-- some call it McBride, and some call it Kilbride. Mrs. Hallissey is the wife of Kilbride; I have seen them together. He had four boys and that girl, and she is the youngest.

Cross examination:-

I saw Miss McBride at her mothers house about seven years ago. She was about ten years old. I know her and can identify her.

BRIDGET MORAN, a witness for the defendant, sworn testified:-

Direct examination.

I live at 161 Elizabeth Street. My husband is a mason, his name is Henry Moran. That man is my brother; (Pointing to William Kilbride).

The defendant rests.

REBUTTAL.

William Burke, being recalled testified as follows:

Direcet examination:

Q Burke, on the night of August 1st, 1891, when Thomas McLoughlin was shot and killed, I want to ask you whether you shot and killed him? A. Not sir, I swear it most positively.

-----Mr. Le Barbier then closed the case on behalf of the defendant.

Indictment filed Jan. 29<sup>th</sup> 1891  
 Court of General Sessions  
 Part 3

The People vs.

Thomas Hallisey

Advt. of testimony  
 at trial, New York,  
 March 13<sup>th</sup>, 14<sup>th</sup>,  
 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>  
 1893.

DEFENDANT.

THE COURT AND THE JURY, in the case of the People vs. Thomas Hallisey, do hereby certify that the following is a true and correct copy of the testimony given by the defendant at the trial of the case.

IN WITNESS WHEREOF, the Court and Jury, at New York, this 17<sup>th</sup> day of March, 1893.

THE COURT AND JURY, being so certified, do hereby certify that the following is a true and correct copy of the testimony given by the defendant at the trial of the case.

Testimony:-

BRIDGE, NEW YORK: A witness for the defendant, sworn.

For and on behalf of the People.

SEVEN EIGHT TWO TWO. NEW YORK: A witness for the People, sworn.

I am a witness for the People, sworn.  
 CROSS EXAMINATION:-

## STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

## AN INQUISITION,

Taken at the house of *Coroner's Office*  
 No. 124 Second Avenue Street, in the Ward of the City of  
 New York, in the County of New York, this 7<sup>th</sup> day of August  
 in the year of our Lord one thousand eight hundred and 91 before  
*Hermand Levy* Coroner,  
 of the City and County aforesaid, on view of the Body of *Thomas McLaughlin*  
 lying dead at

*Twelve* good and lawful men of the State of New York, duly chosen and  
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said  
*Thomas McLaughlin* came to his death, do  
 upon their Oaths and Affirmations, say: That the said *Thomas McLaughlin*  
 came to his death by

From a pistol shot wound, at the hands of *Thomas*  
*Hallisey* on Saturday August 1<sup>st</sup> 1891, between  
 the hour of 11 & 12 o'clock P.M., in front of house  
 No. 14 and 16 East 89<sup>th</sup> Street, and we also recom-  
 mend that *William Hallisey* be held to await  
 the action of the Grand Jury

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition,  
 set our hands and seals, on the day and place aforesaid.

## JURORS.

*David Sherman 320 Bowery**W. C. Hamman 180 - 2d Ave**James C. Taylor 104 E. 12th St**William A. Steinert 238 Broadway**D. H. Thompson 427 E 79<sup>th</sup> St**David Marks 374 Bowery**Benjamin Laidley 13 West 8<sup>th</sup> St**Frederick Lutter 264 Bowery**Joseph Janssen 374 Bowery**David M. Wall 383 E 12th St**Samuel Freund 129 E 12th St**Thomas Callahan 394 Bowery**Hermand Levy*

CORONER, E. S.

The People of the State of New York, on the Com-  
plaint of

vs.

List of Witnesses.

NAMES

RESIDENCE

NAMES	RESIDENCE
Barrie Keiser	page 1
Edward H. Doyle	5
Amelia Hecker	7
Lehae Muth	17
Susan Solie	23
Geo H. Hamilton	35
Florence Clark	39
Dr Wm T. Jenkins	44
Kate Kallisey	44
Verdict of Coroners Jury	48

0227

Coroner's Office.

TESTIMONY.

Mrs. Julia Goll being sworn says:  
 I live at 502 East 89<sup>th</sup> Street, New York  
 City. I am no relative of deceased  
 Thomas M. Laughlin - & was not  
 acquainted with him -  
 I was coming from a store on  
 1<sup>st</sup> Avenue between 87 & 88<sup>th</sup> Street  
 Saturday August 1<sup>st</sup> 1898, between  
 10<sup>30</sup> & 11<sup>00</sup> o'clock in the evening.  
 I saw three men struggling bet.  
 420 & 418 - East 89<sup>th</sup> Street - ~~then~~ we met  
 face to face at house 414 & 416 &  
 one man broke away from the  
 other two & stepped to the curbstone  
 & said "Will you give it up" then  
 one said "Give a fellow a chance"  
 I stepped back to the railing, ~~then~~  
 thinking they were going to strike  
 each other, then one man drew  
 a pistol & fired - I screamed but  
 stood still then the man step-  
 ped forward about two steps &  
 fired a second shot - Then I scream-  
 ed & ran down to the next stop  
 the man who fired the shot ran  
 across the street & stood still  
 The man who was shot slowly  
 raised his hand to his head & stag-

Taken before me

this

day of

188

CORONER.



0228

Coroner's Office.

TESTIMONY.

gived towards the railing - Then  
 a man in light clothes stepped  
 forward & lowered him slowly  
 to the ground & asked "wont you  
 of your people somewhere" then  
 a man in shirt sleeves came  
 running up from Avenue C  
 & the man who fired the shot  
 ran up on North Side of the street  
 towards 1st Avenue. The man  
 in shirt sleeves ran after him  
 & the policeman came running  
 from 1st Ave. catching his coat  
 (William Burke being brought be-  
 fore witness for purpose of identifi-  
 cation witness says he is the  
 man who lowered the wounded  
 man to the ground)  
 I saw Burke in company with  
 deceased before the deceased was  
 shot. ~~Witness~~ cannot identify  
 the third party who was with  
 deceased. The man who did the shooting  
 was a young man tall & slim & had a small  
 mustache & was dressed in dark clothes & black hat  
 I don't know whether it was a  
 derby or other kind. Mr. John G. Galle  
 at the time the shots were fired  
 there was no one on the block except myself  
 a young girl and the three men who were  
 struggling

Taken before me.

this

day of

188

CORONER.

0229

Coroner's Office.

TESTIMONY.

(William Hallisy Sr. being produced before witness for purposes of identification witness is asked this question —

Q. At the time the shots were fired was William Hallisy Sr. ~~was not there~~ there  
 A. He was not there the time the shots were fired neither before or after

Matthews Folle

Taken before me

this

4 day of Aug 1887

Wm. C. Henry

CORONER.

0230

Dr. E.  
Thomas W. Laughlin  
Aug 24/91

0231

## Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas Hollister and William Hollister* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question—What is your name?

Answer — *In view of Counsel the defendant refuses to answer any question.*

Question—How old are you?

Answer—

Question—Where were you born?

Answer—

Question—Where do you live?

Answer—

Question—What is your occupation?

Answer—

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

Taken before me, this seventh day of *Aug*  
*Frederick H. Levy*

1887-

CORONER.

0232

Coroner's Office,

CITY AND COUNTY } ss.  
OF NEW YORK, }

*William McAllister* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question—What is your name?

Answer—On advice of counsel the defendant refuses to

Question—How old are you? answer any question.

Answer—

Question—Where were you born?

Answer—

Question—Where do you live?

Answer—

Question—What is your occupation?

Answer—

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

Taken before me, this seventh day of August 1891.

*William McAllister*

CORONER.

0233

**MEMORANDA.**

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
Years	Months	Days			
28			Iceland	24 Puerto	Aug 2/99

0234

POOR QUALITY  
ORIGINAL

**HOMICIDE.**

**AN INQUISITION.**

On the **VIEW** of the **BODY** of

*Kate Halliday*

*Thomas M Loughlin*

whereby it is found that he came to  
his Death by the hands of

*108 N 12th St*

*Thomas Halliday*

Inquest taken on the *7<sup>th</sup>* day  
of *August* 188*8*

before  
*William A. D. H.* Coroner.

Committed

Bailed

Discharged

Date of death

0235

B.145  
3 C.

Coroners Office, New York County.

-----  
Inquest into the death )

- of - )

Thomas McLaughlin. )  
-----

Before  
HON. FERDINAND LEVY,  
and a Jury.

New York, August 7th, 1891.

Appearances: Mr. House appears for Thomas McLaughlin,  
William Burke and William McLaughlin; Mr. Townsend  
representing the District Attorney, appears for the  
People.

-----c0o-----

XAVIER KEISER, being called as a witness by the  
Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

I am an officer attached to the 27th Precinct.  
I was at 92nd Street coming down, on August 1st, quarter of  
eleven o'clock at night; I was coming down and heard the  
two pistol shots fired and a good deal of running and a cit-  
izen met me and said somebody was shot and I ran down and  
they said he went through down 90th or 93rd Street; I went  
down and I found McLaughlin the arms of William Burke, sit-  
ting down on the sidewalk, and he had him by the head;

(1)



I asked him if anybody saw the shooting and nobody spoke;

I looked at the man - if he knew the man -

Q You looked at Burke? A. Yes, sir; He said no, never saw the party before; he was at that time under the influence of liquor; Burke said I never saw him before - he never saw the deceased before. I then sent around for a stretcher; I seen the man was very badly wounded; I didn't know what place, and the officers came around and assisted me, and I arrested William Burke; they took William McLaughlin to the station house on a stretcher and sent for an ambulance and was not there but a few moments before McLaughlin died.

Q Were you in the station house when he died? A. Yes, sir

Q You were there when he died? A. Yes, sir.

Q When he was pronounced dead? A. Yes, sir.

By a Juror:-

Q William McLaughlin or Thomas McLaughlin? A. Thomas McLaughlin.

The Coroner: You are referring to the same man that was assaulted in East 89th Street?

By a Juror:-

Q Were there any pistols found there or revolvers?

A. No, sir.

By Mr. Townsend:-

Q At what street were you when you heard the shot?

A. 92nd Street and First Avenue; the south east corner.

Q Where were these people found? A. In front of 418 East 89th Street.

Q When you got there did you see anybody else there?

A. There were some six of them there; a great many ran after me too; I couldn't get any names; nobody gave

a name, and then a crowd came around and mixed up in them.

Q Did the dead man say anything to you? A. No, sir.

Q Did you hear anything from him? A. No, sir; only the gurgling of his throat.

Q You were with him until he was taken to the hospital?

A. To the station house - we carried him there.

Q No ante mortem statement was made? A. No, sir; he never spoke after I got him.

By the Coroner:-

Q What were his injuries? A. A bullet hole through the lung and one through the arm here.

Q You found no revolver or weapon? A. No, sir.

By Mr. House:-

Q How many pistol shots did you hear fired? A. Two.

Q What time did you go on your patrol that night? A. Ten minutes past six.

Q What time in the night was it when you heard the first pistol shot? A. About 11.45 when I got there it was ten minutes to eleven.

Q It was ten minutes to eleven when you got to the place where McLaughlin was lying? A. Yes, sir.

Q And how long from the time the first pistol shot was fired and you got there? A. About six minutes - I ran down there.

Q How soon after the first pistol shot was fired was the second? A. Pretty near <sup>in</sup> succession.

Q It appeared to you as if it was fired one after the other - with the same rapidity? A. Yes, sir.

Q You only heard two pistol shots? A. Yes, sir.

Q Are you able to say now whether there were three pistol shots fired on that occasion? A. No, sir.

Q You could not? A. No, sir.

Q Between what avenues is this portion of the street?

A. First Avenue and Avenue A.

Q Did you find the body of the wounded man near First Avenue or Avenue A? A. Nearer First Avenue.

Q North or south side of 89th Street? A. South side of 89th Street.

Q Burke had hold of him when you reached there? A. Yes, sir.

Q You say that Burke was somewhat under the influence of liquor? A. Yes, sir.

Q How <sup>did</sup> ~~is it~~ you gather ~~that~~ the fact that Burke's first name is William? A. He told me so in the station house.

Q And was his name put down as William Burke on the blotter? A. As far as I know it was - the captain was there himself.

Q In front of what house was McLaughlin lying? A. In front of 418 - a flat house.

Q Do you remember seeing this young man in the station house on Sunday night? A. Yes, sir; just as we were turning out, with detective Doyle.

~~QxxxDidxxx~~ Q Had you seen him there on Saturday night? A. No, sir.

EDWARD H. DOYLE, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

I am an officer attached to the 27th Precinct. On the night of the first of August, about quarter past or half past twelve, I was informed that a man had been shot in 89th Street; I went to the station house, I saw Burke and asked him who it was that did the shooting.

Mr. House: I now object to this witness giving any testimony regarding the conversation that took place between him and the person known as William Burke in the absence of either William or Thomas McLaughlin, the two defendants. It is a well known rule of the law that no man ~~shall~~, charged with the commission of any offence can be bound by any statement made to a third person in the absence of the accused.

Mr. Townsend: The object of this investigation is to find out by whom and in what manner and by what persons this man came to his death; and these people are not technically charged and this rule will hardly apply in this case.

The Coroner: While it is proper to adhere to the rules of evidence in all cases yet in investigations of this kind considerable latitude is allowed and in order to get at all the facts we have occasionally to violate the strict rules of evidence; you may put it in this way, because strictly speaking the objection is a proper one, you may state from information received you did this and that.

X After having the conversation with Mr. Burke, the next day I interviewed certain people in 89th Street who I was informed had witnessed the shooting and in consequence of the information they gave me and the description of the people who were there I arrested William Hallissey.

By the Coroner:-

Q Have you secured the attendance of witnesses here?

A. Yes, sir.

Q The parties are here? A. Yes; the District Attorney has the list of them.

Q The parties from whom you received the information - they are here? A. Yes.

X Q And consequently they can speak for themselves? A. Yes.

By Mr. House:-

Q Did you arrest William Hallissey - where did you arrest William Hallissey? A. I arrested him corner of Roosevelt Street and Park Row.

Q Is that near where he lives? A. I don't know where he lives.

Q Sunday night about half past eleven? A. Yes, sir.

Q Do you know at any time before you arrested him and after McLaughlin had been taken to the station house that he had visited the station house? A. I never saw him.

-----oOo-----

AMELIA HAACKER, being called as a witness by the  
Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q Where do you live? A. 414 East 89th Street.

Q Were you acquainted with the deceased, McLaughlin?

A. No, sir.

Q Do you know anything about the shooting in question?

A. Yes, sir.

Q Tell the Jury - what night was this? A. Saturday  
night.

Q August 1st, Saturday night? A. Yes, sir.

Q Tell the Jury what you saw and what you know?

A. About half past ten o'clock at night on Saturday night,  
after the first shooting my window was opened but the shut-  
ters were closed; I opened the shutters after the first  
shooting and after -

Q After the first shot was fired you opened the shutters?

A. Yes, sir; I saw a man standing with a pistol in his  
hand pointing at somebody.

Q Did you see him fire? A. Yes, sir.

Q Was this in front of your house? A. Yes, sir; in  
front of my window - the murderer was standing -

Q On what floor do you reside on? A. The ground floor.

Q Could you see the man distinctly - the man who held the  
pistol? A. My From the side - it was too dark, but not  
the face.

Q You cannot tell us this morning who the man was?

A. No, sir; I only know it was a young man with dark  
clothes and a black straw hat.

Q What was his size - medium or tall? A. Not so very tall.

Q Medium height, I suppose? A. Yes, sir.

Q The man that he shot at did he fall or stagger?

A. He fell back slightly.

Q Did anybody pick him up or hold him? A. I didn't see that - I was so excited.

Q At the time this man held the pistol and fired at another man who else was standing around? A. I didn't see anybody else only two men.

Q Only two men? A. Yes, sir.

Q Did you see anybody run? A. Just after the man fell over he ran away.

Q What direction did he run in? A. Towards First Avenue.

Q And do you think he was a young man? A. Yes, that is what I think.

Q Did you see him drop the pistol? A. No, sir.

Q As far as you know he took the pistol with him?

A. Yes, sir.

Q As far as you know and could see? A. Yes, sir.

By Mr. Townsend:-

Q Were any other persons in the room with you at the time?

A. Yes, sir; my husband and another young man.

Q What is your husband's name? A. Paul H. Haacker.

Q He is not here? A. No, sir.

Q The friend is here? A. Yes, sir; he is.

Q What is his name? A. Richard Krause.

Q You were conversing with them at the time - having a general conversation? A. Yes, sir; but not much.

Q You heard one pistol shot? A. One and then I opened the shutters and looked out.

Q How far was it from where you were standing and looking out from where you saw these two men? A. Near on the sidewalk.

Q Well, as far as from here to that door? A. No, sir.

Q Half the distance - about eight or ten feet? A. I guess so; about that.

Q You heard no words from either of these two men?

A. I couldn't understand.

Q They were words that you could not understand?

A. No, sir; I couldn't understand because the shutters was closed and I was in the room.

Q After you opened the shutters did you hear any shots?

A. I heard one and then I opened the shutters and I seen the second one.

Q You saw the flash? A. Yes, sir.

Q Do you know a person by the name of William Hallissey or Thomas Hallissey - ever seen them to your knowledge?

A. No, sir.

Q You never had seen McLaughlin, the dead man?

A. No, sir.

Q Have you been in the police Court? A. Yes, sir.

Q In the police station? A. Yes, sir.

Q Did you see anybody there that looked like the man you saw on the sidewalk that night? A. He was bigger -



but the face I couldn't tell.

Q Do you see him now? A. That is the man I saw in the station house.

Q And that man you thought looked like the man that had the pistol in his hand? A. I don't know; I didn't see the face - it was too dark.

Q Were you asked to pick him out, to show the man at the station house whom you had seen with the pistol on Saturday night?

By the Coroner:-

Q Were you asked to pick out one man as the man who did the shooting? A. No, sir.

