

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

0630

POOR QUALITY
ORIGINAL

Witnesses

Mrs. Abraham
H. [unclear]
Officer Griffin

Counsel,

Filed 15 day of Dec 18

Pleads, *Not guilty* 16

THE PEOPLE

32 *33* *434* *third* *28*
James McCreedy
James
Christopher Dunigan

Grand Larceny Second degree,
[Sections 228, 229, 55, Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

No 1.2722 & 12723
No 1.2724

Part III January Foreman.

Both tried and convicted -

No 1 - Grand Larceny 2nd deg.

No 2 - Receiving stolen goods

with reason. 16

COURT OF GENERAL SESSIONS, PART III.

----- x	:
The People of the State of New York, :	:
:	Before
:	Hon. James Fitzgerald
:	and a Jury.
James M. McCready and Christopher :	:
Dunnigan. :	:
----- x	:

Indictment filed Dec. 15, 1890.

Indicted for grand larceny in the second degree.

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 Catharine 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 McCready 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 Finn.

Christopher Bunting.

Abstract of Testimony on Trial
January 5, 1891.

0637

Police Court—1st District.

Affidavit—Larceny.

City and County }
of New York, } ss.

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

deposes and says, that on the 30 day of November 1898 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
\$100.00

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 Nungesser 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 an
unfinished coat which unfinished
coat deponent has since seen
and identified. The defendant
McCreedy informed him Whorin

Subscribed and sworn to before me this
18th day of November 1898

Police Justice

0638

that the defendant Doneyan
 has from him M. C. Cuddy the
 said cover to sell, he has been asked
 to see, Doneyan and requested ~~to see~~
~~to see~~ ~~that~~ ~~that~~ ~~that~~ ~~that~~ ~~that~~
 assisted the said Doneyan, Doneyan
 informed him Larrison that the said goods were
 in the cellar of said premises ~~in the~~
 then, the Doneyan went to said
 cellar of Doneyans and
 there found a portion of the
 said property. He Larrison says
 that the defendant Doneyan instructed
 him Larrison to get the key of the
 said cellar from his Doneyan's
 Mother. Doneyan has since
 seen the property found in
 said Doneyan's Cellar and
 identifies the same as being
 a portion of the stolen
 property. Doneyan is further in-
 formed by Mrs. D. Abrahamson then present
 that she saw the defendant M. C. Cuddy coming
 out of ~~the~~ ~~premises~~ ~~of~~ ~~the~~ ~~premises~~ ~~of~~ ~~the~~ ~~premises~~
 from Doneyan's ~~premises~~ ~~of~~ ~~the~~ ~~premises~~ ~~of~~ ~~the~~ ~~premises~~
 this 5th day of December, 1877. ~~Myman~~ ~~Colley~~

A. J. White

Police Justice

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 1 years, occupation Police Officer of No. 1

..... Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Weyman

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

knowledge.

Sworn to before me, this

day of *November* 188

Bernard Larkin

Police Justice.

0640

CITY AND COUNTY
OF NEW YORK, } ss.

Mrs. David 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
day of

5
December 188*7* } *Mrs. D. Abraham*
A. J. White

Police Justice.

0641

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

Christopher Domingan 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. *Christopher Domingan*

Question. How old are you?

Answer. *32 years*

Question. Where were you born?

Answer. *ML*

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

Answer. *33 James'*

Question. What is your business or profession?

Answer. *Lumberman*

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 Domingan*Taken before me this
day of *Dec* 189*4*

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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty James M. McCready

Taken before me this
day of

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

Dated *Dec 5* 18 *1900* *H. J. White* 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

Alleged Plaintiff
22nd Catherine St
James M. O'Connell
Christopher M. O'Connell

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 3 1890*

White Magistrate.
Canam & Giffen Officer.
Precinct.

Witnesses *Mrs Abrams*

No. *22 Catherine* Street.

Off Larkin

No. _____ Street.

No. _____ Street.

\$ *1000* to pay for _____



Chas
G

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 Durnigan
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

James McCreedy, and Christopher Durnigan, 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 Durnigan

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 Scamman
Officer Deuley

Counsel,

Filed

day of

1890

Pleads,

THE PEOPLE

vs.

John McCutchen

Stephen McCutchen

Grand Larceny (Sections 538, 539, Penal Code)

JOHN R. FELLOWS,

District Attorney.

