

0628

**BOX:**

420

**FOLDER:**

3884

**DESCRIPTION:**

Dunigan, Christopher

**DATE:**

12/15/90



3884

0629

**BOX:**

420

**FOLDER:**

3884

**DESCRIPTION:**

McCready, James

**DATE:**

12/15/90



3884



COURT OF GENERAL SESSIONS, PART III.

----- x  
: The People of the State of New York, :

against

James M. McCready and Christopher  
Dunnigan.

: Before  
: Hon. James Fitzgerald  
: and a Jury.  
:  
:----- x

Indictment filed Dec. 15, 1890.

Indicted for grand larceny in the second de-  
gree.

New York, January 12, 1890.

A P P E A R A N C E S:

For the People,

Asst. District-Atty. Bedford;

For the Defendant,

T. J. Sullivan, Esq.

HYMAN GOLDBERG, a witness for the People, sworn, testified:

I am a tailor doing business at No. 22 Cath-  
arine Street. On the 30th. of November last I had a  
great quantity of coats in my premises. I left my place  
at about half past five o'clock on Friday evening and when  
I came Sunday morning fifteen of the coats which had been  
lying on a table were gone. I afterwards saw some of  
the coats in Police Headquarters and positively identified  
them as my property.

LENA ABRAMS, a witness for the People, sworn, testified:

I am a married lady and live at 25 Henry St.

0632

2

On November 30th. I was at Mr. Goldberg's place at No.22 Catharine Street. I was at the door of the store underneath the tailor shop. On that day I saw the defendant McCready come out of Mr. Goldberg's shop down the stairs. I noticed coats under his arm and a new coat on him. I didn't see the other defendant at that time. The coats which McCready had belonged to Mr. Goldberg.

CROSS-EXAMINATION:

I am positive the defendant McCready is the man whom I saw with the new coat. I saw him coming out of the hallway which leads to Mr. Goldberg's shop. I am positive this happened on a Saturday when Mr. Goldberg's shop was closed. The defendant walked towards Chatham Square.

BERNARD LARKIN; a witness for the People, sworn, testified:

I am an officer attached to the Sixth Precinct. I arrested the defendants on the afternoon of the 2d. of December; I think it was on a Sunday. I arrested McCready while he was trying to sell an unfinished overcoat. I asked him where he got the coat and he said it was given to him by Christopher Dunnigan. I asked him where Dunnigan was and he told me he was in Mulberry St. in a saloon. I went there and found Dunnigan. He told me that he had more coats of the same kind in the cellar of his house at No. 33 James Street. I told him he had better come to the Station House and explain the whole matter. I went to No. 33 James Street and in the cellar

0633

3

of that house I found some more coats. I brought them to the Station House and they were identified by the complainant.

JEREMIAH J. GRIFFIN, a witness for the People, sworn, testified:

I am an officer attached to the Fourteenth Precinct. In company with the officer just on the stand I arrested the two defendants. I saw Dunnigan in his own house 33 James Street. I asked him about these coats and he told me that he had found them in the cellar on Sunday afternoon. He said he spoke to his mother about them and his mother advised him to leave them there. He told me that he finally took one of them out to sell and that he gave it to McCreedy who was endeavoring to sell it when he got arrested.

DEFENSE:

JULIA DUNNIGAN, a witness for the defendant, sworn, testified:

I live at No. 33 James Street. I am the mother of one of these defendants. I have been living in the Fourth Ward for thirty-four years. I remember the 29th. of November last. My son came to me and told me that he had found some coats down in the cellar of our house. I told him to leave the coats there or he might get into trouble.

CHRISTOPHER DUNNIGAN, one of the defendants, sworn, testified:

I have lived at No. 33 James Street for the past ten years. I have been in the undertaking business

for a gentleman at No. 32 Madison Street. On Sunday afternoon I happened to be down in the cellar of our house for some coal and right near the place where we keep our coal I saw quite a pile of coats lying. I came upstairs and told my mother about the coats and she told me to leave them alone. After leaving them there for some time I thought I would go out and try to sell one of them. I didn't know that they had been stolen. I gave one to the defendant McCready and it was at my request that he was endeavoring to sell it when he was arrested. I had no idea whatever that these coats were stolen at the time I handed them to McCready to sell.

CROSS-EXAMINATION:

- Q You found these coats in your cellar ? A Yes, sir.
- Q In the same house in which you live ? A Yes, sir.
- Q You didn't know who put them there ? A No, sir.
- Q You were sure that you didn't own them ? A I was positive of that.
- Q Notwithstanding that fact, did you use any diligence to ascertain, or did you look around the neighborhood to find out, who put the clothes there ? A No, sir.
- Q You took one of them out to sell ? A Yes, sir.

GEORGE CUSHING, a witness for the defendant, sworn, testified:

I met the defendant on Sunday, the 30th. day of November last. At that time he took me down in his cellar and showed me a pile of coats that were down there. There were about two or three coats and three or four

0635

5

pairs of sleeves. I told him he had better leave them there. I am a fireman by occupation at No. 144 Fulton Street.

JAMES McCREADY, one of the defendants, sworn, testified:

I live at No. 534 Third Avenue between 36th. and 37th. Streets. I didn't break into the premises of Mr. Goldberg, nor did I steal these coats. The first thing I knew about the coats was when I met Mr. Dunnigan and he handed me one of the coats and asked me to go try and sell it. I was endeavoring to sell it at a store in Baxter Street when I was arrested by the Officer.

The Jury returned a verdict of "Guilty of Grand Larceny in the Second Degree, with a recommendation to the mercy of the Court".

0636

Indictment filed December 24, '90

COURT OF GEN'L SESSIONS, PART III.

The People of the State of New York,

against  
*James McCreedy*  
~~Elizabeth~~  
*Christopher Bunting*

Abstract of Testimony on Trial  
January 5, 1891.

0637

Police Court 1st District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 22 Catherine Street, aged 45 years,  
occupation Sailor being duly sworn

deposes and says, that on the 30 day of November 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One finished coat and  
fourteen unfinished coats  
the whole being valued at  
One hundred 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 James McCreedy and

Christopher Nunigan fifth son  
has, for the reasons following  
to wit: deponent having  
missed the said property  
from his work shop approx-  
imately 22 Catherine Street he  
is informed of Officer Benjamin  
Whorin that the said  
found in the possession of  
the defendant McCreedy in  
unfinished coat which unfinished  
coat deponent has since seen  
and identified. The defendant  
McCreedy informed him Whorin

Subscribed and sworn to before me this 1st day of

Police Justice



0639

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Bernard Larkin*

aged \_\_\_\_\_ years, occupation *Police Officer* of No.

*Sixth Avenue* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Heyman Goldberg*

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

Sworn to before me, this

*5*

day of *November* 188*8*

*Bernard Larkin*

*A. J. White*

Police Justice.

0640

CITY AND COUNTY  
OF NEW YORK, } ss.

*Mrs. Cora Abraham*

aged 24 years, occupation Washer of No.

25 Henry Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

*Heyman Goldberg*

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

Sworn to before me, this

5

day of

December 1887

*Mrs. J. Abraham*

*[Signature]*

Police Justice.

0641

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

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

Question. What is your name?

Answer.

*Christopher Donagan*

Question. How old are you?

Answer.

*32 years*

Question. Where were you born?

Answer.

*NY*

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

Answer.

*33 James'*

Question. What is your business or profession?

Answer.

*Superman*

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*  
*Christopher Donagan*

Taken before me this

day of

1884

Police Justice

0642

Sec. 198-200

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *James McCready*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *Canada*

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

Answer. *544 3rd Ave New York*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty James M. McCready*

Taken before me this day of

*W. J. [Signature]*

Police Justice

0643

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 *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 5* 18 *1890* Police Justice.

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

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

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

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

0644

Police Court---

1825  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Raymond Blahut*  
*227 St. Catherine St.*  
*James M. Cressy*  
*Christopher M. Morgan*

BAILED,

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

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

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

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

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

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

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

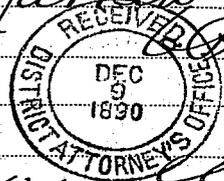
Residence \_\_\_\_\_ Street \_\_\_\_\_

3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated *Dec 5 1890*

*White* Magistrate.  
*Caesum J. Griffin* Officer.  
Precinct.

Witnesses *Mrs Abrams*  
No. *22 Catherine* Street.

*Off Larkin*  
No. \_\_\_\_\_ Street.



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

\$ *1000* to pay for \_\_\_\_\_

*Done*

0645

**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 Mc Cready and  
Christopher Dunigan*

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

*James Mc Cready and Christopher Dunigan*

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

The said

*James Mc Cready and Christopher Dunigan, both*

late of the City of New York, in the County of New York aforesaid, on the *thirtieth*  
day of *November* in the year of our Lord one thousand eight hundred and *ninety*,  
*\_\_\_\_\_*, at the City and County aforesaid, with force and arms,

*one coat of the value of ten  
dollars and fourteen unfinished  
coats of the value of seven  
dollars each*

of the goods, chattels and personal property of one

*Hyman Goldberg*

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.

0646

SECOND COUNT—

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

*James McCreedy and Christopher Durigan*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

*James McCreedy, and  
Christopher Durigan, both*  
late of the City and County aforesaid, afterwards to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms,

*one coat of the value of ten  
dollars and fourteen unfinished  
coats of the value of seven dollars  
each,*

of the goods, chattels and personal property of one *Hyman Goldberg*

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

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

*James  
McCreedy and Christopher Durigan*

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

JOHN R. FELLOWS,  
District Attorney.

0647

**BOX:**

420

**FOLDER:**

3884

**DESCRIPTION:**

McCarthy, Stephen

**DATE:**

12/08/90



3884

0648

**BOX:**

420

**FOLDER:**

3884

**DESCRIPTION:**

McCutchen, John

**DATE:**

12/08/90



3884

0649

POOR QUALITY ORIGINAL

Witnesses:

Geo W Scaman  
Officer Decker

#65

Counsel,

Filed

day of

18

Pleads,

THE PEOPLE

vs.

John McCutchen

Stephen McCutchen

Grand Larceny (Section 538, Penal Code)

JOHN R. FELLOWS,

District Attorney.

A True Bill

Foreman.

Part II May 12/91 -  
no 276 tried + jury disagree.  
Part III July 1/91 - 10 for count  
pleads 7 & optionally receiving  
knowing they have been stolen  
N. 2. June 7/91. 2 p.m.  
12/5/91  
13/12/91  
12/16/91 Part II

0650

George W. Seaman	} Charged with Grand Juror
John W. Cutchum	
	Nov 10/1890
	Deputy Hon
	Maurice J. Bowen
	Chief Justice

Newy P. Newe called as a  
witness and the part of the people  
being duly sworn depose & say  
By the Court.

Q Did W. Cutchum deliver above of  
goods to you yesterday?  
A Yes Sir

Q And what did he direct you to do  
with that case of shoes?

A I was directed to take them to W. C.  
Cortys place 806 9th Avenue

Q And did you take them there?  
A I did not know

Q Was the case sent there? A No Sir  
Q Why was it not sent there?

A The officer stepped in

Q If you did not deliver the goods because  
the officer stepped in? A Yes Sir

0651

Q What became of that case of goods?  
A The case of goods was delivered  
to the Grand Street Station house  
last evening.

Q Do you know what precinct that is?  
A 15th precinct  
Q In the custody of the police?  
A Yes sir

Michael Healy a police officer  
attached to the 15th precinct of Station  
house being duly sworn deposes  
and says

By the Court

Q Please say of your connection with  
that case of goods?

A My George W. Seaman came to me  
yesterday about 12 o'clock, and  
told me that one of his drivers  
had stolen a case of goods and  
was to ~~be~~ <sup>was to</sup> delivered it up town, he pointed  
out the man to me that had stolen  
the case, and asked me to look

0652

Swim which I did  
Q And did you get the case of goods  
Ayessii  
Q Where was it at that time  
A In the express office 3 Hudson St  
Q Did Shannon identify that case  
as the one that was lost?  
Ayessii

Sworn to before me 1890  
this day of November

Police Justice

0653

George W Seaman being  
called by the Court to being duly  
sworn deposes and says  
that you identify that case of goods  
in the express office of Hudson  
Street that was shown in your  
lot  
Ayes si

Sworn to before me  
this day of November 1890

Police Justice

4

0654

Henry W Devoe received by  
the Just.

Was that case of goods which  
was identified by Mr Seaman  
the same case of goods that was  
given to you by Mr Cutchem?  
Yes Sir

And which was afterwards sent  
to the 5th Precinct Station house.  
Yes Sir

Sworn to before me }  
this day of November 1890 }

Police Justice

✓

0655

6  
X

George W Seaman	) Agreed with
ages	
John W Cutchem	) Receiving
Stephen W Cathy	
	) State goods
	) & Printing
	) Nov 15 / 1890
	) Depon Non
	) Maurice Power
	) Blue Justice

George W Seaman called as a  
Justice by the people being away  
from houses & says

By the court.

Q Did you miss a case of goods  
the day before yesterday from your  
lot?

A I was out case short.

Q What day of the month?

A 13<sup>th</sup> of this month

Q How you saw that case of goods  
since?

A I found that case at 806 1<sup>st</sup> Avenue

Q What day did you miss that  
from your lot?

6

0656

7\*

Q On the 15th it was taken from the  
fall river dock?

A It was then in your custody?

Q It was supposed to be in the hands  
of my drivers

Q You are the command in charge of  
the property?

A They had one responsible for it  
until I deliver it

Q But you are the command that is  
employed?

A Yes sir

Q And it was the property of Morris  
Rogers & Company?

A Yes sir



7

0657

78

Henry D. Levee. Being away  
from depares out says.

By the Court

Q. you are in charge of the express  
office where?

A. Hudson Street

Q. and what express office is it?

A. Peoples express office

Q. and on the 13<sup>th</sup> of this month did  
W. C. Cutcher deliver a case of goods  
to you there?

A. Yes sir

Q. and directed it to be sent where?

A. W. C. Cutcher 806 5<sup>th</sup> Avenue

Q. have you seen that case since?

A. Yes sir

Q. where?

A. at the Station house

Q. what Station house?

A. 5<sup>th</sup> Precinct Station house

Q. do you identify it as the same  
case of goods?

A. Yes sir

8 Q. and did Seaman identify that case

0658

9

of goods in your presence  
Ayes si

Q As the case of goods that was  
lost?

Ayes si

Q Was examined by Mr. Stacey  
if you say that he had you to take  
it up to 711<sup>st</sup> Corby?

Ayes si that's all

Q Did he use any other name but  
that?

A Yes si

Q John James, or any other name?  
A Yes si! 711<sup>st</sup> Corby 806 of the Avenue

Q Did he describe the place?  
A Yes si

Q Did he pay it was ashoe store?  
or anything else?

A Yes si

Q Did you deliver it there?

A Yes si the driver did

Q Do you know him?

A Yes si I do not one of the

Q driver did it

10  
Q

Q Did you read the driver's name?  
A John Dennis one of Blanchard  
Texaco's drivers delivered it there  
of you went with the officers to the  
place and found this case did  
you?

A Yes sir I was there for a few minutes  
of and that was the first time you saw  
McCarthy?

A Yes sir

Q What did he say about it?  
A I didn't hear him say anything about  
it?

Q He didn't say anything to you about  
it in your hearing?  
A No sir

Q He didn't point out the goods to you?  
A No sir I was not there at the time

—

Notice Healy called by the  
people being truly sworn deposes  
and says

By the Court.

0660

11  
70

Q you are the police officer that was  
entrusted with the search warrant  
to search the premises of Stephen  
McCarty?

A yes sir

Q of what number on 9th Avenue?

A 806

Q did you find any goods there?

A yes sir

Q how many cases?

A two

Q one of those cases was identified  
by Seaman was it?

A yes sir

Q as a case that had been entrusted  
to him by Morse and Rogers?

A yes sir

Q what design do with the property  
A brought it to the Station house

Q and it is now where?

A at the 5th Precinct Station house

Q and was it identified by Seaman?

A yes sir

11 By Mr. Stearns

0661

#12

Q You know nothing about how it  
came to be left there?

A Yes sir

Q And you don't know anything about  
anybody receiving it there?

A Yes sir

By the Court

Q What conversation did you have  
with Mr. Corby when you were  
there with the warrant?

A When I went there he bid me good  
evening and returned his salutation  
and I asked him if he was Mr. Corby  
and he said yes, and I waited a  
few minutes until Mr. Seaman  
came down stairs, and I told him  
who I was and what I was there for  
and he said all right you can  
search my place, there is nothing  
here and I looked around the store  
the inside of it and there was  
nothing there that the people could  
identify, and he said he had  
nothing there. I then asked him

13

0662

73

if he did not receive a case of goods  
and he said he did not receive it  
and then said to him yes you did  
and he then said there was a  
case of goods left there last  
night, but he said he did not know  
Cymborn; and I said that is what  
we came there for and I asked him  
to let us see the case, and he took  
us in the adjoining part of the  
store, and which is used as a  
bed room, and we saw the bed  
we found the cases, we brought  
them out and these people identi-  
fied it as their property, and we  
asked him if he had any more  
and he said no, we searched  
the place all around. Carefully  
and we did not find any more  
he claimed he did not know  
anything about them and he did not  
receive them, and he did not know  
who brought them there I asked  
him under oath and he paid

13

0663

14

all right, and I brought him to the  
submarine station house.

By the Court

Q If you say one of the cases was identified  
by Seaman as the property of Morse  
and Rogers?

A Yes sir.

Q And was the other case identified?  
Answer

Q By whom?

A By Seaman's brother as the property  
of Nathaniel Fisher and Company

Q By Mr. Starnon

Q If you don't know anything about who  
received the goods, or who signed  
for them, or receipts for them or any  
other else?

A No sir.

Q What condition were the cases in  
at the time?

A They were in fact at that time

Q Did Mr. McConby tell you that  
somebody left them and he didn't

14 know who left them there, or how

0664

they came there <sup>and they might have</sup>  
been sent there by somebody that  
trades with ?

A She said he didn't know who sent  
them there.

Q Just ?  
A Yes sir.

Q And where did he say he bought his  
goods from ?

A He mentioned some number in Rhode  
Island, I don't remember it, and he  
said he thought they might possibly  
have sent them, and that he didn't  
know who sent them.

Q And you have no knowledge how  
these goods were received in that  
case by anybody ?

A Yes sir.

Mr. Stacom

I move to dismiss the complaint  
as far as Mr. Condy is concerned  
because there is no proof that  
Mr. Condy ever saw them or had  
anything to do with the goods.

Henry Snow, presented by the  
court, and examined by the court.

Q Was it the same driver who  
delivered those two cases?

A He delivered only one case, that  
was on the 13<sup>th</sup> that one pertien  
for driver

Q What is his name?

A John Perkins

Q And employed by whom?

A Blanchard's express

Sworn to before me  
this day of Nov 1890

Police Justice

0666

17  
Patrick Hogan passed as a  
witness for the people being  
duly sworn deposes and says  
By the Court

Q. You have seen the case that was  
found in McCarthy's place?  
A. Yes sir

Q. And you identify it as the pro-  
perty of Morse Rogers Com-  
pany?  
A. Yes sir

Q. Given to Seanan to be shipped?  
A. Yes sir

Q. And what was the value of that  
case of goods?

A. \$36 <sup>40</sup>/<sub>100</sub> dollars

Q. What was it?

A. It was a case of mens calf shoes  
By Mr. Macdon

Q. Is that the retail or wholesale  
price of them?

A. The wholesale price of them

Q. Is that the way you buy them  
at the factory?

Ayessii

Q you got them at the factory

Ayessii

Q And what did they cost you at the factory?

A \$36  $\frac{40}{100}$  dollars.

Q And what is the value of them?

Ayessii

Q And that is what is really lost

Ayessii

Q Mr. Carthy has bought goods from your store hasn't he

A Yes sir more a dollars worth

Sworn to before me  
this day of Nov 1890

Public Justice

Washington J Weers being  
called as a witness for the people  
and being duly sworn deposes  
and says

By the Court

Q Did you see a case of shoes  
at the 5th Precinct Station house  
A Yes Sir

Q You have not been there?  
A Yes Sir

Q There were 3 cases that was not  
there?

