

0000

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

Napolanno, Michael

**DATE:**

12/21/93



4953

Witnesses.

Officer  
Frank A. Schulka  
14<sup>th</sup> Precinct

Counsel

Filed

day of

1893

Pleads

THE PEOPLE

vs.

ENTERED  
T. J. W.

Michael Napoleone

DE LANCEY NICOLL

District Attorney.

Mr. Robert C. Rogers, Clerk

A TRUE BILL.

Ther Harris

Foreman.

P. 4. June 15/98

on motion of Dist. Atty.

Def. Dis. on Verbal report

R. J. W.

RECEIVING STOLEN GOODS.

(Section 550, Penal Code.)

John Lee and Edward  
Tighe, are the only  
witnesses in the case  
and it appears by the  
affidavit of Officer Frank  
Schulka filed here  
with that they cannot  
be found. They were  
the thieves and both  
made a guilty plea in the  
Court of General Ses-  
sions and were senten-  
ced to six months each  
in the Penitentiary  
since when they have  
not been seen in this  
city so far as the Officer  
knows. I recommend  
that they be discharged  
and are discharged in the  
Penitentiary since 1/11/98 S. J. W.

**PART IV.**

THE COURT ROOM IS IN THE SECOND STORY.

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.]

## SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To John. Lee. and Edward. Tigh  
 of No. 21<sup>st</sup> St. 21<sup>st</sup> St. Street.

21 P.

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the New Criminal Court House on Centre Street, between Franklin and White Streets, in the City of New York, on the 11 day of \_\_\_\_\_ 1897, at 10 o'clock in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Michael Napolomna

Dated at the City of New York, the first Monday of

in the year of our Lord 1897

ASA BIRD GARDINER.

WILLIAM M. K. OLCOTT, District Attorney.

ould the case not be called  
ed in Court, please inqu  
s about it, and you may s  
inconvenient to remain,  
this early to the District  
all when served, please se  
ney's Office.  
you know of more testi  
the Magistrate, or if a  
not there brought out  
ict Attorney or one of

THE PEOPLE

*John Lee*  
*Edward Tigh*  
vs.

*Michael Napolanno*

City and County of New York, ss:

*Frank A. Sahalka*

being duly

sworn, deposes and says: I am a Police Officer attached to the

*21<sup>st</sup>*

Precinct

in the City of New York. On the

*6<sup>th</sup>*

day of

*May*

189*8*,

I called at

*190 First Ave New York City Borough of Manhattan*

the alleged

*Addresses*

of

*John Lee & Edward Tigh*

the complainant herein, to serve ~~them~~ with the annexed subpoena, and was informed by

*Tenant and neighbors and was informed  
that the said John Lee and Edward Tigh  
have not been seen for a few years and  
by further enquiring among the neighbors it  
was impossible to find the whereabouts of  
said witnesses*

Sworn to before me, this

*11<sup>th</sup>*

day

of

*May*

189*8*,

*Andrew Lang*  
*Corn. of Deeds*  
*N.Y. Co.*

*Frank A. Sahalka*





00 12

**Court of General Sessions.**

THE PEOPLE, on the Complaint of

*John Lee*  
*Edward Tighe*  
vs.

*Michael Napolomna*

Offense:

ASA BIRD GARDINER,  
~~JOHN R. FELLOWS,~~

District Attorney.

Affidavit of Police Officer

*Frank A. Schulka*

*21st*

Precinct.

**Failure to Find Witness.**

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Michael Napolanus*

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

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

The said

*Michael Napolanus*

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

*one barrel of wine of the  
value of thirty-one dollars*

of the goods, chattels and personal property of one

*Philomena Trabbita*  
*Edward Tighe and John Lee, and*  
by certain *other* persons to the Grand Jury aforesaid unknown, then lately  
before feloniously stolen, taken and carried away from the said *Philomena Trabbita*

unlawfully and unjustly did feloniously receive and have; the said

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

DE LANCEY NICOLL,

District Attorney.

00 14

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

Nealon, Edward J.

**DATE:**

12/22/93



4953

00 15

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

Kenney, Bernard J.

**DATE:**

12/22/93



4953

00 16

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

Roth, Louis P.

**DATE:**

12/22/93



4953

*Constitution*  
*12*  
*12*  
*12*

Witnesses:

*Henry H. H. H.*

*P. J. Scully*

*Michael X. Blahne*

*Justice J. Holland*

It is one of a series of  
indictments found at one  
time at which where there  
was a probability of conviction  
having been vigorously  
pursued. The charge here  
is not of changing race or  
doing anything which might  
be regarded as affecting either  
the validity of the ballot  
or cast in the County  
of the County. But is  
a purely technical charge  
of allowing an unauthorized  
person to go in a booth and  
a voter. I should believe  
a conviction would probably  
be had & in view of the large  
of time recommended the  
dismissal of this indictment  
is recommended.  
*12/27/97*  
*D. Frank Ray, District Atty.*

*33*

Counsel,

*Wm. Armstrong*  
*2 Wall*

Filed 22 day of Dec 1893

all Pleadings, *Not Guilty with leave to*  
*till Jan 3/94 to demur*

THE PEOPLE

vs.

*Edward J. Nealon*

*Bernard J. Kennedy*

*and Louis P. Roth*

*41 E 12*

DE LANCEY NICOLL,

District Attorney.

Ordered in the COURT of

**Bill**

County of NEW YORK,  
for trial (Entered in the Minutes)

*1893*

*July 20/97.*

Indictment

Dismissed

to all

*C. C. C.*

Foreman

*In order*  
*my then indictment*  
*J. W.*

*1402*

*X*

*Neglect of duty*

[Section 41, Penal Code.]



COURT OF OYER AND TERMINER,  
Of the City and County of New York.

\*\*\*\*\*  
The People of the State of New York  
against  
Edward J. Nealon, Bernard J. Kenney  
and Louis P. Roth.  
\*\*\*\*\*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment accuse EDWARD J. NEALON, BERNARD J. KENNEY  
and LOUIS P. ROTH, of the crime of omitting, refusing and ne-  
glecting to perform acts required of ~~him~~<sup>them</sup> as public officers,  
by the election law, committed as follows:

Heretofore, to wit: on Tuesday, the seventh day of  
November, in the year of our Lord one thousand eight hundred  
and ninety-three (the same being the Tuesday next succeeding  
the first Monday of the said month of November), there was  
held a general election throughout the State of New York and  
in and throughout the said City and County of New York.

And on the day and in the year aforesaid, and at the  
said election, the said Edward J. Nealon, Bernard J. Kenney  
and Louis P. Roth, all late of the City and County aforesaid,  
were the Inspectors of Election of the Fifteenth Election Dis-  
trict, of the Tenth Assembly District of the said City and  
County, duly appointed, qualified and then and there acting as  
such, and then and there did meet together at the duly desig-  
nated polling place of the said election district for the pur-  
pose of conducting such election, at the hour of six o'clock

in the forenoon of the said day, and continued such meeting until the closing of the polls of the said election, and thereafter until the votes cast thereat had been canvassed, the result announced and the certificate thereof duly signed.

