

0180

BOX:

95

FOLDER:

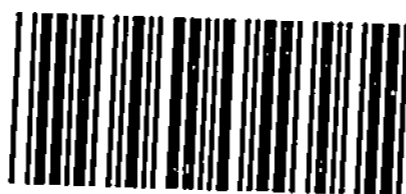
1028

DESCRIPTION:

Conkling, George W.

DATE:

03/30/83



1028

Def Railed by

James B. Ogden  
144 Canal St. Brooklyn  
Send Notice of trial  
to Mr. W. F. Howell

Mother & daughter  
kept on his own  
Recovery, decided  
"The West" and much  
Mother & father's efforts  
to get the patients

Oct. 17th 1833

B  
293 Rörpand / muck 30

Day of Trial,  
Counsel,  
Filed 30 day of March 1888  
Pleads, *Not guilty.*

# THE PEOPLE

B.  
vs.

George W. Conklin

Homicide of the Degree of  
~~First Degree.~~

JOHN MCKEON,

*District Attorney.*

Sept-Veru

# A True Bill.

Geo. C. Fisher Foreman.

**Foreman.**

*Paul West*  
Tried and  
True

**Tried and  
the day of**

0182

Court of General Sessions of the Peace of  
the City and County of New York.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

George W. Conklin the younger

The Grand Jury of the City and County of New York by this indictment accuse  
George W. Conklin the younger  
of the crime of ~~murder~~ <sup>manslaughter</sup> in the first degree,  
committed as follows:

The said George W. Conklin  
late of the ~~First~~ <sup>First</sup> Ward of the City of New York, in the County  
of New York, aforesaid, on the ~~nineteenth~~ <sup>nineteenth</sup> day of ~~March~~ <sup>March</sup>  
in the year of our Lord one thousand eight hundred and eighty-three  
at the Ward, City and County aforesaid, with force and arms, in and upon one  
~~William D. Staverstick~~ <sup>William D. Staverstick</sup>  
in the peace of the People of the State of New York, then and there being, wilfully, and  
feloniously, ~~and with a deliberate and premeditated design to effect the death of~~

~~the said~~ <sup>George W. Conklin the younger</sup> did make an assault, and the said  
Conklin the younger, a certain ~~pistol~~ <sup>pistol</sup> then and  
there charged and loaded with gunpowder and one leaden bullet, which said  
~~pistol~~ <sup>pistol</sup>, the said George W. Conklin the younger in his right hand then and  
there had and held, to, at, against, and upon the said ~~William D. Staverstick~~ <sup>William D. Staverstick</sup>  
then and there feloniously, wilfully, ~~and with a deliberate and premeditated design to~~  
~~effect the death of the said~~

~~the said~~ <sup>George W. Conklin the younger</sup> did shoot off  
and discharge, and the said ~~George W. Conklin the younger~~ <sup>George W. Conklin the younger</sup> with the  
leaden bullet aforesaid, out of the ~~pistol~~ <sup>pistol</sup>, aforesaid, then and there, by  
force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the  
said ~~William D. Staverstick~~ <sup>William D. Staverstick</sup> in and upon the ~~abdomen~~ <sup>abdomen</sup> of the said  
~~William D. Staverstick~~ <sup>William D. Staverstick</sup> then and there feloniously, wilfully, ~~and with a deliberate~~  
~~and premeditated design to effect the death of~~ <sup>the said</sup>

did strike, penetrate, and wound, giving to ~~him~~ <sup>him</sup> the said ~~William D. Staverstick~~ <sup>William D. Staverstick</sup>  
then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth,  
and shot out of the ~~pistol~~ <sup>pistol</sup> aforesaid, by the said ~~George W. Conklin the younger~~ <sup>George W. Conklin the younger</sup>

in and upon the ~~abdomen~~ <sup>abdomen</sup> of ~~him~~ <sup>him</sup> the said  
~~William D. Staverstick~~ <sup>William D. Staverstick</sup> one mortal wound of the breadth of one inch,  
and of the depth of six inches, of which said mortal wound ~~he~~ <sup>he</sup> the  
said ~~William D. Staverstick~~ <sup>William D. Staverstick</sup> ~~at the Ward, City and County~~  
~~aforesaid, from the said~~ <sup>day of</sup>

~~in the year aforesaid, until the~~ <sup>day of</sup>  
~~in the same year aforesaid, did languish, and languishing did live, and on which~~  
~~on the~~ <sup>said</sup> ~~nineteenth~~ <sup>nineteenth</sup> day of ~~March~~ <sup>March</sup>  
in the year aforesaid, ~~the said~~ <sup>at the Ward,</sup>  
City and County aforesaid, ~~of the said mortal wound did die~~ <sup>then and</sup>  
~~there did die.~~



0 184

City Prison  
February 3/84

Hon. Peter B. Olney  
District Attorney  
Sir.

Enclosed please find  
Insanity Certificates in the case of  
Daniel Cody committed January 30<sup>th</sup> by Justice  
Duffy for attempt at suicide and held  
in default of \$1000 Bail for trial. Dr. Jackson  
of this prison recommended his removal to  
Bellerue Aspt for examination as to his  
sanity. where he still remains

Yours Respectfully  
James Finin  
Warden

0 185

People  
M  
Consider

0186

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

People

vs  
Couttman

October 17 83

Anna H. Wheeler is the only witness  
the people could put upon the  
stand to prove the homicide.  
I have communicated with the Head  
Man's brother in, Charles Person  
who is unable to give me any infor-  
-mation on the subject. The deft  
Leontine came on from Reno  
Nevada upon the 8th of this  
month ~~to be on~~ <sup>and was in</sup> Court upon that  
day - to be tried - if being the day fixed  
by the Dist. Atty. I have informed  
the Dist. Atty of the facts above  
and directed me to request the  
Court to discharge the recognizance

W. J. Person  
Atty - Dist. Atty

0187

B 293 25  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

James W. Smith  
George W. Smith  
North St.  
Cremat  
Offence Homicide

Dated

25

1883

Bill Anderson  
Smith  
Magistrate.

Officer.

It is agreed that the depositions  
of the witnesses taken at the  
premises inquest the reasons to  
and accepted as the evidence  
at this examination

West-End City Prison  
for the people  
William J. Howard  
Lawrence King  
for the defense  
Richardson

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

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

Dated 188 Police Justice.

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

It appearing by the within depositions that  
the defendant had reasonable ground to  
apprehend great personal injury at the hands  
of the slain, that the homicide was justifiable  
and order the defendant to be discharged  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned I order h to be discharged.  
Dated March 27 1883 Police Justice

0188

POLICE COURT— 1<sup>st</sup> DISTRICT.

CITY AND COUNTY } ss.  
OF NEW YORK, }

RECOGNIZANCE FOR TRIAL OR EXAMINATION.

BE IT REMEMBERED, That on

the 24<sup>th</sup> day of March in the year of Lord 1883

George W. Bonkling Jr.  
of No. Reno Nevada Street, in the City of New York,

and James B. Ogden  
of No. 204 Carroll Street Brooklyn Street, in the said City,

and Herman B. Ogden  
of No. 204 Carroll Street Brooklyn Street, in the said City,

personally came before the undersigned, one of the Police Justices in the City of New York, and acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

George W. Bonkling Jr.  
the sum of Five thousand ~~Handred~~ **Hundred** Dollars; the said

James B. Ogden  
the sum of Five thousand ~~Handred~~ **Hundred** Dollars, and the said

Herman B. Ogden  
the sum of Five thousand ~~Handred~~ **Hundred** Dollars, separately, of

good and law money of the State of New York, to be levied and made of their respective goods and chattels, lands, and tenements, to the use of said People, if default shall be made in the condition following, viz.:

**WHEREAS**, the said George W. Bonkling Jr. was charged, before the undersigned, Police Justice as aforesaid, on the oath of James W. Martell and others with ~~Homicide~~ for having, on the 19<sup>th</sup> day of March 1883 in the City and County of New York, aforesaid, caused the death of Wilbur H. Haverstick by a pistol shot wound, at No 341 West 23<sup>rd</sup> Street in said City

**And Whereas**, he has been brought before said Justice to answer said charge and the said offence with which he is charged being bailable by said Justice, and he having demanded an examination on said complaint, and it having been made to appear to the satisfaction of said Justice that said examination should be continued to some other day, he did thereupon order the said accused to find sufficient Bail in the sum of Five thousand ~~Handred~~ **Hundred** Dollars, for his appearance at the 1<sup>st</sup> District Police Court, No. 101 Centre street, on the 27<sup>th</sup> day of March 1883 at 2 o'clock, in the afternoon of that day, to answer to said charge.

**Now Therefore**, the condition of this Recognizance is such, that if the above named George W. Bonkling Jr. shall personally appear before said Justice at the said 1<sup>st</sup> District Police Court in the City of New York, on the 27<sup>th</sup> day of March 1883 at 2 o'clock, P. M. and at such other times and days as the said examination may be adjourned to, and abide the final decision of said Justice, and not depart therefrom without leave, then this Recognizance to be void, otherwise to remain in full force.

Taken and acknowledged before me, the day and year aforesaid.

Solomon S. S.   
POLICE JUSTICE.

G. W. Bonkling Jr.  
J. B. Ogden  
H. B. Ogden

ON FILE  
CITY CLERK

0189

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John D. Smith*  
Police Justice

Sworn to before me this 24th day of March 1883

*James B. Ogden* one of the within named Sureties, being duly sworn, says that he is a *free* holder and resident in said City, and is worth *Ten thousand* ~~Hundred~~ *Dollars*, over and above the amount of all his debts and liabilities; and that his property consists of *House and lot of land situated lying at No. 204 Carroll Street in the City of Brooklyn, said house and lot being worth Twenty thousand Dollars over and above all every encumbrance*

*James B. Ogden*

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John D. Smith*  
Police Justice

Sworn to before me, the 24th day of March 1883

*Herman B. Ogden* one of the within named Sureties, being duly sworn, says that he is a *House* holder and resident in said City, and is worth *Ten thousand* ~~Hundred~~ *Dollars*, over and above the amount of all his debts and liabilities; and that his property consists of *stock in the Russell and Erwin Manufacturing Company of the value of Ten thousand Dollars*

*H. B. Ogden*

RECOGNIZANCE FOR TRIAL OR EXAMINATION

THE PEOPLE, & c.,

ON THE COMPLAINT OF

*Samuel W. Martin & others*

ss.

*George W. Cunningham*

Taken the 24th day of March 1883

*S. B. Smith* Justice

Filed day of 1887

Sureties identified by

No. Street.

0190

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
Years.	Months	Days.			
abt 30			U.S.	341 W 23 <sup>rd</sup> St	March 20 1883

HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of

William T. H. and that

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

~~William~~ George W.

Committing for by a pistol  
shot wound of the abdomen  
at 341 W 23<sup>rd</sup> St on March

19, 1883 and that the  
shot was fired with  
great precision

Inquest taken on the 22<sup>nd</sup> day  
of March 1883

before  
Terrence W. Egan Coroner.

Committed March 20, 1883

Deceased

Discharged

Date of death March 19, 1883

0191

**Coroner's Office,**

CITY AND COUNTY }  
OF NEW YORK, { SS.

*George W Conkling Jr* 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—

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?

*By advice of counsel no answer is returned.*

Taken before me this

day of

188

*Ferdinand Lewis*

CORONER.

0192

Coroner's Office.

TESTIMONY.

here and so west  
J. M. Montclair Jr

Sworn to before me  
this 27th of March 1883

Solomon B. Smith

Police Justice

Taken before me

this 22 day of March

1883  
Ferdinand Levy

CORONER.

0193

Coroner's Office.

TESTIMONY.

I knocked at  
the next door  
& found no one  
in - I looked  
for the servants  
Sick

and rushed at him. I think we grappled  
my thing I remember I had him grasped  
firmly by both wrists and he was  
lying on the floor. - He looked up at me  
and asked me if I would go for a  
doctor. I started out into the street  
found a policeman, with the help of  
the fraud office I took him  
I had shot a man - He took me  
back to 341, went in for a moment  
and then he took me to the station house.  
I showed the warden in the corner  
prison as my revolver which I  
had bought in Reno and carried  
constantly for 2 years.

When I found the shot I apprehended  
great bodily harm to my self at the  
hands of the warden.

I had means and my sister told me  
she had some when proposed to take her to  
Nevada - I had funds with Mr. Walling Welch  
62 Bowry money that was due me for services  
for mining surveys in Nevada. I sent  
word to Mr. Welch through Mr. Keys and  
expected to get word that evening Mr. O.R.  
Keys resides at 49 N 24 St. I had  
not purchased tickets as I intended to  
go to Lebanon first and then come back

this 22 day of March 1887

Ferdinand Levy

CORONER.

0 194

The case of George  
N. Conkling Jr. is  
hereby remitted  
to Justice Solom B.  
Smith at the Towns  
Police Court for  
examination under  
the Statute, ~~and~~  
~~Bail set in the~~  
~~case of~~  
~~in the matter of~~  
Dated March 24 1883  
Edouard  
Justice of the Peace

Supreme Court, New York

IN re. THE IMPRISONMENT OF

George N. Conkling Jr.

Writ of Certiorari.

I HEREBY ALLOW THE WITHIN WRIT.

Dated this 26<sup>th</sup> day of March 1883.

Edouard

Justice of the Supreme Court,  
holding Special Term thereof.

HOWE & HUMMEL,  
Attorneys for Relator.

0195

The People of the State of New York,

TO *Ferdinand Levy* — Esquire, one of the Police  
Justices of the City of New York, and to JOHN SPARKS, Esquire, Clerk of our Court of General  
Sessions of the Peace, holden in and for the City and County of New York, ~~and to~~ *and to*  
*any person having the papers in the care of*  
*George H. Conkling Jr.*

GREETING:

We Command you, That you certify fully and at large to

CERTIORARI  
TO CERTIFY CAUSE OF  
DETENTION.

our Supreme Court of the State of New York, at a *special*

*Term* — thereof, to be holden at the New County Court  
House, in Chambers Street, in the said City of New York, on the  
day of *March* 18*88*, at *9 1/2* o'clock *in the forenoon*, the  
day and cause of the imprisonment of

*George H. Conkling Jr.*  
by you detained; as is said, by whatsoever name the said

*George H. Conkling Jr.*

shall be called or charged; and have you then this writ.

*Witness*, Honorable NOAH DAVIS, presiding Justice of our Supreme Court of the First  
Judicial Department, at the City Hall, in said City of New York, the *28* day of *March*  
18*88*.

BY THE COURT.

WILLIAM F. HOWE  
and  
ABRAHAM H. HUMMEL.

*Attorneys for Relator.*

*Patrick Keenan*  
Clerk.

