

BOX:

43

FOLDER:

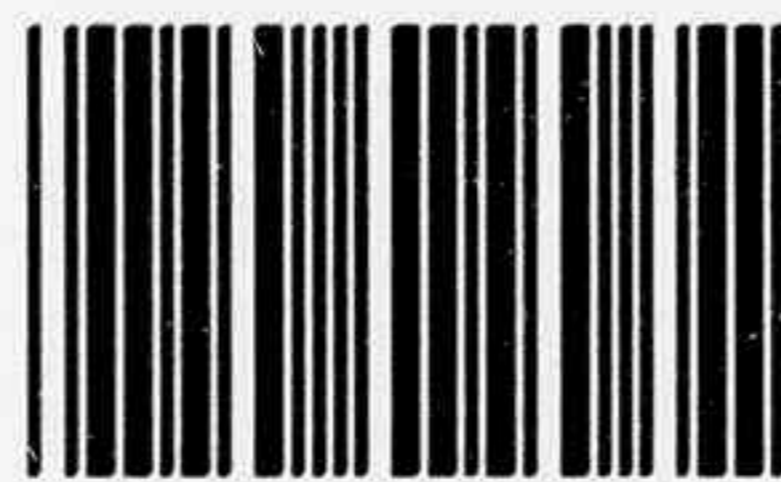
505

DESCRIPTION:

Leach, Charles

DATE:

07/06/81



505

BOX:

43

FOLDER:

505

DESCRIPTION:

McDonald, John

DATE:

07/06/81



505

Monday
July 11

Day of Trial,
Counsel,
Filed day of July 1871-
Pleads *Chapman*

THE PEOPLE

vs.

BURGLARY-THIRD DEGREE.
NOTHING STOLEN.

Charles Leach.
John McDonald.

Daniel S. Rottun
BENJAMIN RHEAPS,

District Attorney.

John H. H. H.
A True Bill.

Acquitted
Foreman.

Headed by

No 1 S. P. 2 1/2 years
No 2 Elmore Ref

Police Office, First District.

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

W. Reid Gould

of No. 168 Nassau

Street, being duly sworn,

deposes and says, that the premises No. 168 Nassau

Street, Fourth Ward, in the City and County aforesaid, the said being a Store

and which was occupied by deponent as a Stationery Store,

were BURGLARIOUSLY Attempted

to be entered by ~~me~~ attempting forcibly to open the main front door by means of Pick locks at about the hour of One O'clock A.M. in the night time

~~me~~ of the 25th day of June 1881

~~and that the following property, to-wit:
stolen and carried away, viz.:~~

With intent to steal, and carry away,
property of Value

the property of deponent

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

with intent to steal as aforesaid by Charles Leach and John McDonald (now here)

for the reasons following, to wit: ^{that} Deponent is informed by Officer

William Mackay that at about the hour aforesaid he saw said persons within the doorway aforesaid that Leach was facing the door and kneeling upon the door step while McDonald was ^{sitting} ~~standing~~ with his back to the door. As Mackay approached he heard something like keys drop on the iron step fronting the door That Leach stooped and picked up something.

Mackay at once arrested both and subsequently Leach threw away the bunch of pick locks (here shown) which were afterwards picked up by said Mackay in the roadway of Chatham Street

W. Reid Gould

Seen & referred to by
Deponent & sworn to by
John C. McDonald 1881
W. Reid Gould

POLICE COURT-FIRST DISTRICT.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.*William Mackay*of No. *A Policeman of the 4th Precinct* Street,

being duly sworn, deposes and says,

that on the *25th* day of *June* 188*1*, at the City of New York,

in the County of New York.

*Deponent arrested Charles Leach and John McDonald under the circumstances as fully set forth in the foregoing affidavit of W. Reid Gottd which deponent has heard read.**William Mackay*Sworn to, this *25th* day of *June* 188*1*
before me.*Wm. C. Williams*
Police Justice.

POLICE COURT—FIRST DISTRICT.

CITY AND COUNTY }
OF NEW YORK. } ss.

Charles Leach being duly examined before the undersigned,
according to law, on the annexed charge, and being informed that he was at liberty
to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Charles Leach

Question. How old are you?

Answer.

34 Years

Question. Where were you born?

Answer.

New York City

Question. Where do you live?

Answer.

207 Pearl & Chatham Streets

Question. What is your occupation?

Answer.

Printer

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

Answer.

*I am not guilty of
the charge*

his
Charles Leach
mark

Taken before me, this

25 day of

June

188

POLICE JUSTICE.