And the said Edward J. Nealon, Bernard J. Kenney, and Louis P. Roth so being such Inspectors of Election as aforesaid, were then and there required by the election law, among other things, to refuse admittance within the guard-rail of the said polling place from the time of such meeting as aforesaid, until the announcement of such result and the signing of such certificate thereof, and to exclude from within such guard-rail all persons except themselves, and the poll clerks and ballot clerks of the said election district, persons admitted by them to preserve order or enforce the law, persons admitted for the purpose of voting, persons duly admitted to assist disabled voters, and persons lawfully designated by candidates to be present at such canvass; and to prevent more than one person from occupying one voting booth in the said polling place at the same time, except only in case where a voter should declare under oath to them that by reason of total blindness, loss of both hands, such total inability in both hands that he could not use either hand for ordinary purposes, or physical disability by reason of crippled condition or disease to enter the booth alone, he was unable to receive or prepare his ballots without assistance, in which case such voter might, by the election law, select a person for that purpose who should be allowed by the said inspectors to pass within the said guard-rail and receive such ballots

and to enter the said voting booth with such voter and there assist him in preparing his ballots.

Nevertheless, the said Edward J. Nealon, Bernard J. Kenney and Louis P. Roth so being such Inspectors of Election as aforesaid, well knowing the premises, then and there feloniously did omit, refuse and neglect to perform the acts so required of them by the election law as aforesaid, and then and there and especially between the opening of the polls of the said election in and for the said election district and the closing thereof, did feloniously admit within the guard-rail of the said polling place, and omit, and neglect to refuse admittance within such guard-rail, or to exclude from within the same, a certain person whose name is to the Grand Jury aforesaid unknown, not being a poll clerk or a ballot clerk of the said election district, or a duly authorized watcher, or a person admitted by them to preserve order or enforce the law, or a person admitted for the purpose of voting, or a person duly admitted to assist a disabled voter, or a person lawfully designated by any candidate to be present at the said canvass; and then and there during the time aforesaid, to wit: between the opening and closing of the polls of the said election, did feloniously suffer and permit more than one person to occupy one voting booth in the said polling place at the same time, and omit, refuse and neglect to prevent more than one person from occupying one voting booth at the same time, to wit: did feloniously suffer and permit the said person whose name is to the Grand Jury aforesaid unknown then and there to pass within the said guard-rail of the said

polling place and to receive the ballots of a certain voter of the said election district, whose name is to the Grand Jury aforesaid unknown, who had not declared under oath to the said inspectors that for any of the reasons aforesaid he was unable to receive or prepare his ballots without assistance; and did then and there feloniously allow such person after he had received the ballots of such voter then and there to enter <sup>one of</sup> the voting booths in the said polling place with such voter (he, the said voter, not having made such declaration under oath as aforesaid, to the said inspectors), and to occupy such voting booth, at the same time with him; against the form of the statute in such case made and provided and against the peace of the People of the State of New York, and their dignity.

DE LANCEY NICOLL,

District Attorney.

0022

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

Neeth, Louis

**DATE:**

12/22/93



4953

0023

Witnesses:

Henry Hildentbrand  
Michael F Blake  
Patrick J. Scully  
Edward Tinton  
John J. Fallon  
Elijah F. Simpson  
Jacob Lahey

Counsel,

Filed 22 day of Dec 1893

Pleads, Not Guilty (20)

THE PEOPLE

James Nash

James Nash

FALSE REGISTRATION.  
(Section 41a, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

R. J. Carr Foreman.

Feb 20, 1894

Indictment dismissed

Ref



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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Dominic Neeth*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this  
indictment, accuse *Dominic Neeth*  
of a FELONY, committed as follows:

Heretofore, to wit: on the *19th* day of October, in the year  
of our Lord one thousand eight hundred and ninety-~~three~~, the same being a day duly ap-  
pointed by law as a day for the general registration of the qualified voters of the said City and  
County, the said *Dominic Neeth* late of the City and County afore-  
said, at the City and County aforesaid, did personally appear before the Inspectors of Elec-  
tion of the *39th* Election District of the *East Second*  
Assembly District of the said City and County, at a meeting of the said Inspectors of Election  
then being duly held at the duly designated polling place of the said Election District, for the  
purpose of the general registration of the male residents of the said Election District who would  
be at the election next following the said day of registration (to wit: on the *some*  
day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in the  
said month of November, and being the day duly appointed by law for the holding of a general  
election throughout the said State and in the City and County aforesaid), entitled to vote therein,  
and did then and there, at the said general registration of voters, feloniously cause his name to  
be placed upon the list and register of voters of and in the said Election District, then being  
made by the said Inspectors of Election for the said election, he the said *Dominic Neeth*  
then and there well knowing that he would not be a qualified voter in the said Election District  
at the said election in this, to wit: that the said *Dominic Neeth* was not then  
nor would he on the said day of election have been, an inhabitant of the said State one year  
next preceding such election, and the last four months a resident of the said County of New  
York, and for the last thirty days a resident of the said Election District, as he the said  
*Dominic Neeth* then and there well knew; against the form of the statute in such  
case made and provided, and against the peace and dignity of the said People.

DE LANCEY NICOLL,

*District Attorney.*

0025

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

Neville, Peter

**DATE:**

12/22/93



4953

0026

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

Harding, John

**DATE:**

12/22/93



4953

0027

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

Kiley, John

**DATE:**

12/22/93



4953

## Witnesses:

Henry Waldebrand  
 Michael F. Blake  
 Patrick J. Scully  
 Henry D. Sedgewick  
 Lucas J. Donuegan

No. 2. Bail Dec. 23/93 by  
 Harris Cohen 180 Hendy St.  
 No 2. returned Feb 10/94  
 by Bureau Lwende  
 138 E. 62

1407  
 Court of Oyer and Terminer

Counsel,

C. J. Schanparr

Filed

22<sup>nd</sup> day of Dec, 1893

#2 Pleads,

#1 do *not* plead guilty with leave  
 to file Jan 3/94 & deny  
 THE PEOPLE with same leave

vs.

Peter Neville

John Harding

vs John Kiley

Penal Code.

[Section 41]

DE LANCEY NICOLL,

District Attorney.

A True Bill.

R. J. Cross Foreman.

March 5, 1894

In dictum dismissed  
 as to Neville and Harding

COURT OF OYER AND TERMINER

of the City and County of New York.

02 01 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

The People of the State of New York,"

against

Peter Neville, John Harding and John"  
Kiley. "

10 12 19 11 17 17 11 11 12 10 11 13 12 17 11 11 11 12 19 17 12 12 11 13 17 11 11 13 19 17 17 11 11 11

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this Indictment accuse PETER NEVILLE, JOHN HARDING and  
JOHN KILEY of the crime of omitting, refusing and neglecting  
to perform an act required of them as public officers, by the  
election law, committed as follows:

Heretofore, to wit: on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and ninety-three (the same being the Tuesday next succeeding the first Monday of the said Month of November), there was held a general election throughout the State of New York, and in and throughout the said City and County of New York, and in and for the 28th Election District of the Fourth Assembly District of the said City and County, at which said election divers persons were voted for, and divers ballots cast, for such persons in the said election district, by the electors thereof, for the following offices, to wit: the office of Secretary of State of the State of New York, the office of Comptroller of the State of New York, the office of Treasurer of the State of New York, the office of Attorney General of the



State of New York, the office of State Engineer and Surveyor of the State of New York, the office of Associate Judge of the Court of Appeals of the State of New York, the office of Delegate-at-Large to the Constitutional Convention of the State of New York, the office of Delegate to the said Constitutional Convention for the Eighth Senate District of the said State, the office of Senator of the State of New York for the said Senate District, the office of Member of Assembly of the State of New York for the said Assembly District, the office of Judge of the Court of Common Pleas for the said City and County, the office of Justice of the City Court of the said City, the office of Surrogate of the said County, the office of Comptroller of the said City, the office of Sheriff of the said County, the office of District Attorney of the said County, the office of Coroner of the said City and County, and the office of Justice of the District Court of the said City for the Fifth Judicial District thereof.