0196

# STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

## AN INQUISITION,

Taken at the house of  
No. 134 1/2 Chatham Street in the 4<sup>th</sup> Ward of the City of  
New York, in the County of New York, this 21<sup>st</sup> day of March  
in the year of our Lord one thousand eight hundred and 83  
before  
Coroner,

of the City and County aforesaid, on view of the Body of  
Wilbur H. Havrstick  
341 W 23<sup>rd</sup> St

lying dead at  
Upon the Oaths and Affirmations of  
two 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  
Wilbur H. Havrstick came to his death, do  
upon their Oaths and Affirmations, say: That the said Wilbur H. Havrstick

came to his death by pistol shot wound fired ab-  
solutely fired by George W. Conkling Jr. on the evening  
of March 19. 1883 at 341 W 23<sup>rd</sup> St and that the  
shot was fired under great provocation

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.

Wm Ender 115-119 E 4<sup>th</sup> St  
Joseph Stein 127 E 4<sup>th</sup> St  
Reidar Schwarzkopf 60 ave. A.  
McKetter 47 Barclay St  
Herman Epstein, 54 Bedford St  
Philip J. Hahn 53 Munght  
Corynst Schaffer  
Charles Heckler 130 E. 4<sup>th</sup> St  
Mr Kirkpatrick 67 W 47<sup>th</sup>  
John Foster  
Charles Cummings

Coroner, I. S.

0197

Coroner's Office.

TESTIMONY.

Police Officer

James W. Mantle, of the 16th Precinct  
being duly sworn says that on  
the 19th day of March 1883 at  
9:45 P.M. at the lobby of the  
Grand Opera House corner  
23rd street & 8th Ave. the prisoner  
George W. Conkling Jr. came to  
me and said he had shot  
a man. I asked him whether  
he had killed him he replied - he  
hoped not and wanted me to go to  
No 341 W. 23rd st. where the shooting  
took place. and I took him all night  
and went there with him. Took prisoner  
before the man he had shot. namely -  
William H. Havershick - but he was too  
weak to speak - found the revolver lying  
on the floor near body. This was on the first  
floor. I then brought the prisoner to  
the 16th Precinct Station house. The prisoner  
was then & there looked up by the Sergeant  
in charge of the Station house. I  
then charged the revolver and identify the one  
found to the owner as the one I found in the  
room

James W. Mantle

Taken before me

this 20th day of March 1883

Fredmund Levy CORONER.

Sworn to before me this 27th day of March 1883  
 John H. Dwyer  
 Police Justice

0198

Coroner's Office.

TESTIMONY.

Robert F M Campbell Detective 16 Precinct  
being sworn says on Mar 19. about 11:30 PM  
Dined Off Mautle going to the station  
house with the prisoner - he told me that  
a man had been shot at 341 West  
St & I went there.

I went into Mr Kavaratchky's room  
and found Mrs Uller and Dr Kealy.  
there. Mr Kavaratchky was on the floor  
lying on the floor.

Mr Kavaratchky asked to send for  
Dr Aidan. which was done - he then  
asked for Stimulants which were  
given to him. I then tried to pacify  
Mrs Uller who was laboring under intense  
excitement. Mr Kavaratchky was removed  
to the bed - Dr Kealy then told me that if  
I wanted to ask him any questions  
I had better do so at once as he seemed  
would not live long.

I questioned him & asked him who  
shot him? He said George Connelley.  
asked: "Why?" he said "we had a  
quarrel." The Doctor asked him if  
he wanted to send any message to anyone I  
don't know whether he received any answer.

Taken before me

this 21 day of March 1883

Frederick L. Levy CORONER.

0199

Coroner's Office.

TESTIMONY.

2

or not,

I saw a broken statuette lying ~~broken~~ on the floor in the N.E. corner of the room. I saw no other there.

I forgot to state in the conversation with deceased when I asked him who shot him? He said "George Conkling - he shot me like a dog - I asked him was he near guard? He said - yes."

I identify the statuette shown me by the coroner as the one I found in that corner of the room.

Deceased was lying near the front wall of the front room. Between the window the mate to the broken statuette was on the end of the mantlepiece near the front end of the room and near to where deceased was. The place where the other statuette the mate should have been was ~~is~~ vacant.

Robert F. M. Campbell

Sworn to before me this  
27th day of March 1883

John B. Smith  
Police Justice

Taken before me

this 21 day of March 1883

Ferdinand Levy CORONER.

0200

Coroner's Office.

TESTIMONY.

3

Captain John M. Elman 16 Precinct  
being sworn says: at 10.5 PM I  
heard the shouting of W. W. Haverstick  
When the prisoner was taken into the  
station house.

The prisoner George W. Cusick stated  
that he had shot a man and he hoped  
to get he was not dead - after his  
pedigree was taken he was confined to  
a cell where I visited him. I asked  
him how the affair occurred he said  
he visited the house "Flat" 341 W 23<sup>rd</sup> St  
to take his sister away at her in-  
vitation. ~~to take~~ her away from a  
man whom she was living unlawfully  
with. he expected no trouble. But  
Mr Haverstick flew into a rage said he  
was master there and nothing or nobody  
should get away from his house.

That Haverstick made a faint as if  
to run at him that prisoner prepared  
to defend himself with his fists. Haverstick  
climbed him they had a struggle for  
a few seconds. when they became  
separated. That Haverstick seized  
a large figure from off the mantle  
piece and flung it at him.

Taken before me

this

day of

1888

Frederick Levy

CORONER.

0201

Coroner's Office.

TESTIMONY.

4

The prisoner dodged it. Harnsden then made a rush for the other end of the mantle and attempted to grab the other statue. As the prisoner supporting his life was in danger. "Draw the old gun" and he hardly knew how it went off. He only remembers drawing the old thing.

Harnsden sank to the floor. He saw him and grabbed him by both wrists. Harnsden said "Get me a doctor. I don't know who to get for the doctor. I said to him 'How could you grab a man by both wrists with your revolver in your hand?' he said he must have dropped it."

The revolver  
asked where it was  
found

I left him and went to the ~~other~~ room where I found Harnsden dead. I had several conversations with the prisoner during the night. Once he said "God knows he brought it in himself."

He told me he went there to 341 No 23 to take his sister home. She had promised to go. and was to be taken to some hotel that night. (Chelmsford or Chelmsford?)

The Officer Maule, searched the prisoner and only found ~~no~~ a small

Taken before me

this

day of

188

Ferdinand Levy CORONER.

0202

Coroner's Office.

TESTIMONY.

-pocket knife when he had no money  
about him or railroad tickets:

I spoke to him about carrying a  
pistol - he said he knew nothing  
about the law here but in New  
Jersey even one carried a pistol  
night and day. he said he  
had been here two weeks and that  
he was a United States surveyor.

The prisoner was under extreme  
nervous excitement and walked  
the cell the whole night.

John M. Elwaine

Sworn to before me  
this 27th day of March 1883

Solomon B. Smith

Police Justice

Taken before me

this 21 day of March 1883

Ferdinand Levy CORONER.

0203

Coroner's Office.

TESTIMONY.

my sister to see her children at Lebanon  
Parr. He refused to talk upon the  
subject and said there would be  
no reconciliation between them.  
I went again to find out if he would  
contribute any thing to the support of his  
wife if she was to go home with me.  
He ~~was~~ refused to talk about it.

On Sunday I called at his house he  
was not in.

In the meantime I had called  
upon my sister several times to induce  
her to go home with me.

I called with her to Horre & Hummel's Office  
in reference to some proceeding that was  
going on about a divorce.

Everytime I called on my sister she  
we conversed upon the same subject and  
everytime she wanted to go home with  
me. I was there all Sunday Afternoon  
March 18-1883 Mr. Haverstick was there  
most of the time. He tried to make me believe  
that he was willing that she should go  
home with me. We finally settled upon  
my going to see Mr. Elder to ask him  
if he would not allow her to get a divorce  
if she was to go and she would go home  
with me. I could not find Mr. Elder  
Taken before me

this 22 day of March 1883

Edmund Leary CORONER.

0204

Coroner's Office.

TESTIMONY.

On March 19 I went to her house about 2 P.M. I told her that I did not think Mr. Miller would allow what we wanted that I was pressed for time and she had best come with me to the Hotel. We would go to Lebanon and then to Bang. She consented and said she had begun to lose faith in Harvleson that he pretended to be in favor of the arrangement but always interpreted objections so that she could not get away. She said she had fully made up her mind to go with me.

My sister was to come with me on Tuesday morning. Mr. Harvleson came in and said to her you have finally settled the thing that Mrs. Miller would let her go that ~~she~~ I would return and find everything in good shape.

She asked me to come again that evening after promising to go with me next morning. I called back about 9 P.M. in the evening my sister and my sister she was working. She said she was late and would not go. I said you ought to go. I said just in front of you I shall come.

Taken before me  
this 22 day of March 1888

Ferdinand Levy CORONER.

0205

Coroner's Office.

TESTIMONY.

She was agitated. She in a few minutes  
 told me Harnstock would not let  
 her go. I said never mind then come  
 on! she said no come and see them  
 and took me by the hand. I walked  
 into the parlor. Harnstock was sitting  
 down in the front of the room and sat  
 down. I said Mr Harnstock this  
 lady is my sister. she has appealed  
 to me for protection and to take her  
 away. you have no right to interfere  
 with us. He said I'll be damned if  
 I'll be insulted in my own house  
 I told him it was no time to talk  
 about insults. He said by god! you  
 can't take anything or any body out of this  
 house - he jumped up from off  
 his seat and said I'll fix you  
 myself. I partially rose and partially  
 withdrawn my coat. we advanced a  
 step towards each other - he reached  
 out with his left hand and seized an  
 image ~~and~~ from the mantle and raised  
 it with both hands to fire. as he  
 fired it I dodged it. I saw him reach  
 for another image that was on the  
 mantle. I drew my revolver as quickly  
 as possible and fired at him

Taken before me

this 22 day of March 1883

 Frederick Levy  
 CORONER.

0206

Coroner's Office.

TESTIMONY.

6

Thomas J. Healy M.D. 329 W 23rd St  
 being sworn says: on March 19, 1883.  
 I was called to 341 W 23rd St about 10<sup>15</sup> PM  
 to attend deceased who had been shot.

I found W.H. Haversstick who I did  
 not know lying on the floor. An Officer  
 was there two other men were there with  
 him Mrs. Uhler was in and out of the  
 room.

Mr. Haversstick was exhausted, pale, cold  
 and cold - he had a bullet wound  
 of the abdomen. He was quite conscious.  
 I asked him who shot him. He said  
 a young man shot him but it did  
 not make any difference who done  
 it. He said they had some dispute.

He said later on that George Conklin  
 shot him. I knew came in later.

Death occurred about 10.45 PM.

Mrs. Uhler was much excited and was kept  
 out of the way. I told her not to excite  
 the wounded man. I asked deceased if he  
 wanted to have a message as he was <sup>very</sup> low. He said  
 his mother was in California and said Oh! my poor  
 mother.

Thomas J. Healy M.D.

Taken before me

this 21 day of March 1883

Ferdinand Levy CORONER.

Sworn to before me the 27th day of March 1883  
 Oscar Smith  
 Police Justice

0207

Coroner's Office.

TESTIMONY.

William M Kemp MD 287 W 23 - for  
 being sworn says: On March 19. 1883  
 about 10 1/2 PM I was called to 341 W 23 - St  
 I got there as soon as possible to attend a  
 man who was reported to have been shot.  
 I found W. H. Barnstick in bed in a  
 state of collapse from pistol shot wound  
 of the abdomen. He was conscious.  
 Dr. Seale was then before arrived.

In my presence the deceased made  
 some indistinct remark about his mother  
 I remained till death occurred about 11 PM.

W. M. Kemp.

Sworn to before me this  
 27th day of March 1883

Solomon B. Smith

Police Justice

Taken before me

this 21 day of March 1883

Fredrickson  
 CORONER.

0208

Coroner's Office.

TESTIMONY.

R. W. Amidon, M.D. 41 W 20. B.  
 being sworn says. I knew W. H. Harrold  
 of 341 W 23<sup>rd</sup> St & with Mrs. Miller professionally  
 for about 2 years as their attending physician.  
 On March 19. 1883 about 10<sup>1</sup>/<sub>2</sub> P.M. I received  
 a message to go to 341 W 23. St. I was not  
 in when the call first came. I got there  
 about 11 P.M. Mr. Harrold was dead  
 when I got there.

I remained there all night taking care  
 of Mrs. Miller who was in a state of  
~~extreme~~ <sup>intense</sup> mental excitement. In the affair  
 Drs. Healy & Kemp were there when I first  
 arrived.

I left about 8 A.M. March 20. 1883  
 leaving Mrs. Miller in charge of some lady friend  
 while I made arrangements to take her  
 to the N.Y. Hospital.

R. W. Amidon

Sworn to before me this  
 27th day of March 1883

John B. Smith  
 Police Justice

Taken before me

this 21 day of March 1883

Ferdinand Levy  
 CORONER.

0209

Coroner's Office.

TESTIMONY.

Philip Edmund M.D. being sworn says  
 On March 20<sup>th</sup> 1883 at 341 W 23<sup>rd</sup> St  
 I made an autopsy on the body  
 of William H. Taverstock about 17  
 hours after death and found: a pistol  
 shot wound of the abdomen. The bullet entered  
 one half inch to the right of the median line  
 at the end of the Eleventh Costal Cartilage and had  
 a direction almost horizontally inwards and  
 to the right. It passed through the diaphragm,  
 through the left lobe of the liver, through  
 the Lobus Spigelii injuring in its passage  
 a branch of the Vena Porta and after  
 striking the 10<sup>th</sup> rib lodged beneath  
 the skin of the back four inches to  
 the right of the Median line and on  
 a plane with the 10<sup>th</sup> Dorsal Vertebra.

Death in my opinion was  
 due to shock and exhaustion  
 from haemorrhage due to Pistol shot  
 wound of the abdomen

P. E. Mullin M.D.

Subscribed before me this 27<sup>th</sup> day of March 1883

John B. Smith  
 Police Justice

Taken before me

this 20 day of March 1883

Ferdinand Levy

CORONER.

0210

Coroner's Office.

TESTIMONY.

Anna Saw 341 W 40<sup>th</sup> St. being sworn -  
 says I was employed at 341 W 23<sup>rd</sup> St.  
 by Mrs Uhler I left there Sunday  
 last Mar 9. 1883 bet 10 & 11 PM. I  
 left because I was frightened at what  
 happened

About bet 7 & 8 PM. Mrs Uhler  
 came out of the kitchen and said to  
 me - I won't stand this any longer  
 that fellow has slapped me on the cheek  
 when I passed him in the hall referring  
 to Mr Havenslick whom I understood was  
 her brother. She looked worried  
 and walked into the dining room where  
 Mr Conkling came in and I heard some  
 loud talk between them and then she  
 cried.