A True Bill

Foreman.

0650

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

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

Q Did W. Cutchum deliver a box of
shoes to you yesterday?
A Yes Sir

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

A I was directed to take them to W. C.
Conkys 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 station
house being duly sworn deposes
that says

By the Court

Q Tell us 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} ~~had~~ delivered it up town, he pointed
out the man to me that had stolen
the case, and asked me to seek

0652

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

Sworn to before me }
this day of November 1890 }

Police Justice

0653

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

Sworn before me
this day of November 1890

Police Justice

0654

Henry W. Deane received by
the Court.

Q Was that case of goods which
was identified by Mr Deane as
the same case of goods that was
given to you by Mr Cutcheon?
A Yes Sir

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

Sworn to before me
this day of November 1890

Police Justice

✓

0655

6
X

George W. Stearns)
aged)
John W. Cutchem &)
Stephen W. Cuthy)
Received with
State Goods
& Proceeds
Nov 15/1890
Deputy Hon
Maurice J. Power
Police Justice

George W. Stearns called as a
witness by the people being duly
sworn deposes & says
By the Court.

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

A Into one case short.

Q On what day of the month?

A 13th of this month.

Q Have you seen that case of goods
since?

A Found that case at 806 1st Avenue.

Q On what day did you miss that
from your lot?

0656

1x

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

Q It was then in your custody?

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

Q You are the Comman in charge of
the property?

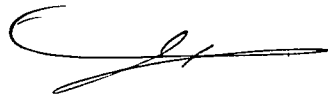
A They had one responsible for it
until I deliver it

Q But you are the Comman that is
employed?

A Yes sir

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

A Yes sir



7

78

Henry D. Levee. Being away
from depures and 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 13th of this month did
Mr. Cutcheon deliver a case of goods
to you there?

A. yes sir

Q. and directed it to be sent where?

A. Mr. Condy 806 8th Avenue

Q. have you seen that case since?

A. yes sir

Q. where?

A. at the Station house

Q. what Station house?

A. 5th 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

9

of goods in your presence
Ayesii

Q As the case of goods that was
lost?

Ayesii

Q Was examined by Mr. Starn
you say that he told you to take
it up to Mr. Corby?

A yesii that's all

Q Did he use any other name but
that?

A Yesii

Q John James, or any other name?
A Yesii! Mr. Corby 806 8th Avenue

Q Did he describe the place?

A Yesii

Q Didn't say it was ashoe store?
or anything else?

A Yesii

Q Did you deliver it there?

A Yesii the driver did

Q Do you know him?

A Yesii I do not one of the

Q driver did it

10
X

Q Did you read the driver's name?
 A John Perkins 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

—

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

10 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
McCorty?

A yes sir

Q of what number on 5th 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 did you 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. Stacom

#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

12

773

if he didn't receive a case of goods
 and he said he didn't 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 didn't know
 by whom; 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. Sorefully
 and we didn't find any more
 he claimed he didn't know
 anything about them And he didn't
 receive them, and he didn't know
 who brought them there I asked
 him under oath and he paid

0663

14

all right, and I brought him to the
subsequent 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. Starn

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

A No sir.

Q What condition were the cases in
at the time?

A They were in fact at that time

Q Didn't Mr. W. C. Conby tell you that
somebody kept them and he didn't
14 know who kept them there, or how

0664

they came there and they might have
been sent there by somebody that
trades with ?

A Shepard he didn't know who sent
them there.

Q First ?

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. Stacow

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

Henry Seave 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 13th that one pertained
 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

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

Q. You have seen this case that was
 found in Mr. Cuthy'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 Seaman to be shipped?
 A. Yes sir

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

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

18

Ayesui

Q you got them at the factory

Ayesui

Q And what did they cost you at the factory?

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

Q And what is the value of them?

Ayesui

Q And that is what is really lost

Ayesui

Q McCarthy has bought goods from your store hasn't he

A Yes he has a dollars worth

I sworn to before me
this day of Nov 1890

Police Justice

18

19

Washington I 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 No sir

Q You have not been there?
A No sir

Q There were 3 cases lost wasn't
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 was 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

Q What line?