And on the day and in the year aforesaid, and at the said election, the said Peter Neville, John Harding and John Kiley, all late of the City and County aforesaid, were the Inspectors of Election of the said Election District, duly appointed, qualified and then and there acting as such.

And on the day and in the year aforesaid, at the City and County aforesaid, the polls of the said election, in and for the said election district having been closed, the said Peter Neville, John Harding and John Kiley, as such Inspectors of Election, proceeded to publicly canvass and estimate the votes cast at the said election in the said election

district by the electors thereof.

And having commenced such canvass by comparing the two poll lists of the said election district kept by the poll clerks thereof, and having corrected certain mistakes thereon, by which poll lists so corrected it was shown that one hundred and seventy seven ballots had been deposited in the ballot box of the said election district, into which the ballots cast at the said election by the electors of the said election district, had been placed and deposited, they, the said Peter Neville, John Harding and John Kiley, as such Inspectors of Election, as aforesaid, proceeded to count the ballots found in the said ballot box, and then and there upon such count the ballots found in the said ballot box ~~were~~<sup>were</sup> more than the number of ballots so shown by the said poll list to have been deposited therein, to wit: one hundred and ninety eight ballots were found therein.

And thereupon the ballots so found in the said ballot box being more than the number so shown to have been deposited therein, it was then and there by the Election Law required of them, the said Peter Neville, John Harding and John Kiley, as such Inspectors of election as aforesaid, that such ballots should all be replaced then and there, without being unfolded, in the said box from which they were taken, and that one of them should, without seeing the same, publicly draw out of the said box twenty one of such ballots, being the number equal to such excess, and without unfolding them deposit them in the box for unvoted ballots.

Nevertheless the said Peter Neville, John Harding

and John Kiley, so being such Inspectors of Election, as aforesaid, well knowing the premises, then and there did feloniously omit, refuse and neglect to perform the acts so required of them by the Election Law as aforesaid, in that they did then and there feloniously omit, refuse and neglect to replace all of the said ballots then and there, without being unfolded, in the said ballot box from which they were taken, but did then and there feloniously replace the same unfolded in the said ballot box, and in such order and arrangement as that they the said Peter Neville, John Harding and John Kiley then and there well knew the general character and kind of the ballots in the order and arrangement as so replaced by them in the said box; and the said ballots having been so replaced in the said box in the manner aforesaid, the said John Harding, one of such inspectors as aforesaid, without seeing the same, but well knowing such order and arrangement and the general character and kind of the said ballots in the order and arrangement as the same had been so replaced in the said box, did then and there, publicly draw out of the said box twenty one of the said ballots, being the number equal to such excess; 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. (Sec. 114, Election Law; Sec. 41 j, Penal Code)

AND THE GRAND JURY aforesaid, by this Indictment, further accuse the said Peter Neville, John Harding and John

Kiley of the crime of omitting, refusing and neglecting to perform an act required of them as public officers by the Election Law, committed as follows:

Heretofore, to wit: on Tuesday, the Seventh day of November, in the year of our Lord one thousand eight hundred and ninety three (the same being the Tuesday next succeeding the first Monday of the said month of November), there was held a general election throughout the State of New York, and in and throughout the said City and County of New York, and in and for the 28th Election District of the Fourth Assembly District of the said City and County, at which said election divers persons were voted for, and divers ballots cast, for such persons in the said election district, by the electors thereof, for the following offices, to wit: the office of Secretary of State of the State of New York, the office of Comptroller of the State of New York, the office of Treasurer of the State of New York, the office of Attorney General of the State of New York, the office of State Engineer and Surveyor of the State of New York, the office of Associate Judge of the Court of Appeals of the State of New York, the office of Delegate-at-Large to the Constitutional Convention of the State of New York, the office of Delegate to the said Constitutional Convention for the Eighth Senate District of the said State, the office of Senator of the State of New York for the said Senate District, the office of Member of Assembly of the State of New York for the said Assembly District, the office of Judge of the Court of Common Pleas for the said City and County, the office of Justice of the City Court of the said City, the office of Surrogate of the said County, the

office of Comptroller of the said City, the office of Sheriff of the said County, the office of District Attorney of the said County, the office of Coroner of the said City and County, and the office of Justice of the District Court of the said City for the Fifth Judicial District thereof.

And on the day and in the year aforesaid, and at the said election, the said Peter Neville, John Harding and John Kiley, all late of the City and County aforesaid, were the Inspectors of Election of the said election district, duly appointed, qualified and then and there acting as such.

And on the day and in the year aforesaid, at the City and County aforesaid, the polls of the said election, in and for the said election district having been closed, the said Peter Neville, John Harding and John Kiley, as such Inspectors of Election, proceeded to publicly canvass and estimate the votes cast at the said election in the said election district by the electors thereof.

And having commenced such canvass by comparing the two poll lists of the said election district kept by the poll clerks thereof, and having corrected certain mistakes therein, it then and there became and was by the election law required of them the said Peter Neville, John Harding and John Kiley as such Inspectors of Election as aforesaid, that they should then count the ballots found in the ballot box of the said election district into which the ballots cast at the said election day the electors of the said election district had been placed and deposited, without unfolding them except so far as to ascertain that each ballot was single.

Nevertheless the said Peter Neville, John Harding and John Kiley, so being such Inspectors of Election as aforesaid, well knowing the premises, did then and there feloniously omit, refuse and neglect to perform the act so required of them by the election law as aforesaid, in that they did then and there feloniously omit, neglect and refuse to count the ballots found in the ballot box without unfolding the same, except so far as to ascertain that each ballot was single; but did then and there feloniously unfold the said ballots in and while counting the same further than to ascertain that each was single, and then and there feloniously did wholly open and unfold each and every one of the said ballots found in the said box in and while counting the same, and cause, suffer and permit the same to be and remain open and unfolded thereafter continually throughout the said canvass and till the same had been completed; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

THIRD COUNT. (Chap. 410, Laws of 1882, Secs. 1891 and 1909).

AND THE GRAND JURY aforesaid, by this Indictment further accuse the said Peter Neville, John Harding and John Kiley of the crime of wilful neglect of duty as Inspectors of Election, committed as follows:

Heretofore, to wit: On Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and ninety three (the same being the Tuesday next succeeding

the first Monday of the said month of November), there was held a general election throughout the State of New York, and in and throughout the said City and County of New York, and in and for the 28th Election District of the Fourth Assembly District of the said City and County, at which said election divers persons were voted for, and divers ballots cast, for such persons in the said election district, by the electors thereof, for the following offices, to wit: the office of Secretary of State of the State of New York, the office of Comptroller of the State of New York, the office of Treasurer of the State of New York, the office of Attorney General of the State of New York, the office of State Engineer and Surveyor of the State of New York, the office of Associate Judge of the Court of Appeals of the State of New York, the office of Delegate-at-Large to the Constitutional Convention of the State of New York, the office of Delegate to the said Constitutional Convention for the Eighth Senate District of the said State, the office of Senator of the State of New York for the said Senate District, the office of Member of Assembly of the State of New York for the said Assembly District, the office of Judge of the Court of Common Pleas for the said City and County, the office of Justice of the City Court of the said City, the office of Surrogate of the said County, the office of Comptroller of the said City, the office of Sheriff of the said County, the office of District Attorney of the said County, the office of Coroner of the said City and County, and the office of Justice of the District Court of the said City for the Fifth Judicial District thereof.



And on the day and in the year aforesaid, and at the said election, the said Peter Neville, John Harding and John Kiley, all late of the City and County aforesaid, were Inspectors of Election of the said Election District, duly appointed, qualified and then and there acting as such, and constituting and composing the Board of Inspectors of Election of the said election district.