Wm C. Williams

POLICE COURT—FIRST DISTRICT.

CITY AND COUNTY
OF NEW YORK } ss.

John McDonald being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

John McDonald

Question. How old are you?

Answer.

30 Years

Question. Where were you born?

Answer.

This City

Question. Where do you live?

Answer.

75 Madison Street

Question. What is your occupation?

Answer.

Printer

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

Answer.

*I am not guilty, of
the charge*
John McDonald

Taken before me this

23 day of *June* 188

John C. McNamee
POLICE JUSTICE.

Police Court—First District.

COUNSEL FOR COMPLAINANT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
W. Reid Gould
168 Nassau St.
Charles Leach
John McDonald

Name, _____
Address, _____



Dated *June 25th* 1881
William Mackay Magistrate.
Mackay 4th Precinct Officer.

COUNSEL FOR DEFENDANT.

Name, _____
Address, _____

Clerk.

Witnesses, *William Mackay*
4th Precinct

BAILED,

No. 1, by _____

Residence _____

No. 2, by _____

Residence _____

No. 3, by _____

Residence _____

No. 4, by _____

Residence _____

No. 5, by _____

Residence _____

No. 6, by _____

Residence _____

\$ *1000. Bail* to answer
June Sessions. *Case*

Received in Dist. Atty's Office,

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

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That

Charles Leach and John McDonald each

late of the *fourth* Ward of the City of New York, in the County of
New York, aforesaid,
on the *twenty fifth* day of *June* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty-one* with force and arms,
at the Ward, City and County aforesaid, the *store* of

W. Reid Gould

there situate, feloniously and burglariously did break into and enter, the said *store*
being then and there a building in which divers goods, merchandise, and valuable things
were then and there kept for use, sale and deposit; the same being the goods, chattels,
and personal property of

W. Reid Gould

goods, merchandise and valuable things in the said *store* with intent the said
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.

Daniel G. Rollins
~~BENJ. K. PHELPS~~, District Attorney.

BOX:

43

FOLDER:

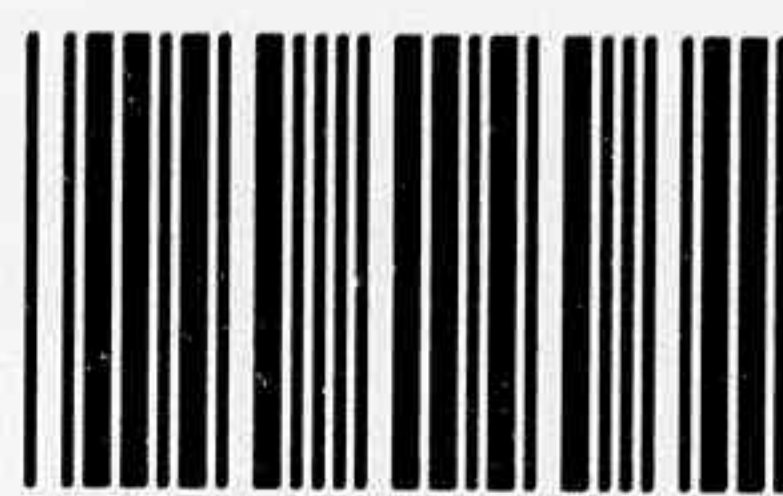
505

DESCRIPTION:

Wilson, Thomas

DATE:

07/12/81



505

BOX:

43

FOLDER:

505

DESCRIPTION:

Wilson, Catharine

DATE:

07/12/81



505

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

Police Court—Second District.

Francis Farrell

of No. 546, W. 54th Street, being duly sworn, deposes and says,that on the 9th day of July 1887,

at 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, and against the will of

deponent, the following property, viz.: four coins (silver) of the denomination and value of one dollar each. One silver coin of the denomination and value of one half dollar, all good and lawful money currency of the United States Government

of the value of four and one half dollars
the property of deponent and Catherine Farrell deponent's Mother,

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, and against his will, by Robert Livingston, Robert Wilson, ^{alias Thomas} and Catherine Wilson (now here) for the reason that at about ten o'clock ^{pm on the day aforesaid} deponent was returning from his work and when in 39th street between 10th & 11th Avenue he was set upon by the accused, that Catherine Wilson said to deponent "Give me your money or your life" and thereupon struck deponent with a cane upon the head, that the said Robert Wilson seized deponent by the throat, and the said Robert Livingston seized deponent by the testicles and the said Robert Livingston, Robert Wilson and Catherine Wilson struck and beat deponent, tore his clothes from his person and the said Catherine forced deponent against his will to surrender to her the aforesaid money Francis Farrell

Sworn to before me this

day of

July

1887

Police Justice.