A New Haven 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 what 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

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 You are 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. McConchys 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

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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 No 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 J. Bates

0672

23

George W. Seaman, deceased
 by the Court
 Q Did you authorize your driver to
 give this case of goods to the
 Peoples Express Company to be
 sent to Mr. Conthys place on 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 Monroe Rogers & Co.

A Yes Sir

Q And you didn't authorize it to be
 sent there?

A Yes Sir

Sworn to before me
 this day of November 1890

John J. Justice

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

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November 26th 1890

George W. Seaman

agent

John D. W. Cuttison
and Stephen W. Conthy

Charged with
Surrender
Before Hon
Nathaniel Power

John Perkins called as a
witness and the fact of the
people being duly sworn deposes
as follows

I, William, receive a case of shoes
and take them to W. Conthy's store
located on the 13th of November
Mr. Blanchard gave me a case of
shoes at 210 Hudson Street to
deliver them to W. Conthy at
504 5th Avenue. I left them
there and got a receipt from
one of his men who was working
there and W. Conthy himself paid
me 15 cents for it. I now identify
this defendant W. Conthy as the
man who paid me.

24 Copy Examined

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, because he

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 No 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

A A short stout man

Q It is not Mr. Corby 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 Mr. Corby'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 Sometime 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.

4

A Were 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 Branchburg City Express (showing witness)

A Yes Sir

27 Q And as you received it in the

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 13th of November?

A The date was written out on it

Q Had you look at the paper to see if the 13th of November was there

A 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?

A Yes sir once before that

Q When did you go before that?

28 A I cannot tell you what day it was

0678

6
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

M

2

George W Seaman Released
By the Court

Q Did you lose 2 cases ?
A Yes Sir

Q And they were in the 5th Precinct
Station house ?

A Yes Sir

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

A That case is not mine that is

Nathaniel Foster ^{and} Company's case

Q When did you lose 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



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Master F. Hutchinson 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

Q At what time?
 A November 11th.

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

A Somewhere in the neighborhood of
 \$1300 dollars

Cap. Canfield

Q What is your business?
 A Shipping clerk

Q You are not familiar with the
 prices of shoes on you?
 A Well yes.

Q From whom did the New Haven
 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.

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Q From where did you ship them?
 A Clairmont New Hampshire (shipped)
 them from the Vermont Valley
 railroad 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
 affidavit (showing witness)

Answer

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 So you don't 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.

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George W. Shuman Recalled by
John Faust

Q. You went to Mr. Conthy'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. Conthy was sitting at the foot
of the bench on the stairs, and
Mr. Conthy 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. Conthy 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

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see anything in sight, and the officer
 paid me and after the case of goods
 that you received last night and he
 said he didn't receive it, and he said
 yes 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 unlocked and
 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
 this case and that was the case
 we were short the day before
 and along side of this case lay
 the other case which was missing

35- Nathaniel Fisher & Company

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which we also took and McCarthy
said he didn't know what they
belonged to

Q That was the case you found there
on the 13th and which you lost on
the 13th?

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 $\frac{40}{100}$ dollars and the other
case which I found in the office
was worth thirty six dollars?

Q McCarthy 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 conversation



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414

John Ferris Recused
By the Court.

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

A Yes sir.

Q And that was on the 13th of November
A Yes sir.



Walter E. Hutchinson Recused
By the Court.

Q When you began to police headquarters
and see you left here this morning
A I have

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 were a loading and as being
delivered by you on the 11th of
November to the Vermont Valley

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Railroad via New Haven Steam
boat Company ^{Qid} which was
identified by you in the presence
of officer Neely.

Answer:

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 ^{is} in that
box?

A 3 pairs

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

Answer:

Q And you didn't examine only one
pair?

A That was all

Dependants Counsel

Move to dismiss the

Seaman complaint, on the ground
that there is no evidence to show
that McCarthy 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 McCarthy the defendant
paid him 15 cents for the expressage
and that case; and that the evidence
of the witness Devore discloses
the fact that he identifies the case
delivered to him by McCarthy as the
one subsequently delivered from
him by Perkins to McCarthy and
which case was found in
McCarthy's possession on the
evening of the 14th of November.
Defendant held to bail in sum
of one thousand dollars to
answer General Session

**POOR QUALITY
ORIGINAL**

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.