A Yes Sir

Q And two cases were found behind  
McCarthy's bed and one is in  
the station house of the 5th Precinct  
that he didn't get?

A Yes Sir

Q And unknown to that case of goods  
given to, that was lost?

A I cannot tell that, it came from  
East Clairmont, New Hampshire

Q And it was consigned to whom  
A Nathaniel Fisher and company

0669

20

Q And shipped by whom?  
A Maynard and Washburn  
of New York?

Q A New York Steamboat Company  
Q And in whose actual custody  
was it when it was lost?

A I don't know in whose actual  
custody it was.

Q You are of New York firm?  
A Nathaniel Fisher and company.  
Q You have not seen the case of  
goods yet?

A Yes I have not

Sworn to before me 1890  
this 1 day of November

Police Justice

0670

21

Gilbert Seaman called as a  
witness and the rest of the people  
being duly sworn depose and  
say.

By the Court

Q Where do you reside?

A 34 West 71st Street

Q Are you a woman?

A Yes sir

Q Did you see a case of shoes in  
the station house last night?

A Yes I did not

Q Had you been there to see it?

A I was there this morning

Q Did you identify it?

A I have identified a case in

Mr. Conly's place last night

that is where I found it myself

Q Did you have that case of goods  
in your possession at any time?

A I cannot say if we had, or had  
not.

Q Have you any invoices to show  
if you had it in your possession

0671

as that time

Q Was it but these goods came  
on the New Haven boats, and  
how that case got lost, I don't  
know.

Q You don't recollect if you had  
it in your possession or not?

A Yes sir.

Q Have you any invoices?

A We have.

Q And have you examined them to  
ascertain the same?

A We have invoices from the firm  
that ship the goods.

Q Does it describe that case?

A Yes sir.

Sworn to before me  
this day of November 1890

Palmer Justice

0672

23

George W Seaman, recalled  
 by the Court  
 Q Did you authorize your driver to  
 give this case of goods to the  
 Peoples express company to be  
 sent to 411 Conthys place and 8th  
 Avenue?

A Yes Sir

Q This is the case that was lost  
 on the 14th?

A Yes Sir

Q And that case of goods was the  
 property of Morse Rogers and Co.

A Yes Sir

Q And you admit authorize it to be  
 sent there?

A Yes Sir

I swear to before me  
 this day of November 1890

John Justice

The further hearing was adj to  
 Monday Nov 19th 7:30 Am

23

0673

November 20th 1890

George W. Seaman

agent

John D. W. Cutterson  
and Stephen W. Conroy

Charged with  
Forgery  
Deputy Hon  
Nathaniel Power

John Perkins carried as a  
witness and the fact of the  
people being duly sworn deposes  
says

of Alidgon receive a case of shoes  
and take them to W. Conroy's store  
Acacia on the 13th of November  
Mr. Blanchard gave me a case of  
shoes at 20 Hudson Street to  
deliver them to W. Conroy's at  
504 5th Avenue. I left them  
there and got a receipt from  
one of his men who was working  
there and W. Conroy himself paid  
me 15 cents for it. I now identify  
this defendant W. Conroy as the  
man who paid me.

24 Copy Examined.

0674

2

Q Do you remember being here last  
Monday a week ago inside before  
Judge Power?  
A Yes Sir.

Q Do you remember the judge asking  
you if you ever saw Mr. McCarthy before  
A He didn't ask me

Q Did you fail to identify Mr. McCarthy  
inside a week ago last Monday  
A I didn't look around, he was there  
Q How long were you inside there  
last Monday a week ago?

A About 15 minutes and maybe not  
as long

Q About you identify me as the man  
that received the goods as being  
Mr. McCarthy?

A Yes Sir I said he was a short stout  
man like you.

Q You never delivered any goods to Mr.  
McCarthy personally?

A No Sir only those two cases there  
Q Who was the man that received  
the goods at 804 5th Avenue

0675

13

A A short stout man

Q It is not McCarthy is it?

A He didn't receive the case, he paid me 15 cents for it.

Q When was the first case delivered to you at McCarthy's place?

A I cannot tell you

Q Is it inside of 6 months?

A It is not as long as that?

Q Was it in November?

A I cannot say.

Q It may have been in August?

A It was not in August.

Q Was it in October?

A Sometimes around that time I cannot say just now.

Q Do you know what was in the case?

A Shoes was in the case.

Q Did you open the case?

A No Sir.

Q You didn't examine the contents?

A No Sir.

Q How do you know that shoes were in the case?

26

0676

4

A How are marked shoes outside?

Q There may have been something else  
in there for all that you know?  
you didn't examine the contents of  
the box did you?

A No Sir

Q So when you saw one shoe was shoes  
in the box, it was because it was  
marked shoes on the outside?  
A Yes.

Q What kind of a place is this at  
504 5th Avenue.

A A room in the basement

Q And you say you were there only  
twice?

A As far as I can remember

Q And the last time was when  
do you say?

A On the 13th of November.

Q This is the slip that you received  
from Brunswick City Express  
(showing witness)

A Yes Sir

Q When did you receive it in the

0677

mornings?

A Yes at night

Q How generally look at the dates?  
A Yes he writes them there himself  
Q How do you know it was the  
13<sup>th</sup> of November?

A The date was written out on it

Q How do you look at the paper to see  
if the 13<sup>th</sup> of November was there  
Yes sir

By the Court

Q Describe everything you did from  
the time you went there until  
you left there?

A I carried the case down stairs  
in the basement

Q Who was there at the time?

A A few workmen were there, and  
Mr McCarthy and another man  
the last time

Q You were there twice were you  
Yes sir once before that

Q When did you go before that?

28 A I cannot tell you what day it was

0678

of all you have a way here when you  
went there?

Yes Sir

What becomes of the way here?  
A Mr. Blanchard keeps them

Does he live?

Yes Sir



0679

7

George W Seaman Received  
By the Court  
of Kid you loose 2 cases?  
Ayes Sir

Q and they were in the 5th Street  
Station house?

Ayes Sir

Q Is this case here (showing witness  
a paper) your case?

A That case is not mine that is

Nathaniel Fisher <sup>and</sup> Company's case  
Q when did you loose that case which  
you did

A On the 13th and found on the 14th  
and the other was lost on the 14th  
and found on the 14th



0680

Master Fitchinson being duly  
sworn deposes and says

By the Court

Q Where do you reside?  
A Clairmont New Hampshire

Q What is your age?  
A 25 years.

Q What is your business?  
A Shipping clerk

Q Did you see a case of goods that had  
been previously shipped by you in  
the care of the New Haven Steamboat  
Company at the 5th precinct  
station house this morning?

Ans: Sir

Q Where did you see it there?  
A Monday morning, at police  
headquarters it had been there but  
it was sent to police headquarters

Q Did you see the case there?

A Yes

Q Did you identify it as a case that  
was shipped by you?

31 Ans: Sir

0681

Q At what time?  
A November 11th.

Q Do you know anything about the value  
of that case?

A Somewhere in the neighborhood of

\$13<sup>00</sup>/<sub>100</sub> dollars

Cap. Examined

Q What is your business?

A Shipping clerk

Q You are not familiar with the  
prices of shoes are you?

A Well yes.

Q From whom did the New Shore  
Steamboat Company receive  
the box of shoes?

A They received it from the Vermont  
Valley railroad company.

Q Did you open the box and examine  
its contents?

A Yes I saw the shoes before they were  
put in the cases.

By the Court

Q You say you are a shipping clerk?

A Yes sir.

0682

18

Q From where did you ship them?  
A Clairmont New Hampshire (shipped)  
them from the Vermont Valley  
rail road by way of the New Haven  
Steamboat Company from New  
Haven.

Q And you say the case that you saw  
at police headquarters is one of the  
cases of shoes mentioned in this  
bill of lading (showing witness)

Answer  
Cross Examined

Q Now when you shipped the goods  
by the Vermont Valley railroad  
did you examine every one of the  
boxes?

A I did.

Q Did you open the boxes?

A I did not.

Q Do you doubt know what was in  
the boxes if you didn't open them?

A I saw the goods in the factory as  
they were put in the boxes and  
before they were put in, in the  
factory.

George W. Starnan Recused by  
 The Court

Q. You went to Mr. Conroy's place with  
 the officer who had the search  
 warrant did you not?

A. Yes sir

Q. Now who was it that you met there  
 A. Mr. Conroy was sitting at the foot  
 of the bench on the stairs, and  
 Mr. Conroy went in first and the officer  
 after him.

Q. Was the officer in uniform  
 A. Yes sir, we went down after him

Q. How long after him did you go down  
 A. Maybe a minute or a minute and  
 a half or 2 minutes

Q. Now give us the conversation that  
 took place after you got there?

A. The officer was looking around  
 the place and Mr. Conroy said he  
 had nothing there except what  
 he made himself, custom made  
 shoes and he said we could look  
 around & see, and we did not

0684

see anything in sight, and the officer  
said we are after the case of goods  
that you received last night and he  
said he didn't receive it, and he said  
you did and that the case we  
want and we are looking for it  
and he said I don't receive any  
case, but there was a case  
left here, and I supposed it was  
sent from the auction room or  
brought by his son, he didn't know  
anything about it, and the officer  
asked him if he could see it and  
he said yes, and he walked around  
the door that stood open and turned  
short to his right, there were some  
beds there I didn't count them  
but there were at least three, and  
he raised up the bed and lifted up  
the case and that was the case  
we were short the day before  
and along side of this case lay  
the other case which was moved

35 Gottamell Fisher & Company

13

which we also took and Mr. Conby  
said he didn't know what they  
belonged to

Q. That was the case you found there  
on the 13<sup>th</sup> address which you lost on  
the 13<sup>th</sup>?

A. Yes sir.

Q. And that was the case that was  
delivered by this expressman?

A. Yes sir.

Q. And examined

Q. What was the value of that case?  
A. \$36 <sup>40</sup>/<sub>100</sub> dollars and the other  
case which I found in the office  
was worth thirty six dollars?

Q. Mr. Conby didn't know anything about  
that?

A. Yes sir.

Q. He was willing wasn't he to let you  
go through the case, he didn't  
conceal anything did he?

A. Yes sir, not after the case was taken

0686

14

John Ferris Recused

By the Court.

Q. You mean that when you discussed  
this case to Mr. Corbridge he paid  
you 15 cents?

A. Yes sir.

Q. And that was on the 13<sup>th</sup> of November  
A. Yes sir.

—

Walter C. Hutchinson Recused  
By the Court.

Q. When you began to pass the goods  
did you stop here this morning  
A. No.

Q. And did you see the case of goods  
in question here, there?

A. Yes sir.

Q. And do you identify it as the case  
as one of the cases being on  
that had a loading and as being  
delivered by you on the 11<sup>th</sup> of  
November to the Vermont Valley

37

15

Railroad via New Haven Steam  
boat company <sup>and</sup> which was  
identified by you in the presence  
of officer Mealy.

Assisi

Re cross Ex

Q Was the case open?  
A It was.

Q And you examine the case?  
A Yes looked at one pair of shoes.

Q Did you look at any more?  
A No Sir.

Q How many pair of shoes <sup>is</sup> in that  
box?

A 3 pair

Q And you saw the shoes in that  
box are the same shoes that  
were shipped by you?

Assisi

Q And you didn't examine only one  
pair?

A That was all

Dependants Powell

Inure to discuss the

0688

12

V

Seaman complaint, on the ground  
that there is no evidence to show  
that M<sup>c</sup>Carthy ever received or got  
the goods?

By the Court

The motion will be denied  
for the reason that the evidence  
of the witness Perkins discloses  
the fact that M<sup>c</sup>Carthy the defendant  
paid him 15 cents for the express<sup>ing</sup>  
and that case; and that the evidence  
of the witness Devore discloses  
the fact that he identifies the case  
delivered to him by M<sup>c</sup>Carthy as the  
one subsequently delivered from  
him by Perkins to M<sup>c</sup>Carthy and  
which case was found in  
M<sup>c</sup>Carthy's possession on the  
evening of the 14<sup>th</sup> of November  
Defendant had to bail in sum  
of one thousand dollars to  
answer General Session

39

0689

POOR QUALITY ORIGINAL

*Alfred...*  
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 *May 4 90* 18 *90* *W. J. ...* Police Justice.

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

Dated *Nov 26* 18 *90* *W. J. ...* Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0690

POOR QUALITY ORIGINAL

*Wm J. Kelly*  
*Wm J. Kelly*  
*Nov 17*  
*24 10 30*  
*26 10 30*

BAILED  
 No. 1 *James J. Casey*  
 Residence *514 W 48* Street  
 Residence \_\_\_\_\_ Street  
 No. \_\_\_\_\_ by \_\_\_\_\_ Street

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

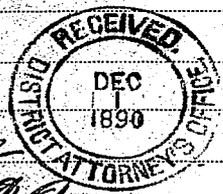
*Joseph M. Scamman*  
 vs *130 - Duane*  
*John W. Cutchman*  
*John W. Cutchman*

Dated

*Nov 14 1890*

*James H. Pover* Magistrate.  
*Healy* Officer.  
 5- Precinct.

*Henry B. Plummer*  
*3 Harrison* Street.



*1000* to answer *J. S.*  
*Wm J. Casey*  
*Wm J. Casey*



0692

he gets them for.

Q. Can you recall at this time whether you delivered him any shoes for Morse & Rogers? A. Yes sir.

Q. You delivered him several cases on that day, did you? A. Yes sir.

Q. On the 13th of November? A. Yes sir.

Q. You saw him put this case of shoes on his truck, did you? A. No sir, I wont say that I saw him because I do not remember, but he had the case on his truck and signed for them.

Q. Did you have a receipt showing that? A. Yes sir.

Q. Please produce it? A. I believe it is in Court.

Q. Those are the forms of receipts which are signed by the drivers who receive goods from you? A. Yes sir.

Q. Have you a receipt signed by McCutchen showing the receipt of goods received by him on the 13th of November?

Objected to.

A. Yes sir.

By the Court. Q. Have you got such receipt? A. Yes sir.

By Mr. Stapler. Q. Do you know that signature? A. Yes sir, I do.

Q. Whom did you see sign it, the driver for Seaman?

A. Yes sir.

Mr. Stapler: I offer that in evidence.

Counsel: I object.

The Court: You can mark it for identification.

The receipt was marked Peoples' Exhibit A.

By Mr. Stapler. Q. Do you remember what time of day it was he got those cases of shoes from you? A. No sir, I do not.

0693

CROSS EXAMINED.

By Counsel. Q. You do not know Stephen McCarthy, do you, the defendant? A. No sir.

Q. You never saw him? A. No sir, not to my knowledge.

Q. How do you know that these goods came for the firm of Morse, Rogers & CO., these boxes of shoes, how many boxes of shoes were there? A. I don't know anything about the box of shoes I do not know what I was subpoenaed here for in the first place.

Q. Do you know what the contents of these boxes were?

A. I do, to the best of my knowledge they were shoes.

Q. Did you examine the boxes? A. No sir, I did not.

Q. You have been informed as to the contents, is that it?

A. No sir, I have not.

Q. How do you know, do you know what they contain?

A. I do not.

By Mr. Stapler. Q. You just put those boxes down there and see if you can identify those boxes as the kind of boxes ----

A. They are all three shoe cases.

Q. Can you identify those boxes as boxes similar in appearance to the boxes you delivered?

Objected to.

Q. Can you say whether those boxes are or are not similar boxes to the boxes which you delivered to McCutchen on that day? A. Well, I could not say that, I get those kind of goods every day.

By the Court. Q. You have no particular recollection of this day as I understand? A. No sir.

Q. You are giving us now your general knowledge of daily transactions? A. Yes sir, every day I handle nine or

0694

ten hundred of those boxes, on this particular day I have no recollection no more than my receipts show that I delivered those cases to Mc Cutchen..

HARRY B. DEVOE, sworn and examined.

By Mr. Stapler. Q. What is your occupation? A. Agent, express agent.

Q. Where is your place of business? A. No.3 Hudson St.

Q. What is your business? A. Express business.

Q. Do you deliver cases of goods that are brought to your place to various parts of the city, is that right?

A. Yes sir.

Q. Do you know a man named McCutchen? A. Yes sir, I have seen him.

Q. Do you know Mr. Seaman? A. Yes sir.

Q. Did you know that McCutchen was one of the drivers for Seaman? A. Not at the time, no sir.

Q. On the 13th of November last did McCutchen come to your place with a case of goods? A. Yes sir.

Counsel: The indictment is the 14th of November.

The Court: I will hear you on that afterwards.

By Mr. Stapler. Q. On the 13th of November McCutchen came to your place with a case of goods? A. Yes sir.

Q. Go to those cases of goods and pick out the one which he brought to you on that day if you can identify it as one of them? a (The witness stepped down from the chair and looked at some cases.) Do you identify that case tthat McCutchen brought to your place, just tell what he said to you? A. Mr. McCutchen brought the case on the 13th of

0695

November, it had no mark.

Counsel: I object. Objection sustained.

By Mr. Stapler. Q. What did you do as the result of the conversation that you had with McCutchen?

Objected to.

The Court: Objection overruled; don't tell us anything you said, only what you did.

Counsel: Note an objection.

By Mr. Stapler. Q. State to the jury what you did, is that your writing (showing paper)?

A. Yes sir.

Q. What is the writing there?

A. McCarthy, 806 Eighth Avenue.

Q. You wrote that did you?

A. Yes sir, after McCutchen told me -----.

Counsel: I move to strike that out.

The Court: Yes, the box is not in evidence yet.

By Mr. Stapler. Q. You identify that box as the box which McCutchen brought to you?

A. Yes sir.

Q. What did you do then with that box afterwards?

Objected to. Objection overruled. Exception.

A. I entered it on Blanchard's book and the case was left there.

Q. Where? A. In the office.

Q. You delivered it to Blanchard?

A. Ben Blanchard, he works for his brother Steve Blanchard, he receives goods there and writes them up on them leaves. (Pointing to sheets of paper.)

By the Court. Q. He receives goods where?

A. At my express office.

0696

- Q. What is the name of your express? A. Peoples' Express.
- Q. Are you a clerk? A. Yes sir.
- Q. What is Blanchard? A. Blanchard's City Express.
- Q. In the same building? A. In the same place.
- Q. When you got this case you made an entry on Blanchard's book? A. Yes sir.
- Q. What did you do? A. I left it in Blanchard's pile.
- Q. His pile of packages, his bundles? A. Yes sir, in his place.
- Q. In his compartment in your office? A. Yes sir.
- By Mr. Stapler. Q. And did you see the box again? A. Yes sir.
- Q. When did you next see it? A. At McCarthy's place.
- Q. You saw that box at McCarthy's place? A. Yes sir.
- Q. That is the defendant's place? A. Yes sir.
- Q. Where is that? A. 806 Eighth Avenue.
- Q. What time of day did you go there? A. It was in the evening sometime, late in the afternoon.
- Q. On what day? A. On the 14th, the next day.
- Q. Who did you go there with? A. I went alone.
- Q. Just tell the jury what transpired, were you the first one in there? A. No sir, when I went down Officer Healy was there, there was the two Mr. Seamans, Mr. Seaman and his brother.
- Q. George W. and Gilbert Seaman were there and Officer Healy? A. Yes sir.
- Q. And Mr. Coogan was there? A. I could not say whether Coogan was there or not, there was some other gentleman there, a tall man, I don't know his name.
- Q. At the time you got there then these gentlemen were all in Mr. McCarthy, the defendant's place? A. Yes sir, in

0697

McCarthy's, the defendant's place, they were just examining these goods when I got in there.

Q. Where was the case, did you see the case, where was it then.

A. The case was out in the store.

Q. Was there any other case of a similar character there?

A. Yes sir, there was something similar to that, another shoe case.

Q. You did not get there until they were actually in possession of these goods ?

A. Yes sir.

By the Court. Q. When you got there the next day did you see McCarthy, the defendant?

A. Yes sir.

Q. Did you have any conversation with him?

A. No sir, I did not.

Q. Or hear anything said in his presence?

A. No sir.

Q. What was done with those boxes the next day?

A. That box was carried away by Mr. Seaman and another man.

Q. What condition was it in when it was carried in--- the writing that you spoke of was on that box that time?

A. Yes sir.

Q. Where did they bring it?

A. To the Leonard Street police station.

Q. What was done with McCarthy?

A. He was brought along.

Q. Did you hear any conversation on the way down?

A. I heard McCarthy say to Officer Healy ---- the officer asked McCarthy, he said something about being in a pretty tight box; he (McCarthy) said yes, he did not know how he was going to get out of it --- McCarthy said this to Healy.