I heard loud talk. Mrs Uhler asked  
 me to close the door between the hall and  
 the dining room. I did. and remained  
 in the kitchen. Their voices were raised  
 louder but further in front.

In 20 minutes Mr Conkling came  
 out to me and said so and bring a  
 cord - I have killed Mr Havenslick.  
 I called a gentleman living in the house  
 down and I left. I don't know what  
 Taken before me

this 22 day of March

1883

Ferdinand Levy

CORONER.

0211

Coroner's Office.

TESTIMONY.

2

Mr Cookling left before I did or not.  
When Cookling & Mrs. Allen were together in  
the back room Mr. Harwick was in one  
of the front rooms.  
I heard nothing felt nor any shot  
fired.  
Anna Dain.

Sworn to before me this  
27th day of March 1883

Solomon B. Smith  
Police Justice

Taken before me

this 22 day of March 1883

Ferdinand Roy CORONER.

0212

Coroner's Office.

TESTIMONY.

3

Emma H. Uhler 341 W 23 St. Living  
 some days. Up to Monday Mar 19. I  
 occupied room in 2<sup>d</sup> floor with William  
 H. Haverstick and had for a year up  
 to August. I had known him for  
 8 years next summer. I became acquainted  
 with him in my time in Brooklyn where  
 I was living with my husband Clement  
 Uhler. Afterward lived in a flat  
 in Upper with my family and he boarded  
 with us.

My husband and I often quarrelled  
 which culminated in a separation. He  
 would not let me in the house and I left  
 him - a ~~mutual~~ divorce. I wrote to him for support  
 he refused to support me. I was driven  
 out leaving him by constant quarrelling on his  
 part. He got jealous of Mr. Haverstick  
 which materially brought about this  
 separation.

Mr. Haverstick has lived with me  
 nearly two years. Mr. Uhler took my  
 children to Tabernacle Pennsylvania.

I had no correspondence with my brother  
 Mr. Emory before his arrival in the city  
 when I saw him 3 or 4 weeks ago as he  
 called upon me. We walked out  
 Taken before me

this 22 day of March 1883

Edmund Levy CORONER.

0213

Coroner's Office.

TESTIMONY.

4

and talked about every thing that happened  
 He asked me to go under his care.  
 I said "I would see about it." He  
 called again and renewed his request  
 and wanted me to have a divorce from  
 my husband.

I saw him Mar 18 - Sunday. at my home  
 once I was alone. Mr. Farwell was  
 there we were speaking about the  
 affairs of my husband and he  
 left.

On Monday March 19, 1883 at 5 PM  
 my brother was there all the afternoon  
 He wanted me to get ready and go  
 with him right away, to the Leland House  
 and then for Reno Nevada, and leave Mr.  
 Farwell - my parents reside in  
 San Francisco Cal. I said I would take  
 it over with him in the evening and  
 probably go. He begged me to make up  
 my mind to go with him.

He Cuckling left at 5 PM. and said  
 he would return about 7 PM. to take  
 me along and begged me to get ready  
 to go.

He returned about 7 and 8 PM.  
 I met my brother in the dining room Mr.

Taken before me

this 22 day of March 1883

Frederick J. Long CORONER.

0214

Coroner's Office.

TESTIMONY.

Harrostick was in the front parlor - Harro-  
 stick did not want me to leave home  
 I said to my brother you had better not go  
 into when Mr Harrostick was and see  
 him. I made up my mind to go but  
 not that night. Mr Harrostick who  
 heard me said to me I don't want  
 you to go I'll see your brother!  
 I asked my brother into the room. Mr  
 Harrostick had come to the door. I pulled  
 my brother in saying come George.  
 Then we all sat down and talked  
 Mr Harrostick said something I don't  
 know what it was and then said  
 I didn't mean that evening. They  
 conversed about leaving the house I said  
 nothing.

Mr Harrostick sat upon the sofa  
 he jumped up and pulled off his coat.  
 He threw something I don't know what  
 it was. he ~~threw~~ pulled off his  
 coat first. George my brother  
 sat in his chair. I tried to jump  
 between them afraid some thing  
 terrible was going to happen when I  
 saw that coat pulled off.

George rose up. They arose and the  
 first I heard was the shot. I  
 Taken before me

this 22 day of March 1883

Frederick Levy CORONER.

0215

Coroner's Office.

TESTIMONY.

Saw a shot fired. Haverstock fell back and said 'I'm gone.' I think George fired the shot. I remained where I saw Haverstock fall - I don't off this fact. Is all of I could help him. I ran and screamed for help. People came in. Dr. Anderson was asked for by Mr Haverstock. I went into the back room and was attended by Dr. Anderson because Mrs. Shroed and prostrated by nervous excitement - he could not do anything for Haverstock but - could for me.

I never gave any weapons to Mr Haverstock.

I have since been all that night and next morning was taken to N.Y. Hospital and have been under treatment for nervous prostration ever since.

Haverstock had been a partner firm husband who commenced proceedings against Mr Haverstock for criminal conversation <sup>with</sup> me. I had commenced an <sup>action</sup> <sup>against my husband</sup> <sup>for divorce</sup> which was pending at the time of the tragedy - My brother <sup>was</sup> <sup>to</sup> <sup>cancel</sup> <sup>matters</sup> between me and my husband or to take me back to my home which he would provide.

Taken before me

this

day of

188

Frederick L. Levy  
CORONER.

02 16

Coroner's Office.

TESTIMONY.

for me - he said he could not  
furnish me with documents but would do  
the best he could.

He accompanied me to Mr. Shores office  
to attain that end. ~~During~~  
Mr. Garrison had quarrelled with me  
that afternoon and slapped me in the face.  
he did not mean to hurt me. I was  
crying when my brother came. I  
told him I wanted to go and that I  
could go.

Emma H. Able

Sworn to before me this  
27<sup>th</sup> day of March 1883

John B. Smith

Police deputed

Taken before me

this 2<sup>nd</sup> day of March 1883

Frederick A. [Signature] CORONER.

0217

Coroner's Office.

TESTIMONY.

a

George W Conkling Jr being sworn says  
 I reside in Reno Nevada. I came to New  
 York Feb 27/1883 and stopped at the  
 Hoffman House and subsequently about Mary-  
 went to the Island House - I am a United  
 States Surveyor for the District of Nevada. I  
 work for contract under the government.  
 I came to New York to make some  
 amicable settlement of my sister's troubles.  
 The 1st night I arrived here I looked  
 for Mr Miller's address in the directory.  
 I found 913. 7th Ave at this address.  
 I drove there and found that he had lived  
 there but could not learn where he had moved  
 to. I called on 5-5 Macy St next  
 morning and saw him. I could not speak  
 to him of the matter then as there were too  
 many around - I said I would call back  
 at 8 P.M. I was with my sister at 341  
 W 23rd St that afternoon and did not call.  
 Two or three days after I met him again  
 in his office. I conversed about the  
 relations between him and my sister. He at  
 first refused to talk with me. I asked him if  
 he did not think he had pursued me unmanly course  
 when he left his home for a month and left  
 his wife alone with Mr Harrold and his  
 children and a servant. He told me

Taken before me  
 this 23 day of March 1883

Ferdinand E. [Signature] CORONER.

0218

Coroner's Office.

TESTIMONY.

He did not propose to discuss that.  
 but Harrostick had been his partner in  
 business that he had put up the money to buy  
 him a seat in the board (Mining Exchange),  
 that he confided in Harrostick as a friend and  
 a partner, that after a while their business  
 was poor, and he proposed to Harrostick  
 in order to reduce domestic expenses, that  
 they would join and take a flat  
 together, that Mrs Miller had been for  
 some time addicted to using morphine -  
 a habit contracted through illness. That he  
 called on Harrostick to assist in breaking  
 up this habit. When he first noticed  
~~some Harrostick~~ peculiar attentions between  
 Mrs Miller and Harrostick he thought it was  
 the result of the morphine and Harrostick  
 he knew to judge such was the case  
 for a long time he did not believe  
 anything was wrong. At last he found  
 that they had clandestine meetings  
 one afternoon he refused to let her in  
 the house until she had told him where  
 she had been. She refused and left.  
 He proposed to have no further connections  
 with her & I left.

Next time I called, a few days after -  
 It was to show his account of taking  
 Taken before me

this 22 day of March 1883

Ferdinand Levy

CORONER.

0219

Coroner's Office.

TESTIMONY.

I knocked at  
the next door  
& found no one  
in - I looked  
for the Semmels  
Sue

and rushed at him. I think we grappled  
my thing I remember I had him grasped  
firmly by both wrists and he was  
lying on the floor. He looked up at me  
and asked me if I would go for a  
doctor. I started out into the street  
found a policeman, with the help of  
the fraud Opera House I took him  
that shot a man - He took me  
back to 341, went in for a moment  
and then he took me to the station house.  
I showed the revolver in the corner  
prison as ~~the~~ my revolver which I  
had bought in Reno and carried  
constantly for 2 years.

When I found the shot I apprehended  
great bodily harm to my self at the  
hands of the accused.

I had means and my sister told me  
she had some when proposed to take her to  
Nevada - I had funds with Mr. Miller of Wells  
62 Broadway money that was due me for services  
for mining surveys in Nevada. I sent  
word to Mr. Welch through Mr. Keys and  
expected to get word that evening Mr. O. R.  
Keys resides at 49 N 24 St. I had  
purchased tickets as I intended to  
go to Lebanon first and then come back  
Taken before me

this 22 day of March 1887

Fredrick Leary

CORONER.

0220

Coroner's Office.

TESTIMONY.

here and so west  
J. M. Montclair Jr

Sworn to before me  
this 27th of March 1883

Solomon B. Smith

Police Justice

Taken before me

this 22 day of March

1883  
Ferdinand Levy

CORONER.

0221

N. Y. April 4<sup>th</sup> 1883

Mr O'Byrne, East District Attorney

Dear Sir:

Pardon me for writing you  
but as you will probably try the  
case of Conklin for manslaughter.  
I desire to call your attention to one  
point in the case which seems to be  
over looked and yet a very important  
matter, This is - Mrs. Wheeler in her  
testimony before the coroner swears  
that the prisoner and deceased  
had hard words and were quarreling  
and her brother (Conklin) put his hand  
to his hip pocket (as in the act of draw-  
ing a pistol which he did) when the  
deceased threw the statue at him.  
Now if Conklin attempted to draw  
his pistol before Harvatack threw  
the statue at him, it justifies him  
(Harvatack) in throwing the  
image and makes Conklin the  
assailant - and not in any way  
justified in shooting - Now Mrs. Wheeler

0222

was an eye witness and her testimony  
in that respect taken. The shooting  
was not done in protection of Mrs  
Uhlen that is certain, and now  
the question arises was it done in  
self defence - and from the testimony  
(Mrs Uhler) it was not for the  
deceased did not throw the statue  
until Conklin attempted to  
draw his pistol which he did  
do and shot Harvstack. now  
if Harvstack behind Conklin  
was going to draw a pistol  
(which was the fact) he had a perfect  
right to throw any thing. Again  
why did not Conklin if he was  
in any fear get out of the room  
try and get away, which he could  
easily have done before he killed  
a person. No - The whole thing was  
a quarrel, they had had words a  
fight and Conklin drew his pistol  
and shot him - He ought to go to  
State Prison at least - I never saw  
either party but to take life on such  
pretext is terrible. Try and convict him  
and have justice done  
Justice -

0223

TO THE CHIEF CLERK!

SEND ME THE PAPERS IN THE CASE OF

PEOPLE

vs.

*Corrigan*

*Put this letter  
with the papers*

*W. H. Brown  
April 7 83*

0224

Cumlin #

0225

J. B. Haverstick, Druggist,  
CARLISLE, - - - PA.

Carlisle Sept 24 93

To Henry C Allen Esq

Dear Sir

Some time ago I received information that Judge Curry of California now staying at Pikeskill N.Y. would be glad to testify to my brother's good character would it not be good policy to see the judge and see what he has to say in the matter. He & his wife are visiting the lake and have their Head Qrs at this point (Pikeskill)

What is the date of the trial and do you think it necessary for me to come to N.Y. during the same please let me know

With kind regards and a wish that you may be successful

Remain yours

J B Haverstick

0226

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

The People  
vs  
Courtland

Sept 25<sup>th</sup>  
26<sup>th</sup>

Wm J Howe Esq

Dear Sir

In reply to your characteristic  
letter of Sept-25<sup>th</sup> - I beg to say  
that you need not set ready for  
the 5<sup>th</sup> of October. What you call,  
the honorable discharge, by the Court,  
and ~~the~~ <sup>the</sup> ~~prosecution~~ <sup>prosecution</sup> - does not influ-  
ence my judgment - still less  
does popular opinion; held by  
you to be so potent as operate upon it  
in this case. It is no part  
of my duty to unnecessarily harass  
defendants. I will cause instant

0227

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

Search to be made for M<sup>rs</sup> Uhler, and  
if as you intimated to my Chief  
that she cannot be found I will  
act in such manner as  
will be just to your clients

Sincerely,  
J. H. M. G.

0228



87 & 89 Centre, and 136, 138 & 140 Leonard Sts.  
NEW YORK CITY

William E. Howe.

Abe. H. Hummel.

188

Your early attention to this is requested as I gave my word that Conkling should be here on the 8th of October, the date on which it will certainly be impossible either for you or me to proceed to trial.

Yours Very Respectfully,

*William F. Howe*  
A handwritten signature in cursive script, appearing to read "W. F. Howe", written over a horizontal line.

0229



*87 & 89 Centre and 136, 138 & 140 Leonard Sts.*  
**NEW YORK CITY**

William E. Howe.

Abe. H. Hummel.

New York, September 25th., 1883.

*188*

The Hon. John O'Byrne,  
Assistant District Attorney

The People against George W. Conkling, for Homicide.

Dear Sir:

I had an interview with Mr. McKeon relative to the above case. My client, George W. Conkling, is now in the employ of the United States Government; actually engaged at a place called Reno, as I am informed, nearly three thousand miles distant from this City.

To bring Conkling on here simply to appear in Court and have a postponement, would be a manifest and crying injustice, which I am assured neither Mr. McKeon or yourself would desire.

Mrs. Uhler, who is alike an important witness for the People and also for the Defence, is, I am informed, not to be found.

Whether my information on that subject is correct your office can easily ascertain by the means at your command.

In any event, I am satisfied, and I unhesitatingly give

0230



*87 & 89 Centre and 136, 138 & 140 Leonard Sts.*

**NEW YORK CITY**

William E. Howe.

Abe. H. Hummel.

*188*

give expression to the opinion that in no event could Conkling be convicted.

Public sentiment, which in this case has much to do with the matter, is in favor of Conkling, who killed the seducer of his sister, whilst obstructing Conkling in his efforts to reclaim her from a life of shame and to take her back to her parents.