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

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

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

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POOR QUALITY
ORIGINAL

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George M. Seaman
130 - Duane
John W. Cutchman
John W. Cutchman

BAILED

No. 1

Residence

514 W 48 Street

Residence

Street

No. 2

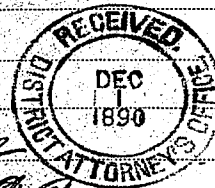
Street

Street

Dated

Nov 14 90
James H. Pomeroy Magistrate.
Healy Officer.
Precinct.

Harry B. Plummer
3 Harrison Street.



Nov 14 2

1000

to answer

James B. Plummer
Not Care

THE PEOPLE

vs.

STEPHEN McCARTHY.

COURT OF GENERAL SESSIONS, PART III.

BEFORE JUDGE FITZGERALD.

Monday, May 11, 1891.

Jointly indicted with John McCutchen for grand larceny in the second degree and receiving stolen goods.

Asst. Dist. Atty. Stapler for the People.

Mr. Lobenthal for the Defence.

FRANK S. HANNAH, sworn and examined by Mr. Stapler.

- Q. What is your occupation A. Clerk.
- Q. Where are you employed? A. The Fall River line of steamers.
- Q. What are your duties there? A. Shoe clerk, to deliver shoes on the Fall River Line.
- Q. Were you so employed there on the 13th of November last?
- A. Yes sir.
- Q. Do you know George W. Seaman? A. Yes sir.
- Q. What is his business? A. He is a boss carman.
- Q. Do his trucks come to your wharf and receive goods?
- A. Yes sir.
- Q. You are in charge as I understand, of a particular department, that is the shoe department? A. Yessir.
- Q. Do his trucks go there to receive shoes? A. Yes sir.
- Q. Did they on the 13th of November come there and get shoes?
- A. Yes sir.
- Q. Did a truck in the charge of John McCutchen come there and receive a case of shoes? A. Yes sir.
- Q. Can you tell the jury to whom this case of shoes was shipped, which he took? A. There are different firms that

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.

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

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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

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.

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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

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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

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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 before and didn't know who you were? A. No sir.

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

- 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.

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.

- 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. Al 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.

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.

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?

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Home

VACUUMS ARE NOT PLACED IN THE ROOMS BECAUSE THEY ARE
 USED FOR THE PURPOSE OF REMOVING THE GAS FROM THE ROOM
 OF THE

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 OF THE

that store where
 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.

- 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.
- Q. 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.

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

& 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.

0723

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.

0724

- 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.

0725

- 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.

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.

0727

Q. He received that number of cases? AL 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.

0728

- 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.

0729

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 the 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

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.

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.

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 goodsover 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.

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.

Q. 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.

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.

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.

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

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.

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.

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.

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.

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

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";

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?
life.

A. No, never in my

Q. Were you ever accused of crime?
any crime in my life.

A. Never accused of

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?
thing of the kind in my life.

A. No sir, I never said any-

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?
of the kind.

A. I never said anything

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 the 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.

- 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,
George Rush said there was a couple of boxes; ^{who} ~~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 be-
cause they were not mine and I knew I had no right to exam-
ine 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 bed-
room? A. George Rush carried them in from the ex-
pressman. There are so many men working there that any-
thing 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.

0761

Testimony in the
case of
Stephen M. Carthy

filed
Dec. 190

0762

Sec. 192.

1st District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before For Maurice P. P. a Police Justice
of the City of New York, charging Stephen McCarthy Defendant with
the offence of Grand Larceny

and he having been brought before said Justice for an examination of said charge, and it having been made
to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and
the hearing thereof having been adjourned.

We, Stephen McCarthy Defendant of No. 447
West 43rd Street; by occupation a Shoe Maker
and Thomas F. Casey of No. 574 West 48th
Street, by occupation a Furniture Dealer Surety, hereby jointly and severally undertake
that the above named Stephen McCarthy Defendant
shall personally appear before the said Justice, at the 1st District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of Twenty
Hundred Dollars.

Taken and acknowledged before me, this 15th

day of November 1890

J. S. W.
POLICE JUSTICE.

0763

CITY AND COUNTY } ss.
OF NEW YORK, }

Wm. J. Casey
day of *March* 18*96*
Police Justice.

Sworn to before me, this *13th*

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

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 18

Justice.