Q. What did Healy say?

A. He did not say anything to that.

Q. Any other conversation?

A. No sir, there was no other

0698

conversation.

Q. Then you went to the police station? A. Yes sir.

Q. Were you there when the charge was made and the prisoner held? A. Yes sir.

Q. Anything said there at that time A. No sir, nothing that I remember that I could say.

CROSS EXAMINED by Counsel.

Q. You were a witness before Justice Powers, were you not?

A. Yes sir.

Q. On the occasion you were a witness previous to that you were in McCarthy's place, were you not? A. Yes sir.

Q. Did you tell Judge Powers that you were a witness there?

A. I do not remember whether I did or not.

Q. Do you remember Judge Powers asking you whether you went to McCarthy's place? A. No sir, I do not remember.

Q. Is it not a fact that you did not tell me on cross-examination that you went to McCarthy's place with Officer Healy and Mr. Seaman? A. I could not say.

Q. Now you are positive that you were there, are you?

A. I am.

Q. When did you go there? A. On the 14th day of November.

Q. What time in the day was it you went there? A. It was late in the afternoon.

Q. What time was it? A. I could not say.

Q. Was it dark? A. Yes sir.

Q. Who did you meet there? A. Officer Healy and both the Mr. Seamans.

Q. Who told you to go there? A. I went there of my own

accord.

Q. You never saw McCarthy there and you don't know who you were? A. No sir.

Q. This was on the 14th of November, your memory is pretty good

0699

- Q. McCarthy was arrested was he not by Officer Healy and was taken to the Leonard Street station house? A. Yes sir.
- Q. Did you go with him? A. I did.
- Q. Who was walking with McCarthy? A. Nobody.
- Q. McCarthy was walking all alone? A. No sir, they got on the horse car.
- Q. Did you go on the same horse car? A. I did.
- Q. Who was with them? A. Nobody was with them.
- Q. You were with them, you were in the same company?  
A. Yes sir, in the same company.
- Q. What part of the car were you sitting in? A. About the center of the car, Officer Healy was sitting next to me and McCarthy next to him.
- Q. Officer Healy was sitting between you and McCarthy?  
A. He was.
- Q. Did you hear all the conversation which took place between them on that occasion? A. Yes sir, pretty near all of it.
- Q. And what you told the Judge just now is true? A. Yes sir.
- Q. Did McCarthy speak very loud? A. Not extra, loud enough to hear.
- Q. Loud enough to hear? A. Yes sir.
- Q. McCarthy being a perfect stranger to you, did you take any part in this conversation? A. No sir.
- Q. Did not say a word? A. I did not say a word.
- Q. Did McCarthy hear you tell the case to Officer Healy?  
A. I guess he did.
- Q. You are not positive, are you? A. No, I am not positive.
- Q. You swear that McCarthy told Healy that he was in a tight

0700

place? A. In a pretty tight box.

Q. These goods, they were not concealed when you went there?

A. Not when I got there, no.

Q. They were in a conspicuous part of the store?

A. Yes sir.

Q. You are in the express business, you say? A. I am.

Q. For whom? A. For Studwell & Devoe.

Q. Are you a member of the firm? A. No sir.

Q. What particular branch have you charge of?

A. Agent and receiving goods.

Q. Do you receive all the goods which come to that express office? A. Pretty near all of them.

Q. On the 13th of November you say you received that case?

A. Yes sir.

Q. You are positive of the date? A. I am.

Q. Did you make a memorandum of it? A. I remember the date very well.

Q. Did you make a memorandum? A. On his book, on Blanchard's book, it is over at the express office.

Q. Have you seen that box since the 13th of November?

A. I have.

Q. When was the last time you saw that book? A. I see it every day.

Q. You are positive this was on the 13th day of November?

A. I am.

Q. Have you looked at the entry of the date since then?

A. I cannot say that I have, I think I have.

Q. You are not positive, are you? A. No sir.

Q. How many cases of goods do you receive every day?

A. I could not say.

Q. Do you receive a hundred?      A. Not quite a hundred, I may some days.

Q. Some days you receive more and some days less, is that it?  
A. Yes sir, that is it.

Q. Do you know how many cases you received on the 13th of November?  
A. No, I could not say.

Q. You may have received a hundred or more on that day?  
A. I do not think so, not on that day.

Q. You do not know McCarthy?      A. I do not know him.

Q. You never saw McCarthy until the 14th of November?  
A. Not until the 14th.

Q. You are positive that that case came in on the 13th?  
A. Yes sir.

By Mr. Stapler. Q. You remember seeing that case on the 14th of November at McCarthy's?  
A. I do.

Q. And identifying it as the case you received on the previous day?  
A. Yes sir.

Q. Where is your place of business?      A. No. 3 Hudson St.

Q. Where is the Fall River Line?      A. Pier 28, North River, foot of Murray Street.

Mr. Stapler: I offer in evidence the case.

The Court: Admitted.

Mr. Stapler: I offer in evidence the writing on the case.

Counsel: I object to the writing.

Mr. Stapler: The case is offered in evidence.

Counsel: I object to so much of the case as far as the name Stephen McCarthy, Eighth Avenue, is concerned.

The Court: This case is found in possession of the defendant in his place on Eighth Avenue, and under the circumstances stated by this witness. I will overrule your objection and

admit the case in evidence and give you an exception.

JOHN PERKINS, sworn and examined.

- By Mr. Stapler. Q. What do you do? A. Driver.
- Q. Driver employed for whom? A. Blanchard.
- Q. Where is Blanchard's express office? A. No. 3 Hudson St.
- Q. Do you know the gentleman who was last on the stand, Mr. Devoe? A. Yes sir.
- Q. He is the one in charge of that office, is he not? A. Yes sir.
- Q. Did you receive on the 13th of November a case of goods? Objected to as to the date. Objection overruled. Exception?
- A. Yes sir.
- Q. You received a case of goods? A. Yes sir.
- Q. Will you please look at that case and see if you can identify it as the case? A. No sir, I could not say.
- Q. Look at the writing on the front, does that refresh your recollection? A. No sir, I could not say.
- Q. You received the case of goods? A. I did receive a case of goods.
- Q. How was the case of goods marked that you received? Objected to. Question withdrawn.
- Q. What did you do with that case of goods? A. I delivered it at 806 Eighth Avenue.
- By the Court. Q. What place? A. Mr. McCarthy's.
- By Mr. Stapler. Q. Did you see the defendant there at the time? A. Yes sir.
- Q. Did you collect the expressage there? A. Yes sir.

- Q. How much was it? A. Fifteen cents.
- Q. Who paid it? A. Mr. McCarthy.
- Q. This defendant here paid you fifteen cents expressage, that was the regular charge, was it? A. Yes sir, that was the regular charge.
- Q. Did you take a receipt? A. Yes sir.
- Q. Please state whether that is the receipt. (Paper shown to witness.) A. Yes sir, that is the receipt.
- Q. That is the fifteen cents charged and this is the address? A. That is the address.
- Q. Was that receipt signed in Mr. McCarthy's presence? A. Yes sir.

By the Court. Q. By whom? A. By one of his workmen.

By Mr. Stapler. Q. Mr. McCarthy paid you fifteen cents?

A. Yes sir.

Q. You left the box with Mr. McCarthy? A. With McCarthy.

Q. Do you know anything more about it, what did you do, did you go away? A. Yes sir.

Q. Is that box similar to the box you left there on that day, does it look like it?

Objected to. Objection overruled. Exception.

A. I could not tell you.

Q. You could not say? A. A. No sir.

Q. All you know is you delivered a box on the 13th of November and took that receipt for it? A. I took that receipt for it.

By the Court. Q. Did you have any conversation with McCarthy at the time you delivered this? A. No sir.

Q. You just went in and delivered it? A. I went in, took the receipt and went out.

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Q. And got your money? A. Got my money.

CROSS EXAMINED by Counsel.

Q. You also were a witness before Judge Powers, were you not?

A. Yes sir.

Q. Do you remember the first time you were in the private room at the examination? A. Yes sir, I remember.

Q. McCarthy was there on that occasion, was he not?

A. No sir, not on the first day.

Q. You are positive that McCarthy was not there on the first day? A. No sir, not on the first day.

Q. There was some witness examined on that day was there not?

A. Not on that day, I came too late.

Q. Do you mean to say that McCarthy was not there when you were there? A. No sir, not the first day.

Q. Did you see me there? A. I seen you there.

Q. Do you remember identifying me as McCarthy? A. No sir.

Q. Did not you tell Judge Powers that I was the man who gave you the fifteen cents? A. No sir.

Q. You are sure of that? A. Yes sir.

Q. Do you remember me asking that question of you before Judge Powers, whether you identified me as McCarthy? A. No sir.

Q. I did not? A. No sir.

Q. Now I will read you these questions, I have got a copy of the minutes here, of the testimony of John Perkins, November 26. How many times did you see me before Judge Powers? A. Twice.

Q. The first time you were not examined? A. No sir.

Q. The second time you were examined, is that right?

A. The third time.

0705

- Q. You were there three times you say, is it not a fact you were there only twice? A. Twice, but one time I came there too late.
- Q. Once you were there when you were not examined? A. Yes sir.
- Q. How many times were you examined? A. Once.
- Q. Do you remember seeing me more than once? A. No sir, the last time I was there, twice a together.
- Q. Do you remember seeing me in the little private office where Judge powers was sitting down there? A. Yes sir, the first time.
- Q. Do you remember Judge powers asking you to look around the room to see if you could see McCarthy? A. Yes sir.
- Q. Did you pick me out as Mr. McCarthy? A. No sir.
- Q. You are sure of that? A. Sure of that.
- Q. And I never asked you that question before Judge Powers? A. No sir.
- Q. I read from your testimony; "John Perkins called as a witness on behalf of the people being duly sworn, deposes and says." Now here is one of the questions which was put to you before Judge Powers, "do you remember being here last Monday a week ago, inside before Judge Powers?" Your answer was, "yes sir." "Do you remember on the Judge asking you if you saw McCarthy before; did you fail to identify McCarthy inside a week ago last Monday? And did you answer, "I did not look around, he was there". "How long were you inside there last Monday week, about? A. About fifteen minutes, maybe not as long. Q. Did not you identify me as the man that received the goods as being McCarthy? A. No sir, I said he was a short, stout man like you."
- 16 Do you remember these questions being put to you before

Judge Powers?

A. Yes sir, I remember that one, I did not say you was Mr. McCarthy though.

Q. Do you remember identifying me inside before Judge Powers as being McCarthy? A. No sir.

Q. Did not you say he was a short man? A. His workman who signed his name to the paper.

Q. These questions were put to you before Judge Powers and those are your answers? A. Yes sir.

Q. This McCarthy, he is not a very short, stout man, is he? A. No sir.

By Mr. Stapler. Q. What was the size of the workman; was he a short stout man? A. Yes sir, a short, stout man.

By a Juror. Q. Who was there when the case of goods was delivered by you? A. A few workmen.

Q. Did McCarthy ask you where the goods came from? A. No sir.

By the Court. Q. What kind of a store does McCarthy keep? A. In a basement.

Q. What is his business? A. Shoe business.

Mr. Stapler: I offer in evidence that receipt.

Counsel: I object to it because the witness says that McCarthy did not sign it.

The Court: It was signed in McCarthy's presence and McCarthy paid the fifteen cents ---- it may be admitted.

Mr. Stapler: The receipt is under the head of articles. ; the letter B under the name of McCarthy. Address, 804 8th Avenue; the figures 15 and the figure P --- and under the head of the signature of the receiver I shall have to leave that to the jury to tell what that is, I cannot read it, it is apparently C and an M, the letters I should not like to state. The box is Peoples' Exhibit B.

0707

MICHEAL HEALEY, sworn and examined.

By Mr. Stapler. Q. You are an officer of the municipal force of the city of New York? A. Yes sir.

Q. Assigned to what precinct? A. The fifth precinct.

Q. Did you go on the evening of the 14th of November to 306 Eighth Avenue in this city? A. Yes sir.

Q. Did you see the defendant there, Stephen McCarthy? A. Yes sir.

Q. Who was with you when you went there? A. The two Mr. Seamans, Mr. Coogan and another gentleman from the house of Claflin & CO., whose name I do not know.

Q. Is he here in court? A. No sir, he was brought from the house of Aaron Claflin & CO. to identify goods.

Q. What is his name? A. That I do not know, I never had any dealings with the gentleman since.

Q. Tell the jury what kind of a place this 306 Eight Avenue is where you found McCarthy? A. 306 is the number, it is in a basement on the corner of 49th Street and 8th Avenue, a sort of shoemaker's shop where there is four or five men employed making shoes.

Q. What is the name up before the place? A. McCarthy -- "This is McCarthy" on a show-case that stands on the head of the stairs.

Q. You went down stairs, whom did you find down stairs?

A. I found Mr. McCarthy and four or five other men sitting around working there.

Q. You found the defendant and three or four men working sitting on shoemakers' benches engaged in working on shoes?

A. Yes sir.

Q. Tell the Jury just what you said when you went down there and what Mr. McCarthy said?                   A. When I went in there I asked Mr. McCarthy if Mr. McCarthy was in? He said he was the man. I says, "you are the man owns this place?" he says, "yes sir." I then took the warrant that I had to search the premises out of my pocket and handed it to Mr. McCarthy and he apparently read it.

Counsel: I move to strike out "apparently".

The Court. Yes.

Witness: Well he looked at it and handed it back to me and says, "well, go ahead, you will find nothing here, I have got nothing here only what I make up myself." So I told Mr Seaman and this Mr. Coogan to take a look around the place and see if they could identify any of their goods in the place. While they were searching the place there was a room attached to this store used as a sort of sleeping apartment containing four or five beds. In that room there was a lamp burning. As soon as I spoke to McCarthy the lamp was turned down low; I then called somebody in the back room to turn up the lamp; then I seen it was a woman that was in there. Well, these people were searching and pretty near got through near the whole of the store I says to McCarthy, "you might as well give us that case you have got here last night and save us the bother of looking after it, I says, "if it is here we will find it." Then he says, "O yes, I did get a case here last night", starting into the back room. In this back room were four or five beds; he goes to the first bed and turns it up from the foot and at the head of the bed laid two cases; he brought one case out; he says, "that is the case." When he brought

that one out I says, "what is that one there?" He says, "that aint got nothing to do with this." I says, "Bring it out and let us have a look at it." I would not be positive whether Mr. McCarthy or some other gentleman drew the case out. When we got it out in the hall it was identified by both Mr. Seamans as the property of Nathaniel Fisher.

Counsel: I move to strike that out.

The Court: I will allow the answer to stand.

Counsel: Note an exception.

By Mr Stapler Q. Was the other case opened, Officer?

A. No sir, neither one of the cases was opened.

Q. What did you do, you took the case out then?

A. We brought the two cases out into the shop and while the two Mr. Seamans were examining the cases some other gentleman, I would not be positive whether it was Mr. Coogan or not turned around to the drawer on the side and drew out one shoe which they identified as the property belonging to them cases.

Q. In other words, it was found that a shoe had been taken out of one of the cases, is that it? A. Yes sir, and put in this drawer.

Q. Which case? A. That I would not be positive of.

By the Foreman. Q. Were the cases opened? A. They were nailed up when I first seen them, they were opened after we found them.

By Mr. Stapler. Q. Were either of the cases opened there that day?

A. Yes sir, when we found them the both cases were opened, after we got the cases we opened them to see if they were the goods.

Q. You opened them to see whether they were the goods?

A. Yes sir.

Q. Then what did you do after that? A. I then told Mr. McCarthy that I would have to arrest him; he said, "all right"; and I told Mr. Seaman to take the two cases and put them on the car and take them to the Fifth Precinct station house.

Q. You identify those cases as the cases which you saw there in his place that day? A. Yes sir.

Q. Please look at the other cases over there and see if you can identify either of those cases as having seen them before? A. This is the one that remained under the bed.

By the court. Q. Is that the other case you have been telling us about? A. Yes sir, this is the case laid on the bottom and this is the one on the top, this is the case he showed me first.

Q. You identified that as the other one? A. Yes sir.

By Mr. Stapler. Q. The other case that you found there?

A. Yes sir.

Mr. Stapler: I would like to have that go in evidence.

The Court: It is not the box contained in this indictment --- he found it in that place.

By Mr. Stapler. Q. You say this box was put upon the truck, did you or did you not leave with Mr. Seaman?

A. I gave them in charge of Mr. Seaman and Coogan to bring them down to the Station House.

Q. When did you see it next? A. At the police station, it was sent to the property clerk's.

Q. And from there it came here? A. Yes sir.

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By the Court. Q Was that box opened in your presence,

A. Yes sir.

Q. Where? A. After we had found it in McCarthy's place

Q. You opened it? A. I did not open it.

Q. It was opened in your presence? A. Yes sir.

Q. What was found if anything, in it? A. It was full of shoes.

Q. Do you know what kind of shoes? A. No, I did not examine them; they were men's shoes, still I am not positive of it.

By Mr Stapler. Q. What did you do with the defendant McCarthy after that? A. I took him outside and got on an 8th Avenue car and brought him to the Fifth Precinct station house.

Q. Was Mr. Devoe with you? A. Yes sir.

Q. Did you have any conversation with the defendant McCarthy on your way down? A. Yes sir.

Q. Tell the Jury what you said and what he said?

A. When we got on the car ---- when we came outside he asked me to come down to the elevated railroad. I said "take the horse car and he would not get so much notoriety we got on a horse car. I says, "they have got you pretty tight." He says, "yes, I am in a bad box and I do not know how I am going to get out of it, I do not know how to get out of it." Then he did not say any more or I to him either.

Q. You took him down to the station house, did you?

A. Yes sir.

Q. And a charge was made against him there? A. Yes sir,

I told the sergeant it was the man that was charged in the

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By the Court. Q. Was that box opened in your presence?

A. Yes sir.

Q. Where? A. After we had found it in McCarthy's place

Q. You opened it? A. I did not open it.

Q. It was opened in your presence? A. Yes sir.

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that store when  
 tion, yes, he had received a case the night before  
 A. We were just about entering the back room.  
 Q. Just about going into the door? A. Yes sir.  
 CROSS EXAMINED.  
 By Counsel. Q. You never saw McCarthy before this night, did you?  
 A. No sir.  
 Q. What time of day was this, Officer? A. About 4.30.  
 Q. Light or dark? A. It was light when we went in there.  
 Q. Was the gas burning? A. This gas was burning in the  
 back room, that is all.  
 Q. Was the gas burning in the store? A. No sir.  
 Q. And this was on the 13th of November, 1890?  
 A. It was on the 14th of November.  
 Q. It was kind of dark, the days are rather dark about four or  
 4.30 in November, are they not? A. Yes sir, the  
 light was lit after we were in the place a few moments.  
 Q. McCarthy keeps his place in the basement, does he not?  
 A. Yes sir.  
 Q. As soon as you went in what did you do? A. I asked  
 for Mr. McCarthy.  
 Q. He did not deny himself? A. No sir.  
 Q. Did you tell him your business? A. I showed him the  
 warrant.  
 Q. Did not he tell you to look around the place and see if you  
 could find anything? A. Yes sir.

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- Q. Did you do it? A. Yes sir.
- Q. You did not find anything? A. We did after.
- Q. Where were those goods found? A. In the back room under the bed.
- Q. One case on top of the other? A. Yes sir.
- Q. You are positive? A. Yes sir.
- Q. How are those rooms situated? A. It is a sort of back room just partitioned off the store.
- Q. There is a door leading from the store to the back room?  
A. I would not be positive if there was a door, I do not think there is, we walked in.
- Q. There was a space between? A. Yes sir.
- Q. Was not this space always open? A. Yes sir.
- Q. From the time you came in until you found these goods, did any of the men who were in the store leave the store to go to the back room? A. No sir.
- Q. Was McCarthy in there? A. No sir.
- Q. Did you examine these beds? A. Yes sir.
- Q. You are positive that one box was on top of the other and these boxes were under the bed? A. Yes sir.
- Q. Is it not a fact that the cots in the back room are used by workmen? A. You can call them cots or beds where people sleep.
- Q. One of these small beds or cots which is used by a single man? A. Yes sir.
- Q. Two boxes were under one of these cots? A. Yes sir.
- Q. What condition was McCarthy in when you went from the store to the street? A. Apparently as he is now.
- Q. Was he sober or under the influence of liquor?  
A. Yes sir, he was sober to the best of my judgment.