Conkling, ~~who~~ was honorably acquitted by the Coroner's jury, and honorably discharged by the Police Magistrate.

I now appeal to your sense of justice to inform me if under circumstances above stated you intend to call this case for trial.

Will you please cause all necessary investigation to be made consistent with your duties as prosecuting officer and inform me the result at an early date that there may be no mistake or misapprehension on either side.

My client is ready to come on, should you determine to go through the farce of a trial, but I ask you whether you believe, as prosecuting officer, whether the interests of the people will be subserved, by compelling a young man, who is in the reputable employment of the United States Government to journey nearly three thousand miles when the witness in the case cannot be forthcoming.

0231

Conklin

CALENDAR.

Part

2<sup>3</sup>/<sub>4</sub> Mond

Oct

Sep-4/83

notified must

0232

TO THE CHIEF CLERK!

SEND ME THE PAPERS IN THE CASE OF

PEOPLE

vs.

*Cockburn*

*Bruce*

*to Dept. of Justice  
I've written that these  
cases will be tried in  
retention term - I wish  
to give him every  
justice so that he  
can bring up clear  
from the best.*

*frk*

*Oct 2*

0233

Leah

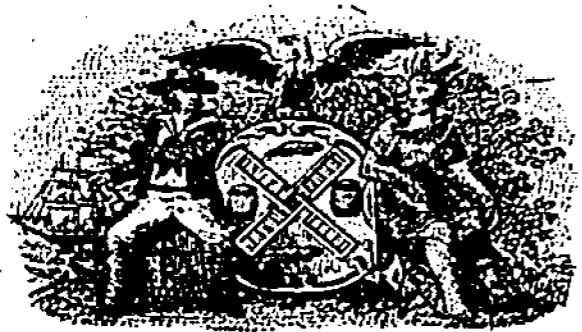
Amelia

Memo on

no bench

Bail

0234



City of New York Recorder's Office

New York \_\_\_\_\_ 1870

Perches & Co  
vs.  
Banking.

Capt Williams having informed me that the only witness upon whose evidence the prosecution relies to sustain the indictment in this case is dead, ~~it is unnecessary~~ there is no cause for continuing the bail in this case. The motion to discharge the deft bail is therefore granted.

Feb 13<sup>th</sup> / 80 F.S.

0235

Proper

Conkling

affiliated in Hoffman  
branching

0236

City and County  
of New York, ss.

Jacob Von Gerichten, being duly sworn,  
does depose, and says ~~that~~ I am a Detective  
Sergeant of the Police Force of the City of  
New York, that on, or about October 7<sup>th</sup> 1883,  
I was directed by Inspector Thomas Byrnes,  
chief of the Detective Bureau of this City, to  
search for, and ascertain the whereabouts  
of Mrs Emma Wiley, a witness in the  
case of The People, vs, Geo. Tonkin, and that  
I have exerted every means possible within  
my power, to do so and am unable to  
locate her, or her residence, which fact  
I duly reported to the said Inspector,  
Thomas Byrnes.

That on or about January 1<sup>st</sup>  
1884, I was again directed by the said  
Inspector Thomas Byrnes, and I am still  
unable to find her.

Sworn to before me this Jacob Von Gerichten  
15<sup>th</sup> day of January, 1884  
Jm C. Penney  
Notary Public,  
New York Co.

0237

City, and County of  
New York

Michael Crowley, being duly sworn,  
does depose and say that I am a Detective  
Sergeant of the Police Force of the City of  
New York, that on or about October 7, 1883  
I was directed by Inspector Thomas Byrnes,  
Chief of the Detective Bureau of this City to  
search for and ascertain the whereabouts of  
Mrs. Emma Uhler, a witness in the case  
of the People, vs. G. M. Cinklin, and that I  
have exerted every means possible within  
my power to do so, and am unable  
to locate her, or her residence, which fact  
I duly reported to the said Inspector Thomas  
Byrnes.

That on or about January 4<sup>th</sup> 1884  
I was again directed to renew my search  
by the said Inspector Thomas Byrnes, and  
I am still unable to find her.

Sworn to before me  
this 15-day of Jan 1884

Michael Crowley

Notary Public  
New York

0238

City and County  
of New York ss,

Philip Reilly, being duly sworn, does depose, and say, that I am a Detective Sergeant of the Police Force, of the City of New York, that on, or, about October 7<sup>th</sup> 1883 I was directed by Inspector Thomas Byrnes, Chief of the Detective Bureau of this City, to search for, and ascertain the whereabouts of Mrs Emma Uhler, a witness in the case of The People, vs. Geo. Franklin, & that I have exerted every means possible within my power to do so and am unable to locate her or her residence, which fact I duly reported to the said Inspector Thomas Byrnes.

That, on or about January 1<sup>st</sup> 1884, I was again directed by the said Inspector Thomas Byrnes, and I am still unable to find her.

Sworn to before me  
this 15 day of Jan 1884

Philip Reilly

Wm J. Ryan  
Notary Public  
N.Y.

0239

City, and County of New York ss

William Adams being duly sworn, does depose, and say that I am a Detective Sergeant, of the Police Force, of the City of New York, that on or about October 7<sup>th</sup> 1883, I was directed by Inspector Thomas Byrnes, Chief of the Detective Bureau of this City to search for, and ascertain the whereabouts of Mrs Emma Miller, a witness in the case of the People vs- Geo. Parklin, and that I have exerted every means possible within my power to do so, and am unable to locate her or her residence, which fact I duly reported to the said Inspector Thomas Byrnes.

That on or about January 1<sup>st</sup> 1884 I was again directed to renew my search by the said Inspector Thomas Byrnes, and I am still unable to find her.

Sworn to before me }  
This 15 day of Jan 1884 }  
Wm. Adams

William Adams

Notary Public  
My

Course of Criminal  
Sessions

15th Dec 1894

1894

Ex- W. L. L. L. L.

Officer of  
Training C. Assn

0240

0241

Court of General Sessions of the Peace  
of the City and County of New York

The People of the State  
of New York  
against  
George W. Conklin

City and County of New York, ss.

Henry C. Allen being duly sworn deposes and says: that during the Spring of the year 1883, and at the time of the filing of the indictment in the above case, he was connected with the District Attorney's Office of the City and County of New York; that he recollects all of the proceedings taken in Court in the said case concerning the plea upon the indictment, and the adjournment of the trial thereof until September 1883; that after the said indictment was found and the said plea entered, and after the trial of the said indictment had been postponed until the Fall, that is to say: early in the month of April 1883, deponent saw

0242

in the columns of the New York Herald, a daily newspaper published in the City of New York the annexed statement that Mrs. Miller, who is a necessary and material witness for the people in the trial of the above entitled action had left the City of New York for the West in the company of the defendant Connelley.

And deponent further says that from information derived from the annexed statement and from other sources he verily believes it to be true, that in the April last the said witness did leave the jurisdiction of this Court for the State of Nevada.

Henry C. Allen

Sworn to before me

This 16 day of January 1894

John A. Brennan  
Notary Public 284  
City & County New York

0243

## MRS. UHLER'S PUNISHMENT.

## A HEARTRENDING SCENE AT HER HUSBAND'S HOUSE BEFORE SHE WENT WEST.

George W. Conkling, Jr., who is under indictment for manslaughter in the first degree for the killing of W. H. Haverstick, did not leave this city a week ago, as his counsel believed he had. He took his departure on Saturday evening at nine o'clock, taking a train on the New York Central Railroad, en route for his home in Reno, Nev. Conkling was accompanied by his sister, Mrs. Uhler. It seems that Conkling expected to get away on the 7th inst., the day on which his counsel thought he had left, but Mrs. Uhler proved a stumbling block, for she delayed the departure from day to day upon one ground and another. To the last she protested against being taken from the city. The scene where the encounter between her brother and lover took place appeared to have a fascination for her, and she frequently, on one pretext or another, visited the flats in which Haverstick was killed. In the morning of one day she would appear resigned and express her willingness to start by the evening train of that day, but as the time to make the final preparations for starting approached she would declare that she was too ill to undertake the journey and postpone her departure till the next day. On two occasions she left the house where she had been residing with her maid since the tragedy, and did not return until the next day, passing the night at one of the hotels. Her brother was greatly depressed by these repeated failures to get started for his home. At last, on Saturday afternoon, to her brother's great relief, Mrs. Uhler declared that she would be ready to start that evening. Every preparation was made and as the hour of departure drew near she wept violently, calling repeatedly upon the name of her dead lover and declaring that she would not

[CONTINUED ON NINTH PAGE.]

## MRS. UHLER'S PUNISHMENT.

[CONTINUED FROM EIGHTH PAGE.]

leave for the West before seeing her children. Mr. Conkling's counsel, Colonel Cameron H. King, earnestly urged her to accompany her brother, and she was finally persuaded to enter a close carriage with Mr. Conkling and a gentleman who has been his warm friend throughout his trouble, and the carriage was driven to the Grand Central Depot. After getting on board the train Mrs. Uhler became almost hysterical and cried out that she would not go. At times force became necessary to restrain her from leaving the car. Despite her determination to do so, Mrs. Uhler was unable to embrace her little children before going away with her brother. But she certainly made a desperate effort to accomplish her desires, for, accompanied by her maid, on the 4th inst. she went to Lebanon, Pa., where her husband and children are residing with Mr. Uhler's parents. Upon ringing the bell of the Uhler mansion the door was opened by a servant girl who had been in the employ of Mr. and Mrs. Uhler before their separation. The girl at once recognized Mrs. Uhler, and, acting probably upon instructions given to her by her employers, she shut the door in Mrs. Uhler's face. The unfortunate woman became almost frantic and, striding up and down the piazza, she gave vent to her anguish in heartrending shrieks, clamoring to be admitted and threatening to break down the door and the windows. If she was not allowed to see her children, no attention was paid to her cries by those within the house, and finally her maid succeeded in calming her. But just before leaving the place Mrs. Uhler desisted her little ones driving past with their father. She held out her arms imploringly to them, and cried out for them to stop, but either the father and children did not see or hear her, or pretended they did not, and they were soon out of sight of the heartbroken mother, probably forever! It was with no little effort that the maid was enabled to get her mistress to leave the spot and come to this city.

Those who have been in intimate association with Mrs. Uhler for the past week are under the impression that the poor woman's mind has been unsettled by the shock she received the night of the tragedy in Twenty-third street and her suffering and remorse which have followed.

0244

Court of General Sessions.

People

<sup>v.</sup>  
George W. Conkling Jr }  
City & County of New York ss.

George Stebbins being  
duly sworn says:

That he is one of the Assistant District  
Attorneys for the County of New York.

That the indictment in this case is for  
manslaughter in the first degree and  
was found and filed March 30 1883.

That the defendant was bailed in the  
sum of \$5000 & is now on bail.

That the reason this action has not  
been tried and cannot now be tried  
is that the prosecution have not been  
able to ascertain the whereabouts of  
Mrs. Uhler the sister of defendant  
or to serve her with a subpoena to attend  
the trial. That Mrs. Uhler was, as  
deponent is informed by the depositions  
taken before the coroner in this matter,  
the only person besides defendant who  
saw the deceased ~~Harriet~~ killed,  
and the People cannot safely go to  
trial without her testimony. That

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deponent is.  
as ~~has~~ performed and truly believes  
continuous efforts have been made  
on behalf of the District Attorney to  
find Mrs. Ahler, but without success.  
That it was current public in-  
formation soon after said Conckling  
was bailed that Mrs. Ahler had gone  
off with the defendant to Nevada,  
in pursuance of her intention formed  
at the time of the killing of Haver-  
stick and which intention she herself  
testified to before the coroner in this  
proceeding.

That in opinion of deponent it is  
a fair presumption that the defendant  
knows of the present whereabouts of  
his sister, Mrs. Ahler, and that she is  
keeping away or out of sight at his  
instigation or connivance, and that  
under the circumstances the appli-  
cation of defendant to dismiss the  
indictment should be denied.

Sworn to before  
me this 15th day  
of January 1884

Jm J. Jemery  
Notary Public  
New York Co.

{ J. J. Jemery  
Notary Public

0246

Count of Annual Sessions

People

vs

George W. Connelley Jr

City & County of New York ss:

Michael Crowley

being duly sworn says:

That he is a detention sergeant  
at police headquarters in the  
city.

That in October 1883 at the time  
this case was about to be called  
for trial, at the request of Mr.  
Assistant District Attorney O'  
Byrne I was searching for Mrs.  
Ables, who I understood was the  
sister of defendant.

At about that time I enquired  
of either Mr William F. Horn  
or Mr A. H. Hummel when Mrs.  
Ables was or could be found; and  
I received a reply from either  
Mr Horn or Mr Hummel that he  
had not seen Mrs Ables since  
she went away with her  
brother (meaning the defendant)

0247

soon after the trial a proceeding  
before the Coroner in connection  
with this matter; The deponent  
cannot say which of said persons,  
Mr Horn or Mr Heermann, made  
the statement aforesaid, but re-  
members that it was one of them,  
and remembers the fact because he  
knew Mr Horn & Heermann to be  
defendants counsel in this matter.  
And deponent further says that  
he understood at that time from  
either Mr Horn or Mr Heermann  
as aforesaid, that Mrs Miller  
aforesaid had left New York and  
had gone away in company with  
the defendant.

Subscribed before me }  
the 25<sup>th</sup> day of } Nicholas Crowley  
January 1884 }  
Jury Notaries  
Notary Public  
City & County of New York

People's Building

0248

Morris Kennedy

0249

1 District Police Court,  
New York, Jan'y 31. 1884

Hon Peter B Olney  
District Attorney

Dear Sir

In this

Case of Daniel Cooky  
committed for attempted  
Suicide by me yesterday,  
I am informed by  
the relatives of this man  
that he is insane &  
they want to take  
him to New Jersey  
to place him in an  
Asylum. I would  
recommend that he  
be given over to his  
relatives as they are

0250

able to support him  
place him in an  
Asylum.

Very Respectfully  
P. G. Duffy

P.S. He has two  
brothers in the the  
united asylum

P. G. Duffy

5

If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his assistants.

Michael Crowley

✓ ..... on the 28 day of  
September 1883 by as appears by  
Report of Federal  
Commissioner of

Sworn to before me, this 13 day  
of Sept 1883 | \_\_\_\_\_

*John A. Perry*  
Notary Public,  
N. Y. Co.

0252

**PART 2.**

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

**S U B P O E N A**

FOR A WITNESS TO ATTEND THE

**Court of General Sessions of the Peace.**

The People of the State of New York,

To Emma Uhler  
of No. \_\_\_\_\_ Street,

GREETING :

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

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

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of sept in the year of our Lord 188 3.