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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. Corby* (now present) is the person of the name of
Stephen M. Corby 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

Seamus

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, *Jan 13th 1890*

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
<i>Feb 4 1890</i>	<i>858-1</i>	<i>11-14</i>			
Box	D. Myler	860 10 th Ave	Paid		J. J. J. J.
Box	M. Bodine	130 W 79 th	"		J. J. J. J.
Box	Mrs. E. Gray	868 th Ave	"		J. J. J. J.
Table	R. W. Walker	123 W 97 th	"		J. J. J. J.
Box	Barnett	1203 9 th Ave	Paid		J. J. J. J.
Box	Price	110 2 nd Ave	SL		J. J. J. J.
Box	Rosenstein	57 Durston St	SL		J. J. J. J.
Box	Veltzen	773 8 th Ave	MFL		J. J. J. J.
Box	Lenner	153 W 84 th St	Paid		J. J. J. J.
Box	McIntosh	361 3 rd Ave	Paid		J. J. J. J.
Box	Longman	254 3 rd Ave	"		J. J. J. J.
Box	White	1211 9 th Ave	"		J. J. J. J.
Box	DeVos	67 Catherine	"		J. J. J. J.
Box	Conick	Division	"		J. J. J. J.
Box	Sherr	334 W 39 th	McKenna		J. J. J. J.
Box	Stone	151 W 97 th	127	252	J. J. J. J.

BLANCHARD'S CITY EXPRESS.

Delivered to us in good order, the following articles. New York.

NEW YORK
Nov 13 1890

Name.

Advers.

**Advance
Charges.**

Total Charges

Signature of Receiver.

[illegible]

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Police Court.

District.

Affidavit—Larceny.

City and County } ss:
of New York,

George M. Seaman
of No. *34 Duane* Street, aged *44* years,
occupation *Truckman* being duly sworn,
deposes and says, that on the *14th* 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 \$ *30.00*
100

the property of *Messrs Morse and*
Rogers and in the care
and possession

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. Curthy ~~*John M. Curthy*~~ *both*
~~*John M. Curthy*~~ *who were acting in*
concern for the reasons follow-
ing to wit: on the *14th day of November*
date this defendant, who was
in the employ of deponent as
Truckman, was given the said
case to deliver to Messrs Morse
and Rogers at 34 & 36 Duane
Street. The defendant M. Catcheson
instead of delivering the said
case as directed, had the same
sent to defendant M. Curthy
place at 84 6th Avenue as de-

Sworn to before me, this

of

189

Police Justice.

0769

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. 130 Duane Street, aged 44 years,
 occupation Truckman being duly sworn,
 deposes and says, that on the 14th 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 \$30.00
 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~~) ~~who~~
 who were acting in
 concert for the purpose follow-
 ing to wit: on the 14th day of November
 date this defendant, who was
 in the employ of defendant as
 truckman, was given the said
 case to deliver to Messrs Morse
 and Rogers at 30 & 36 Duane
 Street. The defendant M. Catcheson
 instead of delivering the said
 case as directed had the same
 sent to defendant M. Catcheson
 place at 806 1st Avenue as de-

Sworn to before me, this

of

189

day

Police Justice.

0770

parent is informed by
Harry B. Verum the S. pro-
man to whom defendants gave the
said case to deliver to said
Mc Carthy.

Surrender to before me
this 14th day of November
1890 George W. Leaman

My Own

Police Justice

cc - 2 - 20 - 12

0771

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. 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 November 1888

Harry B. De Vean

Leah J. O'Neil
Police Justice.

0772

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

Stephen M. McCarthy 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

Police Justice.

0773

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

188

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. Sumner of No. 130 Rensselaer
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. C.
Dutchman and John M. C. Carthy

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. C. Carthy
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. C. Carthy 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. C. Carthy
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. Sumner Police Justice.

0775

Inventory of property taken by Michael Healy the Policeman by whom this warrant was
executed: Pro Cases of Shero

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 1888

Michael Healy

W. J. Casey

Police Justice.

Police Court-- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

SEARCH WARRANT.

Dated.

188

Justice.

Officer.

PROPRIETOR.

BLANCHARD'S CITY EXPRESS.

OFFICE,
3 Hudson Street,
NEW YORK.