POLICE COURT—SECOND DISTRICT.

THE PEOPLE, & C., vs.

ON THE COMPLAINT OF

Affidavit—Robbery.

James Farrell
546 W 54th St1 Robert Livingston
2 Robert Wilson
3 Catherine Wilson

Dated

July 10 1881

Magistrate.

A. J. Dixey

J. H. Fredericks, Officer.

28

Witness,

John H. Fredericks

20th

Sergt. Allen

20th St

Peter Bower

534 W. 43rd St

\$1500

to ans. Each

Committed

Bailed by

No.



Street.

from the bottom right up there up to my privates. Either Mrs. or ~~Mr.~~ Wilson did it, I got away at last. I went after officer Fredericks. Livingston pulled me away and grabbed the sarsaparilla. Mr. Wilson held on to me. I took the money out of my pocket and gave it to her. Wilson and Livingston were in the yard when Catherine Wilson said, "Give me your money or your life," and were near her. The woman got hold of me first; they seen her at me and then they ran over to where I was. They grabbed hold of me by the throat. I could not say which one grabbed me by the privates. It was Wilson, I believe, caught hold of me by the throat. It was after they grabbed me that I gave the woman the money; both of the men had hold of me at the time I gave the woman the money. I had four trade dollars and half a dollar. I had them loose in my pocket, in the left hand pantaloons pocket. After I gave the money to the woman I got away. I ran up after officer Fredericks. They were arrested that night at the same alley where they were; about five minutes afterwards I seen officer Frederick on the corner of thirty ninth St. I could not say who the girls were. What became of them when you went into the alleyway? They got away I think. Did they have anything to do with this

matter? No sir. I did not know the prisoners. I never saw them before in my life. This alleyway is round the corner from Mr. Wiley's stable, four doors away; the stable is on Eleventh Avenue between Thirty eighth and Thirty ninth Sts. Cross Examined. I never saw any of these prisoners in my life before that night. This happened either a little after or before nine, I did not look at the time. When were you paid? Saturday between three and four o'clock. I was still at work until such times as I put the horse in the stable. After I put up the horse I did not stop in any place. I never saw either of these girls before. I only saw them just as I was passing the alleyway. I was on the sidewalk, walking about my business, I did not say a word to anybody. I came along on the sidewalk in Thirty ninth St. and the young ladies were on the sidewalk too. I did not speak and they did not say anything; they grabbed hold of me. I did not show a cent to anybody; they took me halfway in the alleyway. There was a lot of boys and girls running around the street there. The young ladies took hold of me by the arms. There is a frame house in front of the lot and another one in the rear; they dragged me in back to the rear. I could not say that there any people living in the front house. I never was in that alley before. The girls held

on to me until the others came up. It was dark at the time, I could not see a person's face. It is not true that I went into a room in the rear house; Mrs. Wilson was not lying down on the threshold of her door; she did not seize hold of me and I did not break away and she did not have a sancepan in her hand. She came down halfway in the alleyway and grabbed hold of me and brought me up there. She did not cry out for the police, that I had been robbing her. After Livingston seen me getting hit he grabbed the sancepan and he tried to take me away; he pulled the woman off the top of me. Did not Mrs. Wilson accuse you in the presence of Livingston of stealing her money? No sir, she did not. Did not Mr. Livingston say, "let the boy alone, and if he has done anything wrong get a policeman and have him arrested?" I could not say, I heard him hallooing something, but I could not understand him. I was not on the ground; we were standing up. The first person I told about this affair was Officer Fredericks. I went back with officer Fredericks and he made the arrest. I pointed out this lady. I got four dollars of the money back at Jefferson Market on Sunday morning, all but 50 cents, four trade dollars. I have got a mother and

step father; they live in Fifty fourth St. I live with them, I go home every night and give them all my money. I worked a month for Mr. Wiley. I worked for my uncle Patrick Dalton; he is in the barrel business. I will be 15th & 8th of Dec. I have never been in trouble before. My mother was sick ^{with the baby} and could not come to Court; she was down here yesterday; my father is working. Peter Bower sworn. I work on the Western Union Telegraph. I saw part of the occurrence. I was passing by Thirty ninth St. and Eleventh Ave. between Ninth and Tenth ^{o'clock} ~~at~~. I saw Mrs. Wilson knock the boy down and take the money out of his pocket. I could not tell how much it was. Then I saw Mr. Wilson catching the boy by the throat and holding him up against the house, while Mrs. Wilson bent over and picked up something, which I did not know what and hit the boy on the back of the head, and the boy commenced to halloo for the Police; there was none around so me and the boy went up to Officer Fredericks and brought him down. It was in the alley way near Eleventh Avenue and Thirty ninth St. where I saw Mrs. Wilson take the boy's money. Cross Examined. I have been engaged in the Telegraph Co. Three or four months. I saw Livingston before the night of the 9th of July