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Q. Did not you make some threats, did not you threaten him with imprisonment? A. No sir.

Q. Did not say anything about going up the river?

A. No sir.

Q. You are sure of that? A. Yes sir.

Q. Was McCarthy excited? A. He appeared a little that way.

Q. But he did not put anything in the way of your going around from one room to the other, did he? A. No sir.

Q. He was perfectly willing that you should make all the search you wanted? A. Yes sir.

Q. You never saw McCarthy before? A. No sir.

Q. You did not know how these goods came there except what you have been informed? A. No sir.

By the Court. Q. When you went there were you in uniform?

A. Yes sir.

PATRICK F. COOGAN, sworn and examined.

By Mr. Stapler. Q. Mr. Coogan, what is your business?

A. Jobbing in boots and shoes.

Q. What was your business on the 14th of November?

A. Salesman for Morris & Rogers.

Q. Do you know this defendant, Mr. Stephen McCarthy at the bar here? A. I have seen him at the court, he has been identified as McCarthy.

Q. Did you see him at his place No 806 Eighth Avenue on the evening of the 14th? A. I did.

Q. Look at that box of goods and say whether or not you have seen that box of goods before, that is Peoples' Exhibit B?

A. Yes sir.

- Q. Where did you see that box of goods? A. I found it just as it was being brought from under McCarthy's bed or cot.
- Q. The defendant McCarthy was present? A. Yes sir.
- Q. Did you open the case at that time and examine its contents? A. Yes sir.
- Q. Tell the jury what you found there? A. I found fourteen pair of men's calf shoes invoiced \$2.60, \$36.40, belonging to Morris & Rogers.
- Q. They were the property of Morris & Rogers, were they? A. Yes sir.
- Q. What was done, did you see the other case opened there? A. Yes sir.
- Counsel: I object as to the other case.
- The Court: I overrule the objection and give you an exception.
- By Mr. Stapler. Q. What did that case contain? A. It contained eleven and a half pair of shoes, there was an odd shoe, it was found out in one of the drawers of the store proper.
- Q. You identified that shoe as the mate of the shoe in that other case? A. Yes, I did.
- Q. And that shoe was found in the drawer of McCarthy's store proper? A. The store proper.
- By the Foreman. Q. How many pairs of shoes did that other case contain? A. Fourteen pairs.
- Q. That was full A. Yes sir.
- By Mr. Stapler. Q. You were present during this investigation in McCarthy's store, you saw the search being made there? A. Yes sir.
- Q. You saw this case brought out from under the bed in the

back room? A. Yes sir.

By the Court. Q. Who composed the firm of Morris & Rogers at that time? A. D.P. Morris, Daniel P. Morris, he was the real member of the concern.

Q. To whom the property belonged? A. Yes sir.

CROSS EXAMINED.

By Counsel . Q. Was there any other member? A. He was the sole partner, special partner in the concern.

Q. Who were the general partners? A. There was no general partners.

Q. And he does business alone under the firm name of Morris, Rogers & CO.? A. Yes sir, Morris & Rogers.

Q. Is Mr. Rogers living? A. I believe he is.

Q. Is he in any way connected with that business? A. Not that I know of.

Q. Where did you get the information that Daniel P. Morris is the only man who constitutes the firm of Morris & Rogers?

A. I have been with Mr. Morris ever since he started in business, about seven years.

Q. At any time during the seven years was Mr. Rogers connected with the firm? A. Yes sir.

Q. Up to when? A. Two years ago last January.

Q. Did any other person take his place in the firm? A. No sir, not that I know of.

Q. You can't swear positively of your own knowledge that Daniel P. Morris is the sole owner of the business of Morris & Rogers? A. No sir, I cannot.

Q. Mr. Coogan, you first went to McCarthy's place alone, did you not? A. Yes sir.

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- Q. And did you ask Mr. McCarthy to show you or sell you a pair of shoes?           A. Yes, I asked first if Mr. McCarthy was in and McCarthy came up and said, "I am Mr. McCarthy." I said, "I would like a pair of shoes."
- Q. Did he not tell you he only sells his own make?
- A. He did not say anything of the kind, he said, "I will see if I have any to fit you"; he started to find a pair and then the officer came in.
- QL You heard all the conversation which took place between the officer, Mr. Seaman, Mr. Devoe and McCarthy?
- A. Yes sir, about all.
- Q. Did you ride down town in the same car?           A. Yes sir.
- Q. Were you sitting near McCarthy?           A. No sir, I was on the front end of the car.
- Q. What do you mean, inside or outside?           A. Outside.
- Q. McCarthy and the officer were inside?           A. Yes sir.
- Q. The case of shoes, did you see them inside in the room, the two cases of shoes?           A. Yes sir.
- Q. What were they under?           A. Under a sort of bed or cot.
- Q. About how large a cot was it?           A. Large enough for one.
- Q. Do you tell this Jury that those two cases were one on top of the other under this cot?           A. I did not say so.
- Q. Then you saw the shoes after they were brought from under this cot?           A. I saw them as they were being removed from under the cot.
- Q. McCarthy did not deny himself, his identity?           A. No sir.
- Q. He did not conceal anything, did he, he told the officer to look around, did he not?           A. At first no sir, he denied all knowledge of having received any case of shoes at all that day.

Q You do not know where those goods came from and he did not say he knew? A. I do not know where they came from.

By Mr. Stapler. Q. Tell the Jury what was said when you went in?

A. When the officer came in I asked him (the defendant) if he received a case of shoes that day; he said he did not; then when the officer showed him the search warrant and told him he was about to search the place, he said, "go ahead." We were about to go into the rear apartment separated by a board partition when McCarthy said, "O yes, I did receive a case yesterday, I do not know where it came from, I thought my son possibly might have bought it and sent it up to me, I paid the charges on it and put it away."

Q. Was that all that you heard? A. That was all that I heard.

By Counsel. Q. Who was present when he said this? A. The two Mr. Seamans, the officer and Mr. Devoe.

Q. How was it that the officer did not tell the Court and Jury about that? A. I am not swearing for the officer, I am swearing for myself.

Q. You mean to swear that McCarthy told you that he paid fifteen cents cartage? A. I did not say anything of the sort, I said McCarthy said he received a case.

Q. Did McCarthy say that to you and was the officer present when he told you that and also Mr. Seaman and Mr. Devoe?

A. Yes sir.

Q. Mr. Devoe and Mr. Healy the officer, were upon the stand, you heard their testimony, did you not? A. Yes sir.

Q. You heard what they told the jury, what conversation took place between McCarthy and them? A. Yes sir.

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Q. They did not say anything about that, did they?

A. I know that .

DANIEL P. MORSE, sworn and examined.

By Mr. Stapler. Q. What is your occupation Mr. Morse?

A. I am in the shoe business, wholesale shoe business.

Q. What firm are you a member of, what is the name of the firm?

A. Morse & Rogers.

Q. What is the number of the place at which they do business?

A. 134 & 136 Duane Street.

Q. Do you identify that case of goods there right before you, have you seen that case of goods Exhibit B?

A. I cannot identify it as having seen it, no sir.

Q. Mr. Coogan who was just here was in your employ on the 13th of November, was he not?

A. Yes, he was.

Q. And he went as your representative up to McCarthy's place, yes sir.

Q. He was slaesman in your place at that time?

A. Yes sir.

Q. Are you the sole member of the firm having a property interest in your business, Mr. Morse?

A. The sole general partner, yes sir.

Q. Your name is Daniel P. Morse, is it not.

A. Yes sir.

By Counsel. Q. Who constitutes the firm of Morse & Rogers?

A. Myself and a special partner by the name of Chester C. Corbin.

Q. And he is known as the special partner of the firm of Morse

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& Rogers.

A. Yes sir.

By the Court. Q. Do you know a man named John McCutcheon?

A. No sir.

GEORGE W? SEAMAN, sworn and examined.

By Mr. Stapler. Q. Mr. Seaman, what is your occupation?

A. Carman.

Q. Where is your place of business? A. No. 130 Duane Street office.

Q. Is that at the office of Morse & Rogers? A. No sir, that is my office.

Q. Did you on the 13th of November or about that time, were you employed by Morse & Rogers to deliver to them from the steamboat wharves goods shipped to them? A. Yes sir.

Q. Did you or did you not have in your employ on the 13th of November a man named McCutcheon as a driver?

A. Yes sir.

Q. Did he or did he not on that day have charge of one of your trucks? A. Yes sir.

Q. Did he on that day go to the Fall River Line for the purpose of receiving goods for Morse & Rogers? A. He did.

Q. Did you see him come to the place of Morse & Rogers at Duane Street with a load of goods on that day?

A. Yes sir.

Q. Did you or did you not find that there was any discrepancy in the number of cases of goods which he delivered there?

Objected to as leading.

Objection sustained

Q. Just tell the Jury now what if anything you found out in regard to the number of cases which McCutcheon -----

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Objected to as leading.

Objection sustained.

A. I found out -----

Q. Tell the jury what you did after McCutcheon delivered, made a delivery of cases of shoes at Morse & Rogers on the 13th of November or after that?

Objected to.

A. I was informed by the express man Mr. Devoe -----

By the Court. Q. You had a conversation with Mr. Devoe, is that it?

A. Yes sir, Mr. Devoe.

Q. And was it in relation to McCutcheon that conversation, did he talk about McCutcheon?

A. He came around -----

Q. Did he talk about McCutcheon?

A. I do not know what the

name was.

Q. He talked about your driver.

A. Yes sir.

Q. Did he give you some information

A. He did.

Q. In consequence of the information that you received from this young man, in consequence of what was told you by Mr. Devoe did you do anything yourself, or go any place?

A. I went around to the express office.

Q. What express office?

A. No. 3 Hudson Street.

Q. Who keeps that?

A. A general express office.

Q. Is that Blanchard's express?

A. Blanchard's express.

Q. In the same building?

A. Yes sir.

Q. Who did you see there

A. I saw Mr. Devoe.

Q. And had a talk with him?

A. He asked me if the goods

were all right, I looked at them, I says, "those goods have been stolen."

The Court: Strike that out.

Q. You went around there and you had a conversation with him?

A. Yes sir.

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Q. What did you do after that, not what you said, where did you go? A. I went and had McCutcheon arrested.

Q. You went to McCutcheon's place? A. I went and got an officer and had McCutcheon arrested.

Q. After you had McCutcheon arrested did you speak with him? A. Yes sir.

Q. Did you get some information from him? A. No information at all.

Q. What was the next thing that you did yourself after that in connection with this matter? A. The officer took McCutcheon around to the express office.

Q. Officer Healy took McCutcheon? A. Yes sir, I walked along.

Q. What did you see? A. I saw a case of goods that he should have left at Morse & Rogers.

Q. Is this the case? (Showing case.) A. Yes sir.

By Mr. Stapler. Q. You first saw this case at McCarthy's?

A. Yes sir.

Q. You saw another case? A. I saw a case in the express office.

Q. And you saw this case where? (Pointing to a case.)

A. At McCarthy's.

Q. After you found the other case where did you go with the police officer? A. I went to the Leonard Street station house.

Q. ~~After~~ To the Leonard Street station house with McCutcheon, is that right? A. Yes sir.

Q. After that where did you go with Officer Healy?

A. I went back to my business, they told me to be over at the Tombs at one o'clock.

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- Q. You went to the Tombs at one o'clock, did you?  
A. Yes sir.
- Q. And after you got through at the Tombs what did you then do?  
A. I went up to McCarthy's place.
- Q. With whom did you go?  
A. I went with the officer.
- Q. Officer Healy was on the stand here, was that right?  
A. Yes sir, and Mr. Coogan.
- Q. Mr. Coogan who has been on the stand?  
A. Yes sir, and my brother.
- Q. You got to McCarthy's place, you went down into the place, did you?  
A. Yes sir.
- Q. What was said to McCarthy when you went in?  
A. Mr. Coogan went down first and then the officer and I went down; after they were down in there the officer done all the talking; he got one case.
- Q. We would like to know what was said, just tell the jury what was asked of McCarthy when the officer went in?  
A. The officer went down first.
- Q. Were you with him when we went down?  
A. No, I waited about a couple of minutes behind him ---- just as I was going down he handed the summons back; he says, look around there. That was the first I heard. McCarthy said, "I haven't anything only what I make myself, my own make.
- Q. Did you look around?  
A. We looked around, and made quite a search around in the shop, I saw nothing in the shop only what look apparently his own make. When he (the officer) told him he was after a case of goods that he received, he denied it first and finally he acknowledged it and then went through this back room and under the bed he showed those two cases.

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- Q. And those cases were brought out in your presence, were they?      A. Brought out and opened.
- Q. Do you remember what was found in those cases?
- A. Yes sir.
- Q. What was found in that case?      A. Shoes.
- Q. Do you remember how many pairs of shoes were found?
- A. I did not count them, Mr. Coogan examined them, because he is more familiar with them, Mr. Coogan attended to that.
- Q. And did you see the other case opened?
- Objected to.    Objection overruled.    Exceptio n.
- A. Yes sir.
- Q. And what did that case contain?      A. The case contained twelve pairs and one shoe was in a drawer, Mr. McCarthy at that time said he had a shoe there. That was put in the case and the officer told me to take them to the station house, I done so.
- Q. That shoe was the mate of a shoe in that case?
- A. Yes sir, in that case.
- Q. That shoe was in McCarthy's store?      A. In the drawer he pulled out.
- Q. What did you do with those two cases after that, were they nailed up?      A. Yes sir, they were drove together enough to keep them together and the officer told me to take them to the station house.
- Q. Did you take them to the station house and leave them there.
- A. I left them at the station house.
- Q. You know that on the 13th of November McCutcheon got cases of shoes for you from the Fall River Line, do you not, for Morse & Rogers?      A. Yes sir, I do.

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Q. Just explain those marks.

By the court. Q. Are you familiar with them?  
paid the freight on them.

A. Yes sir, I

By Mr. Stapler. Q. How is the case marked?  
& Rogers, 134 Duane Street.

A. That is Morse

Q. What are the figures, give the figures?  
bill number, 7255.

A. This is the

Q. What is that other number?

A. They have two numbers,  
that is the stock number, they have the stock number and  
the case number.

Q. What is this.

A. Machine sewed.

Q. What is this, read it

A. That is supposed to be four-  
teen pair, it is blurred, it looks like thirteen pair,  
men's pat. calf.

By the court. Q. Have you explained all the marks on that you un-  
derstand, what are the meaning of those numbers?

(Pointing to the case.)  
that.

A. I do not understand

Q. Do you receive any paper when you receive these goods?

A. I receive a freight bill.

Q. Is there any number on that freight bill corresponding  
with any number on that box, do you recognize that paper?

(Handing witness a paper )

A. Yes sir, "McCutcheon"  
where he signed it.

Q. Do you recognize McCutcheon's signature?

A. Yes sir.

Q. That was the load of goods he received on that day for you

A. Yes sir.

Q. Can you tell from that what do those numbers mean?

A. Those numbers are the case numbers which are put on  
the case ---- 7255 to 67 is on the freight receipt.

Q. He received that number of cases?           A. He received that number of cases but he failed to deliver them to the store.

Q. Is this case here Peoples' Exhibit B one of the cases of shoes 7255?           A. Yes sir.

Mr. Stapler: I offer that receipt in evidence.

Counsel: I object to the admission of that paper in evidence, the Court overrules the objection and the Defendant's Counsel excepts to the ruling of the court.

CROSS EXAMINED.

By Counsel. Q. How long was McCutcheon in your employ?

A. Eight or ten weeks, he was only an extra driver for the busy season.

Q. He was formerly in your employ before that or your brother's?           A. He has been off and on several Falls working for me.

Q. For how many years on and off was he in your employ or your brother's employ?           A. I should think four or five years.

Q. When was the first time you ever saw McCarthy?

A. That was on the 14th of November.

Q. When was these goods first missed?           A. We missed them on the 13th of November.

Q. When did you ascertain that they were missing?

A. On the 14th we missed another one, that made two.

Q. But McCutcheon received them on the 13th?           A. He received on the 13th one and one on the 14th.

Q. Then on the 14th you and Officer Healy and Mr. Coogan went up to McCarthy's place?           A. Yes sir.

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- Q. You never saw McCarthy before?           A. No sir.
- Q. Who went first down to McCarthy's store, you or the officer  
A. Coogan.
- Q. How long was he down there before the officer went down?  
A. He was not down long for he was only just maybe  
twenty, thirty or forty feet ahead of him.
- Q. How long was he down there, two or three minutes?  
A. It might have been two or three minutes.
- Q. After Coogan who went, the officer?           A. The officer  
went down.
- Q. How long was the officer down before you went?   A. I was  
on the other side of the street, as long as it took me to  
walk over to the other corner.
- Q. Probably two or three minutes?           A. Two or three minutes
- Q. What was the officer doing when you went down?  
A. The officer was standing up and McCarthy was handing  
him back his paper.
- Q. Are you hard of hearing?           A. Not very.
- Q. You are a little bit hard of hearing, are you not?  
A. If there is a good deal of noise I can't hear  
much.
- Q. Was there any noise down in McCarthy's place?  
A. Not that I know of only the shoemakers pounding  
away.
- Q. How many men were working?           A. I did not count them,  
there seemed to be four or five.
- Q. Did you do any of the talking to McCarthy or did Officer  
Healy do it all?           A. Healy was the man.
- Q. You did not partake in the conversation that took place  
between Healy and McCarthy,           A. No sir.

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- Q. Did you see the officer come in the back room?  
A. Yes sir.
- Q. Was the space open or was the door open? A. There was place for a door whether there was a door or not, I could not say; there was a passageway there open.
- Q. Did you see any person in the back room? A. I did not I was not looking for anyone.
- Q. But when you came in first the officer and Mr. McCarthy were speaking?  
A. Yes sir.
- Q. And sometime after that they went in the back room, is that it?  
A. After he told him to look all around the front there.
- Q. Then they went to the adjoining room? A. Went through to the other room.
- Q. Was there any person outside, McCarthy, Healy, yourself or Coogan?  
A. Not that I know of.
- Q. Did you see a light in there too? A. I was not looking for any light, I was watching on the door more than anything else.
- Q. You do not know whether the light was put out or put down?  
A. I could not say, I was not looking for lights.
- Q. When was the first time you went to the back room?  
A. That night.
- Q. How long were you in the place when you went into the back room?  
A. I did not time it
- Q. Ten, fifteen minutes, half an hour or an hour, how long about?  
A. I was not there no hour.
- Q. Who went in first to the back room, McCarthy or the officer?  
A. McCarthy turned the bed down.

Q. And then who produced this box, McCarthy or the officer?

A. McCarthy.

Q. You did not see where this box came from, did you?

A. I seen McCarthy turn the bed down and he goes later and he pulled them out.

Q. Was it a cot or a bed? A. I did not examine it, it was a mattress or something.

Q. McCarthy did not put anything in the way of you and Healy or the other man looking around the place, looking for goods, did he? A. No sir.

Q. He was very pleasant about it? A. He was very pleasant about it.

Q. And did you also go down to the station house with him?

A. I took the goods down.

Q. You took the goods down A. Yes sir.

Q. Were you in the same car that Healy and the officer and Coogan went down in? A. No sir.

Q. You heard no conversation which took place between the officer and McCarthy? A. No sir, not after that, not after they got outside.

By Mr Stapler Q. You did not tell McCutcheon to give that case to Devoe, did you? A. No sir.

GILBERT SEAMAN, sworn and examined.

By Mr Stapler. Q. What is your occupation, Mr. Seaman?

A. Carman or truckman.

Q. You say you have trucks? A. Yes sir.

Q. They are employed in the delivery of property to firms in this city? A. Yes sir.

Q. Do you know the defendant, Stephen McCarthy, did you ever

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see him before?           A. I saw him up to his place that night.