Delivered to us in good order, the following articles. New York. Oct 31 1890

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
Bd	Murphy	503 W 15	Paid 0.35		J. J. Murphy
Bx	Fitzgerald, 2 nd fl	8 Ave - 2 Ave			H. W. Fitzgerald
Bx	Grimmer	415 8 Ave			H. W. Grimmer
Bx	Grimmer	494 8 Ave			H. W. Grimmer
2 Pa	S. Grover	620 8 Ave			H. W. Grover
3 Bx	P. Kelly	23 9 Ave			H. W. Kelly
Pa	W. Mead	251 W 81	Paid		H. W. Mead
Bx	J. Eitz	305 8 Ave	Paid		H. W. Eitz
Pa	Calerman	514 W 45	Paid 0.20		H. W. Calerman
base	J. Naerman	679 9 Ave			H. W. Naerman
Pa	Marks	443 8 Ave			H. W. Marks
Bx	Stammch	298 Spring			H. W. Stammch
Wg	Nencke	138 7 Ave			H. W. Nencke

0776

0777

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* 189*0*

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
X Br	Maupaul	849 W 6th	Forward		<i>Paid</i>
Bx	J. O. McCarthy	806 8th	<i>Paid</i>	<i>150</i>	<i>Styler</i>
Washer	Stanz	661 10th	<i>Forward</i>		<i>Styler</i>
Box	Daves	925 8th	<i>Forward</i>		<i>W. G. Davis</i>
2 Bx	Leartes	529 W 50th	<i>Forward</i>		<i>Quarles</i>
Bx	Whitew.	531 W 33rd	<i>MALE</i>		<i>Thomas Wiley</i>
Box	Brattake	189 10	<i>Pd</i>	<i>150</i>	<i>Brattake</i>
Box	Fitzsimons	594 11	<i>Pd</i>	<i>150</i>	<i>W. G. Davis</i>
Box	Gurwells	84 55 8th		<i>15</i>	
Box	Morganthal	134 W. 82nd	<i>Paid</i>	<i>250</i>	<i>Morganthal</i>
2 Bx	Bullman	332 W 56	<i>Paid</i>	<i>100</i>	<i>Bullman</i>
Box	F. Fiehl	476 - 9ave.			<i>F. Fiehl</i>
Machine	Turnward	328 W 31st			<i>Turnward</i>

BLANCHARD'S CITY EXPERIENCE

Delivered to us in good order, the following articles. New York

3 HU
NE
189

Signature of Receiver.

Advance Charges

Name. Michael L. O'Leary Leif Address

Articles.

10

[illegible]

0778

OFFICE,
3 Hudson Street,
NEW YORK.

687

[illegible]

0779

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.
New York	Wm. J. Gussidy	55 W 55 St			Wm. J. Gussidy
Case	Leyman	647 St			Leyman
Tricket	Anderson	190 St			Anderson
Mago	Havens	132 St			Havens
Wm. J. Gussidy	Wm. J. Gussidy	55 W 55 St			Wm. J. Gussidy
Oct 11th 1890					
Dr	Langwasser	214 W 41st St			Langwasser
Bill	Murphy	230 E 10th St			Murphy
Chas.	McMurry	500 W 58 St			McMurry
Mrs	Gladue	526 W 34 St			Gladue
Dr	My Bro Co	42 St			My Bro Co
Case	Opulencia	40 King St			Opulencia
Regd	Stemont	50 W 52 St			Stemont
Case	Garrett	437 W 57 St			Garrett
Case	Quentbach	637 E 9th St			Quentbach
X	McCarthy	806 E 8th St			McCarthy
Bill	594 W 58 St				594 W 58 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.
4th	Burnat	120 W 95		50	M. A. Darnet
2 Bds	Dodge	124 W 96		125	John Thacker
2 Bds	Scribner	733 Dever Ave			
Pa	Wentworth	255 Greene		25	W. M. M. M.
Old Bay	For	4 Bleeker		25	W. M. M. M.
3 Bds	Shushman	1536 9th			W. M. M. M.
3 Bds	Shushman	1394 10th			W. M. M. M.
Box Jul	Schilling	1528 9th			W. M. M. M.
Jul	Caplan	1682 9th			W. M. M. M.
Jul	Van Ness	1650 9th			W. M. M. M.
Jul	H. Deane	111 W 73			W. M. M. M.
2 Bds	Alexander	83 St. Paul		25	W. M. M. M.
2 Bds	Dean	864 Broadway			W. M. M. M.
2 Bds	Best Co	60 W 23			W. M. M. M.
2 Bds	Wicks	247 St. Paul			W. M. M. M.
2 Bds	Stanger	76 7th			W. M. M. M.
2 Bds	Reid	27 Henry			W. M. M. M.
Box	Berlin	87 W 57			W. M. M. M.