I know him about three years; I lived in Forty was
Third St. and he used to live next door to me. face
The factory bell struck nine as I was passing the
Thirty ninth St. and Eleventh Ave., there were on
boys and men at the alleyway when I got there
I don't know how the complainant got in there and
I was present when Mrs. Wilson was arrested; at and
that time Mr. Wilson was in the yard. and
John D. Frederick sworn and examined. I am there.
an officer of the Twentieth Precinct. My post on that
night I made the arrest was 39, 40, 41 and me
42nd sts. from Tenth Ave. and Eleventh Ave. and
from 38th to 42nd sts. Then my attention was
called to this occurrence I was on the corner
of Thirty ninth St. and Tenth Ave., Farrell
came to me and in consequence of what he
said I arrested the prisoners and searched
them. I found five trade dollars on the person
son of Thomas Wilson. I arrested them on the
complaint of the boy of having robbed him of
four dollars and fifty cents. Before I arrested
them he described the money he had lost; he
told me he lost four trade dollars and half
a dollar. Cross Examined. I did not see the train
saction, but I saw the boy's clothes tore and
his head cut. I have been detailed to this post
five years. I know the prisoners four years.
I know the Wilsons the man and wife. I never

knew Wilson to be arrested for any crime. Livingston and his wife have been arrested for drunkenness. The complainant had a cut in the back of his head, the inside seam of the leg of the pants was torn from the top down. I don't know who did it. Catherine Wilson, sworn and examined in her own behalf testified. I am the wife of Thomas Wilson, have been married 17 or 18 years; have four children and am the mother of seven; the eldest is going on 13. The night I was arrested I had been lying inside of my own room, the sitting room and my husband lay in the bed room. I think he had been looking for money that day; he had been working all through the week. I laid down about 7 o'clock and he came home half an hour before that. I did not see him again until I saw him in Jefferson Market. I had been arrested on Saturday evening about 8 o'clock; on Sunday morning I was brought before the Judge and I did not know anything about my husband till I saw him there. I recollect seeing the boy Savell on that night because he came into my own room, which is in the rear building. The first thing I felt was this boy searching and groping me and pulling up my clothes. I jumped up with excitement and the first thing I met was a dish pan on the table.

I struck him on the head; with that he ran
out to the door trying to rob me. I followed him
no further than to my own door. I says, "You
have robbed me;" he says, "No," and he says,
"Here is two dollars and dont strike me no
more," "I halloed, "Robbers." Mr. Livingston was
coming up the yard and he took a dish pan
out of my hand. So I did not strike him any
more. I was going to strike him again. He
(Livingston) asked me what the boy had been doing? He
has been robbing me I says. My husband
was all the time in bed. I took the two dollars,
it was my own money, and left it down
along the edge of the window. They were trade
dollars, and I lost more than that. I had been
drinking a little sup - a few glasses of beer.
Cross Examined. Wilson was asleep all the
time in his bed. Children were playing all
around the doors, I was alone in my own room.
I was dozing over asleep, I was not drunk,
I was not undressed. I took a pillow out of my
own room and I was lying on the carpet
on the floor with the pillow under my head.
The complainant had been searching me
and pulling up my clothes; when I struck
him he ran out the door, but he did
not get away. I told him I wanted my money.
Nothing that I know of prevented his going

out of the alleyway. Livingston came up and I told him the boy robbed me. I ought to have had three or four ^{trade} dollars in silver; my husband gave them to me. It is not the fact that Livingston and I had hold of him when he said, "Here is two dollars, don't kill me." I never saw the boy in my life before; the boy ran away and the first thing he got was Officer Petrick's. I don't know who tore the boy's pantaloons. I did not see any one have hold of him, I did not see any one in the yard. I was examined before the Police Magistrate. Was not your answer to the charge this: "I am not guilty, I was in my house laying down when the complainant tried to get the best of me, that is, he was lying upon my body. I threw him off and struck him with a dish pan and he gave me two dollars and said, 'Don't kill me,' was not that your answer? I do not know I am sure. I never seen this boy in my life before. I could not say whether that paper was read over to me I guess it was, but I took a kind of weakness I could not tell you exactly nothing.