Q You did not? A. No, sir.

By Mr. Townsend:-

Q Was your attention attracted to Hallissey in the station house? A. Yes, sir.

Q By whom? A. A man asked me.

Q To identify him? A. Yes, sir.

Q What did you say? A. I couldn't tell.

Q What is your best judgment now as you look at this man - what is your best opinion? A. I couldn't tell nothing, because it was too dark - I couldn't see the face at all.

Q Is there a street lamp near by there? A. Yes, sir; it was shining on his back, that is the reason I couldn't see the face.

Q McLoughlin stood nearer to your house than he did?

A. The murderer was standing in front of my window and the other fellow was standing in front of No. 416.

Q That was some distance between the two? A. About a yard.

Q As near as I am to you? A. A little further.

Q About six feet? A. About that.

Q Were they facing one another? A. Yes, sir.

Q Looking at each other? A. Yes, sir.

Q Show the Jury how the man held the pistol? A. Right like that (illustrating).

Q Pointed at the other man? A. Yes, sir.

Q And you are positive that nobody else was there at the time? A. I didn't see anybody else, because I was so excited, I closed the shutter -

Q Your friends, - what did they do? A. They pushed me away from the window - afterwards he went out and there was a policeman there already and the man was lying there.

Q You did not recognize him as anybody you had seen before? A. No, sir.

Q Did you ever see him? A. No, sir.

Q How was he lying, on his back? A. On the side.

Q Did anybody have hold of him at the time after you went out? A. Yes, sir.

Q Is that the man here? A. I don't know; I didn't see him.

Q You didn't look at him especially to identify him? A. No, sir.

Q Was there anything said by the man that held him at the time? A. No, sir; I heard nothing at all.

Q At the time you went out there? A. No, sir.

Q You heard nothing said by anybody there? A. No, sir.

Q And the crowd was collected around at the time?

A. Yes, sir.

Q Have you told us all that you can recollect about it?

A. That is all I know about it.

Q The man had a straw hat on at the time - the man that fired the pistol? A. Yes, sir.

Q What kind of a coat did he have? A. Dark clothes.

Q You don't know whether it was a tail coat or a jacket like this? A. No, sir.

Q You could not tell? A. No, sir.

By the Coroner:-

Q He had a dark straw hat? A. Black; yes, sir.

By Mr. Townsend:-

Q A dark straw hat? A. Yes, sir.

Q How far from the lamp light were they standing about?

A. I cannot tell.

By Mr. House:-

Q What did I understand your name is? A. Emily Haacker.

Q And your husband's name is Paul? A. Yes, sir.

Q Whereabouts do you live? A. No. 414 89th Street, east.

Q What is your husband's business? A. Mechanical drafts man.

Q Whereabouts does he work? A. For the Government.

Q Was he subpoenaed to come here to-day? A. He was busy, he was here.

Q I asked you if he was subpoenaed to come? A. Oh, sure.

Q Was he too busy for the Government to come here?

A. Well, he didn't know it only I was asked to come here.

Q Who first talked to you about this case? A. The policeman there.

Q With the long sandy moustache - that gentleman there?

A. Yes, sir. (Pointing to Officer Doyle.)

Q Did he come to your house? A. Yes, sir.

Q How many times did he come to your house? A. Only once.

Q When did he first come to your house; on the night of the shooting or the morning following? A. In the morning.

Q Sunday morning? A. Yes, sir.

Q What time Sunday night do you think it was that this shooting took place? A. About half past ten o'clock.

Q That is as you recollect the time? A. Yes, sir.

Q As you say at the time it was dark in front of your house? A. Yes, sir.

Q It was quite dark, was it not? A. Of course, it was so late - it was dark.

Q What time was it Sunday morning that Officer Doyle came to your house? A. I don't know.

Q About the time - was it in the morning or noon time?

A. In the morning, nearly eleven o'clock.

Q It was after you had your breakfast? A. Before dinner; yes, sir.

Q Was it about an hour before you had your dinner?

A. Yes, sir.

Q Did he tell you who he was? A. He told me to come down to the station house and I told him what I saw.

Q You told him what you saw? A. Yes, sir.

Q Did the officer ask you at your house on Sunday morning whether you could identify the man that fired the pistol or not? A. Yes, sir.

Q What did you tell him? A. I told him I couldn't tell the face.

Q When you got down to the station house you saw this defendant there? A. Yes, sir.

Q Did Officer Doyle tell you that this was the man?

A. No, he asked me if I could tell.

Q What did you mean a moment ago that he said that this is the man and you said no, I cannot say it, isn't that it?

A. At first he brought the man out and I said nothing, and then he asked me if I could say it was the man and I said no I could not because I didn't see the face.

Q Now, Madam, you understand you are under oath, don't you, that you are to tell the truth? A. Yes, sir.

Q You understand the situation this young man is in?

A. Yes, sir.

Q I ask you will you say is this the man that fired that shot? A. No, I cannot, I said so before; I did not see the face.

By Mr. Townsend:-

Q What about the height and size of the man that you saw, is he about his height? A. I am not sure, all I know is dark clothes and straw hat.

Q What about height and size? A. No, sir; everything was too quick, I couldn't see it.

Q I ask you as your judgment or opinion in the matter, as to height and size of the man as compared with that man that night, was he about the height and size? A. I guess so.

Q That is your best judgment? A. I think so.

By Mr. House:-

Q That is only your impression; when you answered my kind friend here that you think that the man who fired the shot was about as tall as this young man, that is only your impression and opinion? A. Yes, sir.

Q You are not willing to say now that the man that fired the shot was not taller than this young man? A. I can not say that.

Q All you can say is that he had on the black suit of clothes? A. That is all.

Q He is not the first man you saw with a black suit of clothes? A. No, sir.

Q And not the first man that wore a black straw hat? A. No, sir; my husband wears it.

Q At the time you opened the blinds how many people were standing in front of your house? A. Only two men.

Q The man that fired the two shots and the man at whom the shots were fired? A. Yes, sir.

Q Did you see this gentleman there at all? A. No, sir.

Q Are you sure? A. No, I did not.

By the Coroner:-

Q As soon as you had seen the shooting the second shot fired and as you say you were excited, did your husband and the other people in your room and yourself go out on the sidewalk? A. No, we looked out first.

*see above*  
 Q And afterwards you went out? A. Yes, sir.

Q When you came <sup>out</sup> ~~you~~ on the sidewalk did you see a man holding McLoughlin, having him in his arms? A. No, sir.

Q Who had hold of McLoughlin when you came out on the street - the officer or anybody? A. I cannot say.

Q Where was McLoughlin when you came on the sidewalk?  
 A. He was lying on the sidewalk and they were knocking for a policeman.

Q Was anybody holding McLoughlin when you got on the sidewalk? A. Somebody was holding him.

Q Who was that somebody? A. I don't know.

Q Was that the man? A. I don't know.

Q You saw somebody was holding him? A. Yes, sir.

Q You don't know whether it was that man or not?  
 A. I don't know.

Q Was it a policeman? A. I don't know; I was too excited.

By Mr. House:-

Q You say you were too excited to see whether this man was holding him up? A. Yes, sir.

Q Did you hear the police officer testify that when he came up this man *burke* was holding the wounded man?

A. I don't know.

Q You were in the court room here? A. Yes, sir.

Q Did you hear the first witness testifying, Officer Keyser? A. Yes, sir.

Q Were you excited when you heard the first shot?

A. Of course I was.

Q But still more excited when you heard the second?

A. Yes, sir.

Q Were you anymore excited when you went out in the street? A. not so right away.

Q How long were you out in the street before the people gathered? A. There were plenty of people there when we got out.

Q You found people there already? A. Yes, sir.

-----o0o-----

*Muth*

CHARLES ~~WUCH~~, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q Where do you live? A. No. 402 East 89th Street. I am the janitor.

Q Of what building? A. No. 402 and 400 East 89th Street and No. 1712 and 1714 First Avenue.

Q On Saturday August 1st, where were you between the hours of ten and eleven o'clock? A. I was standing about 25 feet from the corner of 89th Street and First Avenue, the southeast corner - I heard two pistol shots in rapid succession, one after the other.

Q After the shooting what did you do? A. I stepped to the curb at 89th Street and looked down the street, and I seen a young man ~~crossing~~ crossing the street from the south side to the north, in front of the coal yard, he wore a dark hat and a dark suit of clothes; when he came to the northeast corner of ~~Second~~ <sup>First</sup> Avenue he looked around and held his



coat pocket with this hand -

Q What hand? A. With the left hand he held his coat and with the right hand he put something in his pocket; I couldn't say whether it was a pistol or a package; I ran into the house and got my night stick out and rapped for the policeman; I rapped three or four times, then Officer Keyser, he responded and came running along on the west of the Avenue, I told him there was a man shot in No. 416 East 89th Street; he went there and I followed him; I seen a man in a light suit of clothes holding a man up on the sidewalk with blood streaming from his face; I couldn't say for sure - there was blood streaming from his face, then a man came on the sidewalk, he said, don't you rap, the man is not hurted much, he is only scared.

Q Who was that? A. A man from the south side of 89th Street, another man said never mind, you go on and rap your club, the man is dying; an old man without a hat on; Officer Keyser came and there was a man in a light suit holding up the man that was shot.

Q You think that was the man there? A. I stood there - yes, sir; I stood there for a little while and I met Mrs. Hallissey coming down and looked at the man and said that is her brother Tom, "Oh, Tom, Tom;" she was led upstairs again and a stretcher came along and took this man to the station house and I went to the station house and stayed there a while <sup>and</sup> ~~at~~ Mr. Koons, a letter carrier came along out of the station house, and I asked him how is the man getting on; he said he is dead; that was before the ambulance came; I seen Mrs. Hallissey going into the station house then and I went home.

Q After the two shots were fired you saw a man running across the street; can you describe to us that man a little more fully? A. Not more than before, he had a dark suit of clothes, he looked around where the shooting took place, he had a black mustache.

Q Could you see his face? A. He had a black moustache.

Q What about his height? A. About five feet or five feet four.

Q About the height of this man here or taller or smaller?

A. He may be the same height.

Q You are positive he had a black moustache? A. Yes, sir. (William Hal lissey is referred to.)

By Mr. Townsend:-

Q How near were you to the man that put this pistol in his pocket? A. The width of the street, he was on the north-east corner and I on the southeast corner; I was about by the grocery store and the man by a corner of the lager beer saloon.

Q Did you get a look at his face? A. No, sir; I did not, sir.

Q When did you see his face, his profile only? A. When he stood on the corner, he fumbled about his hip pocket and he looked around where the shooting took place, that gave me the chance to take a slight glance at his face.

Q How far from the place where the man was shot?

A. About 180 feet.

Q When this man was moving, was he moving rapidly?

A. He ran over towards the street in front of the coal yard.

Q He ran over there fast? A. Yes, sir.

Q He stopped still? A. Yes, sir; for about a second.

Q Had you at that time seen McLoughlin, the dead man?

A. No, sir.

By the Coroner:-

Q Which direction was he coming from when you first saw him? A. He came from Avenue A.

Q Running towards 1st Avenue? A. Yes, sir; he had crossed the street, towards Williams coal yard, - he cut across behind the trucks.

Q What attracted your attention? A. The two shots were fired and I stepped to the curb and the first man I saw run up was this man.

Q How long after you heard the report of the pistol?

A. It might have been three minutes.

Q As long as that? A. Or two minutes; I couldn't say exactly.

Q Were you at the station house? A. I was not at the station house before Sunday night.

Q Did you see anybody there that looked like the man?

A. I seen somebody there but I couldn't say it was the man.

Q It looked like him, did it, the general appearance?

A. It was all done in such a hurry I couldn't say very well.

Q Did you know this man Hallissey? A. I didn't know him before I was sent to the station house.

Q Did you ever see McLoughlin? A. No, sir.

Q Or Burke? A. No, sir. .

Q Or any of these parties? A. No, sir; except Mr. Hallissey, old Mr. Hallissey.

By Mr. House:-

Q You mean old Mr. Hallissey? A. Yes, sir.

By Mr. Townsend:-

Q What kind of a hat was it? A. He had a dark hat on, dark felt or dark straw - and he had a dark suit on.

Q What about the coat? A. He had the coat tails in his left hand like ~~this~~ I think it might be a parcel or something.

Q What did he do? A. He ran towards First Avenue and I couldn't <sup>see him</sup> ~~say he was~~ no further than <sup>200</sup> 19th Street and 1st Avenue -

Q Did you report that fact to anybody that night?

A. Yes, sir.

Q Whom did you tell? A. I told Officer Keefe.

Q You gave him the description, did you? A. Yes, sir. So good as I could.

Q About the man you had seen running and the man that went through those motions on the <sup>crossing</sup> ~~crossing~~ A. Yes, sir.

By Mr. House:-

Q What time was it when you heard the first shot?

A. To my best knowledge, about 25 minutes past 10 o'clock.

Q And the second shot was fired almost immediately after the first? A. Yes, sir; and if the man had no more

time than only pull the trigger, "Bang, bang."

Q At the time you heard the first shot where were you standing? A. 25 feet away from the crossing down the

Avenue, the southeast corner of 1st Avenue.

Q Did you see the man at whom the shots were fired?

A. I did not.

Q Did you know where he was at the time you heard the shots? A. I seen three or four people standing at the sidewalk and by that I thought that was the place.

Q And immediately after the firing of the second shot you saw a man cross the street? A. Yes, sir.

Q You wouldn't want to say now that the man you saw cross the street was not taller than this gentleman? A. I couldn't swear to anything no more than I seen him run.

Q You don't know who that man is? A. No, sir.

Q And if you saw that man in the court room you couldn't identify him? A. No, sir; I could not.

Q The fact is you don't know who he is or where he is?

A. No, sir; I gave my description of the man and that is all.

Q What kind of a shaped hat was it? A. I couldn't tell, it was all done in such quick time.

Q Could you say that ~~xx~~ man looked like the man that you saw? (indicating to prisoner.) A. He looked something like him - by the dark clothes.

Q Not by his figure or his general build? A. I could not say anything about that; it was done so quickly, as I said before he was taller than old Mr. Hallissey and about 20 or 30 pounds heavier, because I know old Mr. Hallissey for the last year and a half.

By Mr. House:-

Q Let old Mr. Hallissey step up here a moment. Can the gentleman say - can you see 20 or 30 pounds difference, I do not.

I don't think there was five pounds difference in their weight.

-----oOo-----

SUSAN GOLLE, duly sworn:

By the Coroner:-

Q Where do you live? A. No. 502 East 89th Street.

Q Do you know anything with reference to the shooting that occurred at East 89th Street? A. Yes.

Q State to the Jury all that you know about it? A. I was coming from First Avenue, on the south side, I saw three men coming along the sidewalk struggling, and they came close to me between fourteen and sixteen.

Q They were struggling? A. Yes, sir; they caught up to me between fourteen and sixteen.

Q Number 414 and 416? A. Yes; then one man broke away from the others and stepped to the curb stone and he said,

*Now* "Will you give it up".

Q The man that broke away? A. Yes, sir. Then someone said, "Give a fellow a chance" - either of the other two.

Q One of them said give a fellow a chance? A. Yes, sir.

I thought the man that stepped to the curb stone was going to hit him and stepped in towards the railing to pass when

I saw his hand raised and a pistol fired; I screamed and I

stood still; then the man that did the shooting stepped

about two steps opposite the man and fired the second shot;

the other man stood on the sidewalk a little distance from him.

*Took steady  
aim second time  
before firing*

Q The third man was there when the shooting took place?

A. Yes.

Q How far was he from the man that did the shooting?

A. About five feet, right under the lamp-post, towards ~~414~~

Q What happened after that? A. I screamed and I run up the stoop at 418, the man crossed the street to the north side and he stood still a few minutes and started on a run up to First Avenue.

Q The man did the shooting started on a run to First Avenue? A. Yes, sir; and he paused on the other side.

Q Then he continued to run? A. Yes, sir.

Q Towards First Avenue? A. Yes, sir.

Q Can you describe any of those men - any of those three men? A. Yes, sir.

Q Describe them to the Jury? A. He was a tall <sup>and</sup> slim man he was dressed in dark clothes and he had a small mustache.

Q Black? A. It was dark; I don't know whether it was black or not.

Q A tall and slim man, very tall man? A. Not a very tall man.

✓ Q Stand up a moment, Mr. Hallissey; about the size of this young man? A. Yes.

Q Did you see the man shot? A. No, sir, his back was to me <sup>he didn't fall</sup> - he staggered in towards the railing and a man in the light clothes stepped forward and lowered him to the ground.

Q This man was there at the time of the shooting?

A. Yes, sir.

Q You are positive he was there when the three men came along struggling? A. Yes, sir.

Q You are positive he was one of the three men? A. Yes, sir.

Q What happened after that; what did this man do, Burke?  
A. He said won't some of you folks come here, and no one responded, because there was only myself and another person on the stoop.

Q What is the girl's name? A. I don't know the girl at all; she was sitting on the stoop on 18 when I went up, I never saw the girl before; I don't know whether she lives in that house or not.

Q Is that the girl (Indicating to Miss Clark) A. Yes, sir. Twice he remarked won't some one come here and a man came running in his shirt sleeves from Avenue A, he ran across the street and up on the other side.

Q Who was that man? A. I don't know; he was a stout man.

Q The man that was on the witness stand? A. Not as tall as he.

Q Did you see Burke hold the deceased? A. Yes, sir.

Q Let me ask you the question again: You swear here as a witness under oath that those three men were the ones that ran away after the shooting, the other McLaughlin who is now dead and the other one Burke who is now here a witness?

A. Yes, sir.

Q Those were the three men that came struggling towards you? A. Yes, sir.



By Mr. Townsend:-

Q Do you positively identify the man with the light clothes there being the man who caught him? A. Yes, sir, in every appearance, the clothes and hat and everything.