And on the day and in the year aforesaid, at the City and County aforesaid, the polls of the said election, in and for the said election district having been closed, and the canvass and estimate of the ballots so cast at the said election, in the said election district by the electors thereof then being made by them, the said Peter Neville, John Harding and John Kiley as such Inspectors of Election as aforesaid, and the ballots in the ballot box of the said election district into which the ballots cast at the said election district by the electors of the said election district had been placed and deposited, having been opened, and the whole number of such ballots in the said ballot box being found to exceed, to wit: by twenty one, the whole number of votes required by the corresponding columns of the poll lists of the said election district kept by the poll clerks thereof, (the said poll lists having been duly compared at the commencement of the said canvass, and certain mistakes found therein corrected until such poll lists agreed as to the number of ballots deposited in the said box) it then and there became and was the duty of them, the said Peter Neville, John Harding and John Kiley, as such Inspectors of Election, then and there to re-

turn all the said ballots into the said ballot box, and to thoroughly mingle the same, and that one of them to be designated by the board should without seeing the same and with his back to the box publicly draw out of such box so many of such ballots as should be equal to such excess, and such duty was then and there required of them the said Peter Neville, John Harding and John Kiley, as such Inspectors of Election as aforesaid in and by the provisions of Chapter XXIV of the New York City Consolidation Act of Eighteen Hundred and Eighty-two.

Nevertheless the said Peter Neville, John Harding and John Kiley, well knowing the premises, then and there feloniously did wilfully neglect to do and perform the duty so required of them as aforesaid, and then and there feloniously did wilfully neglect to then and there return all the said ballots into the said ballot box and to thoroughly mingle the same, in order that so many of such ballots as should be equal to such excess might be so drawn out in the manner aforesaid; but did then and there feloniously return the said ballots into the said ballot box in such order and arrangement as that they then and there well knew the general character and kind of the ballots, in order and arrangement as so returned by them in the said box, and having so returned the same in the said box in the manner aforesaid, and the same not having been thoroughly or in any way mingled, the said John Harding being designated by the said board for that purpose, without seeing the same and with his back to the said box, but well knowing such order and arrangement, and the general character

and kind of the said ballots in the order and arrangements as the same had been so returned into the said box, did then and there publicly draw out of the said box twenty one of the said ballots, being the number of such ballots equal to such excess; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

DeLancey Nicoll,

District Attorney.

POOR QUALITY  
ORIGINAL

Witnesses:

Henry Wildenbaum  
Michael F. Blake  
Patrick J. Leully  
Lucas J. Donagan

No. 1. Bailed Nov. 27 By  
John Kelly & family - William  
348 Madison | 78 Monroe  
No. 2 Bailed Dec. 23/93 by  
Karin Cohen 180 Hargett  
No. 3 Bailed

1407  
Court of Oyer and Terminer

Counsel,

C. J. Schampain

Filed

22

day of

Dec

1893

to Plead,

#1 do

THE PEOPLE

Peter Neville

John Harding

John Kiley

DE LANCEY NICOLL,

District Attorney.

March 5. 1894

#2 Pleads - Guilty

Fined 200 dollars

A True Bill.

R. J. Cross

Foreman.

Feb. 7<sup>th</sup> 1894

#1. Tried and convicted

with recommendation to mercy.

Feb. 14. 1894

Penitentiary One year.

**POOR QUALITY  
ORIGINAL**

Witnesses:

Henry Wildenbrand  
Michael F. Blake  
Patrick J. Scully  
Lucas J. Donuegan  
No. 1. Bailed Nov. 27 By  
John Kelly & Philip Collins  
348 Madison St 78 Monroe St  
No. 2 Bailed Dec. 23/93 by  
Harris Cohen 180 Fayette St  
No. 3 Bailed

1894  
Court of Oyer and Terminer

Counsel,

Filed

C. J. Schampain  
22 day of Dec 1893

#2 Pleads,

for Guilty with reason  
#1 do for Guilty with reason  
THE PEOPLE

Peter Neville

John Harding

John Kiley

DE LANCEY NICOLL,

District Attorney.

March 5. 1894

#2 Pleads - Guilty

Fined 200 dollars  
fine paid in New Court

**A True Bill.**

R. J. Cross Foreman.

Feb. 7<sup>th</sup> 1894

#1. Tried and convicted

with recommendation to mercy  
Feb. 14. 1894

Penitentiary One year

neglect of duty  
[Section 41, Penal Code]

0042

47-2005-17-B, Form 34

**District Attorney's Office**

COUNTY OF NEW YORK

Edward F. Conolly Esq.,  
Clerk of Court of  
General Session,

Please send to  
me the following  
indictments on file  
in your office:-

Peter Neville et al  
Wm H. Blair et al;  
and of legal,

yours respectfully  
Edward Swan

District Attorney

Oct. 2, 1917.



0043

2100-17 E

Date of Indictment

*Dec 11 1893*  
**Court of General Sessions**

CLERK'S OFFICE

PEOPLE

vs.

*John Howell et al*

RECEIVED BY

FOR

DATE

CLERK

*D.A.O.*

*John Howell*

*Oct 2*

191

*Healey*



COURT OF OYER AND TERMINER,  
Of the City and County of New York.  
" "  
The People of the State of New York" "  
against " "  
Peter Neville, John Harding and " "  
John Kiley. " "  
" " "

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this Indictment accuse Peter Neville, John Harding and John  
Kiley of the crime of intentionally making a false canvass of  
the ballots cast at an election, committed as follows:  
Heretofore, to wit: on Tuesday, the seventh day of  
November, in the year of our Lord one thousand eight hundred  
and ninety-three (the same being the Tuesday next succeeding  
the first Monday of the said month of November), there was  
held a general election throughout the State of New York, and  
in and throughout the said City and County of New York, and  
in and for the 28th Election District of the Fourth Assembly  
District of the said City and County, at which said election  
divers persons were voted for, and divers ballots cast, for  
such persons in the said election district, by the electors  
thereof, for the following offices, to wit: the office of  
Secretary of State of the State of New York, the office of  
Comptroller of the State of New York, the office of Treasurer  
of the State of New York, the office of Attorney General of

the State of New York, the office of State Engineer and Surveyor of the State of New York, the office of Associate Judge of the Court of Appeals of the State of New York, the office of Delegate-at-Large to the Constitutional Convention of the State of New York, the office of Delegate to the said Constitutional Convention for the Eighth Senate District of the said State, the office of Senator of the State of New York for the said Senate District, the office of Member of Assembly of the State of New York for the said Assembly District, the office of Judge of the Court of Common Pleas for the said City and County, the office of Justice of the City Court of the said City, the office of Surrogate of the said County, the office of Comptroller of the said City, the office of Sheriff of the said County, the office of District Attorney of the said County, the office of Coroner of the said City and County and the office of Justice of the District Court of the said City for the Fifth Judicial District thereof.

And on the day and in the year aforesaid, and at the said election, the said Peter Neville, John Harding and John Kiley--all late of the City and County aforesaid, were the Inspectors of Election of the said Election District, duly appointed, qualified and then and there acting as such.