JOHN McKEON, *District Attorney.*

0253

DISTRICT  
POLICE COURT.

*James J. Moore*  
Peter B. Olney  
District Attorney

0254

Pro<sup>u</sup> handling

0255

District Attorneys Office.  
City & County of  
New York.

Out of General Sessions  
City & County of New York

The People of the  
State of New York  
vs

George W. Cronkley

City & County of New York Michael  
Crowley being duly sworn  
says. I am a detective  
Sergeant attached to  
Inspector Byrnes Staff  
at Headquarters in the  
City of New York. That on  
the 28<sup>th</sup> day of September 1883  
Dehorant received instructions  
from John O Byrnes Assistant  
District Attorney of the City of  
New York to make search

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District Attorneys Office.  
City & County of  
New York.

for and to serve with a  
Subpoena Emma H  
Uhlen, in the above  
entitled action.

That hereto annexed is  
the subpoena deponit  
inclosed to serve on said  
Emma H Uhler.

Deponent searched for  
said Emma H Uhler at  
No 341 West 73<sup>rd</sup> Street the  
last known place of residence  
of said Mrs Uhler and could  
not find said Mrs Uhler  
at said address and ascertained  
that said Mrs Uhler formerly  
resided at said house but  
her address was not known  
there. Deponent ascertained

0257

District Attorneys Office.  
City & County of  
New York.

this fact from the number  
of mail hours and from  
conversations Depovent  
had with several of the  
males in said house.  
That on said day Depovent  
visited the Sherburne House  
Broadway and 28<sup>th</sup> Street in  
the said City and the  
clerk of said hotel  
informed Depovent that  
said Mrs. Uhler had formerly  
lived at said hotel but  
had moved away and  
her present address was  
not known at said hotel.  
That Depovent sent letters to  
the Chief of Police of New York  
and requested said officer

0258

District Attorneys Office.  
City & County of  
New York.

I search for the whereabouts  
of the Uhler but our officer  
has failed to send report  
any word or get him any  
information concerning the  
Uhler

Submitted on this  
13 day of October 1883

J. N. Penney  
Notary Public  
New York Co.

Michael Crowley

stipulated that within  
motion is adjourned to  
Monday January 16<sup>th</sup>  
1884 at 11 o'clock in  
the forenoon  
M. Jan 12, 1884.  
Howe & Hummel

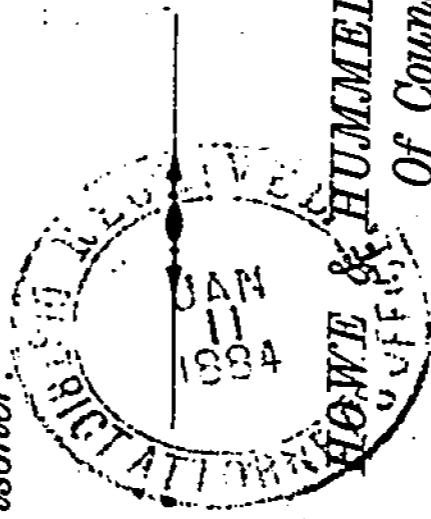
Part Two  
General Sessions, N. D.  
Wednesday

THE PEOPLE,  
vs.

George W. Conkling

(Copy)

Notice of Motion for discharge  
of Prisoner.



87 & 89 Centre Street  
N. Y. City.

To Peter B. Olney Esq.  
Dist. Atty &c.

0259

0260

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

The People  
against  
George W. Conkling

Indictment for Homicide  
Found June Term 1883.

To Hon. Peter B. Olney  
District Attorney of the City and County of New York.

Sir—

Please take notice that a motion  
will be made for the dismissal of the  
Indictment against above named defendant  
George W. Conkling indicted in the June 1883  
Term of this Court for Murder in the first  
degree, before the Honorable Henry A. Gilderleeve  
one of the Justices of said Court of General  
Sessions at the opening of said Court of  
General Sessions on the 14<sup>th</sup> day of January  
1884 on the ground that more than two  
terms of said Court of General Sessions  
have elapsed since the indictment of the  
said George W. Conkling, and that he has  
not been brought to trial for the offence  
for which he is so indicted. And also  
on the ground that the late District Attorney  
John M. Keon, a few days before his

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death, personally gave orders that the  
Indictment herein ~~should~~ be dismissed.  
This motion will also be made  
upon the pleadings herein and  
affidavits heretofore filed, and now  
in the possession of the District Attorney.

Dated this 11<sup>th</sup> day of January 1884.

Yours respectfully,

Howe & Hummel,

of Counsel for said

George W. Coulting.

*Of Counsel for said*

0263

My dear Sir  
Defendants never  
asked for an adjour-  
-nment but wished  
a trial. The people  
had no witnesses  
hence the case was  
adjourned at their  
instance.

I have no knowledge  
wherever beyond, I mean  
as to Mr. W. W. W. - or  
Said she went to her  
with her brother.

Pro 812 per  
Jan 15 84

0264

DISTRICT ATTORNEY'S OFFICE,

New York.

Jan 15 1884

John O. Byrne Esq.,  
Dear Sir,

Do you remember —  
how when I left you asked  
me to obtain an adjourn-  
ment (say) on a term of  
the case of Rev. George W.  
Bentley for manslaughter  
of Harshen —

and how many remember  
that his sister Mrs. Miller  
went away with him to Nevada.

Very truly  
Yours,  
G. H. Adams.

0265

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

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

Sworn to before me, this  
day of \_\_\_\_\_ 18 \_\_\_\_\_ }

N. D. General Sessions.

The People of the  
State of New York  
Plaintiff,

against

George W. Connelley.

Defendant.

Affidavit of  
J. Howe.

HOWE & HUMMEL,  
Attorneys for George W. Connelley.  
87 & 89 CENTRE ST., New York City.

Due and timely service of copy of the within  
hereby admitted  
this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

Attorney.

To

0266

N. Y. Court of General Sessions.

-X-

The People of the State of New York,

against

For Homicide.

George W. Conkling.

-X-

City and County of New York SS: William F. Howe of said city being duly sworn deposes and says: That he is counsel for the defendant. That the said defendant was indicted for homicide after having been acquitted by a coroner's jury, and also after a full hearing by a Police magistrate.

Deponent, as an officer of this court, has no hesitancy in declaring that the homicide was justifiable. That the said George W. Conkling is under bail in the sum of \$5000 to appear at the October term of the Court of General Sessions.

That, at great expense and inconvenience the said Conkling <sup>in the month of October 1883</sup> came over 3000 miles from Reno, Nevada, where said Conkling was in the employ of the Government, as engineer, to answer said indictment, when the Hon. John McKeon, who was then District Attorney of this County, after a full investigation of the facts, came to the conclusion that the said indictment should not be prosecuted and that said John McKeon, with his own lips, requested the said George W. Conkling to return to Reno, as the case would not be tried and said McKeon then directed Assistant District Attorney O'Byrne to endorse upon the papers the reason for the discharge of the recognizances of the said Conkling.

Sworn to before me, December, 21<sup>st</sup> 1883.

*Wm. F. Howe*

*Commissioner of the Court*

*Wm. F. Howe*

*William F. Howe*

0267

Count of  
General Sessions

Presentment  
and Grand Jury

Return to the Court

Filed Nov 31. 1884

0268

To the Honorable

Rufus B. Coving

City Judge of the City of New  
York, and Judge of the Court  
of General Sessions.

The Grand Jury of the City  
and County of New York  
empanelled in the Court  
of General Sessions of the  
Peace, respectfully presents:

That in the course of its  
investigations into the many  
cases of crime which have been  
brought to its attention, the  
fact has been developed to the  
satisfaction of the Grand Jury  
that the Commissioners of Excise  
of the City and County of New York  
have taken the position that a  
license to sell strong and spirit-  
uous liquors, etc, is not revoked  
and annulled by the conviction  
of the licensee, or of another  
person, for an offense against  
the Excise laws, committed at the  
place licensed.

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The Grand jury is advised that this position is untenable and in direct opposition to the decisions of the Courts of this State.

It satisfactorily appears to the Grand jury that the Commissioners of Excise have in many instances gone out of their way to advise persons whose licenses had in fact been annulled by such convictions, that their licenses were still a protection to them and that they might continue to sell liquor under them without incurring any responsibility to the law therefor, and that by following this advice <sup>many</sup> ~~several~~ liquor dealers have been brought into trouble by reason of violation of the Excise law, which they committed under the direction, as it were, of the officials whose duty it is to see that the law is enforced.

In the opinion of the Grand jury no proper administration of the laws can be effected unless the public officers

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charged with the duty of administering them, act in accordance with the construction put upon them by the Courts. The Grand jury is informed that the Commissioners of Excise have knowledge that the Courts have decided their action to be illegal, and therefore deem it of great consequence to the proper administration of public justice that such measures as may be deemed advisable should be taken to put a stop to this conflict between the Commissioners and the law.

The Grand jury respectfully further presents:

That it has come to its knowledge that the Commissioners of Excise, have seen and are in the habit of granting renewals of licenses to persons whose licenses have been revoked for infractions of the law.

The grand jury believe that / ~~although~~ the granting of such renewals ~~is not~~ <sup>is</sup> not a ~~technical~~ violation of ~~any~~ <sup>the</sup> expressed provision of the

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Statutes, ~~and the Grand Jury believe~~ <sup>and</sup> that the intention of the law is, that licenses shall be granted to law abiding citizens only, and that it is contrary to public policy and to the interests of good morals to grant these franchises to known violators of the Statute under which they are issued.

And the grand jury, after a careful examination of the excise Commissioners and others, are satisfied, that the excise Commissioners have not exercised proper diligence to obtain certified copies of convictions for violation of the excise laws, whereby they might, under their own construction of their duty, have revoked the licenses of over 800 beer and liquor dealers, who have been convicted in the Courts of general and special sessions since January 1<sup>st</sup> 1883. As is evidenced by the appended lists from the Clerks of said Courts, which show 907 convictions from January 1<sup>st</sup> 1883 to January 30<sup>th</sup> 1884, - While the appended list from the excise Commissioners, shows only 105 revocations of license, for all causes, during the same period.

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*Alb. White*

Foreman  
*Samuel Abraham*  
Secy -

0273

- (1) I know of no evidence that could be gathered here, favorable to the Commonwealth in the coming trial of Geo. W. Connelley, unless it would be evidence as to the character of W.H. Hammett, should the same be attached to the defense. Among those who knew him from boyhood
2. Hammett's character was that of a gentleman. He was good natured, even tempered, kind, sympathetic and affectionate. He was not known to indulge in intemperance, nor to ever have had any intrigues with women of a certain class. From childhood up to the time of his going into business in New York he was continuously under the guidance and influence of his mother whose companionship, <sup>protection</sup> ~~friend~~ and advice he was and with whom in his absence he kept up an almost daily correspondence. The belief of his friends is, that in the late unfortunate affair, he was the seduced rather than the seducer and that he was led on by his kindly impulses to aid and support a woman, who had family and influence over him and who had been cast aside, persecuted and kept by her husband, whose chief aim seems to have been to get clear of her. It will be remembered that when Whelan and Hammett entered into the partnership in New York, Whelan and wife lived in Brooklyn; that the wife was addicted to the opium habit and it was thought by both husband and wife that if they were to move into
- 3
- 4

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New York where there was more life and society, it might have a tendency to cure the disease. They did so more. Harriet at Mr. W's request became an inmate of his household, after which the ~~difficulties between husband and wife commenced~~. The woman complains of ill support, neglect and cruel treatment and instituted proceedings in divorce and it was not until after the suit had been

6. commenced and papers filed that the husband felt a cross laid alleging improper relations between his wife and Harriet. The belief as I have already said is that the woman by her complaints of ill usage, neglect &c on the part of her

7. husband, so worked upon the sympathetic and feelings that upon her direction by Mr. W, he came for, protected and supported her until the association led up to such relations as finally resulted in the tragedy. It may be remarked here, in passing, that the relations in which these parties lived toward one another was known to the husband

8. from its commencement and no action taken by him in the matter. It is also intimated that Geo. Seckling knew of improper relations existing between Harriet and his sister previous to their coming to New York, at any rate faults on the part of the wife, which were passed over in silence by the husband and in a measure condoned by him. Seckling made it necessary in proper, for the

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9. Further, whether he knew of improper relations having existed between the parties or not, to take up and assume a crime by Harvstick, when the husband who was the principal party interested, looked over the matter and made no move or effort to break up the relationship, or in any way show his disapproval. I am informed also that letters in the possession

10. of the Harvstick family, show that after Whelan had separated from his wife, he was in frequent communication with Harvstick about business matters and used him as a "go between" himself and wife, even at the time he knew of the relations existing between them. Consulting came on to Dawson - had frequent interviews with Whelan from whom he must

11. have learned these matters. In fact after his arrest he said he had come over to see about the matter and do one of two things, first to induce his sister to affirm love with her husband and second, if he failed in that, which he did, to induce her to return meet with him. If he failed in both of

12. these efforts, then he intended to let the parties go on as they wanted. He did so far, at least at first. and this takes it out of his mouth to allege that the improper relations <sup>existing</sup> between his sister and Harvstick were the cause of the tragedy. He did as the husband did. He ~~then~~ <sup>there</sup> overlooked the affair and in a measure condoned it.

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13. Some points in the published testimony at the Coroner's inquest and in the admissions of Connelley have struck the writer and might if found to be correct, be of some service in the prosecution of the case. It should be born in mind also that these points, are factually from the proceedings as they appeared in the New York Daily, whose accounts were all favorable to the
14. Defendant and against the deceased. The official notice of the Stereographer may show testimony and circumstances in a still more favorable light so far as the State is concerned. I, of course, have had no means of seeing that. I may add, before passing
15. to another point, that Harvested had all along avowed his intention of marrying Mrs. Uhler, just as soon as a decree of divorce had been granted, thereby replacing any wrong he may have done, and this fact was known to ~~the parties~~ Mr. and Mrs. Uhler and was fully communicated to Connelley.
- If the cause of the tragedy, therefore, was not the ill-will connection existing between Mrs. Uhler and
16. Harvested, was it, as the defendant pleads in justification, an act of self defense?
- Connelley tells contradictory stories about the shooting. Immediately after his arrest he says that Harvested threw one image at him and reached for the second with the intention of throwing it. At the inquest he says that he shot him while in the act of throwing the

0277

- 17 the first one: Mrs. Miller as the inquest showed, that hearing angry voices she went into the front room or parlor, that the men were quarrelling: That West had something in his hand: and that the first she knew was the shot and Hammett's fall to the floor. She saw him throw nothing, as I am informed an examination of the room - a small one, showed no marks
- 18 of the image upon the wall. A man of Hammett's height, a short distance from Conkling and throwing with some force, if he threw at all, would be likely either to strike Conkling or strike the wall. He did neither, but the image is found about the center of the room, about where Hammett himself fell. Mrs. Miller don't say she saw the image in Hammett's hands and it may be that it never was thrown, but broken there afterwards on a
- 19 "Globe". He did <sup>or did</sup> ~~mean~~ himself when asked how far he was away when Conkling shot him, said "about four yards", the entire length of the room being between them and that "he shot me down like a dog." It appears from Mrs. Miller's testimony also that Hammett was never known to carry a pistol, a fact most likely known to Conkling. He knew Hammett and not Hammett's wife. He said that his sister had agreed to meet him the next morning at the Leach's house as she could easily have done, Hammett's being away at his office, and start with him for the West, notwithstanding this, he came around about ten o'clock at night, to himself in his private apartment by means of a night key which he seems to have had for about ten days or two weeks, unless Hammett's
- 20.