Q The man who fired the pistol was facing you? A. Yes, sir.

Q About how far from you? A. He was in the gutter and I was at the railing.

Q Right opposite to him? A. Yes, sir.

Q He stood with both feet in the gutter? A. One foot in the curb stone and one foot in the gutter.

Q And you were in on the railing? A. Yes, sir.

Q Did you look squarely in the man's face who had the pistol? A. After the first shot I was looking more at his hand than his face.

Q But after the shot? A. I was looking to see who struck the man.

Q Did he say anything at the time? A. No, sir, when he stepped away he said will you give it up.

Q Was there any reply to that? A. Only the man that said, give a fellow a chance.

Q Who was that? A. I cannot tell whether it was the dead man or the man with the light clothes.

Q You heard the report of a pistol? A. Yes, sir.

Q And between the first and second report was there anything said by the man that held the pistol? A. I don't think so; I believe I heard a voice but it must have been

Something  
dropped out of  
his mouth  
I thought it  
was a voice

said at the time I screamed, but I heard a voice.

Q From the time that these men were struggling up to the time of the first report of the pistol how many moments elapsed; from the time you saw these men struggling up to the time of the first report? A. Three or four minutes to come from 18 to 14.

Q What were you doing at the time? A. Walking on the sidewalk.

Q They were walking in the same direction? A. They were coming towards me.

Q Did you hear at that time any expression or declaration? A. No, sir; not until the man broke away.

Q I understand that the man who broke away was the man who fired the pistol? A. Yes, sir.

Q You went to the station house, didn't you? A. No, sir.

Q To the police court? A. I went up to the court in 125th Street.

Q On Monday? A. On Tuesday.

Q Did you see anybody there that looked like the man that fired the pistol? A. Yes, sir.

Q Very much like him? A. Yes, sir.

Q Do you see any man here that looks like the man? A. Yes, sir.

Q Will you please point him out? A. Yes, sir.

Q Which one? A. The middle one there, William Hallissey.

*looked  
with pale  
when he first  
saw*

Q Look at the man and say what your best judgment is?

A. That man resembles him but this man has the ~~expression~~ and eyes, but this man has his build, but this man has the very same expression.

By the Coroner:-

(To the man indicated) What is your name?

Prisoner: Thomas Hallissey.

Q Now, Mrs. Colle, you say that the man that you describe as the one that did the shooting had a dark mustache?

A. Yes, sir.

Q A very small one? A. Yes, sir.

Q You think the man looks somewhat like this first man but the expression of the eye looks more like the brother's?

A. Yes, sir.

Q Is that it? A. Yes.

Q His brother Thomas? A. Yes, sir.

Q Did you have occasion to look at the man pretty closely at the time? A. No, sir, only when he stepped to the curb stone.

Q Did you take a good look at him? A. No, sir; I was only - I was afraid he would strike him before he passed.

Q Did you see his full face? A. Yes, sir.

*There was a  
lamp over*

Q Was it a clear night? A. The weather was dark.

Q How could you say whether or not he had a small mustache? A. I seen it; he had a small mustache, a very small one as I thought.

Q Had he on dark clothes, something similar to the clothes he has on now? A. It was not a loose jacket, it was a

tight fitting coat, the coat was not buttoned.

Q As to the shirt - do you know anything about the shirt?

A. No, sir.

By Mr. Townsend:-

Q What about the hat? A. It was dark hat.

Q What kind of a hat? A. I don't know.

Q You know what a Derby hat is? A. It extended from his face, that is how I saw his eyes, it was not a slouch hat.

Q Whether it was dark or not you could not tell?

A. No, sir.

Q Or a Derby? A. No, sir.

Q It was not a slouch hat? A. No, sir.

Q Were you asked in the station house or the police court to point out the man that you saw that night? A. Yes, sir.

Q Which one did you point out? A. This man, Thomas was not there, I pointed out William Hallissey.

Q And at that time you were morally satisfied that he was the man that fired the pistol? A. Yes, sir.

Q And certainly your position and knowing the importance of your testimony, what is your opinion, your best judgment?

A. I cannot say, that man has his build in every way, that man William, but the expression of the eyes is more like Thomas.

Q You heard no expression used by him? A. Nothing only when he stepped to the curb stone he said will you give it up.

Q And immediately upon that you heard the report of a pistol? A. Yes, sir.

Q And nothing between the two reports that you can recollect? A. No, sir.

Q You could recognize his voice? A. I don't know.

By Mr. House:-

Q The District Attorney has asked you if you recognize the fact you were under oath? A. Yes, sir.

Q He asked you also if you recognized the fact of the solemnity of the occasion? A. Yes, sir.

Q You said you did? A. Yes.

Q And the great importance to both of these young men? A. Yes, sir.

Q Now, under oath, will you swear that it was either of those young men that fired that shot? A. I will not.

By Mr. Townsend:-

Q What you said in reference to this question when I put it to you you saw the man who fired the pistol? A. Yes, sir.

Q You looked at his face? A. Yes, sir.

Q You were only the width of the sidewalk from him? A. Yes, sir.

Q It was sufficiently light to enable you to see? A. But I was scared.

Q What is your best judgment as to whether or not this was the man William?

By the Coroner:-

Q Will you swear that it was not? A. No, sir.

By Mr. Townsend:-

Q You will not swear it was not? A. No, sir.

Q What is your best judgment, your opinion? A. I think it is.

By Mr. House:-

Q You think that this is the man that fired the shot?

A. Yes, sir.

Q You wouldn't swear to it? A. No.

Q What do you mean by saying that the man that fired the shot had the expression of the eye of this man instead of the other? A. Yes -

Q You are still positive of that? A. Yes, sir.

Q You are still positive that the expression of the eye was that of Thomas, was more the expression than that of William? A. Yes.

Q You also say the man that fired the shot had a small mustache? A. Yes.

Q How many people were there at the time the first shot was fired? A. No one but myself and a young girl on the stoop.

Q And the three men? A. Yes.

Q What was the first thing you heard said? A. When the man broke away he said will you give it up?

Q That was the man that fired the shot? A. Yes.

Q What was said by the other two men? A. Give a fellow a chance.

Q How soon after that was the first shot fired? A. Right immediately.

Q How soon was the second shot fired? A. He had time to step forward about two steps before he fired the second shot.

Q Between the firing of the first and second shots was there anything said by either of the three men? A. Not that I heard, but that was the time I screamed.

Q You say that the coat that was worn by the man that fired the shot was open? A. Open.

Q You noticed the shirt? A. He didn't have a vest on, it was either open or he didn't have any on.

Q Did you take any particular notice of his shirt?

A. I don't know.

Q How was the man dressed that shot? A. Dark clothes, his back was to me.

Q How soon after the firing of the second shot was it that the wounded man fell? A. He didn't fall, he slightly raised his hand and staggered and the man in the light clothes lowered him to the ground, right to the railing.

Q How soon after that did the crowd congregate?

A. He asked twice would anybody help him and there was nobody there and the policeman he came -

Q Did you stop and talk to the policeman? A. No, sir.

Q Did you give your name to the policeman? A. No, sir.

Q Did he ask for it? A. No, sir.

Q Were you present when he was put on the stretcher and carried away? A. No, sir.

Q How soon after Burke had raised him up did you leave?

A. About five minutes.

Q You went home? A. Yes, sir.

Q From the time of the firing of the shot to the time you started for home what length of time had elapsed?

A. About fifteen minutes.

Q And during all those fifteen minutes you never gave your name to anybody as having witnessed the transaction?

A. No, sir.

Q Who was it that first spoke to you about this matter?

A. Officer Keefe.

Q Do you know how he knew? A. He came in and asked me whether I was Mrs. Golle and I asked him who he was; he ~~was~~ said he was sent from the station house.

Q When was this? A. It was Tuesday.

Q Did you go to the station house with him? A. No, sir.

Q Did you go to the police court? A. Yes, sir; on Tuesday.

Q Did you see Officer Doyle there? A. Yes, sir.

Q Did you have any conversation with Officer Doyle?

A. No, sir.

Q Never said anything to him? A. No, sir.

Q Did you speak to Mr. Doyle since you were to the Police Court? A. No, sir; only going down in the train to this place here.

Q That was on Tuesday? A. Yes, sir.

Q Detail the conversation you had with the Officer who came to your house? A. I was lying down and I got up



and opened the door, he said are you Mrs. Golle, I said yes; he said what did you see Saturday about the shooting affair; I said who are you; he said I am sent from the station house; I said are you Mr. Doyle, he said no, he was Mr. Keefe.

Q Why did you ask him that? A. I knew from hearsay that Doyle was a detective.

Q How long before the shooting did you hear it? A. My little girl was in his daughter's class.

Q Then what followed? A. I told him just as I told you

Q Did you tell him exactly that? A. Yes, sir.

By Mr. Townsend:-

Q You went to the station house, did you? A. Yes.

Q And Identified this William as the man? A. In the court room, that he looked like him.

Q How many people were standing there at the time?

A. About ten or twelve.

Q Ten or twelve, and out of the ten or twelve you pointed out William as the man who fired the pistol? A. Yes, sir.

By Mr. House:-

Q You don't mean to have it understood that you went to the police court and picked this man out? A. I declared that he looked like ~~him~~ him in every way.

By the Coroner:-

Q Mr. Hallissey, stand up a moment. What kind of a tie or cravat or scarf did this man wear that evening?

A. It was dark.

Q Look at the one he has on now? A. It was dark.

Q Was it one of that description? A. I couldn't say.

Q Was it a tie or a ~~xx~~ cravat? A. It was not a small bow.

Q Was it one similar to that one? A. It might have been a tie untied.

Q Hanging down like this? A. Yes, sir.

Q In other words what would you call that-a little black bow? A. Yes.

Q What would you call that? A. I think you call it a four in hand.

Q Was it more like this one? A. It was more like this one worn by Hallissey.

Q You don't think he had a vest but if he had a vest you couldn't see it? A. Yes.

By Mr. Townsend:-

Q Is there any beard on the man's face, any crop of beard - any growth of beard? A. It looked like smooth with the exception of a dark mustache.

-----oOo-----

GEORGE W. HAMILTON, duly sworn:-

By the Coroner:-

Q Where do you live? A. 414 89th Street, east.

Q What is your business? A. I have no business now.

Q What is your occupation? A. I was working in - the last place in 100th Street, the last time I worked there was a week ago last Saturday, the name of the firm is Wellen & Company.

Q You were employed there? A. I was.

Q You are not working there now? A. No, sir.

Q Were you acquainted with this young man Hallissey?

A. No, sir.

Q Ever seen them before? A. Not that I know of, they are strangers to me; I am a stranger in New York.

Q How long have you been living here? A. About a year.

Q Are you a man of family? A. No, sir, no family.

Q Do you know anything with reference to the shooting in question in East 89th Street? A. I was there in the basement, I heard two shots fired.

Q In the basement of 414 East 89th? A. Yes, sir.

Q What did you do after you heard the two shots fired?

A. I went up on the sidewalk.

Q What did you see then? A. I saw a man partly lying down and another man holding him.

Q Is that the man right here, this man Burke?

A. Yes, sir.

Q What else did you see? A. My attention was more taken when I saw the man lying on the sidewalk and this man holding him up, there was a crowd around there and some were calling for the police.

Q When you got on the sidewalk who was there besides the man that was wounded and the man that was holding him?

A. A. I couldn't tell, there were very few people there at that time, perhaps six or eight people and more people at the corner.

Q You didn't see the shooting? A. No, sir.

By Mr. Townsend:-

Q Did you hear anything said by the dead man? A. Yes, sir, by somebody.

Q Where were you when you heard it said? A. In the basement.

Q What did you hear? A. As near as I can remember the words perhaps I cannot tell it just as exactly - as near as I can remember it someone said, "For God's sake, Will, what are you doing; don't shoot again." That was between the two shots.

Q How soon after that remark was the second shot fired?

A. Immediately.

Q Do you recollect anything further, anything more than was said by anybody? A. No, sir.

Q Was there any response to that? A. I didn't hear any I was excited myself.

Q You heard those words distinctly, "For God's sake, Will, what are you doing, don't shoot again?" A. I heard somebody say that.

Q You heard those words distinctly? A. Yes, sir.

By Mr. Townsend:-

Q About how far were you at that time from where the dead man was? A. In the basement, nearly opposite where the shooting was.

Q About how far a distance? A. Well, I should judge about fifteen feet, I was inside in the basement.

Q Was the window up? A. Partly up.

Q There was no difficulty in hearing, it was very plain?

A. I heard a wrangling like two or three people.

Q When you went in you saw nobody there? A. No, sir.

Q You went in and hung up your coat? A. I didn't take my coat off, I went in and I sat down and was talking to my nephew when the shot went off.

Q Is he here? A. No, sir.

Q What is his name? A. Lorin.

Q First name? A. George Lorin; he is janitor of the place.

By the Coroner:-

Q We understand you to say when you got there there was no excitement there? A. No, sir.

Q How soon after you got in the basement did you hear the first shot? A. About five minutes; it was about quarter ~~xxxxxx~~ past ten, or twenty minutes past.

By Mr. Townsend:-

Q How do you fix the time? A. I looked at the time when I came in, they said you are late to-night.

Q You speak of them <sup>who</sup> ~~the~~ was there? A. My nephew and his wife, they are janitors of 414 and 416; they were in the back part of the room; I was sitting near the window.

Q What is his wife's name? A. Laura Lorin.

Q Now, immediately upon your hearing these expressions, and the ~~second~~ ~~dr~~ report of the pistol, what did you do, - go right out? A. When I heard the first report I jumped

on my feet, I was sitting down first, when I was taking off my coat, then the remark was made and the other ~~shot~~ <sup>shot</sup> was fired; I ran right out to the sidewalk as quick as I could get there.

Q And you saw Mr. Burke having hold of the dying man?

A. Yes, sir.

Q And nobody else there? A. There were some other people, but my attention was taken by the dying man.

Q You saw no one running? A. No, sir; I didn't notice anybody; I heard people say go to the police.

Q Did Burke say anything? A. He made some remark; I don't know whether he made it at that time or not; but after the policeman came, but I couldn't tell what they were.

Q Did the dying man say anything that you recollect?

A. No, sir; he did not.

-----o0o-----

FLORENCE CLARK, duly sworn:-

By the Coroner:-

Q Where do you live? A. 418 East 89th Street, I live there with my parents.

Q You have heard the testimony of Mrs. Golle?

A. Yes, sir.

Q Were you on that stop that night? A. Yes.

Q About what time? A. About half past ten o'clock.

Q Will you kindly tell the Jury all that you know with reference to this shooting? A. I was standing on the stoop of 410 with my face towards Avenue A; I saw three gentlemen coming down 426, two of them with dark suits and one with a light suit and one straw hat; one had a light suit and a white straw hat; they passed my door 418, I never took any notice after that when and I heard a shot, I looked and I saw three men struggling between 416 and 414 and I heard a second fired very distinctly; I saw one of the three men walk out to the middle of the street.

Q Which one was that? A. I didn't look at his face - I was too excited, he put up his hand and had the pistol like this pointing at one of the men and he deliberately fired and he stood there a few minutes and stepped at the north side to see if he would <sup>and the gentleman with the light suit held him</sup> fall, and then he run up First Avenue then and along First Avenue to 90th Street.

Q At the time of the shooting, as far as you know there was no other person there except the man who <sup>was</sup> ~~were~~ shot and the man that did the shooting? A. And Mrs. Golle and the owner of her house, the girl that works for us, she came I don't know whether she heard the first shot but I know she was there for the second.

Q What is her name? A. Martha, she works for Mrs. Fritz, the owner of 418 and 420.

By Mr. Townsend:-

Q Martha is not here? A. No, sir.

Q Have you talked with Martha since? A. Yes, sir.

Q Do you know what Martha heard about it? A. No, sir; I do not; she was there, I don't know whether she saw it.

Q Did she say who the man was that fired it? A. No, sir.

Q How far were you from the man that fired the pistol?

A. I was at 418 and he was at 416, and 414, in the middle of the street; I know by <sup>the</sup> second he was in the middle of the street; the first shot was fired when I was on the stoop, the first and attracted my attention I turned to look and I seen men struggling after the first shot and I heard the firing very distinctly and I saw one man of the three go out in the middle of the street and fire the second shot; the words were between the first and second shot.

Q There was struggling going on after the first report of the pistol? A. Yes, sir.

Q How far was that from where you stood to where McLaughlin was? A. Right near the railing, and this gentleman that shot was in the middle of the street.

Q Mrs. Golle where was she at the time of the second pistol shot? A. I don't know whether she was standing or walking.

Q What were you doing there at the time? cA. I was coming home from a party.

Q Alone? A. Yes, sir; I just got to my house.

Q Did you notice what this man had on, any clothing?

A. No, sir.

Q Could you tell whether he had a straw hat or a black hat? A. No, sir.

Q Or a Derby hat or not? A. No, sir.

Q Could you see the pistol as he held it?

A. Yes, sir.



Q Did he fire with his right or left hand? A. I could not tell - I didn't notice.

Q Could you tell whether it was the hand nearer to you or the one further away from you? A. I should judge the one further away from me; I couldn't possibly say - but I should judge that one.

Q As it is the whole of his face was it turned towards you? A. I didn't notice that, he had his side first towards me - I didn't notice his face.

Q Did you know a man by the name of William Hallissey?

A. I have seen him going out with his father but I didn't know the name until I heard it.

Q Is there anybody here that you saw before?

A. Yes, sir.

Q Where is he? A. Here he is, I seen him go to business there, the other man with the gentleman that I suppose was his father.

Q For how long a period had you seen him? A. For a number of weeks.

Q And pretty nearly every morning you would see him?

A. Yes, sir.

Q And then returning in the evening? A. No, sir;

I never seen them returning in the evening.

Q The man that you saw fire the pistol did he resemble the man Hallissey? A. I don't know, I was too excited to look; I was looking at the three men at the time.