0782

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 17th

1890

Articles.	Name.	Address.	Advance Charges.	Total Charges.	Signature of Receiver.
Box	Virginia Ferry	Olsen 522 W 49		14.00	John H. Ferry
Box	Thaddeus Ferry	Academy			
Box	McCarthy	806 8 th Ave		10.00	John H. Ferry
Box	Alsen	4 W 49 th Hyms			
Box	Shelley	938 10 th Ave			
Box	Harmon	73 W 98		10.00	
Box	Harmon	318 W 42		10.00	
Box	Sprague	210 W 42		10.00	
Box	Sprague	294 100 th Ave		10.00	
Box	Sprague	579 9 th Ave		10.00	
Box	Michael	228 th 9 th Ave		10.00	
Box	Michael	836 10 th Ave		10.00	
Box	Robinson	118 th 5 th Ave		10.00	
Box	Robinson	129 W 73		10.00	
Box	Block	557 8 th Ave		10.00	
Box	Bay	548 th 7 th Ave		10.00	
Box	Bay	13 th E 19 th		10.00	
Box	Bay	260 W 54 th		10.00	

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
Bales
Casks
BoxesBbls.
Bags
Bundles
KegsCrates
Rolls
Hf. Ch. Tea
HorsesCarriages
Tubs
Doz. Shovels

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
Bales
Casks
BoxesBbls.
Bags
Bundles
KegsCrates
Rolls
Hf. Ch. Tea
HorsesCarriages
Tubs
Doz. Shovels

Marks

83/80

No. of Team, 4

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
Bales
Casks
BoxesBbls.
Bags
Bundles
KegsCrates
Rolls
Hf. Ch. Tea
HorsesCarriages
Tubs
Doz. Shovels

Marks

7457

No. of Team, 15

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
Bales
Casks
BoxesBbls.
Bags
Bundles
KegsCrates
Rolls
Hf. Ch. Tea
HorsesCarriages
Tubs
Doz. Shovels

Marks

No. of Team, 54

New York, NOV 12 1896

Delivered by

No.

0784

Carman's Check. 11.24.88.900m.

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:

Cases
Bales
Casks
Boxes

Bbls.
Bags.
Bundles
Kegs
Ft.

Crates
Rolls
Ht. Ch. Tea
Horses

Carriages
Tubs
Doz. Shovels

Lbs.

No. of Team,

Delivered by

No.

Marked

Morse JRC

0785

my dear Mr. Bartley
 from Dec. 1890

After thanking all the time for my
 business, I have come to the conclusion
 for which I hope your favor will
 pardon the liberty I have taken
 in addressing you and stating
 my case to you. I am, however
 take with consideration the time
 I have spent here and also my
 first office and that you will
 look with my case after as
 my health is not of the best
 lately. I remain yours
 John M. Bartley

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. Hoping 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. Cutcher

impeached with
Stephen M^cCarthy
filed Dec. 1890

0787

June 25th 1911
Judge Martine
Your Honor,

pleaded guilty to petty larceny
seven ^{ago} 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 _____ District.

Affidavit—Larceny.

City and County }
of New York, } ss:

George M. Seaman
of No. 130 Duane Street, aged 44 years,
occupation _____ being duly sworn,
deposes and says, that on the 14 day of November 189 _____ 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. Cutchman

(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. Devoran and instructed
him Devoran 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 189 _____
at the City of New York,
Police Justice.

0789

CITY AND COUNTY
OF NEW YORK } ss.

aged 23 years occupation Coffinmaker 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

day of Nov 1888

Harry B. Delean

W. B. Brown
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 17th St. 2 Months*

Question. What is your business or profession?

Answer. *Perman*

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
I have nothing to say*

John M. Cutcher.

Taken before me this

day of

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. Jones
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* 1890..... *de J. Jones* 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

Herzelle M. Seaman
130 - Duane
John R. 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

Magistrate.

Officer.

Pract.

Witness

No.

Street.

No.