And on the day and in the year aforesaid, at the City and County aforesaid, the polls of the said election, in and for the said election district having been closed, the said Peter Neville, John Harding and John Kiley feloniously did wilfully and intentionally make a false canvass and estimate of the ballots cast at the said election in the said

election district, by the electors thereof, as aforesaid, by then and there feloniously, wilfully, intentionally and falsely neglecting and refusing to count, canvass and estimate divers votes, of a number to the Grand Jury aforesaid unknown, cast at the said election by the electors of the said election district for divers persons to the Grand Jury aforesaid unknown, for divers of the offices aforesaid, by then and there feloniously, wilfully, intentionally and falsely destroying twenty-one ballots cast at the said election (a more particular description of which said ballots is to the Grand Jury aforesaid unknown); there being that number more of ballots found in the ballot box of the said election district into which the ballots of the electors of the said election district cast at the said election district had been deposited than the number of ballots known to have been deposited therein by the poll-lists of the said election district, without replacing all of the ballots cast at the said election in the said election district, in the said ballot box, and causing as many ballots as should be equal to such excess to be publicly drawn out of the same in the manner provided by law, they, the said Peter Neville, John Harding and John Kiley, then and there, well knowing the general character and kind of the ballots so destroyed, and contriving and intending thereby to exclude from such canvass the particular ballots so destroyed, and whereby the same were excluded from such canvass and not counted and estimated.

And the said Peter Neville, John Harding and John Kiley, having made such false canvass as aforesaid, did then and there make and subscribe triplicate statements, each pur-

porting to be in the form required by law, and to be a true and correct statement showing the whole number of votes given for each person voted for at the said election in the said election district by the electors thereof, and within twenty-four hours after the said several statements had been subscribed, by the act and procurement of the said Peter Neville, John Harding and John Kiley, one of the said statements was duly delivered to the Clerk of the Board of Aldermen of the said City by one of the said Inspectors of Election, another of the said statements was duly delivered to the County Clerk of the said County, by another of the said Inspectors, and the other of the said statements was by the other of the said Inspectors duly delivered to the Chief of the Bureau of Elections of the Police Department of the said City, as and for the statements of the result of the canvass and estimate of the votes cast at the said election in the said election district by the electors thereof, required by the statute in such case made and provided, to be so made in triplicate and to be so delivered to the above named officers respectively in the manner aforesaid.

And so the Grand Jury aforesaid do say, that the said Peter Neville, John Harding and John Kiley, in manner and form aforesaid, feloniously did wilfully and intentionally make a false canvass of the ballots cast at the said election, against the form of the statute in such case made and provided and against the peace of the People of the State of New York, and their dignity.

De Lancey Nicoll,

District Attorney.

0048

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

Nickols, George

**DATE:**

12/15/93



4953

Witnesses:

*John Kirk*

Counsel,

Filed

day of

1893

Pleas,

THE PEOPLE

*Subpoena officer  
+ compel for  
12th*

*19 California  
Student  
of Cal.  
manuscript*  
*George Nichols*  
*H.D.*

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

DE LANCEY NICOLL,

District Attorney.

*I v. Jan 8. 1894.*  
*Fried and convicted.*  
*L. D. Degree*

A TRUE BILL.

*Elmira Ref.*

*Jan. 12/94*

*B. Lockwood*

Foreman.

*4th 12*



New-York January 11<sup>th</sup> 1894.

To his Honor Judge Cowing:  
Dear Sir,

Being placed in  
the uncomfortable po-  
sition of being accused  
and found guilty of  
a crime, with in my  
own Heart and before  
God i know That i am  
totaly innocent of, i  
would beg your Honors  
time and patience for  
a very little while.



I belong to a very well connected Family, a Family on whose fair name there never has been a stain and therefore I had to reluctantly decline my Lawyers proposition to let any of my Folks know or to write to them concerning my trouble and I therefore am not able to furnish references sufficient to induce your Honor to be lenient in my case.

Furthermore I am not enough acquainted

in the City of New-York to know anybody well enough to bring forward so as to testify to my character.

All I have to do now your Honor is to beg of you to consider my youth and heretofore good name and that of my Folks and to trust to your well known kindness and good nature, so well shown in many instances and it is with a heavy and sorrowfull Heart that I address this few Lines to your Honor begging of you to be as lenient as possible in

my case and promising  
at the same time that  
in my future life i shall  
be very, very carefull never  
to give cause again in  
any way, shape or manner  
so that i shall be ashamed  
to let my family, or  
any body else know about  
it.

In the hope of  
your Honor granting me  
this request, i remain  
respectfully

your  
humble servant  
George Nickels.

0053

AFFIDAVIT FOR COMMITMENT OF WITNESS.

4771

POLICE COURT 1 DISTRICT.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Tierney*  
of the 4 Precinct Police, being duly sworn, deposes  
and says that *John Kirk*  
(now here) is a material witness for the people against  
*George Nichols* charged  
with *Larceny*. As deponent has  
cause to fear that the said *John Kirk*  
will not appear in court to testify when wanted, deponent prays  
that the said *John Kirk* be  
committed to the House of Detention in default of bail for his  
appearance.

*John J. Tierney*

Sworn to before me this  
day of *March* 1892

*James C. [illegible]*  
Police Justice

0054

Police Court

District.

Affidavit—Larceny.

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

*John Kirk*  
of No. *no home* Street, aged *53* years,  
occupation *Seaman* being duly sworn,  
deposes and says, that on the *8* day of *December* 189*3* at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-  
session of the deponent, in the *night* time, the following property, viz:

*Good and lawful money of  
the United States amounting to  
Forty five 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 *George Nicol (nowhere)*

*for the following reasons - ~~at~~ about*  
*6 o'clock P.M. on said date the defendant*  
*and deponent occupied the same room*  
*in the Carleton House No 202 William*  
*Street deponent placed said money in*  
*one of his shoes - and went into bed and*  
*fell asleep - he awoke about 9 o'clock*  
*P.M. on said date and immediately*  
*missed said money - The defendant*  
*was the only person in said room and*  
*he admitted to deponent that he had*  
*gone out of said room ~~during the~~ between*  
*the time they first entered and the time*  
*deponent missed his money*

*John Kirk*

Sworn to before me, this

day

1893

*William A. [illegible]*  
Police Justice

0055

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

District Police Court.

*George Nichols*

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

Question. What is your name?

Answer.

*George Nichols*

Question. How old are you?

Answer.

*17 years*

Question. Where were you born?

Answer.

*U.S.*

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

Answer.

*California*

Question. What is your business or profession?

Answer.

*None*

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

Answer.

*I am not guilty*  
*George Nichols*

Taken before me this

day of *December* 1893

Police Justice



0056

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

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

Dated *Dec* 189 *3* *Leary* Police Justice

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

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

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

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

0057

32  
Police Court--- / District. 1918

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John Kirk  
HOUSE OF DETENTION CASE,  
George Nichols

1  
2  
3  
4

Offence *Larceny*

BAILED,

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

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

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

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

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

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

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

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

Dated *Dec 9* 189*3*

*Meade* Magistrate.

*Tierney* Officer.

*4* Precinct.

Witnesses \_\_\_\_\_

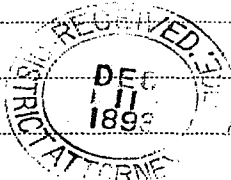
No. \_\_\_\_\_ Street.

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

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

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

*Committed*





COURT OF GENERAL SESSIONS OF THE PEACE,  
CITY & COUNTY OF NEW YORK.

\*\*\*\*\*

|                 |   |                       |
|-----------------|---|-----------------------|
| THE PEOPLE,     | ) | BEFORE                |
| VS.             | ) | HON. RUFUS B. COWING, |
| GEORGE NICHOLS. | ) | AND A JURY.           |

\*\*\*\*\*

TRIED, NEW YORK, JANUARY 8TH, 1894.

\*\*\*\*\*

INDICTED FOR GRAND LARCENY IN THE SECOND DEGREE.  
INDICTMENT FILED DECEMBER 15TH, 1893.

\*\*\*\*\*

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY JAMES W. OSBORNE,

FOR THE PEOPLE.