Q I asked you whether he resembled him? A. That is the best answer I acan give.

Q You can describe whether he weighed two hundred and fifty pounds or a stout man? A. He was a medium sized man, slim, I didn't look at his face fully- if he were before me, I couldn't point him out.

Q How long did you see these men before you heard the report? A. I was at the door and they were coming up and a few minutes elapsed and I heard the pistol shot.

Q At the time ~~you expressed~~ they passed you did you hear any expressions used by any of them? A. I didn't hear ~~the whole~~ - I heard "Fellow and show."

Q After the second report? A. I came from the stoop to the sidewalk but I didn't look at the man, I couldn't look at his face.

Q Do you know a man by the name of Burke? A. No, sir.

Q Did you see anybody here that you possibly identify?

A. I seen a gentleman with a light suit and white hat holding him up; but I cannot identify his face; I didn't see his face.

Q You live there with your parents? A. yes, sir.

Q You go to school? A. No, sir; I left school last March.

Q Your parents know nothing about this? A. No, sir.

Q This other girl was there - A. This other girl was there, but I don't know what she saw.

By Mr. House:-

Q You say you had seen this young man several times leaving the house with his father? A. Yes, sir.

Q And you saw the man as he fired both shots? A. I heard the first and saw the second.

Q And at the time the second shot was fired <sup>he</sup> ~~it~~ was standing in the middle of the street? A. Yes, sir.

Q And that man you are not able to identify? A. No, sir.

By a Juror:-

Q What were the two men doing on the sidewalk? A. I don't know.

Q Did you speak to the young lady that was on the stand before? A. No, sir; there was a young girl next door standing with me.

-----oOo-----

DR. WILLIAM T. JENKINS, duly sworn:-

I made the autopsy on August 2nd, 1891, and found two bullet wounds, one in the arm here outside of the elbow and another passing in the second intercostal space, and lodging in the <sup>muscle</sup> ~~membrane~~ of the back - death due to hemorrhage and shock of pistol shot wound of left chest wall. y. 8-

-----oOo-----

KATE HALLISSEY, duly sworn:-

By Mr. House:-

Q This lady has been suffering and I ask that the stenographer may read the statement taken before.

The statement is read to the Jury.

Q You swore you didn't see William Hallissey? A. Yes.

Q You did see Thomas Hallissey? A. Yes, sir.

Q That young man there? A. Yes, sir.

Q That is Tom Hallissey? A. Yes, sir.

Q He is your step son? A. Yes, sir.

Q And did he wear a mustache on that evening? A. No, sir.

Q There can be no mistake as to this being the man that fired the shot? A. There can be no mistake; his brother had nothing to do with it.

Q And that man is the man that fired the shot? A. Yes, sir; and I am sorry to say it.

Q He fired the shot that wounded your brother, Thomas McLaughlin? A. Yes, sir.

Q And inflicted injuries from which he died since?

A. Yes, sir.

/ By Mr. Towns end:-

Q How far was it from where you were to where Thomas stood at the time you saw this? A. Four brown houses together, we live in the last one towards Avenue A, in the last one towards First Avenue they were standing between the stoop and the basement; between the railing, Burke was standing next to First Avenue and my brother stood nearest to my house, Thomas was on the street about a yard or maybe more with his hand raised like that; I didn't know who was

shot until I sent my daughter down.

By the Coroner:-

Q How about the second shot? A. I saw both fired; there might have been one before I opened the window, I cannot swear to it.

Q In whose hand was the pistol? A. In the hands of Thomas Hallissey.

Q You are positive about that? A. Yes, sir.

Q There can be no mistake? A. No, sir.

Q And when you refer to Thomas Hallissey you refer to Thomas here who is your step son? A. Yes, sir.

Q Did Thomas live there at the time? A. Yes, sir.

Q And William? A. Yes, sir.

Q Did you ever know Thomas or William to have a pistol?  
A. No, sir; never did.

Q Did you see a pistol with him that night? A. No, sir.

Q Before this? A. No, sir.

Q Did you see your brother that evening, talk with him?  
A. Yes, sir.

Q Had he been drinking any? A. Yes, sir, he was under the influence of drink.

Q What time of the night was it? A. When I came in it was about half past nine.

Q What was Thomas's condition? A. Tom Hallissey don't drink.

Q He was sober that night? A. Yes, sir.

Q When did you last see William Hallissey before that night, your other step son? A. In the morning.

Q What time in the morning? A. He left the house about half past eleven.

Q Was he employed in any business at the time? A. He was with his father, I believe in the store.

Q He was late in getting down? A. Yes, sir; we were busy all the morning -

Q After half past eleven you didn't see him? A. No, sir.

Q Do you know where he had spent the day? A. I don't know where he was from the time he left the house until he came back.

Q What time did Thomas leave the house? A. I cannot exactly tell.

Q About? A. It was in the afternoon.

Q When did you first see Burke that day? A. When I came in after-being out.

Q What time was that? A. About half past nine.

Q When did you last see your step son before he did the shooting? A. About two or three minutes.

By a Juror:-

Q Was there any quarrel going on there? A. No, sir.

Q Did your step son Thomas wear a mustache at any time?

A. No, sir.

The Coroner: (To Counsel) Do you desire to call your client to take the stand to testify?

Upon the advice of counsel the prisoners Thomas and William Hallissey decline to testify before this Jury.

-----oOo-----

The Coroner then charged the Jury, and after retiring, they brought in the following verdict:

VERDICT: The Jury find that Thomas McLaughlin came to his death from a pistol shot wound ~~made~~ at the hands of Thomas Hallissey on Saturday, August 1st, 1891, between the hours of 11 <sup>and 12</sup> o'clock P. M. in front of houses No. 414 and 416 East 89th Street; and we also recommend that William Hallissey be held to await the action of the Grand Jury.

-----oOo-----

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Mallory*  
and *William Mallory*

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

*Thomas Mallory and William Mallory*

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

The said *Thomas Mallory and William*

*Mallory, both* —

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

*Thomas McLaughlin*, in the peace of the said People then and there being,

wilfully, feloniously and of *their* malice aforethought did make an assault; and the said

*Thomas Mallory and William Mallory* a certain pistol then and there charged and

loaded with gunpowder and one leaden bullet, which said pistol the said *Thomas Mallory*

and *William Mallory* in *their* right hand then and there had and held,

to, at, against, and upon the said *Thomas McLaughlin*, —

then and there feloniously, wilfully and of *their* malice aforethought, did shoot off and

discharge, and the said *Thomas Mallory and William Mallory*,

with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the

gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, *him* the said

*Thomas McLaughlin* in and upon the *breast* of *him*

the said *Thomas McLaughlin*, then and there feloniously, wilfully and of

*their* malice aforethought, did strike, penetrate and wound, giving to *him*

the said *Thomas McLaughlin*, then and there, with the leaden bullet

aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the



said ~~Thomas Halliday and William Halliday~~ in and upon the ~~breast~~ of  
the said ~~Thomas McLaughlin~~, one mortal wound of the breadth of  
one inch, and of the depth of six inches, of which said mortal wound ~~the~~ the  
said ~~Thomas McLaughlin~~, at the City and County aforesaid,  
from the said ~~day of~~ ~~in the~~  
year aforesaid, until the ~~day of~~ ~~in the same year~~  
aforesaid did languish, and languishing did live, on which said  
day of ~~in the year aforesaid, the said~~  
~~at the City and County aforesaid, of the said mortal~~  
wound did die.

~~Then and there died.~~

AND SO THE GRAND JURY AFORESAID do say: That the said ~~Thomas~~  
~~Halliday and William Halliday, their,~~  
the said ~~Thomas McLaughlin~~, in the manner and form, and by  
the means aforesaid, wilfully, feloniously and of ~~their~~ malice aforethought, did kill  
and murder 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.

0285

**BOX:**

464

**FOLDER:**

4258

**DESCRIPTION:**

Hamburger, Jacob

**DATE:**

01/20/92



4258

Witnesses:

Counsel, *W. J. G. [unclear]*  
Filed *20*, day of *June*, 189*2*  
Plaintiff *W. J. G. [unclear]*

THE PEOPLE

vs.

*R*  
Jacob Hamburger

[Section 496, Penal Code.]  
Burglary in the *first* degree.

DR LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*W. J. G. [unclear]*  
*Charles De Forest*

Foreman.

*Read by Counter [unclear]*

*Read by DeForest*  
*Ed. 8 by 12 43 [unclear]*  
*June 29/92*

0287

Police Court— District.

City and County  
of New York, ss.:

of No.

occupation

deposes and says, that the premises No.

in the City and County aforesaid the said being a

and which was occupied by deponent as a

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

were BURGLARIOUSLY entered by means of forcibly

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

A quantity of wearing apparel  
of about the value of Fifty  
dollars

the property of

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

for the reasons following, to wit:

Deponent securely locked and  
fastened the doors and windows in this  
premises at about the hour of twelve o'clock  
on the 12<sup>th</sup> day of January and  
at about the hour of three o'clock on  
the 13<sup>th</sup> instant Deponent was awakened  
by deponent's wife who informed deponent  
that there was some person in the store  
and when Deponent was in the act of going

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from the rear room to the Store Apartment  
 was violently struck on the face by some  
 person coming from the Store to the rear  
 room or kitchen and the person that struck  
 Apartment ran out of the side door from said  
 rear room or kitchen into the Street pursued  
 by Apartment in his night clothes until he  
 Defendant was taken into custody by  
 an Officer Apartment never lost sight  
 of the Defendant

Sworn to before me  
 this 13th day of Aug 1892

Louis Cohen

Police Justice

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

Police Court, District,

THE PEOPLE, &c.,  
 on the complaint of

Offence—BURGLARY.

vs.

1

2

3

4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

No.

No.

\$ to answer General Sessions.

0289

Sec. 198-200.

3<sup>rd</sup>

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Jacob Hamburger* 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. *Jacob Hamburger*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *No home*

Question. What is your business or profession?

Answer. *Dealer*

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*

*Jacob Hamburger*  
*his*  
*mark*

Taken before me this

day of January 188

Police Justice.

*W. H. H. H.*

0290

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 *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 *January 13* 18*92*..... *J. W. Hall* 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.

029

Police Court 3 District 41

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Louis Cohen  
35 East  
Jacob Hamburger

Burglar  
Offence

Dated January 13 1892

Kilbuck Magistrate.

Hinkelday Officer.

11 Precinct.

Witnesses

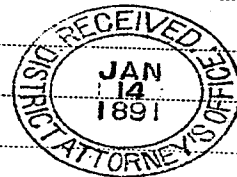
No. \_\_\_\_\_ Street.

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

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

\$ 1000 to answer GS

Leon



BAILED,

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

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

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

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

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

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

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

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



cc  
The People  
Jacob Hamburger  
Indictment for burglary in the first degree.

Court of General Sessions. Part I  
Before Judge Fitzgerald January 25<sup>th</sup> 1892.  
Louis Cohen sworn and examined testified  
I live in 35 Essex St. in this city. I have a  
jewelry store there and occupy four rooms.  
I am married, and my wife was in the same  
room with me on the night of the 13<sup>th</sup> of Jan-  
uary. I have three children and they sleep  
in the next bed room. On the 13<sup>th</sup> of January  
I locked up the windows and doors. My wife  
went to bed at twelve o'clock and it was half  
past twelve when I went to bed. My wife was  
occupying the other bed at that hour. I was  
awakened about three o'clock. I put the shut-  
ters on the front window, and after that  
I locked the door to the back rooms. I can  
go from my store back into my rooms  
there is a hall door on the side and I  
locked that with two locks. The house has  
five floors and different tenants occupy  
each floor. I occupy the ground floor though  
my apartments may be entered through  
the jewelry store or they may be entered  
by going through the common hall door.  
That door was closed and locked on this  
night. It was bolted on the inside. There  
are two windows in the back room and  
in the jewelry store there is one window.

The shutter cover up the whole window, and the shutters are fastened with screws in the inside. The glass was in good condition and there were six panes of glass in each window; the two windows were fastened. There is no door leading into the yard. All the other windows and doors were fastened. I had about two thousand dollars worth of jewelry locked up in the safe, it consisted of watches, diamonds and ear rings. It is a very large safe costing one hundred and thirty two dollars. There was two watches and some movements of watches out of the safe and they were worth about two hundred dollars. I had furniture and clothing in the room, the value of the personal property I had was about fifty dollars, and the furniture was worth a hundred dollars. As soon as my wife awakened me I went into the store. I saw a man. I could not see his face, it was dark. He gave me a slap in the face, I fell down and I heard he was going out through the hall door. I saw his back when I was running after him crying Police. When he struck me it caused me to bleed. I could not take hold of him.

because he was going away and I was running after him. He ran into the street from the hallway. I only had my drawers and shirt on. I ran after him out in the street calling for police. How far did you follow him before the policeman appeared? In three blocks. I ran after him and then the policeman came on the scene. From the time that you had received that blow from a man whom you saw run out of the store and you after him, did you lose sight of that man until he was arrested? No other man was running in the street, he was the only one and I saw him all the time. I am sure I saw him all the time. When the officer came up and arrested this man how far were you from him? About four feet - four paces. I was on the sidewalk and he was running in the middle of the street. Nobody else was running. I never lost sight of him. I run so that my feet was bleeding and blood came from my nose. The policeman seized him by the collar and he (the officer) asked him what was the matter? I told him that he broke into my place in 35 Essex st. I said to some one, "Give me a coat, I cannot stand any longer

Some man gave me a coat and put it over me because I was freezing. I ran immediately home and he remained in custody of the policeman. When I made the complaint against the defendant he did not say anything. Then I went home because I was chill and cold. In about five minutes the officer brought the defendant to my place. I asked him why he came here in the night time? He said to me I am hungry and want some bread. The officer said in reply, "you had one dollar and a half in your pocket, why didn't you buy bread with it?" The prisoner did not give any answer. I found when I got back to my store that the second window from the door in the rear leading to the yard was open; the one which I had locked at twelve o'clock at night. There is a catch on the window, and just above that catch the glass was broken; the catch was not broken off, it was only turned up and the window was raised; it was raised up to the top as far as it goes; the whole window is about six feet high. Near the window there is a bureau, and there is a white cover

over it, and that cover had the foot prints of his shoes, it was mud, the shape of a man's foot. The foot prints were not on it the night before. There is only one door leading from my room into the hall, and he went through that door into the hall. I did not see how he opened it. When I saw him in the store the door was open, and that was the door that was locked <sup>and bolted</sup> the night before. As I understand it the rear window

of the premises is the rear window of your bed room? Yes. Anybody who is in your yard could by lifting that window up from the yard get into your bed room? Yes from the yard you can get through the window where you raise it

Cross Examined. I am from Russia. I don't know what nationality the defendant is. I saw him for the first time that evening. My place is in the middle of the block; it is a densely populated place; I live in a tenement house and there are a great many families living in it I don't know how many. I positively swear that I locked the windows on the night in question. I do that as a general rule every night. My wife woke me up and said she heard she said a noise in the store. As soon

as she called me I ran out to the store. There was no light in the store at the time. We keep a light in the kitchen. It is dark in the store, and I could not tell the face of a person who was in there. When you went into the store did this man make any noise or any person who was in the store? Immediately as soon as I entered the store I received a blow and I fell and he ran out. I could not tell whether it was a blow with the naked hand or not. I will swear that the defendant is the man I saw immediately after coming out of the store. I saw his back, all the time his back was turned to me. I chased the man; there was nobody in front of him. How many were around you at the time you were running after him? Not one at that time, there was nobody; later a crowd commenced to gather. When I was at the corner of Essex Street and I saw people were coming toward me from Grand Street. The Defendant was not arrested there; the officer was ahead of the others. Did the officer see you before he got hold of this man? Certainly; the officer did not speak to me. How did he know whom to arrest? The officer saw that I was chasing a man; he caught him.

immediately. If any other person was in  
 front of him he might have made a mis-  
 take and grabbed the wrong man, is not  
 that so? There was no other ahead of him.  
 A crowd came from Grand street  
 after the police came. The defendant was  
 caught in the middle of the block where  
 the jail is in Ludlow street corner of  
 Grand street. The officer came around from  
 Grand street into Ludlow St. When the officer  
 arrested the defendant he asked me what  
 was the matter? I told him to fetch him  
 in 35 Essex St., he broke in my store,  
 that I wanted a coat from the people and  
 one gentleman took off his coat and gave  
 it to me. Did the officer say anything to  
 this man in your presence? I do not know.  
 I had no time to spend to hear the talk  
 because I was very cold and this night  
 it was raining. I went home immediately.  
 I was sick three days. The officer brought the  
 prisoner to my place five minutes after I  
 got there. I asked the defendant, How is it  
 that you broke into my place? He said,  
 "I am hungry, I want bread." The officer  
 did not speak to the defendant but he was  
 present when I talked to him. Did the officer  
 ask this defendant in your presence,  
 "Why he did not go and get some

Latokles with his one dollar and fifty cents and not go stealing? Yes sir. What did this prisoner say? He did not say anything. When I saw after this man I called out, "Police, help." Did not you call out some Russian word, "Levi" (meaning <sup>catch him</sup>) or something of this sort? No; "thief." When the defendant was arrested didn't he speak to you in the Russian language? No sir.