Q. What night was that?           A. The 14th of November.

Q. You were there in company with whom?           A. With Officer Healy and Mr. Coogan, whatever his name is, and my brother G.W. Seaman.

Q. Anybody else there?           A. I think that was all there was.

Q. I wish you would recollect and tell us whether there was anybody else beside those gentlemen, you think that was all

A. I think that was all..

Q. Tell the jury everything that you heard said by the officer or by McCarthy, everything that was done by anybody there during that time as near as you can recollect it?

A. I went there with the officers and those gentlemen you speak of; Mr. Healy, the officer produced a search warrant and Mr. McCarthy said that he had not anything there only what belonged to him, and the officer said he would have to search the place; Mr. McCarthy told him he could search the place. They started through into the back room that went out of the store and as they did I think Mr. McCarthy pulled the bed over himself or tore it off; there was two cases of shoes under the bed.

Q. Prior to going into that back room they had searched the store?           A. They might have looked around among the shoes, I did not take much interest in it as far as the search was concerned.

Q. You saw these two cases underneath the bed, you saw them produced and brought out, you saw them opened, you saw that they contained something?           A. Yes sir.

Q. They contained shoes, each case contained shoes?  
A. Yes sir.

Q. Will you tell the jury whether you examined that other case?

Objected to. Objection overruled. Exception.

Q. You identified that case as the case you examined there?

A. I cannot say I examined it, I saw it was a case marked N. Fisher & Co., it contained twelve pair of men's shoes.

Q. You say that this contained shoes also? A. Yes sir.

Q. You identified that as the property of Nathaniel Fisher & Co. ? A. I identified it as being marked N. Fisher & Co., it is supposed to be theirs.

Q. What did you do after that? A. I did not do anything after that.

Q. You went away to the station house? A. I went away.

Q. With whom, with your brother? A. No, while they were getting the cases out I went home, that is all I know about it.

CROSS EXAMINED.

By Counsel. Q. Were the cases opened while you were there, Mr. Seaman? A. Yes sir, they were opened.

Q. Did you examine them? A. No, I did not examine them.

Q. McCarthy was very pleasant about the matter? A. O yes.

Q. He did not conceal anything? A. No, I could not say that he did.

Q. He himself went into the back room and showed those two cases? A. If I am not mistaken I think McCarthy pulled the bed round himself.

Q. Nobody asked him to do it? A. I would not say as to that.

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By Mr. Stapler. Q. You heard him say there that there was nothing there when you went in though?

Objected to.

A. I could not say positively to that, the officer and him was talking.

Q. When you first went in did you hear them say anything, that he did not have anything? A. I think he said what he had belonged to him, were his own manufacture, something like that.

By Counsel. Q. There were four or five men working there?

A. Yes sir.

Q. In the back part of the store or the room back of the store, men sleep there? A. It looked like a place where they lodged, a table there, something of the kind.

WASHINGTONS. WEEKS, sworn and examined.

By Mr. Stapler. Q. Mr. Weeks, what is your occupation?

A. I am a clerk for Nathaniel Fisher & CO.

Q. Were you so engaged on the 13th or on the 14th of November around that time last year? A. Yes sir.

Q. Will you please look at that case nearest to you there of goods and say if you identify that?

Counsel: I object to that first upon the ground that that case is not a question before the jury now; furthermore, the witness now upon the stand is a witness in another matter which is still pending in this court in which Mr. McCarthy is the defendant upon a charge of receiving stolen goods, and the case of goods which the District Attorney desires the witness to identify is the subject matter of that.

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proceeding.

The Court: There is a rule in relation to guilty knowledge that applies peculiarly to cases of receiving stolen goods, I will hear you in relation to that. There is a rule of evidence which provides that similar transactions may be testified to in or about the time, not for the purpose of establishing the charge in the indictment but for the purpose of enabling the jury to get at the ~~same~~ question of guilty knowledge and I presume it is in that view of the question that this witness is called.

Counsel: The evidence of all the witnesses which have been put on the stand this morning by the District Attorney is that at the time this one case of goods was found which belonged to the firm of Morse & Rogers, there was another case of goods

The Court: Note an exception.

By Mr. Stapler. Q. Will you look at the box nearest to you and say if you identify that box of goods as a box you have seen before, where you saw it and as to the ownership of the property contained in that box? A. This case I saw up at the police Headquarters, I went up there and identified it.

Q. On what day? A. It was about November 14 or 15, I would not say which, around there.

Q. Please tell the jury whose box of goods that is?

Objected to. Objection overruled. Exception.

A. This case belongs to Nathaniel Fisher & CO. from Maynard & Washburn, Claremont, N.H.

HARRY B. DEVOE recalled by Mr. Stapler.

Q. Mr. Devoe, did McCutcheon come to you on the 14th of November, the day after the delivery of that case of goods to you? A. Yes sir.

Q. Did he bring you another case of goods? A. Yes sir.

Q. Look at that case of goods over there in the corner and see if you can identify that as the case?

Objected to. Objection overruled. Exception.

A. That is the case I received on the 14th.

Q. Is there any mark on that case as to where it is to go?

A. Yes sir.

Mr. Stapler: I desire to prove by this witness -----

The court: The defendant is not connected with that box.

Mr. Stapler: Not yet; the fact which I now desire to show is that the witness brought a box of goods the next day and it was directed to McCarthy.

The court: That is not proper.

Mr. Stapler: I desire to have the witness say what became of that case of goods.

The court: Do you propose to connect it with the defendant hereafter?

Mr. Stapler: What I propose to show is that it was intercepted in the hands of Mr. Devoe by Mr. Seaman.

The court: You have to connect it in some way with the defendant.

Mr. Stapler: I am unable to do that. That box cannot go to the jury with a mark on it?

The court: NO.

Mr. Stapler: I now move to amend the indictment by inserting the 13th instead of the 14th of November.

Counsel: I object to that.

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Mr. Stapler: To conform to the proof under the authorities I submit to your Honor that I am entitled to the amendment.

The Court: There are two counts in the indictment, I presume you are going to the jury on which count?

Mr. Stapler: Receiving stolen goods if your Honor requires me to elect.

The Court: The evidence in relation to other acts does not apply to the larceny; you can go to the jury in relation to stolen goods. What is the amendment you desire?

Mr. Stapler: My amendment is to insert the 13th in place of the 14th in the allegation which says that on the day and the year aforesaid having been alleged as the 14th of November 1890, I desire to amend by striking out the word "14th" and inserting "13" in its place.

Counsel: The court has not the power to do that.

The Court: In the case of the People against Jackson, 111th New York, I call your attention of Judge Danforth. The motion to amend will be allowed and an exception given to the Defendant's counsel to the ruling of the court.

Mr. Stapler: That is my case.

The Case for the Defence.

Counsel: I ask your Honor to instruct the jury to acquit upon the ground that the evidence as produced before the jury varies with the indictment. The indictment charges the defendant with receiving eighteen pairs of shoes on or about the 14th of November 1890, from the firm of Daniel P. Morse while the evidence, and the only evidence which is before the Jury and your Honor now is that in case there was any

shoes stolen or received by this defendant there was fourteen pair of shoes and that was the property of Morse & Rogers.

The Court: I will deny the motion.

Counsel: As far as the number of shoes are concerned also?

The Court: Yes sir.

Counsel: I have a further motion, there is no evidence here, your Honor, to show that the defendant had any knowledge that the goods in question were stolen.

The Court: It is a question for the jury; if they come to the conclusion that there was not, they must acquit.

Counsel: Note an exception.

Counsel opened the case to the jury.

EDWARD TIMPSON, sworn and examined.

By Counsel, Q. What is your business? A. Real estate agent.

Q. How long have you known him, McCarthy, the defendant?

A. Pretty nearly three years.

Q. Where do you live? A. I live in the city of Elizabeth, that is my home, my office is at 800 Eighth Avenue, New York.

Q. How long have you been there? A. In my office, O, a number of years.

Q. You say you know McCarthy about three years?

A. Yes sir.

Q. During that time have you come in contact with him, seen him often? A. Every once in a while.

Q. What is his reputation as to his character and honesty?

A. I have never heard anything against his reputation.

Q. What is it do you know? A. I suppose it is good.

Q. And do you know that this is the first time he has ever been charged with any crime? A. I suppose it is, I know nothing at all about that.

Q. You are his landlord, are you not? A. Yes sir.

CROSS EXAMINED.

By Mr. Stapler. Q. Your connection with him has been merely as a tenant, has it not? A. That is all.

Q. In paying his rent, you rented him this place?  
A. No, I did not rent him that place, I rented the whole of the building to Mr. Calrk and he sublets the basement, Mr. McCarthy has a floor in the same house.

HERMAN UPENHEIM, sworn and examined.

By Counsel. Q. What is your business? A. I am a leather merchant.

Q. Where? A. No. 426 West 52nd Street.

Q. How long have you been there? A. A little over four years.

Q. Are you personally acquainted with Mr. McCarthy, the defendant? A. Yes sir.

Q. And for how long have you known him? A. About four years.

Q. During that time have you done any business with him?  
A. Yes sir.

Q. In what way, selling him? A. Sold him goods.

Q. What kind of goods? A. All kinds of sole leather and shoe uppers, whatever is included in our line.

Q. Do you know as to his general character for honesty and truthfulness? A. I always counted it excellent, very good.

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Q. You had considerable business transactions with him?

A. Every day.

Q. Did you ever go to his place of business corner of 49th Street and Eighth Avenue? A. Yes sir.

Q. Do you know how those rooms are located? A. Yes sir.

Q. How are they located? A. One room where the workmen work and there is a back room where they eat and sleep, the workmen.

Q. Do you know what kind of beds, what are they, beds or cots? A. Cots.

Q. And do you know how much space from the bottom of the cot, from the floor to the bottom of the cot about?

A. Maybe about fifteen to eighteen inches.

Q. Look at those two cases, do you think you could put one on top of the other? A. No sir, you could not do it.

Q. Do you know of your own knowledge McCarthy has another place of business? A. Yes sir.

Q. Do you know where McCarthy generally goes to attend to his business? A. He changes off.

CROSS EXAMINED by Mr. Stapler.

Q. You have known him simply I understand in selling him goods? A. Yes sir, I spoke to him most every day he comes to my place.

Q. In connection with selling him goods I understand?

A. Yes sir.

Q. In regard to this back room of course those beds could be changed, a bed could be made up on two boxes I suppose?

A. If they were twice the size I do not think so.

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WILLIAM J. ALLEN, sworn and examined.

- By Counsel. Q. What is your business? A. Grocery business.
- Q. Where do you keep? A. 774 Eighth Avenue.
- Q. What street is that between? A. Between 47th and 48th Streets.
- Q. Do you know Mr. McCarthy? A. Yes sir.
- Q. How long have you known him? A. Over three years.
- Q. During that time did you have any business transactions with him? A. Yes sir.
- Q. Have you always found him to be an honest, upright man? A. Yes sir.
- Q. How is his general character, good or bad? A. His general character is good.
- Q. Do you know where his place of business is? A. Yes, corner of 49th Street and Eighth Avenue.
- Q. Have you ever been there? A. Several times.
- Q. Did you ever examine the back room? A. Yes sir, I have been in there.
- Q. What is in the back room do you know? A. There is a cooking stove there, a table and a few cots, maybe two or three or more.
- Q. And who occupies them? A. The men that generally works for him I should think.
- Q. Did you see those two cases of shoes this morning here? A. Yes sir.
- Q. In your opinion do you think you could put one on top of the other under a bed in the back room? A. I do not think you could put one under.

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HENRY MILLER, sworn and examined.

By Counsel. Q. Mr. Miller, what is your business? A. Butcher.

Q. Whereabouts? A. No. 774 Eighth Avenue.

Q. Where is that, near what street? A. Between 47th and 48th Streets.

Q. Do you know Mr. McCarthy? A. Yes sir.

Q. How long have you known him? A. Three years.

Q. During that time have you had any business transactions with him? A. Yes sir, every day..

Q. Do you know his general character around the locality there? A. Yes sir.

Q. What is it? A. Very good.

Q. Were you ever down in his place? A. No sir.

By Mr. Stapler. Q. You sell McCarthy meat, do you? A. Yes sir.

PATRICK E. MATTHEWS, sworn and examined.

By Counsel Q. Where do you live? A. 10th Avenue and 42nd Street.

Q. Are you acquainted with Mr. McCarthy? A. Yes sir.

Q. How long have you been acquainted with him?

A. About four years.

Q. During that time did you have any business transactions with him? A. Not directly, only he made a few pair of shoes for me.

Q. Do you know anything as to his general character around there, as to honesty, straight forwardness, etc.?

A. Yes sir.

Q. What is it? A. First class.

Q. You never heard anything against him? A. No sir.

Q. Do you know if he has ever been accused of any crime?  
A. Not to my knowledge.

FRANCIS A. CLARK, sworn and examined.

By Counsel. Q. Where do you live, Mr. Clark? A. 165 East  
95th Street.

Q. Are you the landlord of Mr. McCarthy, the store occupied  
by him corner of 8th Avenue and 49th Street?

A. Yes sir.

Q. Are you also the landlord of the property formerly occupied  
by him in November at the corner of 22nd Street and 3rd  
Avenue?

A. Yes sir.

Q. How long have you known Mr. McCarthy? A. Between  
three and four years.

Q. How long did he occupy that store corner of 22nd Street and  
Third Avenue? A. Less than a year, ten months.

Q. When did he give it up? A. He gave it up on or about  
New Years.

Q. Prior to November or any month inside of the year did you  
see Mr McCarthy? A. Yes sir, I used to see him.

Q. How often? A. Two or three times a week.

Q. Where did you always see him? A. The time he kept at  
22nd Street and Third Avenue he was more there than he was  
on 8th Avenue because it was a new place and he was trying  
to push his business there, the other was an established  
place.

Q. He was most of the time there, was he not? A. Yes sir.

Q. You have had considerable business transactions with

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Mr McCarthy have you not? A. Not any more than he was a tenant of mine and I always found him to be a good tenant and prompt pay, a very honorable man as far as I knew.

Q. As to his character, you never heard anything?

A I never heard a word against him only what I heard good about him.

By Mr Stapler. Q. Your relations were with him as landlord and tenant in paying the rent? A. Yes sir.

JEREMIAH McCARTY, sworn and examined.

By Counsel. Q. Are you in the employ of Stephen McCarthy?

A. Yes sir

Q. What do you do? A. I work for Mr. McCarthy shoe-making.

Q. How long have you worked for McCarthy? A. Two years off and on.

Q. In November, 1890, last November where were you working?

A. I worked for Mr. McCarthy 8th Avenue corner of 49th Street.

Q. Do you remember while you have been in the employ of Mr. McCarthy has there been any shoes come down there now and then in cases? A. Yes sir.

Q. How often? A. Very often.

Q. From where? A. I could not say from where, but I have known a good many cases come in there from time to time.

Q. Do you remember two cases of shoes coming to McCarthy's store in November, the 13th, 14th or 15th, around that neighborhood? A. Yes sir.

- Q. Who received them? A. A man by the name of George Rush.
- Q. Where is he? A. I could not say exactly now where he is.
- Q. Was McCarthy there at the time? A. No sir, nor Mrs. McCarthy.
- Q. Were you there when they came there? A. I was.
- Q. And who brought them down? A. Two boys brought them down.
- Q. What did he say? A. He wanted the express money for them.
- Q. And who paid him the money? A. It was I.
- Q. How much did you pay him? A. Fifteen cents.
- Q. Was McCarthy there? A. No sir.
- Q. Who signed the name on the paper? A. George Rush.
- Q. McCarthy has another store on Third Avenue and 22nd Street  
A. Yes sir, under Mr. Clark.
- Q. Where was he most of the time? A. He was between the two stores, off and on .
- Q. Where was he on this day the goods came in there?  
A. I could not swear.
- Q. He was not there? A. No sir.

## CROSS EXAMINED.

- By Mr. Stapler. Q. How many times did you pay fifteen cents for cases?  
A. Maybe twice or three times, that is all.
- Q. Where was the case brought down stairs, into the store?  
A. Brought into the little store and then brought back into the room.
- Q. Where is Rush now? A. I could not exactly say that indeed.

- Q. There are cots in the back of that room? A. There was two beds and acot that I lay on and the two cases were between my bed and the wall, they were not under the bed under any consideration.
- Q. How many men were working for the defendant at that time?  
A. He keeps generally from seven to ten men, he has seven men on now.
- Q. Do you remember how many men there were in November?  
A. I think there was ten men.
- Q. He manufactures shoes? A. Yes sir.
- By Counsel. Q. Do you use gas there or oil, where do you get your light from? A. From gas.
- Q. Is any kind of a lamp there? A. No sir, there is gas now.
- Q. Is there gas in the store and is there gas in the adjoining room? A. Yes sir.
- Q. What isnin the adjoining room? A. There is two beds and the cot I lie on.
- Q. Who sleeps there? A. There is four men and I sleep in the room.
- Q. When this case of shoes came there who received it, you say you did? A. No, George Rush received them and I paid the money for them.
- Q. What did George do with the shoes? A. He put them back into the room.
- Q. In the adjoin ng room? A. Yes sir.
- Q. Mr. and Mrs. McCarthydon't live there? A. No sir, they do not.
- Q. Do they go in there? A. Yes sir.

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Q. They do not eat there? A. No sir.

By the court. Q. This basement consists of a work shop, is that it?

A. There is a partition that separates the work shop from the dining room, there is a door at one side, we go in and out through it.

Q. Who sleeps there at night? A. Four men and myself.

Q. Do you eat there? A. Yes sir.

Q. Who prepares the food? A. Mrs. McCarthy.

Q. You remember these two cases coming there, do you?

A. I do, sir.

Q. Do you know who brought them? A. I cannot say, I know it was a boy or two boys.

Q. Did they say anything? A. No sir, they only wanted express money.

Q. Where did you get this fifteen cents? A. That was part of my wages.

Q. Part of your own money? A. Yes sir.

Q. You took it out of your own pocket? A. Yes sir, I paid the boy.

Q. What was done with the goods? A. They were put back in the room, I could not say what was in the boxes, they were not open to my gaze.

Q. When did McCarthy come in? A. About an hour after that, I told him the boxes came and I paid the freight money for them.

Q. What did you say? A. I told him that the cases came in and that I paid the freight on two boxes.

Q. Did you show them to him? A. Yes sir.

Q. What did he say? A. He said it was all right.

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- Q. What about your fifteen cents? A. He gave it back to me.
- Q. You said boxes came there frequently? A. Yes sir.
- Q. About how often would they come? A. I could not say exactly.
- Q. How often in a week or month? A. They may come two cases a month.
- Q. Was McCarthy there when they came? A. He was there at the time some of them came.
- Q. Where were those boxes left? A. Sometimes they were left in the store and sometimes they were put in the little room.
- Q. Did you ever see one of these boxes open? A. No sir, I did not.
- Q. How many boxes did you see come there altogether?  
A. I never saw any of them open.
- Q. Did you ever see any of them carried out of that place?  
A. I did not, I sat at the side door of 49th Street, my back is turned.
- Q. But you saw them coming in? A. Those boxes I saw come in.
- Q. Did you ever see any of the boxes that you saw come in opened? A. No sir.
- Q. Did you see any of them go out? A. No sir.
- Q. You only know that they came, A. That they came.
- Q. They disappeared you never knew how? A. I did not, I did not inquire into it because it was not my business.

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DANIEL FARRON, sworn and examined.

- By Counsel. Q. Do you work for McCarthy, Farron? A. Yes sir.
- Q. How long have you worked there? A. Over a year.
- Q. Where? A. Corner of 49th Street and 8th Avenue.
- Q. Do you remember in the month of November a case of goods coming in there delivered by a boy? A. Yes sir.
- Q. Were you working there that day? A. Yes sir.
- Q. Was McCarthy there? A. No sir.
- Q. Who was there? A. The workmen.
- Q. And who paid the fifteen cents? A. Jerry McCarty.
- Q. What became of the cases? A. They were put inside.
- Q. And how long after they were received did McCarthy come in? A. I could not say.
- Q. McCarthy had another store at that time, did he not, corner of 22nd Street and Third Avenue? A. Yes sir.
- Q. He devoted most of his time over there? A. Generally, yes sir.
- Q. Did you sleep in the back room? A. No sir.
- Q. What did you use, gas or a lamp? A. Gas.