0278

- 21- sleeping room, from there the parlor and the garden commences. From whom did he get this key and for what purpose? What right had he with it, and was not Hanson's paper caused by his coming in, in this way. The expressions made use of at the time by him seem to show so. Another point is, that just as soon as Conkling came into the room, Mrs. Whiter sends the servant woman out of the way and sends her so far that this woman who could have been the only reliable witness as to the dead man's conduct and language in that last interview, never even heard the sound of the pistol. It looks suspicious to say the least of it.
22. Again, Did they rob him?

The fact is I believe that <sup>business</sup> Messersmith's affairs were in such a condition, that a day or so, may be the same

- 23 day of the shooting, he drew all the ready money he had out of bank, some five or six hundred dollars, saying to some of his fellow brokers that if any thing occurred he would have some money for his sister. He seems to have had some idea that the business was not going altogether right. This drawing of the money was an unusual occurrence and he is not known at any other time to have had so much cash in the

- 24 house, nor to have drawn what balance remained to his credit. By a very singular coincidence, the murder occurs at the very time, the very time when all the money he possessed was in his room. This point may be worth looking up.

Another one. Conkling came on to New York apparently short of cash. After he gave himself up and was searched at the Station House, how much money was

0279

- 25 found on his person? did he have any on deposit at his hotel, or at any other place? Was any found among his baggage? And if not how did he expect, if he and his sister started for the West the following morning to pay the necessary expenses of the journey, which would have been considerable? When asked this after his arrest he answers that he had some money (how much) and his sister had some. The evidence is that Miller had refused and in fact had not contributed to her support for a year or more and when was she to get any money unless it was Hester's? Outside of the money (\$500 or \$600) which he drew that day and brought home, what money had she? None else was found.
26. Another point going to show the object was plunder

- 27 is, that during all the excitement and confusion of the affair, when the dead man had just breathed his last and the woman was shrieking, wild and apparently out of her senses, so much so that she had to be taken to an asylum and kept there for a day or so before she could appear at the inquest, she nevertheless had sense enough to preserve of mind enough before she
- 28 left the room, to pick up all the dead man's money and his valuables, his watch &c and place them in the hands of a confidential friend, Doctor Amisdon. Again she insists upon visiting the scene of the tragedy and immediately upon coming into the room, she picked up the dead man's vest, bullet riddled and soaking in blood carried it about with her wherever she goes and will

0280

- 29 not part with it under any circumstance. The room  
are filled with articles of more beauty and use belonging  
to the dead man which she could have carried away as  
mementoes and yet out of all these she chose  
this faint relic. What for? What became of it? Did
30. Haverstick have sewed up in it, as men situated in un-  
blessing circumstances frequently do, bonds or valuables  
of any description, which he carried around on his  
person, and was this fact known to the woman?  
These are some facts and circumstances which have  
struck the writer, many of which are <sup>no doubt</sup> worthless, but  
some few of which may contain some merit and be  
of use on the trial or argument of the case.
31. Lastly, the point of law made by the defence or the engineer  
and said to be the law of New York, "that a man in fear of  
bodily injury may kill his assailant, even though it should  
turn out afterwards that the apprehension of danger  
was unfounded" is to say the least of it rather strong  
law and I think would scarcely bear the scrutiny of  
a higher tribunal. The well settled law of self defense
32. Almost everywhere is, that a man may kill his assailant  
when his own life is in such peril or danger that he must  
either take his adversary's life or lose his own. It is  
even held that when a man can retreat and escape  
injury, as could have been done in this case, he is

0281

33, Yomic to do so. Such a decision has some regard for the sanctity and value of human life; the one refused to find a wide range for the commission of homicide.

The belief here is that it was a "put up job" (and the circumstances I have <sup>seen to</sup> relate point to it,) to rob Harner Stick and to murder him. Whether such was the intention or not, the ~~fact~~ fact remains, that they

34 Succeeded partially in the accomplishment of the robbery and altogether in the commission of the murder.

Carbide May 8, 83

0282

Cathole June 7-83

A. Allen Esq  
Dear Sir

Enclosed find some ideas in the case of my brother written by a Cousin a young Lawyer in our town he makes one mistake in regard to the image thrown (or supposed to be thrown) by my brother. Evidence says it was picked up at side of room instead as stated in the the centre

How are you progressing in the case have you heard any new evidence. I want to see the Porter Lapaley you spoke to me about but could get nothing out of him said he saw nothing but I am convinced he knows more than he wants to admit. I think he is afraid of being held as a witness

I had a letter from my brother in California who has been making inquiries about Conkling and he says no charge stands against him <sup>on record</sup> at his home

Mrs. Utter must be in New York now. I think perhaps something could be gotten out of Dr. Amidon and the Semanah who lived with at my brother. Dr. Amidon certainly does not have much love for Mrs. V since the tragedy

0283

Whole June 7-83  
H. Allen Esq  
Dear Sir

Enclosed find some ideas in the case of my brother written by a Cousin a young Lawyer in our town he makes one mistake in regard to the image thrown (or supposed to be thrown) by my brother. I believe the evidence says it was picked up at side of room instead as stated in the the centre

How are you progressing in the case have you heard any new evidence. I went to see the Porter LaPoey you spoke to me about but could get nothing out of him said he saw nothing but I am convinced he knows more than he wants to admit. I think he is afraid of being held as a witness

I had a letter from my brother in California who has been making inquiries about Conkling and he says no charge stands against him <sup>on record</sup> at his home

Mrs. Uhler must be in New York now. I think perhaps something could be gotten out of Dr. Amidon and the Terrant who lived with at my brother. Dr. Amidon certainly does not have much love for Mrs. V since the tragedy

0284

And no person knew as much about the son  
of Mrs U & my brother as the Dr he told me so  
on my first visit to N.Y. said he was quite <sup>?</sup> sure  
at their rooms and if the right means were used  
would be able to tell a great deal.

The Uncle - Ogden  
Korn (and made) a great deal out of my brother's property.

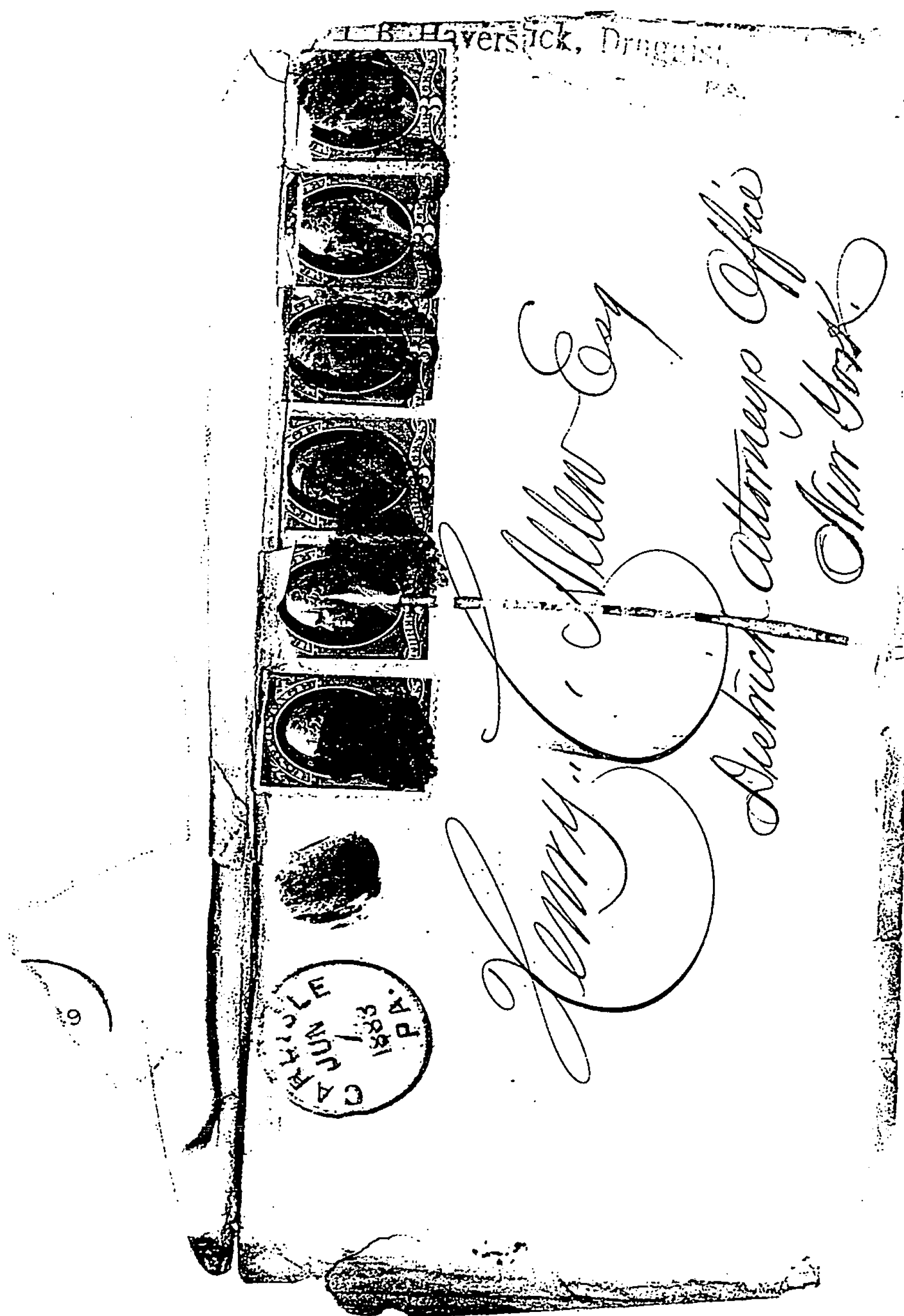
On the day of my brother's death Ogden had a mortgage  
entered up against an interest in a property he owned  
I cannot tell the date of transfer. But it was a short time before  
death. Excuse my rambling letter but I would like to  
see justice done by my brother.

+ that must be my excuse

Yours &c

J. M. M. M.

0205



0286

DEPARTMENT OF  
PUBLIC CHARITIES & CORRECTION.

MEDICAL CERTIFICATE

IN THE CASE OF

Admitted \_\_\_\_\_ 188

The within certificate is approved by me,

Judge of

This approval must be by a Judge or Justice of a Court  
of Record in the County where the patient resides.

Call my attention to this  
on Thursday morning  
J. J. H.

0287

B. 4.

## From Chapter 446, Laws of 1874.

SECTION 1.—No person shall be committed to, or confined as a patient in any asylum, public or private, or in any institution, home, or retreat, for the care and treatment of the insane, except upon the certificate of two physicians, under oath, setting forth the insanity of such person. But no person shall be held in confinement in any such asylum for more than five days, unless within that time such certificate be approved by a judge or justice of a court of record of the county or district in which the alleged lunatic resides, and said judge or justice may institute inquiry and take proofs as to any alleged lunacy before approving or disapproving of such certificate, and said judge or justice may, in his discretion, call a jury in each case to determine the question of lunacy.

Certificate  
of physi-  
cians.Approval  
thereof.

Proofs.

SECTION 2.—It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to an asylum, unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of the State, and shall have been in the actual practice of his profession for at least three years, and such qualifications shall be certified to by a judge of any court of record. No certificate of insanity shall be made except after a personal examination of the party alleged to be insane, and according to forms prescribed by the State Commissioner in Lunacy, and every such certificate shall bear date of not more than ten days prior to such commitment.

Qualifica-  
tion of  
Physi-  
cians.Personal  
examina-  
tion.

## MEDICAL CERTIFICATE.

I, William L Ward, a resident of 366 West 27 St  
in the County of New York, State of New York,  
being a Graduate of Bellum Hospital Medical College  
Hereby Certify under oath that on the 31st day of January 1884,  
I personally examined Daniel Cordy, of the age of  
about 24 years, un- married, and by occupation a Labourer  
, and that the said Daniel Cordy is insane, and  
a proper person for care and treatment under the provisions of Chapter 446, of  
the laws of 1874, of the State of New York.

I further certify that I have formed this opinion upon the following grounds:

(Here insert the particular manifestations of insanity.)

He imagines he is pursued by the wrath of  
God on account of his sins. He attempted  
suicide.

And I further declare, That my qualifications as a medical examiner in Lunacy have  
been duly attested and certified by William E Curtis

Judge of Superior Court

Approved by me  
and sworn to and subscribed before  
me, this 1st day  
of February 1884

William L Ward M. D.

The oath, or affirmation, may be administered by any qualified officer of the State of New York.  
Two physicians must separately make affidavit of the insanity of the patient.

B. A.

SECTION 1.—No person shall be committed to, or confined as a patient in any asylum, public or private, or in any institution, home, or retreat, for the care and treatment of the insane, except upon the certificate of two physicians, under oath, setting forth the insanity of such person. But no person shall be held in confinement in any such asylum for more than five days, unless within that time such certificate be approved by a judge or justice of a court of record of the county or district in which the alleged lunatic resides, and said judge or justice may institute inquiry and take proofs as to any alleged lunacy before approving or disapproving of such certificate, and said judge or justice may, in his discretion, call a jury in each case to determine the question of lunacy.	<p>Certificate of physicians.</p> <p>Approval thereof.</p> <p>Proofs.</p>
---	---

<p><b>SECTION 2.</b>—It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to an asylum, unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of the State, and shall have been in the actual practice of his profession for at least three years, and such qualifications shall be certified to by a judge of any court of record. No certificate of insanity shall be made except after a personal examination of the party alleged to be insane, and according to forms prescribed by the State Commissioner in Lunacy, and every such certificate shall bear date of not more than ten days prior to such commitment.</p>	<p>Qualification of Physicians.</p> <p>Personal examination.</p>
--	--

I, Matthew D. Field, a resident of 31 W. 42<sup>nd</sup> St.  
New York in the County of New York, State of New York,  
being a Graduate of Belleue Hospital Medical College  
Hereby Certify under oath that on the 1<sup>st</sup> day of February 1884,  
I personally examined Samuel Cady, of the age of  
about 24 years, unmarried, and by occupation a Laborer  
, and that the said Samuel Cady is insane, and  
a proper person for care and treatment under the provisions of Chapter 446, of  
the laws of 1874, of the State of New York.