Quinton. Hinkley, sworn and examined.  
 Were you on duty on the night of the 13<sup>th</sup> of January? Yes. About three o'clock in the morning I heard the cry of "Police." My post was on Grand street. I had four blocks from Allen to Norfolk street. At the time of the cry I stood between Ludlow and Orchard sts. and I saw the defendant and the complainant running along - the defendant was first and the complainant after him. How near was the complainant to the prisoner when they were both running when you first saw them? About five or six feet away. What did you do when you heard these cries of "police" and saw this? I took hold of this man, caught him by the collar I asked Mr. Cohen what was the matter? He said, "This man broke into my house." With that he asked for a coat. Then he



said he wanted to go home; he was ringing wet. It did rain terribly that morning. His face was bloody around the nose. The prisoner told me he lived in 55 Hester St. I started with him into Grand St.; the prisoner put his hand towards inside the coat pocket. I said, Take down your hands! He did not pay any attention to me, and I had a stick; it was inside my belt; my rubber coat was buttoned, I had no weapon in my hand, and I had to grapple with him then, and the two of us went down. He grabbed my arm while he laid down and he succeeded in taking out that knife. I picked him up again and picked up the knife and took him to 35 Essex St. I do not know as I said anything to him when I picked up the knife. I took him into the premises occupied by Mr. Cohen, and I asked him what he done this for? He told me then he done it because he was hungry or because he wanted bread, either one, I forget; and he admitted to me then that he came through this window. I searched the defendant and found a couple of handkerchiefs, a pocket book and a purse containing <sup>silver</sup> a dollar and a half dollar. I told him I thought he had money enough to get something to eat. He did not say

anything. There was several people came into the room and they put the question to him, "he would be hung," like that. He said he did not care what would be done to him, what became of him. That is all I know about the case. I arrested him then and took him to the station house.

Cross Examined. I have been five years and a half on the police force. The defendant said he did this because he wanted bread. I had no conversation this morning with the complainant about the case. When I saw the window it was raised all the way up large enough for a person to enter.

Bya Jura. Are you familiar with a diamond for cutting glass, do you know anything about a diamond? No. Don't you know that light glass struck with your finger or any kind of an instrument chatters it, and a diamond will cut it? This seems to be a clean cut.

Jacob Hamburger, sworn and examined in his own behalf testified. I am fifty years of age and have a wife and four children in Europe. I have been in this country six months. I lived in 112 Hester st. I am a glazier and I peddle some times also. On the 13<sup>th</sup> of January prior to my arrest. I

came from Brooklyn. I was to see a  
 countryman of mine, Meritz Kazovitch.  
 It was the first time I saw him in this  
 country. I have not seen him since I left  
 Europe, and so I had a great deal to talk  
 to him, what happened since I last saw him  
 and so I remained late in his place. It  
 was about one o'clock when I left Brooklyn. I  
 came across the Grand St. ferry. I walked  
 up to Mester St. It was a dark night and  
 it was raining. What happened when you  
 passed 35 Essex St. or very near there? I  
 saw a man running out and he hit  
 me from behind, he gave me a blow from  
 behind and I ran after him. He was a  
 young and a strong man, and he ran  
 faster than I could. I heard from behind  
 me as I was running some one call  
 out in Russian "Lovi" (that means "catch him").  
 I ran after this man until the policeman  
 caught him. When the policeman got hold  
 of me he hit me in the mouth with his  
 fist. He said, "What did you do there?"  
 I say, "I do not know anything. I am  
 a poor man, why do you beat me?"  
 Then the policeman brought me to the house  
 of the captain and he searched me.  
 I showed him that I have a little purse  
 with a dollar and five or six cents

At the time you were arrested by the officer did you draw that knife on him or throw it as he claimed? I took that out; that is my own knife, and I had also a diamond because I am a glazier. I lost the diamond in the struggle, because they were shoving me, and maybe the diamond fell out. I showed the knife and I told him it was mine. That is what I am using it for, to rub up the putty on the glass. Were you ever in this man's place 35 Essex Street? I never was in his place until the officer brought me there. They brought me back into the place; that was the first time I entered that place.

You swear positively that you were chasing a man, that you ran after him for three blocks and did not catch him, but in stead you were caught by the officer and he claimed you were the thief, is that so? Yes, I could not run as fast as him, and the other escaped and I was held by the policeman.

Cross Examined. The officer says when he arrested you that he asked you two or three times to take your hand out of your pocket? The officer held me by my sleeve so that my hand was inside, and he held the

end of the sleeve, so I could not reach my hand out of the sleeve. I dislocated my shoulder once and I cannot turn that arm around. Did you try with the other arm to get this knife out? In the room when I was brought into the jeweler's apartment then I took the knife out and showed it to him. Did not you grapple with him and he grapple with you and both of you fall to the ground? He threw me down. When you were down he says that you had this knife and you held it off that way (showing) is that true, and then he took it from your hand? No sir. The officer says that you said that you committed this burglary, is that true? No, I did not say that I committed it. Did you say to him that you did it because you were hungry and that you wanted bread? They commenced to beat me. Then I said, "Why do you beat me? I am a poor man, I hardly have anything to eat." That is what I said when they were beating me. Did you have \$1.50 - a dollar in silver and half a dollar in silver. I had a dollar and five or six cents and a few Russian coppers. Why did you not get something to eat. Then if you were hungry? I was not hungry. I only said I am a poor man; why

do you beat me? That is all I said. This man that you saw running out of the house did you immediately run after him? Yes sir, I ran immediately, and this man he came behind me, and I was running after the man who struck me. How far in front of you was the man who struck you? When I commenced to run after the man he was not far from me, but he ran to the right then. I ran to West street. Where did you lose him? It was raining, it was dark, I could not see. How do you know anybody was running in front of you if it was raining and dark? I heard the man behind me call, but the man in front I could not see because it was raining and very dark. I was running and then I heard the man behind calling and I thought this man also wants to beat me; so I was running. When I commenced to run after that man for about half a block I could see him; then I could not see him any more. Then why did you continue to run three blocks? I tried to get out because it was dark and I received a blow from one of the men. I thought somebody else will come and give me another blow; it was dark, I did not know who

was running. Then you were not running after this man who struck you, but you were running to get away from the other man that was following you is that it? Yes. When the other one disappeared the man who was in front of me, and I continued running because I was afraid the man who was running behind me wanted to do me harm. He said, "Catch him, catch him; didn't you stop and say 'where is he, I have lost sight of him?'" I did not know what kind of people are behind me. I did not know who they were. Why didn't you tell this story to the officer when he arrested you and in the presence of the complainant when the complainant said, "This is the man that committed the burglary," why didn't you then and there say, "My officer I saw a man running out of that house, and I did my best to follow him and I chased him for half a block and lost him, why didn't you say that officer? I had no time to speak; they commenced to beat me when I was inside in the store. When they brought me to the store they commenced to beat me. I had no time to speak. This officer says he saw you running, and he says the complainant was within four or six feet when he arrested you

then the complainant said when the officer said, "What is the matter?" the complainant made a charge that you committed this burglary, why didn't you then and there say that you saw a man running and you were chasing another man? (Objected to objection overruled) The policeman asked me, he said, Did you ~~break~~ into this store? I said, No, I did not know anything about it." That is what I said. And that is as true as everything else you have said? At the time when the policeman caught me I could not speak English, but later on when they brought me to the Court there then I talked, and I said, I did not know anything about it, I did not break in. Do you know what perjury is, do you know what the punishment is in this world if you swear falsely?

The Court

I will exclude it.

Ask this man how long has he been a glazier? About two weeks before I was arrested I commenced to do glazier work. I used that knife in my work to put little tacks in. I got the knife from a countryman of mine. The jury rendered a verdict of guilty of burglary in the second degree.



0308

testimony in the  
case of  
Jacob Hamburger

filed Jan.

1892

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Jacob Hamburger*

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

*Jacob Hamburger*

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

The said *Jacob Hamburger,*

late of the *Tenth* Ward of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *January*, in the year of our Lord one thousand eight hundred and ninety-*two* in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Louis Cohen,*

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

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away. And the said *Jacob Hamburger,* having so broken into and entered the said dwelling house, and then being therein, and while engaged in escaping therefrom, in and upon the said *Louis Cohen,* then being in the said dwelling house, feloniously did make an assault, and him, the said *Louis Cohen* did then and there feloniously strike, beat, wound and otherwise ill-treat: —

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 Meill*  
*District Attorney*

03 10

**BOX:**

464

**FOLDER:**

4258

**DESCRIPTION:**

Hannon, John

**DATE:**

01/14/92



4258

Witnesses:

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

Assault in the Third Degree.  
(Section 219, Penal Code.)

*A*  
*John Hannon*  
*Jan'y 17/92*

Examined Over of Specimen  
Sessions for trial by request  
of Counsel for Defendant.

DE LANCEY NICOLL,

*District Attorney.*

A TRUE BILL.

*Charles J. Leonard*

*Foreman.*

0311

03 12

491

**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 Hannon*

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

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

The said

*John Hannon*

late of the City of New York, in the County of New York aforesaid, on the *29th*  
day of *December* in the year of our Lord one thousand eight hundred and  
ninety-*one*, at the City and County aforesaid, in and upon the body of one *John*  
*C. Gilligan* in the peace of the said People then and there being, with force  
and arms, unlawfully did make an assault, and *him* the said *John C. Gilligan*  
did then and there unlawfully beat, wound and illtreat, 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 13

**BOX:**

464

**FOLDER:**

4258

**DESCRIPTION:**

Harford, John H.

**DATE:**

01/24/92



4258

0314

Witnesses:

*Waldo Smith*  
*William H. ...*

*Intest*

*Robert ...*  
*Drayton*

Counsel,

Filed, 21<sup>st</sup> day of June

1892

Pleads,

per *John H. Harford*

THE PEOPLE

*W. H. ...*

*single f. comm.*

*John H. Harford*

*THEATRE LARCEY (MISAPPROPRIATION)*  
(Sections 528 and 53 of the Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*W. H. ...*

*Part 2 - March 1892*

Foreman.

*Part 4 ...*

*March 20th 1892*

*March 20th 1892*

Smith and Sells are Wholesale Grocers doing business at the Cor of 8<sup>th</sup> Ave & 46<sup>th</sup>. They had in their employ one John H. Harford. He was a salesman and Collector. Among other ~~things~~ goods he sold. His business was to take orders for five and ten box lots of Babbitts Soap which was sold at \$4<sup>25</sup> a box. The regular course was for him to take the order enter it upon the order book and give the invoice Clerk instructions to order it delivered direct from Mr Babbitts factory to the customer. The next day order book Clerks would mark it delivered and send invoice to buyer. It was Harfords place to collect the money when due and turn it into the Cashier. On the 12<sup>th</sup> day of August 1891 he sold 10 boxes of Babbitts Soap to John Mollenhauer. He gave the order to the invoice Clerk but did not enter it upon the order book and made out the bill and sent it himself the goods thus in effect being stolen from Smith & Sells. He subsequently collected the money and appropriated it.



No 2

Mr Mollenhauer will swear that he received the goods and paid the money to Starford and holds his receipt for it. Mr Whitmore the Cashier and Mr Smith will swear that the goods were not entered on the order book and that the money has not been paid into Smith & Sills.

On the 31<sup>st</sup> day of October he sold Julius Glumm goods amounting to \$26.<sup>70</sup>/<sub>100</sub>. The goods were delivered, the bill was sent and the account posted on the ledger as mdse \$126 <sup>70</sup>/<sub>100</sub>. After the defalcation as above was discovered Mr Whitmore remembered having seen Starford with an eraser in his hand and the ledger open before him. A careful examination with a magnifying glass disclose the fact that the figure 1 in the above charge had been erased. He had collected the full amount had appropriated \$100<sup>00</sup> and turned in \$26 <sup>70</sup>/<sub>100</sub> which caused the books to balance.

No 3.

Mr. Glumm will swear that he received the goods. paid the money to Harford and has the receipted bill.

Mr Whitmore will swear that he only turned in \$26 70.

He sold to Henry Lukman 50 cases of Tomatoes for \$100.00 The goods were properly delivered and the invoice sent. Before the order book went into the hands of the Book keeper for posting he erased the entire order and substituted one eagle milk sign no charge and thus destroyed all evidence of the transaction. He collected the money receipted the bill and made no return. Mr Lukman will swear that he received the goods and paid him the money. Mr Whitmore and Mr Smith will swear that the money was never paid into Smith & Sells

03 18

Smith &amp; Sills,

Importers,

Wholesale Grocers and Flour Dealers,

750 &amp; 752 8th Ave., &amp; 247 West 46th St.

S. Waldo Smith,

J. S. Sills,

Judge <sup>New York</sup> A. B. Martin

189

Dear Sir.

Referring to our conversation in your Court Room last week in reference to John H. Harford who plead guilty to stealing from us. would say that we think that the interest of justice would be best subserved by placing the young man in the reformatory. We do not consider him in any sense a hardened criminal and he was an excellent and faithful man in his employment. It appears that some minds are so constituted that they can take money for gambling purposes without realizing the enormity of their crime always being in hopes that they can recover their losses and make restitution. I trust that you will feel with me that the ends of justice will be best served. And the greatest good come to him by sending him to the reformatory.

Respectfully S. Waldo Smith

0319

D. B. HAMILTON, Prest.

2494.

C. R. BALDWIN, CASHIER.

## Manufacturers' National Bank.

Waterbury, Conn., *Feb 14* 1894*To whom it may concern**Some years ago John Bedford was in  
business in this city. He had an apt with this  
Bank & I became well acquainted with him personally.**He attended closely to his business & had the  
reputation of being unusually active & enterprising.**He enjoyed the confidence of the community  
& was regarded by me as honest & thoroughly  
upright.**Very Respectfully**C. R. Baldwin, Cash.*

0320

Subscriber to Sloan's Legal and Financial Register and Member of the Continental Collection Union.

Robert A. Lowe,  
ATTORNEY AND COUNSELOR AT LAW,  
ROOMS 27 AND 28 PLATT'S BLOCK, EAST MAIN STREET.

Waterbury, Conn., March 12 1892

Hon Judge Martine  
Court. Cyen & Terminus  
Dear Sir

This is to certify that John Harford a Waterbury boy was for some time in business in this city and was then a sober industrious young man. He has a father mother and sister still residing here who are all very worthy people. They feel the disgrace of his defalcation very keenly. The father now 74 years old is able to do only light-work as a gardener in a Cemetery in which I am interested over his Bondsman & his late employers and has been compelled to sell his little home to liquidate the Bond and will have to trust in his old age largely to his son for support. I believe as he was a dutiful boy he will try to recompense his father after he is out of this "scrape". I would earnestly recommend that justice be tempered with Mercy in large measure.

Yours respectfully  
Robert A. Lowe  
Judge of the Court

0321

MAYOR'S OFFICE,  
WATERBURY, CONN.

March 14<sup>th</sup> 1892

To whom it may concern,

John Hartford formerly  
conducted a retail grocery  
store in this place and  
while engaged in that business  
made for himself the reputation  
of an honest, capable and  
industrious young man.

D. F. Webster  
Mayor

Court of General Sessions

The People  
against  
John H. Harford

City and County of New York S. S.

John H. Harford being duly sworn says that he is the defendant above named and is of the age of *twenty eight* years. That his father and mother are residents of Waterbury, Conn. and have resided there almost all their life and that they are both over the age of Eighty years. Deponent further says, that he has been in the employ of the complainants for about five years and up to this present offense had never been arrested or charged with the commission of any crime. That the monies taken by deponent at different times were largely spent by him in gambling and drink and this deponent attributes ~~his~~ downfall entirely to bad associations and companions. Deponent further says that he is entirely without means and earnestly desires an opportunity to reform assuring the Court that he will never again offend against the law, and prays that he may be sent to the Elmira Reformatory.

Sworn to before me  
March 21st 1892

*John H. Harford*  
*John H. Harford*  
*Assistant Clerk*

0323

Court of General Sessions

The people &C. :  
against :  
John H. Harford :

City and County of New York S. S.

Bernard Callan being  
duly sworn says that he is engaged as a *dry goods merchant*  
doing business *675 & 677* Eight Avenue  
in the City of New York

That he is acquainted with the defendant above named for  
five years last past during which time he has seen him  
quite frequently and is also acquainted with a great many  
other persons that know defendant and that said defendant's  
character for honesty, industry up to the present offense  
has been most excellent never before having heard of him  
being charged with the commission of any offense.

Sworn to before me  
March *19th* 1892

*Bernard Callan*



0324

Court of General Sessions

-----  
The People &C. :  
against :  
JohN H. Harford :  
-----

City and County of New York S. S.

Louis Mueller being  
duly sworn says that he is engaged as a *coal merchant*  
doing business *815 -* Eighth Avenue in  
the City of New York.

*Named*

That he acquainted with the defendant above ~~named~~ *known* for  
about five years last past during which time he has seen him  
quite frequently and a is also acquainted with a great  
many other persons that know defendant and that said defend-  
ants character for honest industry up to the present offense  
has been most excellent never before having heard of him  
being charged with the commission of any offense/

Sworn to before

March 19<sup>th</sup>

1892

*Louis Mueller*

March

1933

March 10, 1933

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires \_\_\_\_\_.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 1933.

Notary Public for the State of \_\_\_\_\_

*Alfred J. Muller*

Notary Public

My commission expires \_\_\_\_\_

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 1933.

Notary Public for the State of \_\_\_\_\_

John H. Newton

Signature

The People of \_\_\_\_\_

County of \_\_\_\_\_, State of \_\_\_\_\_

0326

Court of General Sessions

W. Copley vs

against

John Hayford

Affidavits & Certificate

MAURICE MEYER,

Attorney for *Def*

99 PARK ROW,

NEW YORK.

To Hon R. B. Martine

Judge of General Sessions

Due service of within

is hereby admitted.

New York, 1892.

0327

Telephone 247-39th St.

When ordering goods same as had before, give date of Bill.  
No Deduction will be allowed unless claim is made within Thre. (3) days after receipt of goods.

Sold to John Mollenham

GMS

50 & 752 EIGHTH AVENUE, COR. 46th ST.

G. WALDO SMITH.  
JOHN S. SILLS.

TERMS



Proprietors of the "EPICURE BRAND" of Canned Goods.

New York, Aug 1891

10

42 00

0328

(1305)

Police Court— . 4<sup>th</sup> District.

Affidavit—Larceny.