JAMES W. MC LAUGHLIN, ESQ.,

FOR THE DEFENSE.

\*\*\*\*\*

JOHN KIRK, the COMPLAINANT, testified that he lived at Ogdensburg, N.Y., and is a sailor. He arrived in this City on December 7th, and, at about 10 o'clock on that night, finding himself astray in the City, he asked the defendant to direct him to the Germania Hotel. The defendant did as requested, and then asked the complainant to pay for a night's lodging for him, the defendant. The complainant did so, and then retired for the night. He, the complainant, had \$75.00, and left \$50.00 with the clerk, to keep for him. The next morning, the 8th, he, the complainant, received his \$50.00 from the clerk of the hotel, the defendant being present, at the time, and seeing the money paid; then he, the complainant, and the defendant left the hotel together, and they were out all day, and drank a few beers together, and also took dinner together. The complainant testified: "In the evening he said to me, 'If you pay for me till I get \$60.00 at the German Bank, to-morrow, on a money letter, if you will pay for

me till to-morrow, I will make it all right with you. I will give you a pawnticket for the revolver and a gold watch." And I said, "I don't want your pawnticket, but I will pay for you to-night there, the same as I did last night." And he said, "Why do you stop in the house like that? It is a dirty house." And I said, "Well, my clothes are there, and I am going to stay only a day in town." And he said, "You come down to the Carleton Hotel, and we will get a double room there for the same price." And I told him I didn't care to stay. And he said, "Well, only bums stay there." And I said, "Well, we'll go down there for the night." And we went to the house, and he called for a double room, and he got the keys, and opened the door---it is the Carlton House---and so he unlocked the door and went in. I asked him did he lock the door when he went inside, and he said, "Yes." And I said, "All right. We'll go to bed." And I took off my shoe and I spread the money out. It was four 10-dollar bills, and a 5, and in my pants I had \$3, a 2-dollar bill and a 1, and I said, when I put this back, "Is my money all

right here?' And he said, 'I wouldn't take your money from you. You've used me too well.' And I went to bed. I was tired, and I hadn't slept much the night before, and he says to me, I looked up and seen him with his pants on me, to the best of my knowledge it was 9 o'clock, then, and he said to me, 'I am going---I am sick. I am not going out.' And I said, 'Have you been out of this room?' And he said, 'Yes.' And I judged my money was gone, and I looked at my shoe, and the inside sole was torn out, and thrown under the bed. I put the money between the inside sole and the other sole, because it hurt my foot. I did that before I went to bed. I looked in my pants pocket, and the 2-dollar bill was gone, and there was \$1.09 left. And I saw him pulling on his stocking, and I saw the end of the bill, and I said, 'That is some of my money now.' I pulled it out, and it was a 2-dollar bill---'and it looks like mine.' And I said to him, 'I will have you arrested.' And he said, 'Well, if you have me arrested, I will have you arrested for bringing me into this house to use me for a woman---to be a cocksucker.'

And I took him downstairs, and he said, 'Your money is upstairs, in the bed, and the housekeeper will get it,' and I took him upstairs, and I said, 'Give me my money, and it will be all right.' And he said, 'I don't know nothing about your money.'" He, the defendant, told him, the complainant, to put his money in his shoe; that was before he got it from the bank. He, the defendant, said that it was best to put the money in his shoe, as he was liable to be robbed at any time. He, the complainant, put the money in his shoe at about 11 o'clock that day, the defendant being in the room at the time, and he missed his money at about 9 o'clock that night. The defendant coaxed him, the complainant, to the hotel with him. He, the complainant, is a seaman on the lakes; not on deep water.

In

CROSS-EXAMINATION

the complainant testified that he was paid off on December 5th, and, on that day, he had about

\$95. He was sick, and was on his way to the hospital in Philadelphia. Out of the \$95. he, the complainant, spent \$9 fare from Ogdensburg to New York City, and \$15. for clothing, and had about \$70 when he reached this City, and, out of that he bought an overcoat and a hat. The defendant saw him, the complainant, spread the money out, in his shoe, at night, when they were in the room together, before retiring, and he, the defendant, did not have a cent of his own, and he, the complainant, paid for that and the previous night's lodging for the defendant, because he had no money and begged him to do so. At the time that he spread out the money in his shoe, he, the complainant, had \$48.09, and, when he woke up, he saw the defendant shoving the bills into his, the defendant's, stocking. He, the complainant, told the defendant that he only wanted back his money, and if he got that he would not prosecute him, the defendant. When he, the complainant, had the defendant arrested, the defendant said to the officer



that he had been taken to the hotel by the complainant for immoral purposes. He, the complainant, lost his way, on the Bowery, and spoke to the first person he met, who happened to be the defendant, and asked him, as he would ask any stranger, to tell him the way to the Germania hotel, and the defendant insisted upon going with him, the complainant, and showing him where the hotel was, and then he begged him, the complainant, to pay for a night's lodging for him, and ~~he~~, the complainant, did so, out of sympathy, and the occupied single rooms, in different parts of the hotel, that night. When ~~he~~, the complainant, woke up, on the night of the larceny, he saw the defendant putting on his shoes. He was entirely dressed, except his shoes.

In

RE-DIRECT-EXAMINATION

the complainant testified, "He told me downstairs that the money was somewhere upstairs, in the bed, and to go up and get it, and that the housekeeper



will get it in the morning. And I said, 'Well, go upstairs with me, and, if the money is all right, I will let you go.' And when he got upstairs he said he never saw the money, and didn't know anything about it." He, the complainant and the defendant went to bed that night at about half-past 6 o'clock, and, after putting the money in his shoes, he put the shoe under the bed, and he woke up about 9 o'clock and found the defendant dressed, with the exception of putting on his shoes.. On retiring to bed, that night, the defendant locked the door, and he, the complainant, tried it, and found it locked. As soon as he, the complainant, woke up, and saw the defendant dressed, he, the complainant, looked in his pocket and missed his two dollar bill, and just then noticed the defendant pushing a bill into his stocking. He, the complainant, was positive that the money was in his shoe, and the door was locked, when he and the defendant went to bed, and when he woke up it was gone. His, the complainant's, shoes had been moved

further under the bed. The defendant was the only person who saw him, the complainant, put the money in his shoes. When he, the complainant, woke up, and saw the defendant dressing, he, the complainant, said, "What's the matter?" The defendant said, "I'm sick, and I'm going away." Then he, the complainant, got up and looked in his shoe and his money was gone, and then he went to his trousers pocket and the 2-dollar bill was gone also. Then he, the complainant, said to the defendant, "My money is all gone. Who has been in here? Have you been outside?" And the defendant said, "Yes; I have been outside." Then he, the complainant, caught the defendant in the act of stuffing a 2-dollar bill into his, the defendant's, stocking, and he, the complainant, said, "That's my money. You've got my money," and then he, the complainant, took it out, and the defendant made no objection. He, the complainant, then said, "I'll have you arrested," and the defendant said, "If you have me arrested, I will

10

tell the court that you enticed me into this house as a woman, to use me as a cocksucker, " and he kept at that all the time down in the Jefferson Market." He, the complainant, did not put the 2-dollar and the 1-dollar bill in his shoe, because he wanted to use it in the morning, and to leave the other money, the larger sum, in his shoe, when he put it on, the next day, for safekeeping. When he, the complainant, first met the defendant, on the 7th, at the time the defendant insisted upon showing him the Germania Hotel, he, the complainant, had been drinking, and was somewhat "full," but the next day all he drank was 5 glasses of beer all day. and he was entirely sober, during the day and all the time that he was at the Carlton House.