*(Here insert the particular manifestations of insanity.)*

He is melancholic & depressed. He imagines that he is tortured by the "wraths of God" for unforgivable sins. He is suicidal.

And I further declare, That my qualifications as a medical examiner in Lunacy have been duly attested and certified by Charles Hoarshue

Judge of Supreme Court

Sworn to and subscribed before  
me, this 2<sup>nd</sup> day  
of February, 1884

Matthew J. Fick M. D.

The oath, or affirmation, may be administered by any qualified officer of the State of New York. Two physicians must separately make affidavit of the insanity of the patient.

U.S.

0289

BOX:

95

FOLDER:

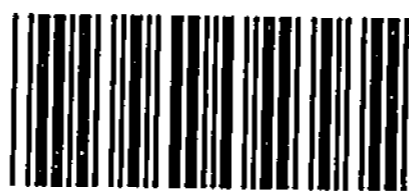
1028

DESCRIPTION:

Conlin, James

DATE:

03/15/83



1028

Blackburn  
First arrest  
FD

B 149

Day of Trial, *March 19*  
Counsel, *W. H. H. H.*  
Filed *15* day of *March* 188*8*  
Pleads *Not Guilty* 19

THE PEOPLE

vs.

*B*  
*James Condon*  
*vs. 11 An*  
*164.*

Violation of Excise Law.  
Selling without License.

JOHN MCKEON,

District Attorney.

*P 2 April 9. 1888*  
*Pleads guilty*  
A TRUE BILL.

*Geo. C. Fisher*  
Foreman.

*H. O. Fisher*  
*FD*

0290

0291

**Court of General Sessions of the Peace**

*and County*  
OF THE CITY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*James Conlin*

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

of the CRIME of *Selling Spirituous Liquors without a License*,  
committed as follows :

The said

*James Conlin*

late of the *First* — Ward of the City of New York, in the County of  
New York aforesaid, on the *sixth* — day of *March* — in the year  
of our Lord one thousand eight hundred and eighty *three* —, at the Ward,  
City and County aforesaid, certain strong and spirituous liquors, and certain wines, to  
wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of  
whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill  
of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor  
to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons  
at one time, to

~~and to~~ certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, without  
having a license therefor, as required by law, contrary to the form of the statute in such case  
made and provided, and against the peace and dignity of the People of the State of New  
York.

**JOHN McKEON, District Attorney.**

0292

EXCISE VIOLATION—WITHOUT LICENSE.

Police Court—2 District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

Matthew M. Connell, an officer  
of the 20<sup>th</sup> Precinct Police, aged 50 years, Street,  
of the City of New York, being duly sworn, deposes and says, that on the Sixth day  
of March 1883, in the City of New York, in the County of New York, at  
No. 455 Eleventh Avenue Street,  
James Conlin, now here,  
did then and there sell, and caused, suffered and permitted to be sold, under his direction and authority, strong and  
spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than five gallons at a time, to be  
drunk in the house or premises aforesaid without having a proper license therefor contrary to and in violation of law.

That deponent then and there saw said James  
sell and deliver to a customer a pint of  
beer and receive payment for the same,  
and deponent knew full well said James has not  
a license for said premises.

WHEREFORE, deponent prays that said James  
may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 6<sup>th</sup> day of March 1883, by Matthew M. Connell

James Conlin  
POLICE JUSTICE.

0293

BAILED.  
No. 1, by James Conklin  
Residence 547 West 37th Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court 2 District. 188

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Matthew McDermott

James Conklin

No. 1  
No. 2  
No. 3  
No. 4

Office Violation of  
Police Law

Dated March 6 188 3

William Magistrate.

M. Conklin Officer.

20 Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ 100



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

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

Dated March 6 188 3 J. M. Conklin Police Justice.

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

Dated March 6 188 3 J. M. Conklin Police Justice.

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

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

0294

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 District Police Court.

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

Question. What is your name?

Answer.

James Conlin

Question. How old are you?

Answer.

Twenty-five years of age

Question. Where were you born?

Answer.

Ireland

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

Answer.

564-11<sup>th</sup> Avenue, about 2 1/2 years,

Question. What is your business or profession?

Answer.

Bar Tender

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

Answer.

I have nothing to say.

James Conlin

Taken before me this

6<sup>th</sup>

day of March

1888

John J. Sullivan

Police Justice.

0295

BOX:

95

FOLDER:

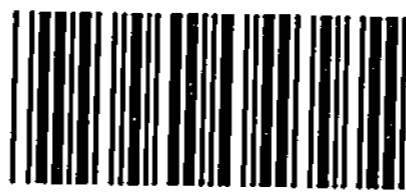
1028

DESCRIPTION:

Connors, Thomas

DATE:

03/15/83



1028

0296

THE COURT

IN SENATE  
CHAMBER  
OF THE  
SUPREME COURT  
OF THE  
UNITED STATES  
AT  
WASHINGTON  
D.C.  
THIS  
DAY OF  
MAY  
1883

THE COURT

1883  
A.D.  
Filed  
15 day of March 1883  
Placed  
H. H. H.

THE PEOPLE  
vs.  
Exonerat Commens  
P  
Robbery - Second  
John McKee,  
District Attorney.

A True Bill.

Geo. D. Fisher Foreman.  
March 23 1883  
H. H. H.  
March 23 1883  
H. H. H.  
March 23 1883  
H. H. H.

0297

Court of General Sessions of the City and County of New York.

THE PEOPLE OF THE STATE OF  
NEW YORK,

against

Thomas Camors

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

Thomas Camors of the crime of Robbery in the second  
degree committed as follows:

The said Thomas Camors

late of the First Ward of the City of New York, in the County of New York, aforesaid,  
on the eight day of March in the year of our Lord  
one thousand eight hundred and eighty three at the Ward, City and County aforesaid,  
with force and arms, in and upon one Eugene Morre  
in the peace of the said People then and there being, feloniously did make an assault and

one watch of the value of thirteen  
dollars

of the goods, chattels and personal property of the said Eugene Morre  
from the person of said Eugene Morre and against  
the will and by violence to the person of the said Eugene Morre  
then and there violently and feloniously did rob, steal, take and carry away, against the  
form of the Statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

JOHN McKEON, District Attorney.

0298

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

Police Court 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William W. Haffte*  
*105 1/2 Avenue B.*  
*Shannon Connors*

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

Offence, *Robbery*

Dated *March 8* 1883

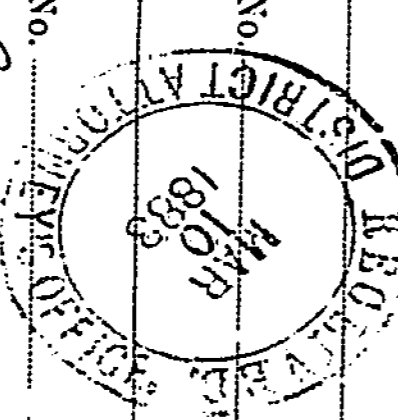
*W. H. Haffte* Magistrate.

*Shannon Connors* 10 Officer.

*W. H. Haffte* Clerk.

Witnesses, *under officer*

*with property* Street



No. \_\_\_\_\_ Street,  
*committed to answer* *W. H. Haffte*

*Ex. March 9. 9 1/2 a.m.*

*Bill Connors*

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 *Shannon Connors*

guilty thereof, I order that he be held to answer the same and he be ~~admitted to bail in the sum of~~ *he legally discharged* committed to the Warden and Keeper of the City Prison of the City of New York, until he

*March 8* 1883 *W. H. Haffte* Police Justice.

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

Dated \_\_\_\_\_ 1883 \_\_\_\_\_ 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 \_\_\_\_\_ 1883 \_\_\_\_\_ Police Justice.

0299

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

3rd

District Police Court.

*Thomas Connors*

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. *Thomas Connors*

Question. How old are you?

Answer. *38 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *38 Eldridge Street*

Question. What is your business or profession?

Answer. *Stone Cutter*

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

Answer. *I am not guilty*

*Thomas Connors*

Taken before me this

day of

*May 1883*

1883

*W. H. H. H.*

Police Justice.

0300

Police Court 3<sup>rd</sup> District.

CITY AND COUNTY }  
OF NEW YORK. } ss.

years a Glazier Eugen Matte aged 37  
of No 165 Forsyth Street,

being duly sworn, depose and saith, that on the 8<sup>th</sup> day of March  
1883, at the 10<sup>th</sup> Ward of the City of New York, in the County  
of New York, was feloniously taken, stolen, and carried away, from the person of deponent  
by force and violence, without his consent and against his will, the FOLLOWING PROPERTY, VIZ:

One Silver Watch

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

Thomas Connors (nowhere)  
Given the fact that at the house of about  
3 o'clock this a.m. deponent was walking  
along the Bowery when deponent had  
said Watch attached to a plated chain  
in the left hand pocket of the vest then  
worn upon deponent person, that  
said Connors walked up to deponent  
and struck deponent two violent blows  
in the face knocking deponent down,  
when down he with force and violence  
tore said Watch from said chain  
from deponents pocket,

Eugen Matte

Sworn before me, this

Day of March 1883

Police Justice.

0301

BOX:

95

FOLDER:

1028

DESCRIPTION:

Cosgrove, Mary T.

DATE:

03/21/83



1028

209.

Counsel,

Filed 21 day of March 1883

Pleads

Not guilty

THE PEOPLE

vs.

R

Mary S. Conover

Grand Larceny, Receiving Stolen Goods, and degree, and.

JOHN McKEON,  
District Attorney

A True Bill.

Geo. C. Fisher

Foreman,

March 29, 1883.

Thos. J. Conover

0302

0303

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Mary S. Rosagore*

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

*Mary S. Rosagore*

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

The said *Mary S. Rosagore*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the  
13th on the day of March in the year of our Lord one thousand eight hundred and  
eighty- three, at the Ward, City and County aforesaid, with force and arms

one watch of the value of sixty  
dollars, and divers promissory  
notes for the payment of money  
the same being then and there  
due and unsatisfied, of a  
number kind and denomination  
to the Grand Jury aforesaid  
unknown of the value of eighteen  
dollars

of the goods, chattels and personal property of one *Michael*  
*Murphy* then and there being found, then and there  
feloniously did steal, take and carry away, against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York, and  
their dignity.

*John McKeon*  
District Attorney

0304

Sixth Judicial District Court  
61 Union Place,  
Fourth Avenue, Southwest corner 18<sup>th</sup> Street,

New York, Mar 25<sup>th</sup> 1883

To the Hon<sup>ble</sup> John McKean

John McKean

District Attorney

Dear Sir

There is confined in  
the Tombs, charged with  
Grand Larceny by her father  
Michael Murphy, a Mrs  
Mary Cosgrove, who has  
written me, presuming  
on the fact that her brother  
Rev George Murphy was

0305

formerly one of the pastors  
of the Church of the Episcopate,  
late Conception, where I attended.

Out of respect for my  
dead brother I have made  
some inquiries and find the  
facts to be — that she took  
a watch — the to which is  
claimed both by herself and ~~for~~  
her father — and some money  
out of his trunk — The father  
does not desire to prosecute if  
he get the property returned &  
acknowledged as his, and the  
money —

She is, as I am informed,  
and as her appearance denotes,  
somewhat of a drunkard — her  
two children are in the St Stephens

House —

She has that infirmament with

which she means — in my opinion, if she

could be sent to some reformatory for drunkards

— I think there is one attached to the House

& the Good Shepherd — that the best thing for her

and the community would be done —

Perhaps we, then say,

very truly yours

William M. Kelly

0306

BAILED.

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

208  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Michael Murphy

March 13

Mary Cosgrove

2

3

4

Offence \_\_\_\_\_

Dated March 14 1883

Justice of the Peace

James M. Cosgrove

Precinct.

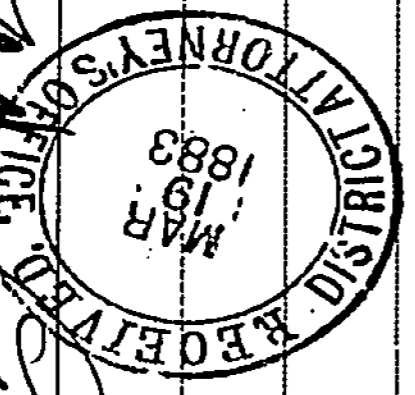
Witnesses \_\_\_\_\_

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

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

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

\$ \_\_\_\_\_ to answer



\_\_\_\_\_

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

Mary Cosgrove

guilty thereof, I order that he be held to answer the same and she 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 she give such bail.

Dated March 14 1883 \_\_\_\_\_ Police Justice.

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

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

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

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

0307

Sec. 108-200.

CITY AND COUNTY  
OF NEW YORK,

District Police Court.

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

Question What is your name?

Answer.

*Mary E. Cosgrove*

Question. How old are you?

Answer.

*28 Years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*426 West 31st Street about one week*

Question. What is your business or profession?

Answer.

*Married*

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 the  
property was as much mine  
as my father's. My brother  
& here would establish that  
fact*

*Mary E. Cosgrove*  
*mark*

Taken before me this

day of

*March*  
188*8*

*Joseph J. ...*

Police Justice.

0308

2

District Police Court

Affidavit-Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss

of No. 2126 W 31 Street, 67 Years old. Wagon Maker

being duly sworn, deposes and says, that on the 13 day of March 1883

at the \_\_\_\_\_ City of New York,

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

the following property, viz:

One gold watch and  
several money in bills of  
various denominations, the  
watch being worth thirty dollars  
and the bills amounting to eighteen  
dollars. the property being collectively  
of the value of seventy eight dollars

Sworn before me this

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by My 10 year old daughter

now present, who was in  
said premises and in the room by  
deponent occupied as a bed room,  
who remained there until deponent fell  
asleep and who then secretly and  
feloniously took the keys of the box which  
contained said property from a pocket  
of the pantaloons then lying on a chair  
in said room & unlocked the fastenings  
and stole from said box the aforesaid  
property which was afterwards found in her  
possession & identified said property as his property

Police Justice.

0309

BOX:

95

FOLDER:

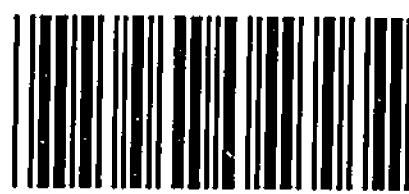
1028

DESCRIPTION:

Cunningham, Patrick

DATE:

03/22/83



1028

0310

III

B.N. Mech 26/10

222 Pild order

#228

Day of Trial,

Counsel,

Filed, 22 day of March 1883

Pleads

Not guilty (28)

THE PEOPLE

vs.