City and County } ss.  
of New York,

of No. 750 Eighth Avenue Street, aged 60 years,  
 occupation ~~fireman~~ <sup>merchant</sup> being duly sworn,  
 deposes and says, that on the 1<sup>st</sup> day of September 1891 at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the ~~day~~ time, the following property, viz:

Gold and Silver Money  
 of the United States of the  
 amount and value of  
 Forty-two <sup>50</sup>/<sub>100</sub> Dollars  
 (\$42<sup>50</sup>/<sub>100</sub>)

the property of Mrs. Smith and Sills of which firm  
 deponent is the Senior Partner

and that this deponent  
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
 and carried away by John H. Hayford (nowhere)

for the reason <sup>that</sup> at aforesaid time  
 said defendant was employed  
 by deponent as a Salesman and  
 Collector and as such it was his  
 duty to collect monies due said  
 firm of Smith and Sills, and deliver  
 the same to them on the same day  
 when the collection was made.

Deponent further says that  
 he is informed by John Mollenhauer  
 that he Mollenhauer did on aforesaid  
 time in September 1891, did pay  
 and deliver to said defendant the  
 aforesaid sum of Forty-two <sup>50</sup>/<sub>100</sub> Dollars

Sworn to before me, this  
 1891 day

Police Justice.

in payment which said sum was due  
 by said Mollenbuer to said Smith and Sils  
 and said defendant did give to him  
 Mollenbuer the receipt hereto attached.  
 Defendant further says that said  
 defendant did not give or deliver  
 to said Smith and Sils the aforesaid  
 sum of money so collected and has  
 not to this day turned over to  
 any part thereof to said firm and  
 has converted the same to his own  
 use and profit and defendant therefore  
 charges said defendant with having  
 converted said money and  
 notes that he may be dealt with  
 as the law may direct.  
 Given to before me this 21<sup>st</sup> day of January 1892 } J. M. Smith

J. M. Smith  
 J. M. Smith

Police Justice

0330

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 31 years, occupation John Mollenhauer of No. 796 Courtland Avenue  
Street being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of J. Valdo Smith  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 21

day of January 1892

John Mollenhauer

E. Hoffman  
Police Justice.

0331

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*John H. Hearford*

Question. How old are you?

Answer.

*29 years*

Question. Where were you born?

Answer.

*Watting Ct*

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

Answer.

*Nº 246 West 48 Street & about 1 year*

Question. What is your business or profession?

Answer.

*Salisman*

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. Hearford*

Taken before me this

day of *January* 1892

Police Justice.



0332

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 Jan 21 1892 E. H. [Signature] Police Justice.

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

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

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

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

033

86

Police Court---

District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*E. Baldo Smith*  
*450-8 Ave*  
*John H. Hearford*

2  
3  
4

*Officer*  
*James*  
*James*

Dated *Jan 21* 18*92*  
*Rogan* Magistrate.  
*Mannion* Officer.  
*22* Precinct.

Witnesses *F. B. Whitmore*

No. *750 - 8- Avenue* Street.

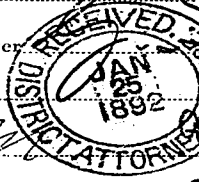
*Mr. Mollenhauer*

No. *796 Courtland Ave* Street.

*Henry Lissman*

No. *Courtland Ave + 157* Street.

\$ *1000* - to answer



*Defenses withdrawn*

BAILED.

No. 1, by *Cash deposit*

Residence *Philip Block* Street.

No. 2, by *SEC. 1100 + 46 St*

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

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

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

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

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

0334

538

**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 W. Harford*

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

The said

*John W. Harford*  
late of the City of New York, in the County of New York aforesaid, on the *first*  
day of *September* in the year of our Lord one thousand eight hundred and  
ninety-*one*, at the City and County aforesaid, being then and there the *clerk*  
and servant of *G. Waldo Smith and*  
*John S. Sills*, copartners, —

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

*G. Waldo Smith and John S. Sills*  
the true owner thereof, to wit:

*the sum of forty-two*  
*dollars and fifty cents in money,*  
*lawful money of the United States*  
*of America, and of the value of*  
*forty two dollars and fifty cents,*

the said

*John W. Harford* 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

*G. Waldo Smith and John S. Sills*  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal  
property of the said *G. Waldo Smith and John S. Sills*

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.

0335

**BOX:**

**464**

**FOLDER:**

**4258**

**DESCRIPTION:**

**Hayes, William B.**

**DATE:**

**01/29/92**



4258

0336

Bail fixed at  
\$1000. RBM

Witnesses:

W. J. Burnett  
Annie M. Keating  
Eli C. Tommes  
A. H. Hill  
D. N. Carvalho

Bailed by  
Amelia C. Hayes  
into W. Hill

Wm M. Dean  
2013-1893

Shut Cleaning Dept.

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE

vs.  
B. H. 27

William B. Hayes  
(2 cases)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Chas. J. DeForest

Part 2 Jan. 26. 1893. Foreman.

Find and jury disagreed

Part 2 Foreman 1893

Part 2 Feb. 23, 93

Find and convicted

S. P. 8, 415 - RBH

73, March 93

0337

July 193

VI.

STATE OF NEW YORK.  
Executive Chamber,  
ALBANY.

July 31, 1894

Sir:

Application for Executive clemency having been made on behalf of  
*William B Hayes* who was convicted of *perjury*  
in the county of *New York* and sentenced *March 3 1893*  
to imprisonment in the *State Prison* for the term of  
*eight years* I am directed by the Governor  
respectfully to request that, in pursuance of Section 695 of the  
Code of Criminal Procedure, you will forward to him a concise state-  
ment of the facts of the case, together with your opinion of the  
merits of the application.

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

Very respectfully yours,

*J. S. Williams*  
Private Secretary.

*Hon. Randolph B. Martine*  
*New York*

0338

VI.

STATE OF NEW YORK.  
Executive Chamber,  
ALBANY.

July 31. 1894

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merits of the application.

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

Very respectfully yours,

*J. S. Williams*  
Private Secretary.

*Hon. John R. Fellows*  
*District Attorney*  
*New York*

0339

DR. HALSEY L. WOOD,  
349 LENOX AVENUE,  
NEW YORK.

I hereby certify that I, this morning, examined Mrs. Amelia E. Hayes at 136 W. 127<sup>th</sup> St., this city, and found her in a serious condition.

She is confined to bed, is much prostrated physically, and in a very excitable mental state. It is my opinion as an examiner in lunacy, and as one who has had long experience with the insane, that her mind cannot safely be



subjected to the strain of  
 the witness stand; and that,  
 to compel her attendance for  
 such a purpose at this time  
 would endanger her sanity.

Halsey L. Wood, M.D.  
 Formerly Asst. Medical Supt.  
 Michigan Asylum for Insane.

349 Leroy Ave. }  
 Feby. 2<sup>d</sup>. 1893 }

0341

FRANK H. DANIELS, M. D.,

OFFICE HOURS:  
8 TO 10 A. M., 6 TO 7 P. M.

126 WEST 126TH STREET.

March 2, 1893.

Mrs Hayes mental condition has deteriorated rapidly the last few days, and she has but few rational moments during the day. In my opinion her mind is permanently impaired and I doubt if she ever recovers her reason. It may be of great benefit to her to see her husband.

F. H. Daniels, M.D.

0342

Geo. M. Curtis,

Counselor at Law,

261 Broadway,

New York,

March 4, 1893

Ascend. by Elevator.

Mr. R. B. Mastine  
 Judge of the  
 General Sessions.  
 Dear Sir.

Mr. Mastine in fairness the  
 Court - he could not let  
 the name the Judges  
 charge in people's  
 hands until the same  
 had been approved by  
 the Court.

I desire if possi-  
 ble to argue the cause  
 in April and if I receive  
 the charge in a short  
 time, I shall be able  
 to print my record  
 in time for the April  
 General Term. Yours truly  
 Geo. M. Curtis

0343

George M. Curtis  
March 4, 1893  
People vs Hayes  
in district filed

0344

FRANK H. DANIELS, M. D.,  
126 WEST 126TH STREET,  
NEW YORK.

Judge Martin.

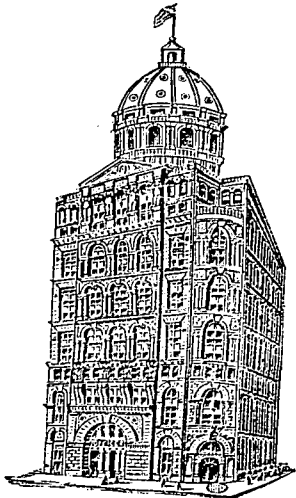
*Dr. John Dwyer*  
152 East 41st Street, New York  
Office Hours before 10 A.M. 1 to 2 and after 6 P.M.

Feb 1. 5 p.m.  
Hon R B Martin  
Dear Sir

I have just examined  
Mr. Hayes and find his physical  
and mental condition sound  
and report it yesterday -

She is not sick (Newspaper  
reports to the contrary notwithstanding)  
and I see no reason why she should  
not go to Court on Monday - or even  
before if absolutely necessary  
Respectfully yours  
John Dwyer M.D.

0345



(ADOPTED BY THE U. S. GOVERNMENT AS THE STANDARD.)

# Reed's Parabola Resonator.

NO TELEPHONE COMPLETE WITHOUT IT.

## GEO. H. REED & CO.

Inventors and Sole Proprietors,

ROOM 61, WORLD BUILDING.

TELEPHONE, 1597, CORTLANDT.

New York.

189

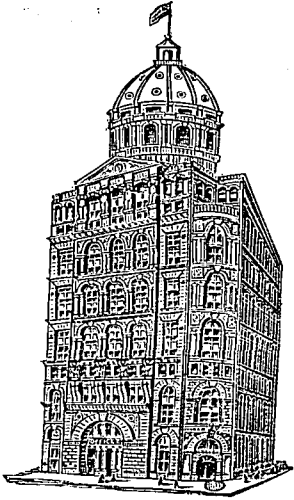
I said I would not, and asked him where he stole it - I write you this to inform you of his small and pretty larceny act.

He in summer of 91 asked me to come down to his office at 19 Bway. (Which I will guarantee if the truth is known is for receiving stolen goods he has a steel chest in safe to put same in.) he had two little girls he said would be there at 3 o'clk. as he said young chippies. with their hair down on shoulders. - I did not go, but was told by his brother Joe. that their father was down to see W.B. & Joe told him, that he had gone to Europe. Joe also told me that W.B. had served one year in prison for Safe breaking with one Jack Howard between years 1858 & 61. in N.Y or Brooklyn. -

- Will make this brief. but want you to know his personal character. as I can make affidavit to. -

He also represented to Henry Grund of 163 Pierpont

0346



(ADOPTED BY THE U. S. GOVERNMENT AS THE STANDARD.)

## Reed's Parabola Resonator.

NO TELEPHONE COMPLETE WITHOUT IT.

GEO. H. REED & CO.

Inventors and Sole Proprietors,

ROOM 61, WORLD BUILDING.

TELEPHONE, 1597, CORTLANDT.

New York.

189

*St. Brooklyn. that he owned my Resonator for  
Telephones, and sent up here and got a sample  
and sold him the right to mfr them and obtained  
of Friend 75.00 in cash. -*

*Yours Very Respectfully*

*Geo H. Reed.*

0347

(ADOPTED BY THE U. S. GOVERNMENT AS THE STANDARD.)

## Reed's Parabola Resonator.

NO TELEPHONE COMPLETE WITHOUT IT.

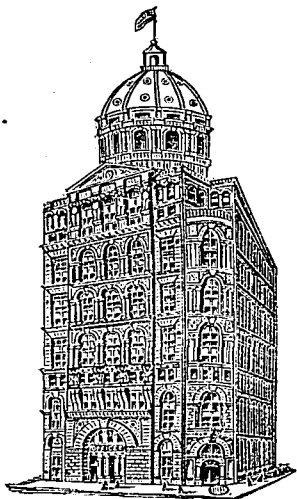
GEO. H. REED &amp; CO.

Inventors and Sole Proprietors,

ROOM 61, WORLD BUILDING.

TELEPHONE, 1597, CORTLANDT.

New York

Mar 2<sup>1</sup> 1893

To,  
Honorable Judge Martine.

I wish to inform you what I know about the reputation of Wm B. Hayes under sentence for perjury. Having known him in Detroit, where I formerly lived - He was reputed to be in there with the "Considine gang" who were arrested for the abduction of Old man Perine a wealthy miller and held for 10,000 ransom - This Hayes was thought to have an office there for a fence for thieves, which Mr D. Bernstein who is connected with the Press Assn will tell you in the Tribune Bldg. N.Y.

I have been out to dinner with him at Fourcades Restaurant, on 25<sup>th</sup> St. in 98, when I first arrived here and he would grab a handful of cut loaf sugar as soon as the waiter had turned his back, & put it in his pocket to take home. This I saw on three different occasions. He took some one else, and told me to say it was mine, if any one should speak to him about it, - when



0348

Dr John Draper.  
182 East 11th Street.  
New York.

January 31/93

Hon Randolph B. Martine

Dear Sir

In compliance with  
your order of yesterday - I have this  
day carefully examined Mrs Amelia  
E Hayes as to her physical condition.

I find no evidence  
of any disease - She is simply laboring  
under nervousness consequent probably on the  
trial she has so lately attended, which  
in my opinion will not leave her until  
the expected trial be over.

Her own medical attendant  
was present (Dr Daniels) during my visit  
and agreed with me - with his reservation  
that she was not really fit to go to Court to day  
or tomorrow - But arguing from her present  
condition. I believe she will be able to attend  
Court next Monday. Respectfully yours  
John Draper M.D.

0349

Dr John Burges.  
182 East 11th Street.  
New York.

Indic. filed Aug 29/92

Post  
paid  
13.00

Randolph B. Martins  
County General Sessions  
32 Chambers St

0350

FRANK H. DANIELS, M. D.,

OFFICE HOURS:  
8 TO 10 A. M., 5 TO 7 P. M.

126 WEST 126TH STREET.

Wednesday Evening

My dear Judge:

Mrs. Hayes's condition was such this noon that I saw it was useless to think of her going on the stand again. So I had her removed to her home this afternoon by ambulance, and have given street orders that no one except her lawyers is to see her. Her mind is in such a condition that the least excitement or strain would impair it permanently.

Yours sincerely  
F. H. Daniels

0351

FRANK H. DANIELS, M. D.,

OFFICE HOURS:  
8 TO 10 A. M., 6 TO 7 P. M.

126 WEST 126TH STREET.

Feb., 2, 1893.

I hereby certify that I have been the family physician of Mrs. Amelia E. Hayes, the wife of Wm B. Hayes, for more than two years, and that I have been in constant attendance upon her since Saturday morning last, visiting her from two to four times daily. I find her this morning no better than she was on Monday last. She is physically unable to leave her bed: and if her attendance at court is required, she will certainly do herself an irreparable injury. As a legally qualified examiner in Lunacy of this State, I declare that she is so depressed both physically and mentally that the strain of being a witness before she has recovered her strength

0352

FRANK H. DANIELS, M. D.,

OFFICE HOURS:  
8 TO 10 A. M., 6 TO 7 P. M.

126 WEST 126TH STREET.

May result in the loss of her mind.

F. H. Daniels, M.D.

Senior Visiting Physician to the  
Manhattan Hospital.

New York Court of General Sessions.

-----x  
THE PEOPLE OF THE STATE OF NEW YORK x

-against- x

William B. Hayes. x  
-----x

City and County of New York, ss:

I, WILLIAM F. HOWE, being first duly sworn,  
according to law, do depose and say:-

I am Counsel for the above named defendant.

That the defendant cannot proceed with the trial of  
the indictment herein for the reason that Amelia E. Hayes,  
the wife of the above named defendant, <sup>as before is informed & is</sup> is now confined to  
her bed and is seriously ill, and as appears by the annexed  
affidavit of Dr. Frank H. Daniels, will be unable to leave  
her bed without danger to her life, for at least ten days.

That said Amelia E. Hayes is the wife of the above  
named defendant and is a material and necessary witness  
for the defendant upon the trial of the indictment herein.

That the testimony of the said Amelia E. Hayes is  
of such a material and necessary character that without it  
the defendant cannot safely proceed with the trial of  
the indictment herein.

That the defendant is under indictment for perjury,  
which indictment was tried in the Court of General Sessions  
of the Peace, the trial lasting eight days, and upon said  
trial the said Amelia E. Hayes was called as a witness on  
behalf of the defendant and testified that the assignment  
of perjury in said indictment contained, to wit: that the

(2)

defendant had falsely sworn that he never made and delivered a certain promissory note to one Annie M. Keating, and that at the time of the delivery of the said note the said Hayes was in the State of Florida and not within the State of New York.

That on said trial the said Amelia E. Hayes proved conclusively her testimony that the defendant did not deliver the said note to the said Annie M. Keating, but on the contrary that the said Annie M. Keating had stolen said note and became illegally possessed thereof, and further proved upon the said trial that the said defendant was not within the State of New York at the time the said note bears date, but on the contrary was absent in Florida at said time.

That said Amelia E. Hayes gave said testimony on said former trial and was, on said former trial, the most important and material witness for said defendant, and that said defendant without the testimony of the said Amelia E. Hayes cannot safely proceed with the said trial.

That deponent is thoroughly familiar with the facts in said case, and in his opinion, and he has so advised defendant, said defendant could not successfully defend himself upon said trial without the testimony of the said Amelia E. Hayes. The said Amelia E. Hayes has expressed her willingness to attend at any time upon the trial of this indictment, but owing, as has hereinbefore been stated to her present illness, it will be impossible for the said Amelia E. Hayes to appear at the present time.

Deponent therefore prays that the said trial may be

(3)

postponed until the said Amelia E. Hayes is sufficiently well to appear in Court.

Sworn to before me this

*William F. Hayes*

30th day of January, 1893.