Robert Livingston sworn. I live 539 West Thirty ninth st. I was coming in the gate where this alleged transaction took place, I live there; my business is shoveling coal. I was at work

on the 9th of July in Mr. Mallin's coal yard in
Forty ninth St. and Eighth ave. I left work about
20 minutes past six and got home about 8 o'clock
when I got to my own gate I saw Mrs. Wilson
There was a disturbance going on up the alley
way. I heard Mrs. Wilson hallooing she was
robbed; she had a dish pan in her hand; she
said the boy had robbed her of money, and both
the boy and her were down upon the ground.
I took the dish pan out of Mrs. Wilson's hand and
threw it aside. I said, "If the boy has robbed you
of your money dont abuse him; take him
inside, send for an officer and have him
searched." So the boy says, "No, for God's sake
let me go and I will give you your money."
Mrs. Wilson let him go and he gave her two
dollars and a half in silver; he took it out
of his left pocket. I left them and went to my
own room; the boy left the yard and about 15
minutes afterwards he brought back a policeman.
From the time I first went into the yard un-
til after the policeman came I did not see
Mr. Wilson; he could have been in the house
without my seeing him but not in the yard.
I did not at any time take hold of the boy and
did not use violence towards him. I made
no threats to the boy. I took the pan out of Mr.
Wilson's hand and told her not to abuse the

boy or hurt him, but take him inside, send for an officer and have him searched. Cross
Examined I could not say who tore the pantaloons. His head was cut. Then I first saw the boy he was lying on the ground and Mrs. Wilson was on top of him; she had hold of him in the yard. The boy said for God's sake let him go and he would give her the money. I did not see the telegraph boy there at all. If the boy wished he could have run, but he stayed there and gave her the money. I did not lay my hand on the boy. I had nothing to do with him only to save him.

Thomas Wilson, sworn and examined testified:
I live 557 West Thirty ninth St., am the owner of the premises there for the last eleven years and have lived there during that time. This is my wife Catherine Wilson; I have a family of five children. My wife was arrested and I was arrested after her. I was working that day up to one o'clock. I got home at one o'clock, took my dinner, left my horse in the stable, went out, got some money, came back and went to bed. I came home in the evening between six and seven. My wife was in the house then. I laid down upon my bed about seven o'clock. I never saw the boy Garrell in my life until I seen' him in the station house after being arrested. I did not see him the night my wife was arrested. I saw none of the

trouble that took place between my wife and the boy. I was arrested that night by Officer Fredericks that night and was searched; there was some money taken from me, about six dollars and a quarter, I was after getting it from Robert Kenevals. That gentleman is not here, I notified him and he would not come - the money was silver, I don't know what kind. I got \$1.60 back in Jefferson Market. I have never been arrested for any crime and have been in this country twenty years. I was arrested for violating the Board of Health Laws, twice I think. Cross Examined. I did not see my wife when I went to Court. I don't know what was taken from her. I did not know anything of this transaction until I got to the station house. I never saw the boy in my life; the officer would not tell me what I was arrested for until the next morning. I was arrested sitting at my own door. My little girl came and told me to get out of my bed. I came to the door and was arrested. I did not have time to go to find out what the trouble was about my wife. Patrick Hackett sworn. I am a contractor, know Thomas Wilson ten or twelve years; he has worked for me. I never heard anything against his character before. Thomas Wilson and Catherine Wilson

and Robert Livingston were convicted of robbery in the second degree and Livingston was recommended to mercy. They were remanded for sentence.

Testimony in the case
of
Rt Livingston & Mos.
Cath. Wilson

Filed July 11/1871

CITY AND COUNTY } ss.
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York.
upon their Oath, present :

That

Robert Livingston, Thomas Wilson and Catharine Wilson

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *ninth* day of *July* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City, and County
aforesaid, with force and arms, in and upon one *Francis Farrell*
in the peace of the said People then and there being, feloniously did make an assault and

*Four coins (of the kind commonly called
a dollars) of the value of one dollar each
One coin (of the kind commonly called
a half-dollar) of the value of fifty cents.*

of the goods, chattels and personal property of the said *Francis Farrell*

from the person of said *Francis Farrell* and against
the will and by violence to the person of the said *Francis Farrell*
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.

Daniel G. Rollins
BENJ. K. PHELPS, District Attorney.