CROSS EXAMINED by Mr. Stapler.

- Q. What time did this box come in that you refer to? A. I am not quite certain.
- Q. You can't tell when it came in, you do not remember what time of day? A. No, I do not.
- Q. Do you remember more than one case coming there? A. I did not notice any more.
- Q. You only noticed one case coming there and you can't tell us what day it was? A. No sir.

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Q. All you mean to say is that once while you were there a case of goods came in and somebody paid fifteen cents for it, that is all that you can testify to? A. Yes sir, that is all.

Q. Were you there at the time that the officers came there? A. Yes sir.

Q. These cases were in the back room were they not, at that time? A. Yes sir.

Q. Was there not a lamp in that back room that day? A. Gaslight.

By the Foreman Q. Who put this case in the back room?

A. One of the men.

Q. The expressman or one of the workmen? A. One of the workmen, I guess George Rush.

Q. Did anybody tell him to put that in the back room? A. Not to my knowledge.

Q. Why did he put that back there? A. Out of the way I suppose.

By Counsel. Q. How many men were working there that day in the shop?

A. I am not quite sure, probably six or seven.

Q. Is this a large shop? A. Pretty large.

Q. Why did he put them back there?

Objected to.

Q. Do you know where George Rush is? A. No sir.

Q. Do you remember when you saw George Rush last?

A. I do not.

Q. Do you remember seeing him after this day that the goods arrived there? A. No sir.

Q. When did George Rush leave the employment of the defendant?

A. Sometime around that time.

Q. Do you remember the day the policeman was there?

A. Yes sir.

Q. Was Georgr Rush there that day? A. I do not remember.

ELLEN McCARTHY, sworn and examined.

By Counsel. Q. Mrs. McCarthy, you are the wife of the prisoner?

A. Yes sir.

Q. In November, 1890 how many stores did Mr. McCarthy have?

A. Two, one on the corner of 49th Street and 8th Ave., and one on the corner of 22nd Street and 3rd Avenue.

Q. Where did Mr. McCarthy spend most of his time for the past year?

A. 22nd Street and Third Avenue.

Q. Why did he devote most of his time over there?

Objected to.

A. Because he had opened only a short time.

Q. Do you know anything about these shoes coming in that place in the month of November?

A. No sir, I know nothing about them coming; we used to get goods from auction.

Mr. Stapler: I ask that that be stricken out.

By Counsel. Q. On the 13th or 14th of November, 1890, was Mr.

McCarthy at the store corner of 49th Street and 8th Avenue or was he on the corner of 22nd Street and Third Avenue?

A. No sir, he and I went down in 22nd Street and Third Avenue that evening.

Q. How many days did you generally get there during the week?

A. Mr. McCarthy was there every day and I went there

two or three times a week.

- Q. What time did he generally get over there? A. He got over there toward twelve o'clock and got home again about half past eight or nine.
- Q. Mrs. McCarthy, do you use any lamps at this store 49th Street and 8th Avenue? A. No sir, gas.
- Q. All gas? A. Yes sir.
- Q. What was in the adjoining room to the store? A. Two beds and a cot.
- Q. Occupied by whom? A. Five workmen.
- Q. Do the workmen use any lamps there? A. No sir.
- Q. Were you in the store on this day when Officer Healy came there to arrest your husband? A. No, I came in just as they were going to leave.
- Q. When they were going to leave? A. Yes sir.
- Q. Was there any lamp there on that day? A. No sir, gas.
- Q. You saw the two cases which have been up here?  
A. Yes sir.
- Q. Did you ever see them before? A. I saw them in the back room at the end of the bed, one end of the bed, it would be impossible for them to be put under the cot.
- Q. Did you speak to Mr. McCarthy about those cases?  
A. No sir.
- Q. You were not there when they came nor was Mr. McCarthy?  
A. No sir.

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STEPHEN McCARTHY, sworn and examined.

By Counsel. Q. Mr. McCarthy, you are the defendant,

A. Yes sir.

Q. What is your business? A. Manufacturing, shoe-making,  
custom shoe making.

Q. Where? A. On the corner of 49th Street and 8th Ave,  
at present.

Q. How long have you been there? A. Over three years.

Q. In November 1890, did you have any other place of business  
beside that? A. I did.

Q. Where? A. On the corner of 22nd Street and Third Ave.  
on the east side of the street.

Q. McCarthy, did you ever see the boy Perkins who was upon the  
stand who swore that you gave him fifteen cents?

A. I did.

Q. Where? A. I seen him on the stand.

Q. Where else did you see him? A. At the Tombs.

Q. Did you ever see him at your place corner of 49th Street  
and 8th Avenue. A. I never seen the boy till then in  
my life.

Q. Did you ever pay him fifteen cents? A. I never paid  
him one cent in my life.

Q. Did you receive these shoes? A. I never received the  
shoes and do not know one thing about them no more than the  
mannin the moon.

Q. On the 13th or 14th of November where were you in the af-  
ternoon? A. Down on the corner of 22nd Street and  
Third Avenue.

Q. What time did you generally get there? A. I got there

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some days at half past ten, after breakfast, and seen to the men in Eighth Avenue, I would get home at half past eight or nine generally, sometimes a little later.

Q. You devoted most of your time to the 3rd Avenue store?

A. On Third Avenue, it was a new place to me and I had to stay there.

Q. Did you ever see those goods? A. I never seen them goods in my life.

Q. Until when? A. Never seen them not yet.

Q. Did you ever open the cases? A. I never opened the cases in my life.

Q. Will you be kind enough to tell us what took place when Officer Healy came down there or when Mr. Coogan came down there? A. Mr. Coogan came down, he first went down

stairs and I was just going up to my place of business, it was probably five o'clock in the afternoon; the gas was all lit down stairs and the men were all to work; he went down and I right down after him. Says I, "what do you wish?" He says, "I want a pair of shoes." Said I, "what size do you wear?" He told me he wore a pair of six's and I showed him a pair of six's with black bottoms, my own make. He says, "this is not the kind of shoe I want, I want a different shoe to this." Well, said I, "the shoes that is here for sale is all my own make and I can't show you any different to that."

Q. What occurred then? A. Finally in comes the officer and afterwards the other gentlemen followed.

Q. What conversation took place between you and the officer?

A. The officer asked me, "are you the proprietor?" Says I, "yes." "You are Mr. McCarthy?" Said I, "yes";

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and he handed me a warrant. Says I, "what is this for?" Now he says, "you have got some cases of shoes here, where are they?" Well, said I, "just take a seat a moment till I fit this gentleman with this pair of shoes he wants." Says Coogan, "I want no shoes, it is with these men I am." Well, said I, "there is a couple of cases back", thinking they came to me from Richard's, I did not look them over, I took him back and showed him the shoes; there was another room belonging to Mr. Calrk with a lock and key on it where he keeps his beer. I said, "gentlemen, go upstairs and see if the key is there"; they went upstairs and it was closed; fianlly they broke the lock open, I says, "go in and see for yourselves, go right through the place and if there is more there you are entitled to take them with you. The gentleman who was on the stand can tell that just the same.

- Q. Where were those shoes found? A. Right by the side of the cot bed in the back room.
- Q. Two cases? A. Two cases.
- Q. Were they open? A. Never opened in my presence unless when the gentlemen opened them themselves.
- Q. You never saw them before? A. I never seen them before.
- Q. Yesterday the officer said while he was in the store somebody turned the lamp down in the rear, did you ever use any lamp there? A. I have no lamp at all, I dare not, having the place inusred have lamp in there.
- Q. What did you use? A. All gas.
- Q. How old are you? A. I am forty-two going on forty-three.
- Q. Can you write? A. No sir.

Q. Did you ever sign that receipt  
A. Never in my life.

Q. Have you ever been arrested?  
A. No, never in my life.

Q. Were you ever accused of crime?  
A. Never accused of any crime in my life.

Q. Do you remember a conversation which took place between yourself and Officer Healy when you went down town on the 8th Avenue car to the Leonard Street station House.  
A. I do, yes.

Q. Did you tell the officer and Mr. Devoe you were in a tight fix and you knew it?  
A. No sir, I never said anything of the kind in my life.

Q. What conversation took place between you and the officer?  
A. He said, "this fellow who has taken the shoes gave everything away. Said I, "who is that, I would like to know the ones says this." Officer Healy and me had no more conversation.

Q. You did not say that to him?  
A. I never said anything of the kind.

## CROSS EXAMINED.

By Mr. Stapler. Q. Your place at 22nd Street and Third Avenue is in a basement similar to the one you have here?

A. Yes sir.

Q. You manufacture shoes, that is to say you made these shoes?

A. Made my own shoes for customers and for manufacturers.

Q. You were at your place sometimes in 49th Street and 8th Avenue, were you not?  
A. Yes sir, certainly, I was there in the forenoon as a general thing.

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- Q. And sometimes in the afternoon? A. Not very early because the workingmen coming home I would wait on them corner of 22nd Street.
- Q. You were frequently at your place in 49th Street?
- A. My frequent place was corner of 22nd Street and Third Avenue.
- Q. But you were at the other place, were you not?
- A. Sometimes when I would leave in the morning I would have supper and would not come down.
- Q. Sometimes you were there at five and six o'clock?
- A. Sometimes.
- Q. You were there in the afternoon when you were arrested between five and six o'clock? A. I was there that afternoon.
- Q. How large is your store 49th Street and 8th Avenue, does it cover the entire space of the building? A. It covers the whole entire space of the building underneath.
- Q. That is twenty-five feet I suppose is it not?
- A. I believe it is twenty-five feet.
- Q. How deep is your place there? A. I cannot exactly say, over fifty feet I think.
- Q. The store is fifty feet? A. No, not the store, the back room.
- Q. The store is about how many feet deep? A. I do not know, probably twenty-five feet.
- Q. So that you have a place in front twenty-five by twenty-five, is that right? A. Yes sir, about so to the best of my opinion.
- Q. And the rest of the space is occupied by this place where

these goods were, is occupied by the room where these goods were found, I want to get at the size of the room back of the store? A. It is fully as large, not quite as large as the front.

Q. There were beds there as I understand it? A. There was two beds and a cot.

Q. How many workmen did you have there at that time?

A. I had seven men, I hardly have any less than from seven to ten working for me.

Q. They made shoes which you have sold, as I understood?

A. They made the shoes I have sold.

Q. You saw this gentleman there who testified on the stand, Mr. Coogan, did you not, the two Mr. Seamans, the officer and Mr. Devoe? A. Yes sir.

Q. They were in your store as they have testified, at that time? A. They were not all at once, they came in afterwards though.

Q. They made an examination of the place as they stated?

A. With my consent right away.

Q. Do you remember seeing a shoe found in one of your drawers from this box of goods? A. I did not have it in my hand, they told me so.

By the court. Q. Did you ever see those two boxes before that time?

A. Never, your Honor in my life.

Q. Who was the first person that showed you the two boxes of shoes? A. A man by the name of George Rush, I used to buy goods down town.

Q. When did you first see these boxes? A. One hour or an hour and a half previous to those people coming there.

- Q. You did not see them before that? A. Not previous, "who George Rush said there was a couple of boxes; he paid for them," says I. He said, "Jerry did"; that was the first I knew about it, I did not know about it no more than the man in the moon.
- Q. Did you pay him the fifteen cents? A. Yes sir.
- Q. Where did you think those boxes came from?  
A. That I could not tell till I would find out from the owner.
- Q. Did you examine the boxes? A. I did not simply because they were not mine and I knew I had no right to examine them.
- Q. When the policeman came with the warrant to look for goods what did you say to him? A. I told him, "there is a couple of boxes back, I took him back and I produced them right away, no hesitation about it.
- Q. Do you know how these boxes happened to get into the bedroom? A. George Rush carried them in from the expressman. There are so many men working there that anything that comes in is in the way and it has to be moved out, I put all the men I can get in there.
- Q. Did you ever put boxes in there before? A. Several times when shoes would come in they would put them out of the men's way.
- Q. Did you look at the marks on these boxes? A. I did not, I do not read and write.
- Q. You did not open them to see what was in them?  
A. No sir, I did not open them.

Counsel: That is our case.

## REBUTTING EVIDENCE.

OFFICER HEALY, recalled.

By Mr. Stapler. Q. Officer, can you throw any light on this question in regard to that lamp or light, did you mean you say there was a lamp or did you mean to say the light went down?

A. On the table there was a lamp in that room and there was a woman, who the woman was I do not know but it was not Mrs. McCarthy because Mrs. McCarthy came in afterwards.

Q. You say there was a lamp there. A. Yes sir.

By a Juror. Q. Was the gas from the bracket? A. The only gas I seen was in the shoe shop proper --- they hung down low so that the men could get close to the work.

Q. Was it an oil lamp? A. Yes sir, I should judge it was an oil lamp.

By Mr. Stapler. Q. Mr. McCarthy says that when you came in he told you these goods were back there, is that true?

A. No sir, he did not tell me until we had searched the store; then I told him he might as well give me that case that he had gotten last night, if it was there we would find it anyhow. He says, "yes, I did get one case last night."

By Counsel. Q. Did you look at the woman who was in the rear?

A. No sir, I did not pay much attention to her.

Q. Did the woman come out of the room into the store ---- how long were you there altogether? A. I should judge hal to three quarters of an hour.

Q. You say when you were in there there was a woman in the rear? A. Yes sir.

- Q. It was not Mrs. McCarthy                    A. No sir.
- Q. How do you know, could you distinguish through the opening there,                    A. I seen the woman and while I came out into the front room Mrs. McCarthy came down stairs with a lot of uppers in her hand.
- Q. She came down when you were about to go?                    A. Yes sir.
- Q. Where was the lamp?                    A. It was on a table, the table was in the back room on the other side of the stove; there was a stove and a couple of beds as near as I could judge.
- Q. What became of the woman?                    A. She went out into the rear yard, she may have come back, I did not pay any attention to it.
- Q. Did you see a door through which you could go from the rear room to the yard?                    A. Yes sir.
- Q. Was that open?                    A. It was open at one time because Mr. Seaman went out.
- Q. Is that where McCarthy told you Clark keeps his beer?                    A. No sir.
- Q. Was there any door where Clark keeps his beer?                    A. Yes sir, the door was locked, we could not get the key, he said, "that door belongs to Mr. Clark, I have got nothing to do with it and he keeps his beer in there."

The Jury disagreed, ten being for conviction and two for acquittal.

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Testimony in the  
case of  
Stephen M. Conroy  
filed  
Dec. 190



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CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas J. Casey*

the within named Bail and Surety being duly sworn, says, that he is a resident and *free*  
holder within the said County and State, and is worth *Twenty thousand* ~~thousand~~ Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities,  
and that his property consists of *House and lot number*

*574 West 48th Street in the City*  
*of New York*

*Thomas J. Casey*

*Sworn to before me, this 13th*  
*day of November 1896*  
*W. G. [Signature] Police Justice.*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the ..... day of ..... 18

Justice.

0764

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

*Michael Healey*

of No. *3rd Avenue* Street, being duly sworn, deposes and says,

that *Stephen M. Corty* (now present) is the person of the name of  
*Stephen M. Corty* mentioned in deponent's affidavit of the *1st*

day of *November* 188*8*, hereunto annexed.

Sworn to before me, this *15*  
day of *November* 188*8*.

*Michael Healey*

*Seaman*  
POLICE JUSTICE.

0765

S. BLANCHARD,  
PROPRIETOR.

**BLANCHARD'S CITY EXPRESS.**

OFFICE,  
8 Hudson Street,  
NEW YORK.

Delivered to us in good order, the following articles. New York, *July 13<sup>th</sup> 1890*

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
<i>July 4<sup>th</sup> 1890</i>	<i>858-1000</i>	<i>11-14</i>			<i>[Signature]</i>
Box	P. Myler	860 10 <sup>th</sup> av	Paid		<i>P. Myler</i>
Box	M. Bodine	130 W 79 <sup>th</sup>	"		<i>[Signature]</i>
Box	Mrs E. Gray	868 <sup>th</sup> MC	"		<i>[Signature]</i>
Table	Rev. Walker	123 W 97 <sup>th</sup>	"		<i>[Signature]</i>
Boxes	Barnett	1203 9 <sup>th</sup> av	Paid	25	<i>[Signature]</i>
Box	Price	110 2 <sup>nd</sup> av	SL		<i>[Signature]</i>
Box	Rosenstein	57 Durson St	SL		<i>[Signature]</i>
Boxes	Wiltzen	773 8 <sup>th</sup> av	MAL		<i>[Signature]</i>
Boxes	Lenner	153 W 84 <sup>th</sup> St	P. 18 <sup>th</sup> St		<i>[Signature]</i>
Boxes	McIntosh	361 3 <sup>rd</sup> av	Paid		<i>[Signature]</i>
Box	Leveman	254 3 <sup>rd</sup> av	"		<i>[Signature]</i>
Box	White	1211 9 <sup>th</sup> av	"		<i>[Signature]</i>
Sub Box	DeVilbiss	67 Catherine	"		<i>[Signature]</i>
Box	Shack	Division	"		<i>[Signature]</i>
Box	Sherr	334 W 39 <sup>th</sup>	McKenna		<i>[Signature]</i>
Boxes	Stone	151 W 97 <sup>th</sup>	127 P	252	<i>[Signature]</i>

0766

S. BLANCHARD,  
Proprietor.

# BLANCHARD'S CITY EXPRESS.

OFFICE,  
8 Hudson Street,  
NEW YORK.

Delivered to us in good order, the following articles. New York.

Nov 13 1890

Articles	Name	Address	Advance Charges	Total Charges	Signature of Receiver
6c	De Long	84 Street			De Long
5	Older County	804 8th		15	De Long
119	Ben Park Apts	58 St 7th	Early		John Shady
Box	Kaye	4 Bleeker		25	John Shady
Sub	Cox	4 Bleeker	Mahr		
3 Bxs	Crossin	30 W 4th	Bussing		De Long
Box	Gaffatt	104 W 4th	Card		John Shady
Box	Warwid	321 Ave	40	100	
4 Bxs	Duncan	12 W 60	Marris		De Long
4 Bxs	Braun	101 Park	ave		De Long
5 Bxs	Franklin	604 W	92		De Long
Box	Lacke	169 W	7th		De Long
crates	Wm Wren	104 28	ave	Paid	De Long
crate	Simon	845	8th		De Long
crates	Falini	114 W	68		De Long
2 Bxs	Ness	165 W	83	167	De Long
2 Bxs	Green	79 5th	10c	Baker	De Long
2 Bxs	Kathman	1636	10		De Long
Box	Garnison	408 W	57	Morris	De Long



0768

Police Court

District.

Affidavit—Larceny.

City and County } ss:  
of New York, }

*George M. Seaman*  
of No. *33* *Beaumont* Street, aged *47* years,  
occupation *Truckman* being duly sworn,  
deposes and says, that on the *14<sup>th</sup>* day of *November* 189*0* at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in  
the *day* time, the following property, viz:

*One case of shoes*  
*valued at thirty-*  
*dollars \$3.00*  
*2.00*

the property of *Misses Morse and*  
*Rogers and in the care*  
*and deponent*

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and

*carried away by*  
*James M. Catcheson and*  
*John M. Curthy* ~~both~~ ~~part~~  
~~XXXX~~ *who were acting in*  
*concern for the reasons follow-*  
*ing to wit: on the* *14<sup>th</sup>* *(deponent)*  
*date this deponent, who was*  
*in the employ of deponent as*  
*truckman, was given the said*  
*case to deliver to Misses Morse*  
*and Rogers at 34 & 36 Beaumont*  
*Street. The deponent M. Catcheson*  
*instead of delivering the said*  
*case as directed had the same*  
*sent to defendant M. Catcheson*  
*place at 86 1/2<sup>nd</sup> Avenue as de-*

Sworn to before me, this

189

Police Justice.