*Reynold S. Bunt*

Commissioner of Deeds  
in and for the City and  
County of New York



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

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

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

*H. B. General Services*

*The People vs.*

Plaintiff,

against

*William B. Hayes*

Defendant.

*Affidavit*  
*William F. How.*

**HOWE & HUMMEL,**

*Attorneys for Defendant*

87 & 89 Centre St., New York City.

Due and timely service of copy of the within  
hereby admitted

this day of .....189

Attorney.

To.....

State of New York.  
City and County of New York ss.

Frank H. Daniels, being duly sworn  
deposes and says - I am a Physician  
practicing as such in the said City  
and County of New York, and have  
my office at No 126 West 126<sup>th</sup>  
Street in the said City of New York -  
Deponent further says he is well  
acquainted with Amelia E. Hayes  
the wife of William B. Hayes, and have  
been her Attending Physician for the  
past two and a half years -  
Deponent further says that he was  
called upon to see the said Amelia  
E. Hayes on Saturday morning early  
(the 28<sup>th</sup> day of January 1893) The case  
was very urgent, and as soon as

possible deponent went to see said Amelia E. Hayes at her residence No. 136 West 127<sup>th</sup> Street, this City, and he found said Amelia E. Hayes confined to her bed suffering from a highly nervous and exhausted condition - Completely prostrated and unable to sleep except from the use of powerful drugs -

He said Amelia E. Hayes is now unable to leave her bed, and in his opinion she will <sup>not</sup> be able to do so for at least ten days, and if she should do so it would be dangerous to her health.

Deponent further says, that during the early part of December last he was obliged to order the said Amelia E. Hayes to go to Florida on account of her delicate state of health, and the said Amelia E. Hayes is now in such a condition both mentally and physically that it would be extremely

0359

hazardous and dangerous for her to leave  
her bed for at least two days

Sworn to before me,

the 30<sup>th</sup> day of January, 1893

Frank H. Daniels, M.D.

William C. Moore Jr  
Notary [272] Public  
City & County  
N. Y.

0360



Tomlinson

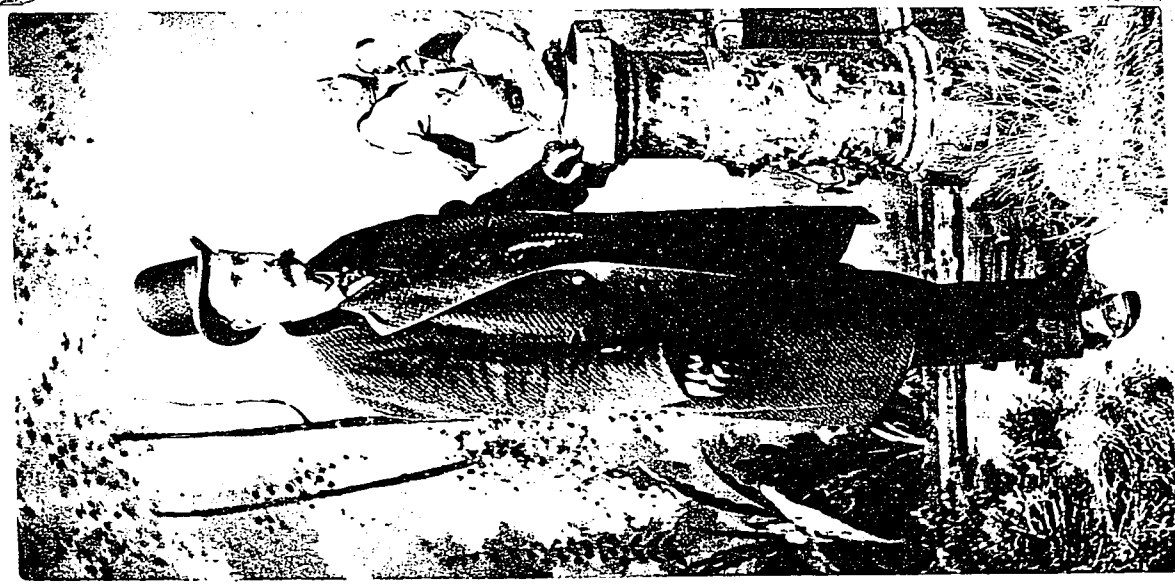
236 WOODWARD AVENUE



Tomlinson

SUCCESSOR TO J. H. WASSON

0361



N.Y. SUPREME COURT.

MONROE COUNTY.

".....")

Anna M. Keating.

--VS--

William B. Hayes.

".....")

City and County of New York. SS:

William B. Hayes being duly sworn deposes and says. I am the defendant in the above entitled action. I am informed and verily believe that the trial of the above action, is set down for March 17, 1893. Deponent says that he is now confined in the City Prison, New York City, where he has been confined for some time last past, and it is a matter of impossibility for deponent to say when he will be released therefrom and regain his liberty.

*all this Hayes  
credit for his  
ing the must  
in his statement  
J.W.S.*

That it will be impossible for deponent to go to trial in this action by reason of the aforesaid fact. That he is an important and material witness in the action, and does not make this affidavit for the purpose of delay in the trial thereof, but prays the Court to adjourn the trial of the said action, until such time, as he can be personally present, as his evidence is material in the trial thereof. Deponent further says, that Amelia E. Hayes his wife is also an important and material witness for him, in his defense in

the trial of this action. That the said Amelia E. Hayes is now confined to her bed at her residence in this City, suffering with a severe illness and under the care of her physician, and as deponent is informed and verily believes it will be several weeks before the said Amelia E. Hayes will be enabled to leave her house.

W.B. Hayes.

Sworn to before me this  
9th. day of March, 1893.

James W. Brinck,

Commissioner of Deeds,

N.Y. Co.



N.Y. SUPREME COURT,

MONROE COUNTY.

".".".".".".".".".".".".".".".".)

Anna M. Keating.

--VS--

William B. Hayes.

".".".".".".".".".".".".".".".".)

City and County of New York, SS.

Frank H. Daniels being duly sworn deposes and says. I am a practicing physician, and reside at NO. 126 West 126th. St. in the City of New York. I am the regular attendant physician of Amelia E. Hayes the wife of the above named defendant William B. Hayes, and have been her physician for some months last past. The said Amelia E. Hayes is now very ill and suffering from a severe attack of nervous prostration, and it is impossible for her to speak coherently. The said Amelia E. Hayes has been confined to her bed for several weeks last past, and it will be impossible for her without extreme detriment to her health to leave her bed, for at least two months. Deponent says that the condition of the said Amelia E. Hayes is such that any excitement or removal from her house would be very prejudicial to her health, and it would be impossible, for her to give her testimony in Court for at least two months.

Sworn to before me this

Frank H. Daniels,

10th. day of March, 1893.

Notary Public ((61)  
N.Y.Co.

*Notary name can't be  
made out. J.W.S.*

0365

MENAUGHTON & TAYLOR,

26 Reynolds Arcade,

*Rochester, N.Y.*

March 17th., 1893.

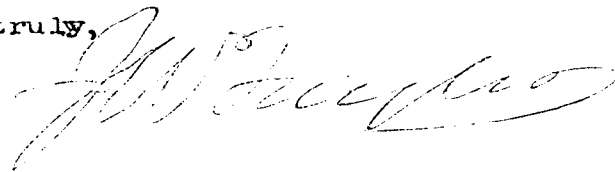
Frank H. Stegerson Esq.,

District Attorney's Office, New York City, N.Y.

My Dear Sir:-

Your letter of the 16th. instant was received this morning. I have just written Mr. Nicoll about the matter, and will ask you to see him.

Yours truly,



0366

MENAUGHTON & TAYLOR,  
COUNSELORS AT LAW,  
DONALD MENAUGHTON. JOSEPH W. TAYLOR.

26 Reynolds Arcade,  
*Rochester, N.Y.*

March 17th., 1893.

Hon. DeLancy Nicoll,

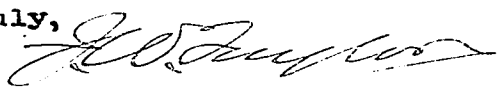
District Attorney, New York City, N.Y.

My Dear Sir:-

I am just in receipt of a letter from Mr. Week's Clerk, in which he says that in compliance with my telegram he had opened my letter of March 13th., to Mr. Weeks, and that he could not send me the papers asked for in that letter because part of them are with Judge Martine, and the others are under the control of Mr. Weeks. I have had <sup>the</sup> ~~a~~ civil action here reserved until Thursday of next week. Its place on the regular calendar is so near the head, that it is sure to go upon the day calendar for any day fixed for it. If the papers can be sent to me early next week without interfering with the course of business in your office, I will be very greatly obliged to you if you will have them sent. If all of them cannot be sent, then send such as you can spare. Will you kindly write me upon receipt of this so that I may know how to handle the case here.

Miss Keating has given me a statement of the evidence given by Joseph J. Hayes upon the trial. If her statement to me is correct, it may be that I can obtain an order setting aside the order opening the default in the action so as to be entitled to take judgment without trial. I would therefore like very much to see the evidence of Joseph J. Hayes.

Yours truly,



0367

Form No. 1.

**THE WESTERN UNION TELEGRAPH COMPANY.****21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

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

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
1630th	pu	Kg	2d paid 5/13

**RECEIVED** at the WESTERN UNION BUILDING, 195 Broadway, N. Y. Mar 15 1893Dated Rochester ny 15To Man Delaney McCollSubst Att New YorkPlease open our letter of Monday lastto Mr Weeks & send papers askedfor We have just learned of MrWeeks absence. AnswerMcNaughton & Taylor

0368

MENAUGHTON & TAYLOR,  
COUNSELORS AT LAW,  
DONALD MENAUGHTON. JOSEPH W. TAYLOR.

26 Reynolds Arcade,  
*Rochester, N.Y.*  
March 13th., 1893.

My Dear Mr. Weeks:-

A motion has been made to postpone the trial of Keating vs Hayes which will go on the day calendar of our Circuit on Friday of this week, unless the motion is granted. I send you herewith copies of the affidavits upon which the motion is founded. The motion is to be heard on Wednesday the 15th. instant. I would like very much to have the use of the evidence taken in the criminal trial for the purposes of this motion. It may be that I can get enough from the evidence of Joseph J. Hayes to entitle me to an order vacating the original order opening the default. I would also like to have the papers in the action for use on the motion. Miss Keating is very anxious that the trial should not be postponed, and I am also anxious to have the thing disposed of and out of the way. I will be greatly obliged to you for any information you may give me, or any suggestion you can make which will aid in defeating the motion. I will ask you to let me hear from you by return mail. I would like also to know whether Hayes' application for a stay of proceedings is granted?

Yours very truly,



Hon. Barton S. Weeks,

Asst. District Attorney,

New York City, N.Y.

0369

MENAUGHTON & TAYLOR,  
COUNSELORS AT LAW,  
DONALD MENAUGHTON. JOSEPH W. TAYLOR.

26 Reynolds Arcade,  
*Rochester, N.Y.*

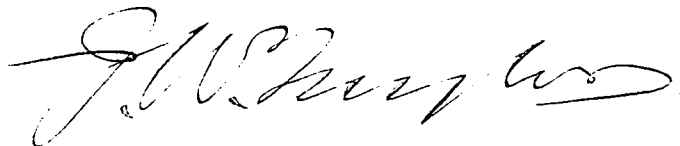
March 20th., 1893.

Frank A. Siegerson Esq.,  
District Attorney's Office,  
New York City, N.Y.

Dear Sir:-

Your letter of the 18th. just received. I think you will expediate matters some if you will get all of the papers in the Keating- Hayes matter together so that they can be sent immediately upon Mr. Week's return. I will be obliged to you if you will telegraph me as soon as Mr. Weeks arrives, that the papers have been forwarded. What disposition has been made of the motion for a new trial, and if the motion has been granted, is Hayes out on bail?

Yours truly,



0370

Form No. 1

# THE WESTERN UNION TELEGRAPH COMPANY.

## 21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

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

NORVIN GREEN, President.

THOS. T. ROBERT, General Manager.

RECEIVED at the WESTERN UNION BUILDING, 195 Broadway, N. Y. 3/22 1893

Dated Rochester, N.Y.

To Frank H. Sigerson

District Attys Office N.Y.

Can you send papers in

Keating Case today Answer quick

J. W. Taylor

0371

San Antonio, Tex. 9. 8. 93.  
 13 20. 11. 93.

San Antonio, Tex.

New York City.

My dear Sir: - In writing you to  
 inform you of the fact that the  
 distance to the East, with the  
 crop of the, for this morning  
 in the nature.

If you will send a party  
 to see if the business was returned  
 to the South, in the  
 date with the of the  
 purchase of the from the



One says he - one poor fellow who  
says he has no cash. others  
also want my money. But that's  
none. Still another says he was  
in Court every day during the  
last trial, but was unfortunately  
not on the list. He says he can  
not sleep much at night - he assures  
me he is a gentleman and I told  
him I would see to it - he says he  
is a gentleman and I told him  
I would see to it. But I am not a  
gentleman and that is all I can  
do to disappoint him.

You remember the gentleman  
who took me in my office to  
see my old friend. He said he  
was a woman detective I wish I  
could find out who it was.

Am sure it was between 10<sup>th</sup> & 20<sup>th</sup>  
 of Oct. 887. Quins was quite sure  
 I was not in the field  
 & time, in the morning. I was  
 at it with you, the suit was  
 in the field. I am, I am  
 he over before I get through with  
 this disagreeable business.

I don't accept a position in  
 a store, until I am sure there  
 will be no more trouble.

Am thinking very seriously of  
 visiting a field. Will find a  
 nice home with a big field, and  
 a fine view. It is, I think  
 Mr. Jackson's house.

Since returning home we have  
 been to a number of places, and  
 it is a very pleasant surprise.

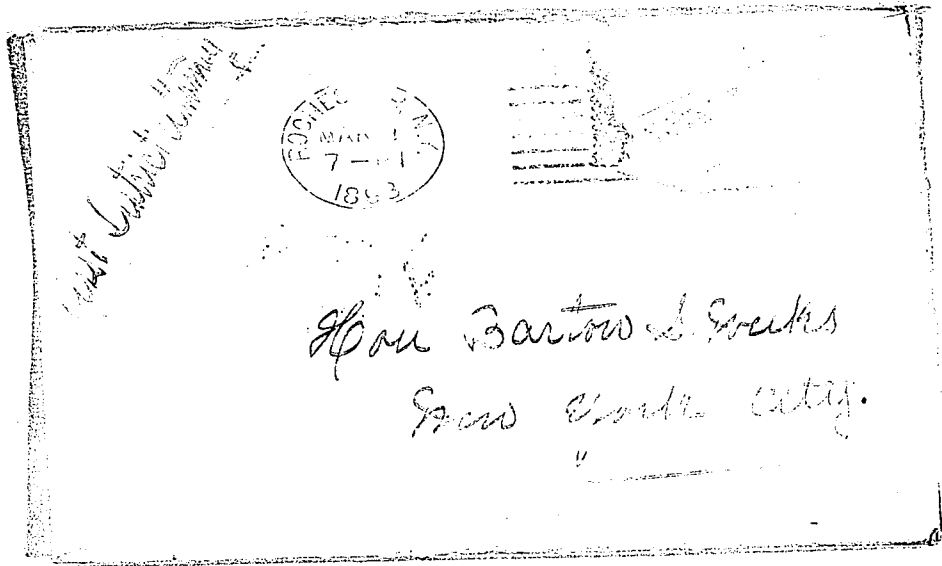
I should have any work  
that I can do. would be glad  
to hear from him - you did not  
tell me his name.

Mr. Sweet, please pardon me for  
taking up so much of your  
valuable time, and believe  
me ever yours most respectfully.

Anna M. M. M.

P.S. Will you please send  
me a copy of the book to send  
Mr. M. as he seems to be  
very interested with it.

0375



MENAUGHTON & TAYLOR,  
COUNSELORS AT LAW,  
DONALD MENAUGHTON. JOSEPH W. TAYLOR.

26 Reynolds Arcade,  
*Rochester, N.Y.*

Feby. 4th., 1893.

Hon. Bartow S. Weeks,  
Asst. District Attorney,  
New York City, N.Y.

My Dear Sir:-

I have obtained from the Police Justice of this City, the original affidavits upon which the search warrant, and warrant of arrest against Miss Keating were issued, and I send those affidavits to you herewith. I can send you the warrants themselves if you desire them. I will ask you to preserve those affidavits and to return them to me as soon as you are through with them, as the Police Justice will look to me for them.

The original affidavits used upon the first motion in Keating vs Hayes are not on file, as I telegraphed you this forenoon. I was successful on that motion and filed the copies which had been served upon me. I have had copies of those copies made and send them herewith. You will observe that there are two separate sets of affidavits. The set making up the smaller bundle were served later than the larger bundle were served, but they were all used upon the same motion.

I cannot obtain the diamonds until Monday. I will obtain them on that day and send them to you by Express.

Yours very truly,

3 enc's.

*J. W. Taylor*

0377

Shopper of  
Hartford  
to say to you of  
these something  
and the  
and the  
and the  
and the

in a way

0378

Geo. M. Curtis,

Counselor at Law,

261 Broadway,

New York.

Ascend by Elevator.

March 25, 93

My dear Mr. Weeks.

I send you back for  
Mr. Greig's prescription  
I hope at once to know  
that you have received  
it.

Yours truly

Geo. M. Curtis.

Hon. Barton S. Weeks.

0379

Hayes  
Prescription

Wm B Hayes

Prescription Office  
1037 Madison Avenue  
New York

Rec'd Ex. R K  
Feb. 9. 93. JAC

JAMES R. MAC GREGOR, M.D.  
OFFICE CONSULTATIONS.  
From 8 to 10 A. M.  
" 6 to 8 P. M.  
1037 Madison Avenue,  
NEW YORK.

R 86788 Nov. 9. 87

Ent. Goulard  
Inst. of fin. in 3/4  
No sig. for extenuation

25  
p.v.