\*\*\*\*\*

JOHN J. TIERNEY testified that he is an officer of the Municipal Police, and was on duty on the evening of December 8th. At about 11 o'clock, that night, the complainant came up to him, the witness, holding the defendant by the arm, and said that the

11

defendant had robbed him of \$45, and that he took \$2.00 from him, the defendant, that belonged to him, the complainant. The defendant denied the charge, and said that the complainant took him, the defendant, to the hotel for unnatural purposes. The complainant was perfectly sober. He found no money on the defendant.

In

#### CROSS-EXAMINATION

the witness testified that the defendant had a pocketbook containing seven cents and two pawn-tickets.

\*\*\*\*\*

#### THE DEFENSE.

----

GEORGE NICHOLS, the DEFENDANT, testified that he arrived in this City, from San Diego, California, on Friday, December 7th or 8th, about 6 o'clock in the evening. After leaving the boat, he, the defendant started

to see the city, especially the Brooklyn Bridge. He wandered about the City for some time, as it was the first time he had been here, when he met the complainant, who said, "I know you, little boy. and he, the complainant, took him into a saloon and treated him, and he treated the complainant, and they went into several saloons and had drinks, and then, he, the complainant, asked him, the defendant to go upstairs with him in the Carlton house, and he asked "What for?" and the complainant said, "I want to show you something," and he, the defendant went with the complainant, to his room, and they got in bed together, and he, the defendant, made no objection, and the complainant began to "fool" with him, the defendant. The defendant testified further, "Well, I went to bed with him, and after 15 minutes in bed he wanted to use me for a woman, and I say to him, 'You are going to stop that monkey business with me,' and he said, 'Never mind,' and he tried to bugger me, and I said, 'If you don't leave me alone, I will

get you arrested, and I took my clothes as quick as I can and he took his clothes quick, too, and we both went downstairs, and I met a policeman and told him to take the man to the station-house, and I will go with you." He, also, testified that he was searched in the station-house, and \$1.65 found upon him. He, the defendant, had no pawnticket in his possession. His father is a postmaster in San Bernardino, California, and he stopped in this City, en route for Boston, to visit his brother. The complainant, accused him, the defendant of robbing him of \$45. He, the defendant, was born in San Diego, California, and shipped, on the City of Dallas, on November 22nd, and stopped at Panama, and, from there, went to Vera Cruz, thence to New Orleans, and, from there, came on the steamship El Sol. He spoke Spanish, and is 19 years of age. He came by the Morgan Line, and arrived in New York on the 7th, or 8th, and landed at Vesey Street, and met the complainant on the same day. The ship arrived at about 5



o'clock, and, the defendant now testified, "I stayed on the boat, till the morning, Friday, the boat goes Wednesday, about 5 o'clock, and I stay on the boat, I didn't leave the boat before Friday. I left the boat on Friday; I didn't say that the ship gets here on Friday. The ship got here on Tuesday, and I stayed all night on board of the ship; the ship got here on Tuesday, and I got off the boat at 10 o'clock on Friday---she came here in the night, about 6 o'clock, and I stayed all night on the boat, and only got up in the morning about 10 o'clock." When he, the defendant, landed he had \$3.50, about, and when he met the complainant he had \$1.65, and did not spend a cent with him, the complainant. He, the defendant, did not have any business; he had just finished in a French school. He, the defendant, could not get anybody from the ship, or elsewhere, to come to court and testify that he slept on the ship on the night testified to. At the Carlton Hotel the Clerk registered his, the defendant's, name, after

asking him what it was. He, the defendant, did not tell the Night Clerk of the hotel, after the alleged attempt to bugger him, the defendant, that the complainant had tried to do it, but merely asked the complainant's name, and the clerk said, "John Kirk." Afterwards, he, the defendant, testified that he did tell one of the hotel clerks, that the complainant tried to "use him as a woman." He, the defendant, received letters from his brother, in Boston, but tore them up and threw them in the closet. The defendant testified that when he went downstairs, to the office, on the night of the robbery, he was "all dressed," as was also the complainant. When he arrived in this City, he, the defendant, had \$3365, and expected to pay \$3.00 fare from this City to Boston.

\*\*\*\*\*

REBUTTAL.

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CHARLES DERSTEGAN testified that he is clerk of the Germania Hotel, on the Bowery, and knew the complainant. He, the witness, remembered that he paid the complainant \$50.00, which had been deposited by him for safekeeping. The defendant was with the complainant at the time the payment was made. He, the witness, delivered the \$50.00 at about noon. The complainant slept there the previous night; also the defendant. The defendant was there only one night. He, the witness, was positive that the boy slept at that hotel that night, because he, the defendant, asked him, the clerk, in the morning, what the complainant's name was, and what room he, the complainant, was then occupying, and he, the witness, told the defendant to wait until the complainant woke up and came downstairs. The complainant paid for himself and the complainant, for different rooms.

In

CROSS-EXAMINATION

he, the witness, testified that he had the receipt

that the complainant gave him, when he, the witness, paid him, the complainant, the \$50.00. The complainant slept on the top floor, and the defendant slept on the first floor, and the defendant, in the morning, came to him, the witness, and asked for the number of the complainant's room, and seemed very anxious to know it, but he, the witness, told him to wait until the complainant came downstairs. It is not necessary to register in every case at that hotel. The defendant returned to him, the witness, the door key of the room that he occupied that night. He, the witness, had not the slightest doubt as to the identity of the defendant. and that he, the defendant, slept at that hotel, as testified to by him, the witness. Notwithstanding the fact that the defendant testified that he was not in New York at all that night, he, the witness, was able to corroborate the complainant, and could swear that he, the defendant, slept at that hotel that night. He was absolutely certain of it. The defendant came to

him, the witness, at about 7 or 8 in the morning, and asked for the complainant's room, and he, the witness, would not give it to him, because it was against the rules of the hotel.

\*\*\*\*\*

JOHN J. TIERNEY, being recalled by Mr. Osborne, testified, that, in the presence of the Sergeant, the complainant said that he lost \$45, and he never, in his statements, mentioned \$300, or any amount other than \$45. On the defendant he, the witness, found pawntickets, and several pocketbooks, and letters; and the pocketbook, shown to him, the witness, he found on the defendant. At the station-house the defendant said he "just came from Chicago."

\*\*\*\*\*

GEORGE NICHOLS, the DEFENDANT, being recalled by The Court, testified that the only baggage he had, on his arrival here, was a small valise, which he sent on ahead of him, by Adams Express Co., but he, the defendant did not get or ask for a receipt. He,

the defendant, testified, "I can leave that valise in Boston for five or six months, but I have got to pay for it." When asked how he was going to get the valise, he said, "Well, I know my baggage." The defendant testified, first, that he sent the baggage from New York, "in December," but, when asked what day he sent it, whether he sent it on the day of his arrival, or when, he said, "I sent it from New Orleans to Boston."

\*\*\*\*\*

CHARLES GERSTEGGER, being recalled, testified that he paid the money, \$50.00, to the complainant, on December 8th. Before paying him, the complainant, the money, he required him, the complainant, to give a receipt, which he identified in court, and which was dated December 8th. He, the witness, testified that the cash-book of the hotel also showed that the boy slept in the hotel in question on the night of December 7th. The Cash-book showed that the complainant paid 20 cents, on the 7th, for lodging, and he was assigned to room 102, and the boy, on the same day, was assigned to



room 7, for which the price paid appears to be 25 cents. He, the witness, showed the jury the entry, "George Nichols, Room 7," and that the price charged was 25 cents. He, the witness, had not communicated with him, the complainant, and had received no communication and had had no conversation with the complainant, except that he received a message from him, inquiring as to his clothes.