0769

Police Court

District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

of Ho. Boyd Leonard Street, aged 41 years,

occupation Truckman being duly sworn,

deposes and says, that on the 14<sup>th</sup> day of November 1890 at the City of New York,

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

the day time, the following property, viz:

One case of shoes  
valued at thirty-  
dollars \$3.00  
20/100

the property of Messrs Morse and  
Rogers and in the care  
and 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 John M. Catcheson and  
John M. Catcheson (~~John M. Catcheson~~) ~~John M. Catcheson~~  
~~John M. Catcheson~~ who were acting in  
conjunction for the purpose follow-  
ing to wit: on the 14<sup>th</sup> day of November  
date this deponent (~~the deponent~~)  
in the employ of deponent as  
teamster, was given the said  
case to deliver to Messrs Morse  
and Rogers at 34 & 36 Avenue  
Street. The deponent John M. Catcheson  
instead of delivering the said  
case as directed had the same  
sent to deponent John M. Catcheson  
place at 806-1<sup>st</sup> Avenue as de-

Sworn to before me, this

189

Police Justice

0770

Parent is informed by  
Harry B. Devere the S. J. pro-  
secutor to whom defendant gave the  
said case to deliver to said  
McCristy.

Sum to before me  
this 14<sup>th</sup> day of November  
1890 George W. Leaman

My Own

Philip Justice

cc - 2 - 2 - 2

0771

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 23 years, occupation Expressman of No. 60

3 Hudson Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of George W. Haman

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

Sworn to before me, this 14 day of February, 1887 Harry B. DeVan

Leahony  
Police Justice.

0772

Sec. 198-200.

CITY AND COUNTY OF NEW YORK

District Police Court

*Stephen M. Carthy*

being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right 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.

*Stephen M. Carthy*

Question. How old are you?

Answer.

*42 years*

Question. Where were you born?

Answer.

*Ireland.*

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

Answer.

*447 West 43rd St. 2 years*

Question. What is your business or profession?

Answer.

*Shoe maker*

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

Answer.

*I am not guilty  
Stephen M. Carthy*

Taken before me this

day of

*15*

Police Justice

0773

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John McCutcheon* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h's 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's waiver cannot be used  
against h on the trial.

Question. What is your name?

Answer.

*John McCutcheon*

Question. How old are you?

Answer.

*26 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*416 - 1217<sup>th</sup> St. Brooklyn*

Question. What is your business or profession?

Answer.

*Domestic*

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 over fully*

Taken before me this

day of

*Nov 1887*

1887

Police Justice.

0774

Sec 1707.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

In the name of the People of the State of New York, To any Policeman of said City:

Proof by affidavit having been this day made before me, Morris Ross Esquire,  
Police Justice of said City, by George M. Kumar of No. 130 Ruanan  
Street, in the said City, that the following property, to wit:

One case of shoes  
valued at thirty dollars

Has been feloniously taken, stolen, and carried away by John M. McCarthy  
Cutcheon and John M. McCarthy  
and that he has a probable cause to suspect, and does suspect that the said shoes  
or part thereof is now concealed in the dwelling house or premises of John M. McCarthy  
situate on a lot of ground fronting on No. 506 - 8th Avenue Street, in the  
22 Ward of said City.

THESE ARE THEREFORE, in the name of the People of the State of New York, to command  
and authorize you, with proper assistance, in the day time, to enter into the house or premises of the  
said John M. McCarthy situate as aforesaid, and they make immediate  
search for the said shoes and if the same, or any part thereof  
shall be found, then you are likewise commanded to bring the same so found, together with the said

John M. McCarthy  
or person in whose custody the same shall be so found, before me or some other Police Justice in  
and for the said City and County, to be dealt with as the law directs. This Warrant unless executed  
within five days after its date is void.

Given at the City of New York aforesaid, under my hand and seal,  
this 14 day of November one thousand  
eight hundred and eighty twelve

George M. Kumar Police Justice.

0775

Inventory of property taken by Michael Healy the Policeman by whom this warrant was executed: pro causes of Shero

Lined area for inventory details, mostly blank with a large scribble.

City and County of New York, ss:

Michael Healy the Officer by whom this warrant was executed, do swear that the above Inventory contains a true and detailed account of all the property taken by me in this warrant.

Sworn to before me, this 15 day of November 1890

Michael Healy  
W. J. Casey Police Justice.

Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
vs.  
SEARCH WARRANT.

Dated..... 188  
Justice.  
Officer.

0776

S. BLANCHARD,  
PROPRIETOR.

**BLANCHARD'S CITY EXPRESS.**

OFFICE  
8 Hudson Street,  
NEW YORK.

Delivered to us in good order, the following articles. New York Oct 21 1890

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
Box	Murphy	503 W 15	Paid	Paid	J. J. Murphy
Box	Pitzgerald, J. no 42	8 av Ham			J. W. Fitzgerald
Box	Gannon	41st 8 av			Gannon
Box	Gannon	49th 8 av			Gannon
Pa	S. Ford	620 8 av New			S. Ford
Box	J. Kelly	83 9 av Leeb			J. Kelly
Pa	W. Mead	251 W 81	Paid		W. Mead
Box	J. Eitz	305 8 av	Paid		J. Eitz
Pa	Kalenan	514 W 45	Paid		Kalenan
base	J. Naaman	679 9 av	Fees		J. Naaman
Pa	Marks	443 8 av Enterprise			Marks
Box	Stannich	298 Spring	Fees		J. M. Stannich
Box	Blanche	138 York			Blanche

S. BLANCHARD,  
PROPRIETOR.

**BLANCHARD'S CITY EXPRESS.**

OFFICE,  
3 Hudson Street,  
NEW YORK.

Delivered to us in good order, the following articles. New York, Oct 30 1890

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
X Br	Maryland	849 W 6th	Forward		Paid
Bx	J. O. McBarney	806 8th	Paid	150	Shuler
Washer	Stines	661 10th	Forward		Stokes
Boat	Daves	925 8th	Barren		W. F. Davis
2 Bx	Le Curtis	529 W 50th	b. M. C.		Quinn
Bx	White	531 W 33rd	M. A. C.		Thomas White
Box	Brattage	189 10	Pd	100	Brattage
Box	Fitzsimons	594 11	Pd	150	Fitzsimons
Box	Guirells	24 55	8w	10	Guirells
Box	Morganthal	134 W. 82nd	Paid	250	Morganthal
2 Bx	Bullman	332 W 56	Paid	100	Bullman
Box	F. Fiehl	476 - 9ave.			F. Fiehl
Machine	Funward	328 W 31st			Funward

0777

0778

S. BLANCHARD,  
PROPRIETOR.

# BLANCHARD'S CITY EXPRESS.

3 H  
NE  
189

Delivered to us in good order, the following articles. New York

Articles	Name	Address	Advance Charges	Post Charges	Signature of Receiver
Wine	Mr. Mahoney	337 W 26 St			W. Mahoney
Books	Chapman	160, 4th St			Chapman
Books	Mr. Brown	230 W 2nd St			Mr. Brown
Books	Butler	461 - 8 Ave			Butler
Books	Swan	408 W 52 St			Swan
Books	Wallace	140 St			Wallace
Books	McClanahan	130 - 10 Ave			McClanahan
Books	Barrenger	Hook 39 - 0 Ave			Barrenger
Books	McLaughlin	377 W 49 St			McLaughlin
Books	Carson	7 - 29 Ave			Carson
Books	McClanahan	50 W 39 St			McClanahan
Books	McCall	Hook 10 - 0 Ave			McCall
Books	Mahoney	475 - 80 Ave			Mahoney
Books	Superior	907 - 7 Ave			Superior
Books	Arvision	41 St			Arvision
Books	Daly	42 - 11 Ave			Daly
Books	Case	773 - 8 Ave			Case



0780

S. BLANCHARD,  
PROPRIETOR.

**BLANCHARD'S CITY EXPRESS.**

OFFICE,  
3 Hudson Street,  
NEW YORK.

Delivered to us in good order, the following articles. New York.

1890

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
1/2 Doz. 1/2 Doz. 1/2 Doz.	Wm. Cassidy	55 W 55 St			Wm Cassidy
Case	Leyman	64 1/2 St			Leyman
Tricket	Anderson	19 St			Anderson
2 Pkg. 2 Pkg.	Hester	10 St			Hester
3 Pkg.	Wm. W. Hester	10 St			Wm. W. Hester
<b>Oct 11th 1890</b>					
1 Pkg.	Langwasser	214 W Houston	Pay to Langwasser		Langwasser
1 Pkg.	Meredith	23 Octune			Meredith
1 Chest.	Memm	500 W 58 St			Memm
1 Pkg.	Gladue	526 W 34 St			Gladue
1 Pkg.	My Bros Co	42 St / 10 Madison			My Bros Co
1 Case	Ornberg	45 King			Ornberg
1 Pkg.	Stewart	50 W 52 St			Stewart
1 Pkg.	Garner	437 W 47 St			Garner
1 Case	Querbach	63 St 29			Querbach
1 Pkg.	McCarthy	806 St 8			McCarthy
1 Pkg.		59 St			

0781

S. BLANCHARD,  
PROPRIETOR.

**BLANCHARD'S CITY EXPRESS,**

OFFICE,  
3 Hudson Street,  
NEW YORK.

Delivered to us in good order, the following articles. New York,

July 16 1899

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
4 <sup>th</sup> Box	Burnat	120 W 95		\$ 50	M. A. Danaher
2 <sup>nd</sup> Box	Dodge	124 W 96		1 25	[Signature]
2 <sup>nd</sup> Box	Scribner	733 Bway 2 Doors			[Signature]
2 <sup>nd</sup> Box	Wentworth	255 Greer		\$ 25	Wentworth
2 <sup>nd</sup> Box	For	4 Bleeker			[Signature]
3 <sup>rd</sup> Box	Gushman	1536 9 <sup>th</sup> Ave			[Signature]
3 <sup>rd</sup> Box	Gushman	1394 10 <sup>th</sup> Ave			[Signature]
Box Jul	Schilling	1528 9 <sup>th</sup> Ave			[Signature]
Jul	Caplan	1682 9 <sup>th</sup> Ave			[Signature]
Jul	Tompkins	1650 9 <sup>th</sup> Ave			[Signature]
Jul	A. DeWitt	111 W 73			[Signature]
2 <sup>nd</sup> Box	Alexander	83 St Paul		\$ 25	Alexander
2 <sup>nd</sup> Box	Dean	864 Bway			[Signature]
2 <sup>nd</sup> Box	Best Co	60 W 23			[Signature]
2 <sup>nd</sup> Box	Wideman	247 8 <sup>th</sup> Ave			[Signature]
2 <sup>nd</sup> Box	Stanger	76 7 <sup>th</sup> Ave			[Signature]
2 <sup>nd</sup> Box	Reid	27 Henry			[Signature]
2 <sup>nd</sup> Box	Berlin	87 W 5 <sup>th</sup> Ave			[Signature]

0782

# BLANCHARD'S CITY EXPRESS.

S. BLANCHARD,  
PROPRIETOR.

OFFICE,  
8 Hudson Street,  
NEW YORK.

Delivered to us in good order, the following articles. New York.

Oct 17<sup>th</sup> 1890

1890

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
Box	Higgins Family	Olson 522 W 49		1.45	Higgins
Box	Thompson	From Seattle		1.45	Higgins
X Case	McCarthy	806 8 <sup>th</sup> Ave		1.45	Higgins
Box	Alsen	418 1 <sup>st</sup> St Hyms		1.45	Higgins
Box	Shelley	938 10 <sup>th</sup> Ave		1.45	Higgins
Box	Harrington	73 W 98		1.45	Higgins
1/50000 Keys	Harris	318 W 42		1.45	Higgins
Box	Sprague	2 1/2 Ave		1.45	Higgins
Box	Sprunt	294 100 <sup>th</sup> Ave		1.45	Higgins
Box	Silint	579 9 <sup>th</sup> Ave		1.45	Higgins
Box	Michaels	228 <sup>th</sup> 9 <sup>th</sup> Ave		1.45	Higgins
Box	Holecher	856 10 <sup>th</sup> Ave		1.45	Higgins
Key	Robinson	118 <sup>th</sup> 5 <sup>th</sup> Ave		1.45	Higgins
Box	Watteller	129 W 73		1.45	Higgins
2 Boxes	W Block	557 8 <sup>th</sup> Ave		1.45	Higgins
Box	Ray	558 <sup>th</sup> 7 <sup>th</sup> Ave		1.45	Higgins
Box	Leise	13 E 19 <sup>th</sup> St		1.45	Higgins
2 Boxes	Saguine	260 W 54 <sup>th</sup> St		1.45	Higgins

0783

Double Expense Bill. 94-89-200m.

Old Colony Steamboat Co.

AND

FALL RIVER LINE,

Pier 28, North River, New York.

Received, in good order and well conditioned, from **OLD COLONY STEAMBOAT CO.**

the following packages from BOSTON, consigned to *Morse Rogers*

2 Cases	Bbls.	Crates	Carriages
Bales	Bags	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	
14 Ft.	200 Lbs.		Marks 1617-18

No. of Team, 1180 New York, NOV 12 1896

Delivered by

No.

Double Expense Bill. 94-89-200m.

Old Colony Steamboat Co.

AND

FALL RIVER LINE,

Pier 28, North River, New York.

Received, in good order and well conditioned, from **OLD COLONY STEAMBOAT CO.**

the following packages from BOSTON, consigned to *Morse Rogers*

4 Cases	Bbls.	Crates	Carriages
Bales	Bags	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	
20 Ft.	400 Lbs.		Marks 83/80

No. of Team, 1180 New York, NOV 12 1896

Delivered by

No.

Double Expense Bill. 94-89-200m.

Old Colony Steamboat Co.

AND

FALL RIVER LINE,

Pier 28, North River, New York.

Received, in good order and well conditioned, from **OLD COLONY STEAMBOAT CO.**

the following packages from BOSTON, consigned to *Morse Rogers*

3 Cases	Bbls.	Crates	Carriages
Bales	Bags	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	
15 Ft.	300 Lbs.		Marks 7457

No. of Team, 1180 New York, NOV 12 1896

Delivered by

No.

Double Expense Bill. 94-89-200m.

Old Colony Steamboat Co.

AND

FALL RIVER LINE,

Pier 28, North River, New York.

Received, in good order and well conditioned, from **OLD COLONY STEAMBOAT CO.**

the following packages from BOSTON, consigned to *Morse Rogers*

9 Cases	Bbls.	Crates	Carriages
Bales	Bags	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	
54 Ft.	1080 Lbs.		Marks

No. of Team, 1180 New York, NOV 12 1896

Delivered by

No.

0784

Carman's Check - 11, 24, 86, 90, 100.

Old Colony Steamboat Co.

AND

FALL RIVER LINE.

Pier 28, North River, New York.

Received, *New York,* NOV 12 1890, in good order and

well conditioned, from OLD COLONY STEAMBOAT CO., the following packages:

7 Cases	Bbls	Crates	Carriages
Bales	Bags.	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	
	Ft.		Lbs.

No. of Team, \_\_\_\_\_

Delivered by \_\_\_\_\_

No. 95

Marked *Morse & R*

5810

my dear Mr. W  
Stephen No. 2  
Barth  
from Dec. 1890

After making all the time for my  
business I have come to the conclusion  
for which I hope your favor will  
be shown the liberty I have taken  
in addressing you and stating  
my case to you. I am, however  
take with me in the time  
I have just said and also my  
great pains and that you will  
look with my care (as you do  
my heart is not of the best  
safety. I remain yours  
John M. W. W.

0786

after waiting all this time for my  
sentence I have come to the conclusion  
for which I hope your Honor will  
pardon the liberty I have taken  
in addressing you and stating  
my case to you. Your Honor will  
take into consideration the time  
I have spent here and also my  
first offence and that you will  
look into my case soon as  
my health is not of the best  
lately.

I remain Yours Respectfully  
John M. Catches

impeached with  
Stephen Mc Carthy  
filed Dec. 1890

0787

June 25<sup>th</sup> 1911  
Judge Martine,  
Your Honor,

pleaded guilty to petty larceny  
seven<sup>ago</sup> months which was accepted  
and I was remanded to await the  
trial of the receiver. His trial  
resulted in a disagreement a  
month ago.

I was taken to the  
Dist Atty's office and done all  
Dist Atty Staples required of me  
to help in the conviction of the  
receiver. After doing all in my  
power to help the Dist Atty and

0788

Police Court 11 District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

George M. Seaman  
of No. 130 Duane Street, aged 44 years,  
occupation Carpenter being duly sworn,

deposes and says, that on the 14 day of November 1890 at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in  
the day time, the following property, viz:

The case of shoes  
valued at thirty-six  
Dollars  
\$36.00

the property of Messrs Morse & Rogers  
and in the care and custody  
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 John M. Cutchem  
(now here) for the reasons following  
to wit: on the said date the  
defendant, who was employed by  
deponent as truckman, was given  
the said case to deliver the  
same to Messrs Morse & Rogers  
at 34 & 36 Duane Street. The defendant  
instead of delivering the said case  
as directed went to the Express office  
of Henry B. Devoreau and instructed  
him Devoreau to send the said case  
to 806-8th Avenue. Deponent has since  
seen the said case and identifies  
it as being the stolen property.

G. M. Seaman

Sworn to before me this  
14 day  
of November  
1890  
at New York  
City  
Police Justice

0789

CITY AND COUNTY OF NEW YORK } ss.

aged 23 years occupation Expressman of No. 3 Hudson Street, being duly sworn deposes and

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

Sworn to before me, this 14 day of Nov 1880 } Henry B. Delean

[Signature]  
Police Justice.

0790

Sec. 198-200.

CITY AND COUNTY OF NEW YORK ss.

District Police Court.

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

Question. What is your name?

Answer.

*John M. Cutcher*

Question. How old are you?

Answer.

*25 years.*

Question. Where were you born?

Answer.

*New York.*

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

Answer.

*416 W 17<sup>th</sup> St. 2 Months*

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 ever faithfully  
I have nothing to say*

*John M. Cutcher.*

Taken before me this

day of

*November 1894*

Police Justice

0791

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.....

*Alfred J. ...*  
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 14* 18*90* *de J. ...* Police Justice.

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

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

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

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

0792

Police Court---

1726  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Russell M. Seaman*  
130 - Duane  
*John P. Catches*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

2. ....  
3. ....  
4. ....  
Dated *Nov 14 90* 1890

*Perrin* Magistrate.

*Healy* Officer.

*5* Precinct.

Witness *Henry B. Newman*

No. *3* *Hausman* Street.

No. .... Street.

No. .... Street.

\$ *100* to answer *W.D.*



*Con*

0793

Carman's Check 11-34-83-970m

Old Colony Steamboat Co.  
AND  
FALL RIVER LINE.  
Pier 28, North River, New York.

Received, NOV 18 1891

New York, 18, in good order and

well conditioned, from OLD COLONY STEAMBOAT CO., the following packages:

<i>F. shoes</i>	Cases	Bbbs.	Crates	Carriages
	Bales	Bags.	Rolls	Tubs
	Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
	Boxes	Kegs	Horses	
		Ft.		Lbs.

No. of Team, 11

Delivered by W. C. ...

No. 110

Marked Morse & R

Carman's Check 11-34-83-970m

Old Colony Steamboat Co.  
AND  
FALL RIVER LINE.  
Pier 28, North River, New York.

Received, NOV 13 1891

New York, 1891, in good order and

well conditioned, from OLD COLONY STEAMBOAT CO., the following packages:

<u>13</u>	Cases	Bbbs.	Crates	Carriages
<u>83</u>	Bales	Bags.	Rolls	Tubs
<u>8</u>	Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
	Boxes	Kegs	Horses	
		Ft.		Lbs.

No. of Team, 10

Delivered by W. C. ...

No. 176

Marked Morse & R

0794

Double Expense Bill. 94-89-200m.

Old Colony Steamboat Co.  
AND  
FALL RIVER LINE,  
Pier 28, North River, New York.

Received, in good order and well conditioned, from **OLD COLONY STEAMBOAT CO.**

the following packages from BOSTON, consigned to *Morse Rogers*

Cases	Bbbs.	Crates	Carriages
Bales	Bags	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	Marks

10 Ft. 200 Lbs. 748/19

No. of Team, *10* New York, **NOV 13 1898**

Delivered by *[Signature]*

No. *390*

Double Expense Bill. 94-89-200m.

Old Colony Steamboat Co.  
AND  
FALL RIVER LINE,  
Pier 28, North River, New York.