A. R. d. d. C.  
Rec. Ex. 35 - for  
identification  
Feb. 9. 93. JAC



- a
- |                      |                      |
|----------------------|----------------------|
| 1. J. Park Acker     | 7. John Kerr         |
| 2. John Isidor       | 8. David M. Drummond |
| 3 John F. Clancy     | 9. Mrs. Frankenstein |
| 4 Mary Ellinger      | 10. John Vandsoren   |
| 5 Robert A. Fielding | 11. Henry Macdonald  |
| 6 Chas. Fritz        | 12. Fred W. Trajand  |

### Exhibits

1. Judgment Roll.
2. Affidavits of service of process
- 3 Order opening Judgment
4. Execution to Mfg. Co.

For Debt.

5 Note

6 Receipt

7 Letter of Dec 19. 89

8 Envelope

9 CK of Dec 7 90

10 Part of letter

11 Letter of Feb 14. 91

12 " "

13 " " Mrs. Hayes Sunday Eve

14 " Sept 24. 88

15 " Aug 8. 88

16. " Oct 5. 88

17 Feb 23. 89

18 Apr 16. 89

19 Apr 23. 89

20 Oct 29. 89

21 June 6. 90

~~For Debt.~~

+

+

+

For Debt.

+

+

- p. 62



0382

50 Letter of May 4. 87  
51 " " May 5. 87  
52 " " " 6. 87  
~~53~~ 53 " " Apr 27. 87  
54 " " Nov 23. 88 -  
55 " " Mrs Hayes

New York Court of General Sessions.

-o- : -o- : -o- : -o- : -o- : -o- : -o- x

The People of the State of New York, x

-against- x

William B. Hayes, x

Indicted for Perjury. x

-o- : -o- : -o- : -o- : -o- : -o- : -o- x

City and County of New York, ss:

I, W i l l i a m F. H o w e, being duly sworn,  
do depose and say:-

I am the Counsel for the above named defendant in  
the above entitled action.

The defendant above named was, as the records of  
this court show, tried one week from to-day in this court for  
the same offense as that for which the District Attorney now  
seeks to place him on trial.

This court knows, as was the fact, that upon said  
last trial, which lasted nearly two weeks, Amelia E. Hayes,  
the wife of the above named defendant, was a necessary and  
material witness for the defendant, for this court knows, as  
was the fact, that she had, upon the said last trial, testi-  
fied that she filled in the note upon which this indictment  
is predicated, after the defendant had signed it in blank,  
and that the said note was never delivered to the said Keat-  
ing, but on the contrary was stolen by the said Keating from  
the trunk of the said Amelia E. Hayes.

One glance at this indictment will show the material  
ity of the testimony of the said Amelia E. Hayes.

(2)

Deponent says that he is informed and verily believes that before the trial of this indictment, the said Amelia E. Hayes had two operations performed upon her, and that she was a very sick woman and was ordered by her physician to go to Florida for the benefit of her health, but instead of acting upon the advice of said physician she remained here to testify on behalf of her husband.

I say that every juror who acted on the said trial, and your Honor, now presiding and who did then preside, must have seen, as the fact was, the mental suffering of the said Amelia E. Hayes and her prostrated and exhausted condition, and her exceedingly nervous condition.

I say your Honor must remember that during her examination she had to ask your Honor's permission to leave the stand for the purpose of temporary ~~recapitulation~~ <sup>recuperation</sup>.

I am informed and verily believe that the mental strain upon the already sick woman has been so great that it would probably result in her ~~death~~ <sup>injury</sup> if she now attended court to testify.

I say that the medical evidence as to her condition is before this court, and I also say, as an old and experienced counselor of this court, that I cannot safely proceed to trial in the absence of the said Amelia E. Hayes.

I say that I am informed it is possible that about ten days hence, ~~if death does not remove the said Amelia E. Hayes from this world~~, she may be able to be in a condition to appear to testify.

(3)

I say that as a matter of humanity, of decency, and of justice, this court should not proceed with the trial of the said Hayes under these circumstances, for to do so would be evidence of an unseemly haste and would savor of vindictiveness, instead of justice.

I say that justice does not clamor for indecent haste. Justice should be governed by equity and administered in equity.

I say to this Court that I am Counselor for Carlyle W. Harris, now under sentence of death for murder in the first degree, and that this very day, at my office, I have made appointments with medical experts and with witness<sup>es</sup> who are to furnish me with additional affidavits to those which I have already, to enable me, as such counsel for the said Carlyle W. Harris, to argue the motion for a new trial for the said Carlyle W. Harris, which is set down by his Honor, Frederick Smyth, Recorder of this City, to be heard before him in this court on Monday next, the 6th day of February inst.

I say that said motion will occupy the greater portion, if not the entire day of Monday, and I say that I require to give my aid, my time and my energies, to the case of the said Carlyle W. Harris to-day, to-morrow and Monday, as the life of the said Carlyle W. Harris in the main depends upon my assiduity, industry and efforts in his behalf.

I appeal to this Court under the foregoing circumstances as a matter of right and of justice, to set this case

(4)

down for some day next term, because I do solemnly swear, that under no circumstances can I proceed with the trial of the case to-day, to-morrow, or on Monday.

I lastly say, with the greatest respect, that to order this trial on under the circumstances stated, will be a cruel injustice.

I also say that since I dictated the foregoing part of this, my affidavit, I have received two doctors certificates, which I hereunto annex and make part of this my affidavit.

I also annex to this my affidavit, a copy of each of the said certificates, and I now say positively, that to compel the said defendant to go to trial will be the refinement of barbarity and <sup>an unparalleled</sup> inhumanity, ~~in the extreme.~~

Sworn to before me this  
2nd day of February, 1893.

*Reynolds Deane*

Commissioner of Deeds  
in and for the City and  
County of New York

*William F. Hays*

0387

I hereby certify that I, this morning, examined Mrs. Amelia E. Hayes at 136 W. 127th St., this city, and found her in a serious condition.

She is confined to bed, is much prostrated physically and in a very excitable mental state. It is my opinion as an examiner in lunacy, and as one who has had long experience with the insane, that her mind cannot safely be subjected to the strain of the witness stand; and that to compel her attendance for such a purpose at this time would endanger her sanity.

(Signed) Malsey L. Wood, M. D.

Formerly Asst. Medical Sept. Michigan Asylum for Insane.

349 Lenox Ave.

Feby. 2nd, 1893.



0388

Feb. 2n, 1893.

I hereby certify that I have been the family physician of Mrs. Amelia E. Hayes, the wife of Wm. B. Hayes, for more than two years, and that I have been in constant attendance upon her since Saturday morning last, visiting her from two to fourtimes daily. I find her this morning no better than she was on Monday last. She is physic ally unable to leave her bed; and if her attendance at court is required, she will certainly do herself an irreparable injury. As a legally qualified examiner in lunacy of this State, I declare that she is so depressed both physically and mentally that the strain of being a witness before she has recovered her strength may result in the loss of her mind.

F. H. Daniels, M. D.

Senior Visiting Physician to the Manhattan Hospital.

0389

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

of said city, being duly sworn, deposes and says: That he is the in the  
within entitled action; that he has heard read, and knows the contents of the foregoing  
and that the same is true of own knowledge, except as to the matters therein stated to be alleged  
on information and belief, and that as to those matters he believes it to be true.

Sworn to before me this  
day of 189 }

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

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

Sworn to before me this  
day of

189 }

*M. V. General Services*

*The People vs.*

Plaintiff,

against

*William D. Hayes.*

Defendant.

*Affidavit of*  
*William D. Hayes.*

**HOWE & HUMMEL,**

*Attorneys for Defendant.*

87 & 89 Centre St., New York City.

Due and timely service of copy of the within

hereby admitted

this day of

189

Attorney.

To

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

-----X  
The People of the State of New York  
Against  
William B. Hayes.

-----X  
THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment, accuse William B. Hayes of the crime  
of Perjury, committed as follows:

Heretofore, to wit: on the ninth day of January in  
the year of our Lord one thousand eight hundred and  
ninety-one, there was commenced in the Supreme Court of  
the State of New York, in and for the County of Monroe,  
a certain action brought by one Annie M. Keating plain-  
tiff, against William B. Hayes defendant, by the service  
upon the said William B. Hayes of the summons together  
with a copy of the complaint therein upon the said  
William B. Hayes, in due form of law, in and by which said  
complaint she the said Annie M. Keating complained of the  
said William B. Hayes, and alleged among other things,  
that on or about the twenty-seventh day of October 1887,  
at the City of New York aforesaid, the said William B.  
Hayes made his promissory note in writing, of which the  
following is a copy:

\$2000,00

New York, Oct. 27th, 1887.

Two years after date I promise to pay to Annie M. Keating

(2)

or order the sum of Two thousand (\$2000) dollars with interest at the rate of six per cent per annum. Value received.

W.B. Hayes.

and then and there delivered the said note to her the said Annie M. Keating who at the time of the commencement of the said action was the holder and owner thereof; that before the commencement of the said action the said note became due and payable and remained wholly due and unpaid, and that at the time of the commencement of the said action there was due thereon to her the sum of Two thousand dollars with interest thereon from the said twenty-seventh day of October 1887, as in and by the said complaint now remaining filed of record in the said Supreme Court, doth more fully and at large appear.

And afterwards, to wit: on the sixteenth day of April in the year aforesaid, at the City of New York in the County of New York aforesaid, the said William B. Hayes, the defendant in said action, did go in his own proper person before Alvin F. Hill, Esquire, who was then and there a Notary Public for the County of Kings in the said State of New York, duly appointed and qualified as such, and who had theretofore in due form of law filed a certified copy of his appointment as such Notary Public with his autograph signature in the Clerk's office in the said City and County of New York, and who was thereby then and there duly authorized to exercise all the functions of his said office in the said City and County of New York, and did then and there exhibit and produce to the said Alvin F. Hill, Esquire, such Notary

(3)

Public as aforesaid, the answer in writing of him the said William B. Hayes to the said complaint of the said Annie M. Keating.

And the said William B. Hayes was then and there in due form of law sworn and did take his corporal oath touching and concerning the matters contained in his said answer, by and before the said Alvin F. Hill, Esquire, such Notary Public as aforesaid, he the said Alvin F. Hill, Esquire, as such Notary Public then and there having sufficient and competent power and authority to administer the said oath to the said William B. Hayes in that behalf, which said answer of him the said William B. Hayes then and there contained among other things, the allegations following, that is to say:- That for a first and separate defense he the said William B. Hayes denied each and every allegation in the said complaint contained; and that for a second and separate defense, he repeated the allegations contained in the first defense and further alleged that he was never and was not then indebted in any sum whatever to the said plaintiff, and that the said note was wholly without consideration and void.

And the said William B. Hayes being so sworn as aforesaid, upon his oath aforesaid, concerning the matters contained in the said answer before the said Alvin F. Hill, Esquire, such Notary Public as aforesaid, in and by his answer aforesaid, feloniously, knowingly, wilfully and corruptly did falsely swear, depose and say that he had

(4)

read the said answer and that the same was true to his own knowledge except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believed it to be true.

Whereas, in truth and in fact the said answer was not true to the said William B. Hayes's own knowledge except as to the matters therein stated to be alleged on information and belief; and the allegations of the said answer hereinabove set forth were then and there utterly false and untrue, and he the said William B. Hayes was then indebted to the said Annie M. Keating in the sum specified in the said complaint, and the said note was not wholly without consideration and void, but had been given by him the said William B. Hayes for a valid and lawful consideration, and was then wholly due and unpaid, all of which he the said William B. Hayes then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said William B. Hayes in the manner and form aforesaid, feloniously, wilfully, knowingly and corruptly did commit wilful and corrupt perjury; 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.

DeLancey Nicoll,

District Attorney.

(301)

Witnesses:

Mr. J. Barrett  
 James M. Keating  
 John C. Carroll

Counsel,

Filed

day of

1892

Pleads,

Indigently July 10

THE PEOPLE

vs.

B

William B. Hayes  
 (re-arrest)

DE LANCEY NICOLL,  
 District Attorney.

A TRUE BILL.

Chas. D. DeLoe

Foreman.

Book



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

-----X  
The People of the State of New York

Against  
William B. Hayes.

-----X  
THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment,accuse William B. Hayes of the crime  
of Perjury,committed as follows :

Heretofore,to wit: on the thirty-first day of  
January in the year of our Lord one thousand eight hun-  
dred and ninety-one,there was duly pending in the Supreme  
Court of the State of New York,in and for the County of  
Monroe,a certain action between Annie M. Keating,plain-  
tiff,and the said William B.Hayes,defendant,upon a cer-  
tain complaint in writing of the said Annie M.Keating  
such plaintiff as aforesaid,wherein and whereby she com-  
plained of the said defendant and alleged that the said  
defendant on or about the twenty-seventh day of October  
1887,at the City of New York aforesaid,made his promis-  
sory note in writing,of which the following is a copy:  
\$2000,00

New York,Oct. 27th,1887.

Two years after date I promise to pay to Annie M.  
Keating or order the sum of Two thousand (\$2000) dollars  
with interest at the rate of six per cent per annum.

(2)

Value Received.

W.B.Hayes.

and then and there delivered the said note to her the said Annie M. Keating who, at the time of the commencement of the said action was the holder and owner thereof; that before the commencement of the said action the said note became due and payable and remained wholly due and unpaid; and that there was at the time of the commencement of the said action due thereon to her the said Annie M. Keating the sum of Two thousand dollars with interest thereon from the said twenty-seventh day of October 1887; wherefore, she the said Annie M. Keating demanded judgment against the said William B. Hayes for the sum of Two thousand dollars with interest thereon from the twenty-seventh day of October 1887, besides the costs of the said action.

And afterwards, to wit: on the said thirty-first day of January in the year of our Lord one thousand eight hundred and ninety-one, at a term of the said Supreme Court held in and for the said County of Monroe, at the Court House in the City of Rochester, in the said County of Monroe, the summons and complaint in the said action having been personally served on the said William B. Hayes more than twenty days prior to the day last mentioned exclusive of the day of service, and the said defendant not having appeared therein in any manner, it was, on motion of the attorneys of the said plaintiff, adjudged by the said Court that the said Annie M. Keating, such plaintiff as aforesaid, recover of the said William

(3)

B. Hayes, such defendant as aforesaid, the sum of Two thousand and three hundred and ninety-one dollars with nineteen dollars and sixteen cents costs and disbursements, amounting in all to the sum of Two thousand four hundred and ten dollars and sixteen cents, and have execution therefor; and the said Annie M. Keating did then and there recover judgment against the said William B. Hayes in the said action for the said last mentioned sum of Two thousand and four hundred and ten dollars and sixteen cents, which said judgment was then and there duly entered in the said Court, and execution thereon was thereafter and before the commission of the crime hereinafter alleged duly issued thereon.

And afterwards, to wit: on the fifteenth day of April in the year aforesaid, at the City of New York in the County of New York aforesaid, the said William B. Hayes did personally go and appear before Eli C. Townsend, Esquire, then and there being a Notary Public in and for the said City and County of New York, and did then and there produce and exhibit to the said Eli C. Townsend, Esquire, such Notary Public as aforesaid, a certain affidavit in writing of him the said William B. Hayes, for the purposes of a motion for an order vacating and setting aside the said judgment so as aforesaid duly rendered and entered in said action, and the execution so duly issued thereon, and allowing the said William B. Hayes to serve an answer to the said complaint and to defend the said action, and for such other and further relief as to the Court might seem proper, which said affidavit in writing

(4)

was then and there duly signed and subscribed him the said William B. Hayes in his own proper handwriting, and then and there contained certain statements and allegations of and concerning the propriety, expediency and justice of such an order and of the merits of his defense to the said action.

And the said William B. Hayes was then and there *duly* sworn and did take his corporal oath by and before the said Eli C. Townsend, Esquire, such Notary Public as aforesaid, touching and concerning the truth of the matters contained in said affidavit in writing, he the said Eli C. Townsend, Esquire, such Notary Public as aforesaid then and there having full and competent power and authority to administer the said oath to the said William B. Hayes in that behalf.

And the said William B. Hayes, being so sworn as aforesaid, upon his oath aforesaid, before the said Eli C. Townsend, Esquire, such Notary Public as aforesaid, in and by his said affidavit in writing, wilfully, knowingly, feloniously and corruptly did falsely swear, depose and say among other things in substance and to the effect following, that ~~is~~ to say:- That he the said William B. Hayes never owed the said Annie M. Keating a dollar in his life; that he had never given to her the said Annie M. Keating a promissory note, and never had occasion to give her one; that he had never seen the note upon which the said action was brought and knew nothing whatever about it; that at the time the said note was dated, he the said William B. Hayes was in Florida, and remained

(5)

there the whole Winter; that he went to Florida the first of September 1887 and did not return until the first of May 1888; that he was not in the habit of giving notes, and had never given a note to any one in his life; that he had a complete defense to any cause of action which the said Annie M. Keating might present; that instead of his owing her she was then indebted to him in thousands of dollars.

Whereas, in truth and in fact, he the said William B. Hayes then owed the said Annie M. Keating the amount of the said note with interest thereon from the said twenty-seventh day of October 1887, and he the said William B. Hayes had given her the said note, and had seen the said note and then and there well knew that he had given the same to her, and that she was then the holder and owner thereof and that the same then remained wholly due and unpaid; and on the said twenty-seventh day of October 1887, he the said William B. Hayes was not in Florida and did not remain there the whole Winter; that he did not go to Florida on the first of September 1887 and did not remain there until the first of May 1888, all of which he the said William B. Hayes then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said William B. Hayes in the manner and form aforesaid, wilfully, feloniously, knowingly, corruptly and falsely did commit wilful and corrupt perjury; against the form of the statute in such case made and provided, and

(6)

against the peace of the People of the State of New  
York, and their dignity.

De Lancey Nicoll,

District Attorney.