\*\*\*\*\*

CHARLES J. FRANKLIN testified that he is Day-Clerk at the Carlton House. On the night of December 8th, he, the witness, gave the complainant and the defendant a room---a double room. There was a lock, also a key, to the door. The complainant had never before stopped at that hotel, and he, the witness, had never before seen him, the complainant. The complainant did not go there, to the hotel, as a guest of the hotel who had been there for some time or ever. He, the witness, took and entered the name of Nichols. The door of the room occupied by the complainant and the defendant can be locked

from the inside.

In

CROSS-EXAMINATION

the witness testified that he made an entry of  
the names of the complainant and the defendant for  
room 74 on the day in question.

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**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 Nichols*

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

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

The said

*George Nichols*

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

*the sum of forty-five dollars  
in money, lawful money of  
the United States of America,  
and of the value of forty-  
five dollars*

of the goods, chattels and personal property of one

*John Kirk*

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.

*DeLauncy Nicoll*  
District Attorney

0080

**BOX:**

**545**

**FOLDER:**

**4953**

**DESCRIPTION:**

Noonan, James J.

**DATE:**

**12/13/93**



4953

008 1

**BOX:**

545

**FOLDER:**

4953

**DESCRIPTION:**

McCarthy, Charles

**DATE:**

12/13/93



4953

Witnesses:

officer John F. McCarthy  
29th Precinct

Counsel,

Filed

Pleads,

day of

189

THE PEOPLE

vs.

James J. Noonan  
and  
Charles McCarthy

Burglary in the Third Degree,  
[Section 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500]

DE LANCEY NICOLL,

District Attorney.

Pleading

A TRUE BILL.

B. Lockwood

Jan 2 - Jan 4, 1894 Foreman.

On motion of District At-  
torney defendants severally  
discharged on their verbal  
recognizance

I have examined into  
this case with great  
care and am of opin-  
ion that the facts  
will not justify a  
conviction for the  
reason that the prop-  
erty does not be est-  
ablished by the complain-  
ant. The property was  
not found on the defendant  
as alleged in the complaint  
I recommend the discharge of  
defendants on their verbal  
recognizance for 12 months



## New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUSJames J. Noonan  
and  
Charles McCarthy

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

M. M. Farland  
118<sup>th</sup> & Park ave

Sworn to before me this 22<sup>d</sup> day of  
December 1893

Joseph C. Arnold  
Commissioner of Berks  
City and Co. of N.Y.

**New York General Sessions.**

PEOPLE ON MY COMPLAINT,  
VERSUS

*James J. Noonan*  
*and*  
*Charles M. Caithy.*

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

*John Rooney*  
*118 West 1st Park St.*

*Sworn to before me this 23<sup>d</sup> day of December 1893*

*Joseph C. Deard*  
*Commissioner of Roads*  
*City and Co. of N.Y.*

Police Court—

District.

City and County } ss.:  
of New York,of No. 1681 Park Avenue and John Rooney 118 Street, aged 31 years,occupation Liquor being duly sworndeposes and says, that the premises No. 1681 Park Avenue Street, Wardin the City and County aforesaid the said being a five story brickhouseand which was occupied by deponent as a liquor store~~and in which there was at the time a human being, by name~~~~were~~ BURGLARIOUSLY entered by means of forcibly entering astorm door, and breaking a plateglass windowon the 29 day of October 1883 in the night time, and the following property feloniously taken, stolen, and carried away, viz:One box of cigars; valued  
at one dollarthe property of Deponent

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

BURGLARY was committed and the aforesaid property taken, stolen and carried away by

James Donovan & Charles McCarthy

for the reasons following, to wit:

that the said premises  
was securely locked and fastened  
and officer Mc Grath of the 29<sup>th</sup> Precinct  
Police saw these defendants leaving  
the aforesaid premises, with the said  
property in their possession; wherefor  
deponent charges these defendants  
with acting in concert; and  
burglariously entering the said

promiss and Prays that they-  
may be held to answer  
Sum to before me  
this 24<sup>th</sup> day of October 1893.  
John Rooney  
Police Justice

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

Police Court, District

THE PEOPLE, &c.,  
on the complaint of

vs.

1.  
2.  
3.  
4.

Offence—BURGLARY.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

0087

1877

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 27 years, occupation John J. McGrath - Officer of No. 29 Precinct Police Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of John Roney and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this

day of

29 Oct 1893 John J. McGrath

John J. McGrath  
Police Justice.

0088

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not Guilty -*

*James P. Noonan*

Taken before me this

day of

189

Police Justice.



00089

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not Guilty -*

*Charles M. McCarthy*

Taken before me this

day of *September* 189*9*

Police Justice.

0090

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

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

Dated *Nov 3 1893* *Thos. J. Fether* Police Justice.

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

Dated *Nov 3 1893* *Thos. J. Fether* Police Justice.

There being no sufficient cause to believe the within named.....

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

Dated.....189•.....Police Justice.

0091

For 30 Oct/93 at 2 PM  
 \$1,000 bail.  
 Ex. adjd to Nov 2/93  
 For 11th Nov 3 "29th

P303 5 1174  
 Police Court--- District.

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

John Rooney  
 James Noonan  
 Charles McCarthy

Offence  
 10th Nov 1893

BAILED,

No. 1, by Michael Noonan  
 Residence 171 E. 111 Street.

No. 2, by  
 Residence Street.

No. 3, by  
 Residence Street.

No. 4, by  
 Residence Street

Dated October 29 1893

Fritter Magistrate.  
 Mr Grath- Officer.

29 Precinct.  
 Call the officer

No. Henry P. Foy Street.  
 29th Precinct

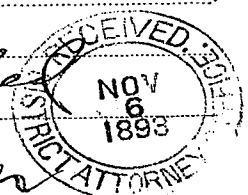
No. Michael McParland Street.  
 1681 Park Ave.

No. 1000 E. 111th St. to answer

No 1- Bailed

No 2 On

The Magistrate presiding  
 in my absence will hear  
 and determine the  
 within case and  
 take brief of necessary  
 Police Justice



New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

*James J. Noonan*  
*and*  
*Charles M<sup>c</sup>Carthy.*

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

*John Rooney*  
*118 West 7 Park Av.*

**New York General Sessions.**

PEOPLE ON MY COMPLAINT,  
VERSUS

*James J. Noonan*  
*Charles M<sup>c</sup> Carthy.*

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

*M. M. Farland*  
*118-84-2*

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

THE PEOPLE OF THE STATE OF NEW YORK

*against*  
*James J. Noonan*  
*and*  
*Charles McCarthy*

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

*James J. Noonan and Charles McCarthy*

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

The said

*James J. Noonan and Charles McCarthy, both*

late of the *12<sup>th</sup>* Ward of the City of New York, in the County of New York aforesaid, on the  
*twenty-ninth* day of *October* in the year of our Lord one  
thousand eight hundred and ninety-*three* in the *night* time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of  
one *John Rooney*

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

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



## SECOND COUNT.—

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

*James J. Noonan and Charles McCarthy*  
of the CRIME OF *Petit* LARCENY committed as follows:

The said

*James J. Noonan and Charles McCarthy, both*

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

*one box of cigars of the value  
of one dollar*

of the goods, chattels and personal property of one

in the

*John Rooney*  
*stone* of the said *John Rooney*

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

## THIRD COUNT.—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*James J. Noonan and Charles McCarthy*  
 of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*James J. Noonan and Charles McCarthy, both*

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

*one box of cigars of the  
 value of one dollar*

of the goods, chattels and personal property of

*John Rooney*

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

*John Rooney*

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

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

DE LANCEY NICOLL,

*District Attorney.*