Received, in good order and well conditioned, from **OLD COLONY STEAMBOAT CO.**

the following packages from BOSTON, consigned to *Morse Rogers*

Cases	Bbbs.	Crates	Carriages
Bales	Bags	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	Marks

24 Ft. 480 Lbs. 533 1/2  
3704

No. of Team, *6* New York, **NOV 13 1898**

Delivered by *[Signature]*

No. *374*

Double Expense Bill. 94-89-200m.

Old Colony Steamboat Co.  
AND  
FALL RIVER LINE,  
Pier 28, North River, New York.

Received, in good order and well conditioned, from **OLD COLONY STEAMBOAT CO.**

the following packages from BOSTON, consigned to *Morse Rogers*

Cases	Bbbs.	Crates	Carriages
Bales	Bags	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	Marks

20 Ft. 480 Lbs.

No. of Team, *10* New York, **NOV 13 1898**

Delivered by *[Signature]*

No. *366*

Double Expense Bill. 94-89-200m.

Old Colony Steamboat Co.  
AND  
FALL RIVER LINE,  
Pier 28, North River, New York.

Received, in good order and well conditioned, from **OLD COLONY STEAMBOAT CO.**

the following packages from BOSTON, consigned to *Morse Rogers*

Cases	Bbbs.	Crates	Carriages
Bales	Bags	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	Marks

10 Ft. 200 Lbs. 98/19

No. of Team, *10* New York, **NOV 13 1898**

Delivered by *[Signature]*

No. *374*

0795

Carman's Check - 11-26-89-200m

Old Colony Steamboat Co.

AND

FALL RIVER LINE.

Pier 28, North River, New York.

Received,

New York, 11/3 1890, in good order and

well conditioned, from OLD COLONY STEAMBOAT CO., the following packages:

Cases  
Bales  
Casks  
Boxes

Bbls.  
Bags.  
Bundles  
Kegs  
Ft.

Crates  
Rolls  
Hf. Ch. Teal  
Horses

Carriages  
Tubs  
Doz. Shovels

Lbs.

No. of Team, 1067

Delivered by 103

No. 103

Marked Morse

All Clear

1588  
93

0796

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John Mc Cutcheon*  
and  
*Stephen Mc Carthy*

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

accuse *John Mc Cutcheon and Stephen Mc Carthy*

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

The said *John Mc Cutcheon and Stephen Mc Carthy*, both

late of the City of New York, in the County of New York aforesaid, on the ~~fourteenth~~ <sup>thirteenth</sup> day of ~~November~~ <sup>November</sup> in the year of our Lord one thousand eight hundred and ~~ninety~~ <sup>ninety</sup>,  
*thirteenth*  
*of the month of November*  
*1891*

*eighteen pairs of shoes of the value of two dollars each pair*

of the goods, chattels and personal property of one *Daniel P. Morse*

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.

0797

SECOND COUNT—

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

*Stephen Mc Carthy*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

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

*eighteen pairs of shoes of the value of two dollars each pair, and one case of the value of two dollars*

of the goods, chattels and personal property of one *Daniel P. Morse* by one *John Mc Cutchin* and *other* by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *Daniel P. Morse*

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

*Stephen Mc Carthy*  
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,  
District Attorney.

0798

**BOX:**

420

**FOLDER:**

3884

**DESCRIPTION:**

McDonald, James

**DATE:**

12/11/90



3884

0799

Witnesses:

Wm O'Connor  
Officer Murray

#117

Counsel,

Filed

day of

189

Pleads,

Dec 90

THE PEOPLE

vs.

James Mc Donald

Det  
P. Edmunds Island  
C. Pender

Burglary in the THIRD DEGREE  
C. P. L. Lacey, Receiver  
(Section 498, 504, 505, 507, 508, 509)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm O'Connor  
Foreman.

Dec 15/90  
Pleads Burg 3 deg  
S. P. 2 yrs 3 mo  
Dec 24/90 P. B. M.

0800

Witnesses:

*Geo W. Cairns*  
*Officer Murray*

#117

Counsel,

Filed

Pleads,

day of *Dec* 188*90*

THE PEOPLE

vs.

*James Mc Donald*

*2d*  
*James Mc Donald*  
*Carpenter*

Burglary in the THIRD DEGREE  
Petit Jury  
(Section 495, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000)

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

*Wm. H. Henscher*  
Foreman.

*Dec 15/90*  
*Pleads Bury 3d*  
*S.P. 2415 3rd no*  
*Dec 4/90 10 M.*

0801

Police Court - 6<sup>th</sup> District.

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

of ~~the~~ Williamsbridge George W. O'Connor Street, aged 32 years,  
occupation Dry Goods Dealer being duly sworn

deposes and says, that the premises ~~is~~ at the North East Corner of Oben and  
Rail Road Avenue in the City and County aforesaid, the said being a frame building

and which was occupied by deponent as a Dry Goods Store  
and in which there was at the time a human being, by name Antonio Franco,  
were **BURGLARIOUSLY** entered by means of forcibly breaking a show  
window

on the 1<sup>st</sup> day of December 1890 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz: Four pairs of  
dark pants of the value together of Eight Dollars,  
four blue flannel shirts of the value together of  
Six Dollars. Ten pairs of woolen socks of the  
value together of Three Dollars and fifty cents and  
two caps of the value together of One Dollar,  
altogether of the value of Eighteen Dollars  
and Fifty Cents

the property of deponent  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen, and carried away by  
James McDonald, now here,

for the reasons following, to wit: Deponent closed the said premises  
at about ten o'clock on the night of the 30<sup>th</sup>  
day of November 1890. Said property was  
in a show window of said premises which  
window deponent closed and fastened. On  
the following morning, that of December 1<sup>st</sup>, deponent  
found that said window had been broken open,  
and he then missed from said place said  
property, which was found in the possession

0802

of said James McDonald at about four o'clock on said morning. Said McDonald was then at the corner of 176<sup>th</sup> street and Rail Road Avenue, in company with another man who escaped. As to the finding of the property in the possession of said McDonald defendant is informed by Officer George H. Murray of the 34<sup>th</sup> Precinct Police, who met said McDonald and his companion as aforesaid, and found in his possession said property.

Sum to keep me this  
4<sup>th</sup> day of December 1890  
G. W. Murray  
Police Justice

J. W. C. Commissioner

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Burglary  
vs.  
188

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

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0803

CITY AND COUNTY }  
OF NEW YORK, } ss.

George H. Murray

aged \_\_\_\_\_ years, occupation \_\_\_\_\_ of No. \_\_\_\_\_

The 34<sup>th</sup> Precinct Police

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of George W. O'Connor

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

Sworn to before me, this 2<sup>nd</sup> }  
day of December 1890 }

George H. Murray

H. G. Murray

Police Justice.

0804

Sec. 198-200.

6<sup>th</sup>

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer. James Mc Donald

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. Pictou, Nova Scotia

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

Answer. Pictou N.S.; 26 years

Question. What is your business or profession?

Answer. Flour layer

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 Mc Donald

Taken before me this

11th day of December

1890

Police Justice.

0805

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

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

Dated December 3<sup>d</sup> 1890 Henry M. ... Police Justice.

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

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

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

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

0806

3000 Paul Jan  
34 amirahan  
December 9<sup>th</sup> 1890  
A.M.

Police Court--- 6<sup>th</sup> District. 1827

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

George W. O'Connor  
Hillsambridge  
James McDonald

Offence  
Burglary

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

Dated December 2<sup>nd</sup> 1890

Murray Magistrate.  
G. H. Murray Officer.  
34 Precinct.

Witnesses said officer

No. John Turley  
34<sup>th</sup> Precinct Police

No. DEC 9 1890  
\$2.00

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



Comm. [Signature]

0807

1940  
Eastport Dec 14  
James McDonald  
capt see a month  
ago to go to Chero  
york to get work  
you can write to  
lots of lists  
man her that  
and pay for  
will  
tell you any  
helping you

0808

would to know  
about him

Mr G. Grady

Mr L. Blanch

Mr J. Thomas

man he has work  
for and you  
know that man  
does business here

William New

James McDonald

to be honest and

a good worker

C. Banks  
Eastport mess

**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 Mc Donald*

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

*James Mc Donald*

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

The said

*James Mc Donald*

late of the *Twenty-fourth* Ward of the City of New York, in the County of New York  
aforesaid, on the *first* day of *December* in the year of our Lord one  
thousand eight hundred and ~~eighty~~ *ninety*, with force and arms, in the  
*night* time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one *a certain building, to wit:*

*the store of one George W. O'Connor*

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 *George W. O'Connor in the*  
*said store* in the said dwelling house then and there being, then and  
there feloniously and burglariously to steal, take and carry away, against the form of  
the Statute in such case made and provided, and against the peace of the People of the  
State of New York, and their dignity.

SECOND COUNT—

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

*James Mc Donald*

of the Crime of *Petit* LARCENY, committed as follows:

The said

*James Mc Donald*

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,

*four pair of trousers of the value of two dollars each pair, four shirts of the value of one dollar and fifty cents each, ten pair of stockings of the value of thirty-five cents each pair, and two caps of the value of fifty cents each*

of the goods, chattels, and personal property of one *George W. O'Connor*

in the ~~dwelling house~~ *store* of the said

*George W. O'Connor*

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

0811

THIRD COUNT.

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

*James McDonald*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :

The said

*James McDonald,*

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,

*the same goods, chattels and personal property described in the second count of this indictment*

of the goods, chattels and personal property of

*George W. O'Connor*

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

*George W. O'Connor*

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

*James McDonald*

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.

JOHN R. FELLOWS,

District Attorney.

08 12

**BOX:**

420

**FOLDER:**

3884

**DESCRIPTION:**

McDonald, John

**DATE:**

12/10/90



3884

Witnesses:

*William G. ...*

Counsel,

Filed

Pleaded

*10 Dec 1890*

[Sections 224 and 225, Penal Code],  
Robbery, *Street* degree.

THE PEOPLE

vs.

*John Mc Donald*

JOHN R. FELLOWS,

*Dist. Atty.*

*Robbery account Second Degree*

A True Bill.

*Dec. 19.*

*William Van ...*

Foreman.

*Wm S.P. ... Dec. 19.*

0814

POLICE COURT,  
SECOND DISTRICT,  
W. L. ORMSBY, JR.,  
STENOGRAPHER.

The People vs  
Sebastian M Seco

vs  
John Mc Donald

Examination Before Justice Taunton

Dec 5 1920

Sebastian M. Seco the complaining  
witness, being further examined by  
the court deposes and says:

Q - Where do you reside?

A 432 West 39th St

Q What is your business?

A a little grocery store

Q Did you lose any money on  
Dec 4?

A Yes Sir

Q How much?

A What money was in the  
drawer.

Q How much?

A About three dollars.

Q How did you lose it?

A His comrade was inside the

08 15

counter

2 The money was where?

A In the drawer.

2 Behind the counter

A Yes Sir

2 Tell your story

A I was in the back room polishing shoes and I saw the front door open. I said "The door is open again." I went to close the door then man was behind the counter - I got hold of him and said to him "What are you doing there?" He said - he asked me about a name that I did not know. I said why did you not stay at the door." I called my daughter and my wife and said "Go see if the money is in the drawer?" He said "Father the money is gone. Then the other one tries to escape and I got him down on the floor. Then he

0816

said Jack fade come and save  
me. Then this man gave me  
a punch. He came in and  
gave me a punch and gave  
me another, and drove the  
young fellow out

Q Did you see the money in this  
man's hands?

A No Sir; it was the man behind  
the counter.

Q What time was it?

A About quarter to 7 in the  
evening

Q Anybody else in the store  
besides?

A Me and my daughter and  
my wife

adjourned to 2 P.M.

Sworn to before me this 6 day  
of December 1890  
Charles W. Smith  
Police Justice.

Examination resumed - 2 P.M.

Louisa Lee being duly sworn and  
examined as a witness for the

Q People deposes and says:-

I am the daughter of the  
complainant. I was in the store  
yesterday and saw defendant  
there.

Q. What did you see him do?

A. My father was blacking his  
shoes. He saw this door open.  
He went inside and saw that  
young fellow coming from behind  
the counter. Father caught hold  
of the young fellow and called  
for me and mother to come  
out. Then we went outside.  
Father told me to see if the  
money was in the drawer. It  
was not there. Or the young  
fellow tried to get loose. Then  
he called for a person by the  
name of Jack to come and  
help him. Or Jack was  
outside all the time the trouble  
was going on. Or then this  
defendant came in and  
looked all around and then  
he walked over and hit my

father twice in the face

2 While your father had hold of the other man?

A Yes Sir. This man dragged the other fellow from my father

2 Did you see this man take the money?

A No Sir: When this person grabbed the young fellow I heard the money jingle with the young fellow

2 Did you see the money in the money drawer

A No Sir - father he missed it from the drawer

2 Did you see the other person who was with this man go behind the counter?

A No Sir: but I saw him after my father got home. Father called me out to see if the money was in the drawer.

I said it was not there.

5-2- Mr went to the money drawer

08 19

to see if the money was there:

A Yes Sir.

Q Did you find any?

A No Sir.

Q You did not see any person  
at the drawer did you?

A No Sir. I did not see him  
come in.

sworn to before me this 5 day  
December 1930

Charles N. Santor  
Police Inspector

Sebastian M. Secor re-called -  
by the Court

Q Did you see this man at  
the drawer?

A No Sir.

Q How do you know he took  
your money?

A I saw this young fellow, I  
looked outside and saw the  
door leaf open. I went in  
the store and saw this  
person inside of the store at  
the end of the counter. He

6 asked me: "Do you know such

a person? I said "No. There is no place for you to come asking me for my own. Behind the counter. Then I caught him by the collar of the coat. Then I called my daughter to come out. I said "See if the money is in the drawer?" She went behind the counter and said "Papa the money is not here."

2 How do you know there was money in the drawer?

A I was there five minutes before the money was in two cups - silver in one and 10 cent pieces in the other.

2 Was anybody else behind the counter during that time?

A No sir, nobody else.

2 Had you been in there all the time from the time you saw the money in the drawer until the time the first man came in?

7 A Yes sir all the time.

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Q Did you receive any of the money?

A No sir; I had no time. This man took the things away from me.

Q Were you sure that no one else was at the number from the time you left until the time you went back?

A No sir, nobody else.

Q Were you where you could see from if anyone had gone there?

A I could have seen anyone. Yes sir.

Subscribed before me this 5 day

of December 1990

Chadwick Justice

Police Justice

John de Donald the defendant states in his own behalf - "From walking there and saw a crowd collected in front of them I said to a man 'What is the matter?' He said there

0822

was a fight in there. I looked  
in and saw these two ladies  
They had hold of the boy in  
there. I did not know what  
was the matter. I went in  
to find out what was the  
matter. I asked for a  
paper of tobacco. He said  
"There is another one of them"  
Then I wanted to get out  
as quick as I could.

Q Did you strike him?

A Yes sir; when I could not  
get away from him

Q Have you any witnesses?

A There was people before  
the store - I do not know  
or fear robbery - I do not  
need to rob. I work every  
day.

Offered to answer  
\$1000 bail

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0823

Police Court— 2 District.

CITY AND COUNTY }  
OF NEW YORK, } ss

Sebastian M. Seco.

of No. 437 West 39 Street, Aged 49 Years  
Occupation Grocer.

being duly sworn, deposes and says, that on the  
4 day of December 1890, at the 20 Ward of the City of New York,  
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
ponent by force and violence, without his consent and against his will, the following property, viz:

good and lawful money of the issue  
of the United States consisting of  
Silver and Nickel Coin

of the value of about three DOLLARS,  
the property of deponent,

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

John W. Donald (mother) and another  
person not arrested and whose name  
is unknown to deponent from the fact  
that deponent had paid money in two  
Red Caps standing behind the counter in  
deponent's store at the aforesaid  
premises, and deponent caught said  
multiple person in the act of stealing said  
property. Deponent seized hold of said  
unknown person, and held him, thereby  
regaining possession of said money.  
After which unknown person should  
come in Jimmy give me a hand

Sworn to before me, this  
day of

Police Justice

0824

When said defendant McDonald Eddy  
deponent store struck deponent two  
by violent blows in the face and by  
force tore said unknown person from  
deponent custody who then escaped  
with said property in his possession  
deponent charge that said two defendants  
acted in concert with each other  
in stealing said property from deponent  
as aforesaid

Sworn to before me this 5 day of December 1890 by Sebastian M. Secs  
Charles Linton Police Justice

It appears 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 mentioned, I order he to be discharged.  
Dated 188 \_\_\_\_\_ Police Justice

Police Court, District, \_\_\_\_\_  
Offence—ROBBERY  
THE PEOPLE, &c.,  
on the complaint of  
vs.  
1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Date, 188 \_\_\_\_\_  
Magistrate, \_\_\_\_\_  
Officer, \_\_\_\_\_  
Clerk, \_\_\_\_\_  
Witnesses, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
to answer General Sessions.

0825

Sec. 200

2

District Police Court.

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

Question. What is your name?

Answer. *John McDonald*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *Massachusetts*

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

Answer. *210 West 62nd Street 6 months*

Question. What is your business or profession?

Answer. *Beef carrier.*

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

Answer. *I am not guilty*

*John McDonald*

Taken before me this

day of *December* 1886

*Charles W. Brantley*

Police Justice

0826

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

Julius McDonald  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 500 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: December 5 1890 Charles J. Linton Police Justice.

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

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

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

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

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\$1000 for 24  
Dec 5-1890. 2 P.M.  
C.M. J.

Police Court--- B.D. 1890 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Sebastian M. Seco,  
437 West 39<sup>th</sup>  
1. Julia McDonald  
2.  
3.  
4.

Offence Robbery

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

Dated Dec 5 1890  
Parsons Magistrate.  
Parsons Gray Officer.  
20 Precinct.

Witnesses Louis Seco  
No. 437 W. 39<sup>th</sup> Street.  
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.  
\$ 1000  
Cann



0828

DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

*Sebastian M Seco*

*John M. Donald*

Examination had *Dec 5* 18*80*

Before *Charles N. Laintor* Police Justice.

I, *W. L. Armbry* Stenographer of the *2* District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of *Sebastian M Seco*  
*John Seco*

as taken by me on the above examination before said Justice.

Dated *Dec 5* 18*80*

*W. L. Armbry*  
Stenographer.

*Charles N. Laintor*  
Police Justice.

0829

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Mc Donald

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

John Mc Donald

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

The said

John Mc Donald,

late of the City of New York, in the County of New York aforesaid, on the fourth day of December in the year of our Lord one thousand eight hundred and eighty nine, in the time of the said day, at the City and County aforesaid, with force and arms, in and upon one Sebastian M. Seco in the peace of the said People, then and there being, feloniously did make an assault, and

divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of three dollars

of the goods, chattels and personal property of the said Sebastian M. Seco in the presence from the person of the said Sebastian M. Seco against the will, and by violence to the person of the said Sebastian M. Seco then and there violently and feloniously did rob, steal, take and carry away,

the said John Mc Donald being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid unknown

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows, District Attorney

0830

**BOX:**

420

**FOLDER:**

3884

**DESCRIPTION:**

McGough, James

**DATE:**

12/19/90



3884

*Mr. Kennedy*

Counsel

Filed

1895

*19 day of Dec*

Pleas

THE PEOPLE

vs.

*B*

*James McLaugh*

VIOLATION OF EXCISE LAW.  
(Section 290, Penal Code, sub. 8.)

JOHN R. FELLOWS,

District Attorney.

*Transferred to the Court of Special Sessions for trial and final disposition.*

*11/11/1895*

A True Bill.

*William Van Kenndy*

Foreman.

Witnesses:

*Mr. N. King*

0832

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 Mc Gough*

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

accuse

*James Mc Gough*

of a MISDEMEANOR, committed as follows:

The said *James Mc Gough*

late of the City of New York, in the County of New York aforesaid, on the  
*Fifteenth* day of *December* - in the year of our Lord  
one thousand eight hundred and ninety \_\_\_\_\_, at the City and County aforesaid,

certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury  
aforesaid unknown, unlawfully did sell, and cause and procure and permit to be sold to one

*Adam Scaab* who was then and  
there a child actually and apparently under the age of sixteen years, to wit: of the age of  
*Thirteen* years, against the form of the statute in such case made and provided, and  
against the peace of the People of the State of New York, and their dignity.

JOHN R. FELLOWS,

*District Attorney.*