2

Patrick Cunningham

Comm. by Ct. Mech 27,

Assault in the First Degree.

JOHN McKEON,

District Attorney.

12 April 4, 1883.

Fried & convicted Assault 34

A TRUE BILL.

6.

Geo. C. Fisher

Foreman.

1. Mr Pen. \$100 fine

fine remitted 84 Feb 18 1883  
by Court 18 1883

0311

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*Patrick Cunningham*

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

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

The said *Patrick Cunningham*

late of the City of New York, in the County of New York, aforesaid, on the *twenty* day of *March* in the year of our Lord one thousand eight hundred and eighty *three* with force of arms, at the City and County aforesaid, in and upon the body of *William Seck* in the peace of the said people then and there being, feloniously did make an assault and *in* the said *William Seck* with a certain *cut ring* which the said *Patrick Cunningham*

in *his* right hand then and there had and held, ~~the same being a deadly and dangerous weapon~~ wilfully and feloniously did beat, strike, ~~cut~~ cut and wound, ~~the same being such means and force as were likely to produce the death of the said William Seck, with intent to kill~~ the said *William Seck* then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

## SECOND COUNT:

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

*Patrick Cunningham*

of the CRIME OF Assault in the Second Degree, committed as follows:

The said *Patrick Cunningham*

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *William Seck* then and there being, feloniously did, willfully and wrongfully, make an assault and *in* the said *William Seck* with a certain *cut ring* which the said

*Patrick Cunningham*

in *his* right hand then and there had and held, ~~the same being an instrument likely to produce grievous bodily harm~~ feloniously did, willfully and wrongfully then and there beat, strike, ~~cut~~ cut and wound, ~~then and there thereby inflicting grievous bodily harm upon the said William Seck to wit: then and there thereby cutting the head of the said William Seck~~ 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.

JOHN McKEON, District Attorney.

0312

CITY AND COUNTY }  
OF NEW YORK, } ss.

Phillip Emley  
aged 32 years, occupation Police Officer of Not  
of the 21st Precinct Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Charles H. Evans  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 4  
day of August 1883 }

[Signature]  
Police Justice.

Philip Emley

0313

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

CLERK'S NO 7235

Police Court District.

ON THE COMPLAINT OF

William Cook

Charles Cunningham

Offence

Assault & Battery

Dated March 13 1883

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

No.

Street.



to answer

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

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

Dated March 13 1883 Hugh Gorman Police Justice.

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

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

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

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

0314

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

2 District Police Court.

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

Question What is your name?

Answer.

*Patrick Cunningham*

Question. How old are you?

Answer.

*21 Years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*238 Mulberry St About 21 Years*

Question. What is your business or profession?

Answer.

*Cartman*

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

Answer.

*I was struck, knocked down and beaten by the defendant & his brother, I took the time to defend myself with after they had struck & beaten and abused me*

Taken before me this

day of

*March* 1888

*Henry Gorman* Police Justice.

*Patrick Cunningham*

03 15

City and County of New York, ss.

POLICE COURT, SECOND DISTRICT.

THE PEOPLE,

vs.

On Complaint of

For

*Patrick Cunningham*

*William Leek*  
*Robert H. Batting*

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

Dated

*March 13* 18*93*

*Henry Gordon*

Police Justice.

*Patrick Cunningham*

03 16

Police Court—2 District.

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

of No. 139 Macdonough Street,

being duly sworn, deposes and says, that  
on the 12<sup>th</sup> day of March  
in the year 1883, at the City of New York, in the County of New York,

he was violently ASSAULTED and BEATEN by

Patrick Cunningham  
now present who strictly deposes  
many times and cut him across his  
head with a cast string which he  
Patrick then held in his hand

without any justification on the part of the said assailant.

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

Sworn to before me, this

day of

13  
March 1883 } William Leek

Hugh Gorman POLICE JUSTICE.

0317

Police Department of the City of New York,

Precinct No. 5

New York, March 20 1883

John Cunningham,  
Arrested by Officer Charles Brown  
on Complaint of Wm. E. Rice  
March 12. 1883

03 18

Mr Jordan  
District Attorney  
Office

0319

C. H. TENNEY & CO.,  
549 & 551 BROADWAY,

NEW YORK,

*March 19* 1883

*Mr Jordan*

*There is two more  
witnesses who see Cunningham  
take the ring out of the truck  
and strike my brother if you  
want them send their addresses  
up to me and I will hand  
them to them their names are  
John Riley and John Gilfeather*

*Yours Truly  
Charles Leek  
120 Mercer st  
City*

222  
B. 9 The Matter  
of Nature  
Patrick Cunningham

Witnesses:

David Barnett,  
126 Mercer St.

~~Coff~~ ~~faint~~ ~~Feltcher~~, J.<sup>d.</sup>

Albert Bogardus,  
50 MacDougal.

3. John Lili 128 Mercedes

Chas. B. Leach,  
139 MacDougal.

William Lee,  
139 Mac Farland

~~Mr. Bartenshaw, 128 Mercer~~  
~~Off. Chas. D. Brown, 6<sup>th</sup> St~~  
~~Dr. Woodhill, 44 MacDougal St.~~

John C. Fisher  
John C. Fisher  
John C. Fisher

0321

March 16', 1883.

Charles B. Leek, of No. 139 Macdougall Street, New-York, makes the following statement: On Monday, March 12', 1883, I was standing in the rear of 128 Mercer Street, leaning up against the storm door, when a young man by the name of Patrick Cunningham, now in the Tombs, came around to sell some empty cases to *John* Brady, of No. 130 Mercer Street; Brady didn't take the cases and Cunningham put them on his cart again and started off but his horse balked and he couldn't get him to go; Cunningham then picked up a feed bag and commenced to beat his horse with it; I and others were standing looking on; then Cunningham turned to me and said "I would like to give this to you"; I said "what's that?"; then he said "I will give this to you"; I said "no you wont"; then he got down off his truck and the first I saw of him he was coming up to me to hit me and did hit me with his fist; then we clinched and a friend of mine, John Lillie, of 128 Mercer Street, was coming up from towards Spring Street and he caught hold of Cunningham and told me to go into the store; I told Lillie to hold Cunningham until I got into the store, and he did so. About the same time my brother, William Leek, also came up, and Cunningham said to him "I can Lick you any way" and my brother said to him "No you can't; I would not let you". Cunningham kept getting closer to him, and then they clinched; they went down on to the side walk, with my brother on top; then Cunningham rolled him over and got on top of him, and he was trying to bite my brother's face, and my brother said don't you bite me, and Cunningham said I will eat you; I have got you now and I will eat you; then a couple of persons pulled Cunningham off my brother; then Cunningham's employer, Albert Bogardus, of 50 Macdougall Street, came up, looking for Cunningham, and told him to get on his truck; they both got on the truck together and drove away, down Mercer Street, towards Spring. About ten minutes after this I was standing in the storm door, talking to my brother William, who was on the side walk, outside of the storm door, when I saw Cunningham coming up towards my brother with a cart rung in his hand, and raised as if to strike him. I jumped out on the street and got hold of him to stop the blow; I clinched with him and partially broke the force of the blow, but notwithstanding that he succeeded in striking my brother on the side of the head, cutting his head open, and my brother has been confined to the house ever since, under the care of the doctor - Dr. Woodhill, corner of 4' and Macdougall Streets. Cunningham was arrested by an office of the Eighth Precinct and taken to the Station House, and the next morning he was taken to the Jefferson Market Police Court, before Judge Gardner, and was held in \$500 bail for trial at the Court of Special Sessions. On Thursday, March 16', I appeared at the Tombs Police Court with a certificate from the doctor, stating that my brother was suffering from a severe scalp wound and would not be able to be out for ~~two~~ three or four days; that since the first day he had suffered more than at first. The trial was then set down for the 21st. of this month.

*Cunningham used to be in my father's employ, and some time ago my father gave him some money to pay a bill and Cunningham ran off with it, and ever since then he seems to have been down on us.*

0322

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

The People vs

Plaintiff

against

Edw. J. Cunningham  
Defendant

Admiral's Office  
New York

ROBERT H. RACEY,

Attorney for Defendant

22 CHAMBERS ST.,

NEW YORK CITY.

To Peter B. Olney Esq.

Attorney for People

RECEIVED  
OFFICE OF THE CLERK OF THE COURT  
FEB 10 1884

is hereby admitted.

Dated, March 10 1884  
Hon. Charles C. Burleigh  
Mayor of New York  
Attorney for People

Wm. C. May Jr. Print, 219 Fulton St., New York.

0323

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

The People &c }  
- vs - }  
Patrick Cunningham }

Sir:

Please to take notice, that  
upon the affidavit of Patrick -  
Cunningham hereto annexed  
and all the papers and proceed-  
ings, herein, a motion will be  
made at the Court of General  
Sessions Part One on Monday  
February 18<sup>th</sup>, 1884, at 11. A.M.  
or as soon thereafter as counsel  
can be heard why the fine here-  
before imposed on the defendant  
should not be remitted or  
reduced, or for such other and  
further relief as to the Court, may  
seem fit.

Dated, New York, February. 16<sup>th</sup>, - 1884

Robert H. Racey  
Atty for Defendant

0324

To  
Hon. Peter B. Olney  
District Attorney &c  
City & County of New York.  
32 Chambers Street N.Y.C.

0325

Ex. J. General Sessions of the Court.

THE PEOPLE  
Of the State of New York

*Patrick Cunningham*  
vs.

*April 6, 1872*

PENITENTIARY.

*Lee Hearn*

And to pay a fine of *20*  
*(Lee Hearn)*

..... Dollars.

And to stand committed until the same be paid,  
or be imprisoned for *10* days.

AFFIDAVIT

or

DEFENDANT

*of* Inability to Pay Fine.

*February 9, 1872*

0326

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

*Patrick Cunningham* being duly sworn, deposes and says that ..he was convicted of  
at the court of *General Sessions of the Peace*, and on the *15th* day of *April*, 187*8*  
was sentenced by *the Hon. Frederick Augustus Rensselaer* to confinement in the New York  
Penitentiary for the term of *One* year ..and ..month ..and fined *One hundred*

.....dollars, and in default of payment thereof to be held in custody for the further term of  
*One hundred* days or until the same be paid: *and that he was*  
And ..he further deposes and says that ..he is credibly informed and verily believes that his Excellency the  
Governor of the said State did—upon the report of the Warden of the said Penitentiary, that ..he had complied with

the requirements of the act passed February 20, 1875—direct a deduction of *Three* months from the term of h  
sentence, whereby the said term expired on the *15th* day of *February*, 187*8*

And ..he still further deposes and says that ..he is entirely without money, property or means of any kind,  
and that ..he is utterly unable to satisfy and pay the said fine of *One hundred*  
dollars, for the non-payment of which ..he has been since the ..day of  
187*7*, and is now held in custody at the Penitentiary aforesaid.

Sworn and subscribed before me this ..

day of *February*, 187*8*

*P. J. H. Cunningham*  
*Notary Public in and for the City and County of New York*

*Patrick Cunningham*

I hereby certify that the facts set forth in the above written affidavit as to the date and term of sentence—as  
well as to the time of the expiration thereof—of the above affiant *Patrick Cunningham*  
and the deduction from the term of said sentence directed by the Governor of the State of New York are true.

Blackwell's Island, New York City

*John M. Fox*  
Warden of the New York Penitentiary.

Ind Mch 22  
AB

0327

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

The People

Complainant  
against

Patrick Cunningham

Defendant

Affidavit & Notice  
of Motion

ROBERT H. RACEY,  
Attorney for Defendant

25 CHAMBERS ST.,  
NEW YORK CITY.

To Served Mr. Donnelly Esq.  
Attorney for, at 12.30 P.M.  
Feb'y 16 1884

Due and timely service of  
Notice is hereby admitted.  
Dated, N.Y. Feb'y 1884

Attorney for People

0328

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

The People &c }  
- vs -  
Patrick Cunningham }

Sir:

Please to take notice, that  
upon the affidavit of Patrick -  
Cunningham hereto annexed  
and all the papers and proceedings  
herein, a motion will be made at  
the Court of General Sessions Part  
One on Monday February 18<sup>th</sup> 1884,  
at 11. A.M. or as soon thereafter  
as counsel can be heard why the  
fine heretofore imposed on the  
defendant should not be remitted  
or reduced, or for such other and  
further relief as to the Court, may  
seem just.

Dated, New York, February 16<sup>th</sup> 1884.

Robert H. Racy  
Atty for Deflt. P

0329

To

Hon. Peter B. Clary  
District Attorney  
City & County of New York  
32 Chambers Street N.Y.C.

0330

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK,

} ss.

*Patrick Cunningham* being duly sworn, deposes and says that ..he was convicted of  
..... *Assault in the third degree*  
at the court of *General* Sessions of the Peace, and on the *eight* day of *April*, 18*83*  
was sentenced by *the Hon. Frederick Smith, Recorder* to confinement in the New York  
Penitentiary for the term of *One* year ..and..... month ..and fined *One hundred*

..... dollars, and in default of payment thereof to be held in custody for the further term of  
*One hundred* days or until the same be paid, *and that he was*  
*received at the said Penitentiary on the 10th day of April 1883*

And ..he further deposes and says that ..he is credibly informed and verily believes that his Excellency the  
Governor of the said State did—upon the report of the Warden of the said Penitentiary, that ..he had complied with  
the requirements of the act passed February 20, 1875—direct a deduction of *Two* months from the term of h .  
sentence, whereby the said term expired on the *fourth* day of *February*, 18*84*.

And ..he still further deposes and says that ..he is entirely without money, property or means of any kind,  
and that ..he is utterly unable to satisfy and pay the said fine of *One hundred*  
dollars, for the non-payment of which ..he has been since the..... day of.....  
187*3*, and is now held in custody at the Penitentiary aforesaid.

0331

N. Y. General Sessions of the Court.

THE PEOPLE  
Of the State of New York

*vs.*  
Patrick Cunningham

April 6, 1878.

**PENITENTIARY.**

And to pay a fine of One hundred  
Dollars.

And to stand committed until the same be paid,  
or be imprisoned for 100 days.

**AFFIDAVIT**

OF

**DEFENDANT**

of Inability to Pay Fine.  
February 9, 1878.

0332

Sworn and subscribed before me this.....

9

day of.....

February 1874

C. J. Hanbury

Notary Public N.Y.C.

Patrick Cunningham

I hereby certify that the facts set forth in the above written affidavit as to the date and term of sentence—as well as to the time of the expiration thereof—of the above affiant Patrick Cunningham and the deduction from the term of said sentence directed by the Governor of the State of New York are true.

John M. Toy

Warden of the New York Penitentiary.

Blackwell's Island, New York City,

February 9th 1874