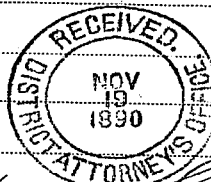
Street.

No.

Street.

\$

to answer



0793

Cannan's Check 11-34-83-90m

Old Colony Steamboat Co.

AND

FALL RIVER LINE.

Pier 28, North River, New York.

Received,

New York,

JUNY 1876

18

, in good order and

well conditioned, from OLD COLONY STEAMBOAT CO., the following packages:

Cases	Bbbs.	Crates	Carriages
Bales	Bags.	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	
	Ft.		Lbs.

No. of Team,

Delivered by

No.

Marked

Morse & R

Cannan's Check 11-34-83-90m

Old Colony Steamboat Co.

AND

FALL RIVER LINE.

Pier 28, North River, New York.

Received,

New York,

JUNY 1876

18

in good order and

well conditioned, from OLD COLONY STEAMBOAT CO., the following packages:

Cases	Bbbs.	Crates	Carriages
Bales	Bags.	Rolls	Tubs
Casks	Bundles	Hf. Ch. Tea	Doz. Shovels
Boxes	Kegs	Horses	
	Ft.		Lbs.

No. of Team,

Delivered by

No.

Marked

Morse & R

W. C. Cauter

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 *Wm Rogers*

Cases
Bales
Casks
Boxes

Bbls.
Bags
Bundles
Kegs

Crates
Rolls
Hf. Ch. Tea
Horses

Carriages
Tubs
Doz. Shovels

Marks

No. of Team, *10* New York

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 *Wm Rogers*

Cases
Bales
Casks
Boxes

Bbls.
Bags
Bundles
Kegs

Crates
Rolls
Hf. Ch. Tea
Horses

Carriages
Tubs
Doz. Shovels

Marks

No. of Team, *6* New York

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 *Wm Rogers*

Cases
Bales
Casks
Boxes

Bbls.
Bags
Bundles
Kegs

Crates
Rolls
Hf. Ch. Tea
Horses

Carriages
Tubs
Doz. Shovels

Marks

No. of Team, *10* New York

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 *Wm Rogers*

Cases
Bales
Casks
Boxes

Bbls.
Bags
Bundles
Kegs

Crates
Rolls
Hf. Ch. Tea
Horses

Carriages
Tubs
Doz. Shovels

Marks

No. of Team, *10* New York

Delivered by

No.

Carman's Check: 11-28-89-200m.

AND

FALL RIVER LINE.

Pier 28, North River, New York.

Received,

New York,

18 *O*, in good order and

well conditioned, from OLD COLONY STEAMBOAT CO., the following packages:

Cases
Bales
Casks
Boxes

Bbbs.
Bags.
Bundles
Kegs
Ft.

Crates
Rolls
Hf. Ch. Feat
~~Horses~~

Carriages
Tubs
Doz. Shovels

No. of Team, 1057

Delivered by

No.

Marked

Al. S. ...

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 *thirteenth* day of *November* in the year of our Lord one thousand eight hundred and *ninety*,
thirteenth , at the City and County aforesaid, with force and arms,

*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.

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 Cutchen 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:

Rep W O'Connor
Officer Murray

Counsel,

Filed

day of

189

Pleads,

Dec 90

THE PEOPLE

vs.

James Mc Donald

Det
P. B. Mc Donald
Confederate

Burglary in the THIRD DEGREE
Ct. Cl. Sec. 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 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.

William H. Kenehan
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 90

189

THE PEOPLE

vs.

James Mc Donald

2nd
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.

William H. Knecht
Foreman.

Dec 15/90
Pleads Bury 3d
S.P. 2 415 3 no
Dec 24/90 P.M.

24

0801

Police Court— 6th District.City and County }
of New York, } ss.:of Williamsbridge George W. O'Connor
Street, aged 32 years,
occupation Dry Goods Dealer being duly sworndeposes and says, that the premises ~~at~~ at the North East Corner of Chen Street, and
Rail Road Avenue
in the City and County aforesaid, the said being a frame buildingand 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
windowon the 1st 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
five 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 Centsthe property of deponentand 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 30th
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 1st, 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 176th 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 34th Precinct Police, who met said McDonald and his companion as aforesaid, and found in his possession said property.

Sum to before me this

4th day of December 1890

Wm. J. Murray
Police Justice

J. W. C. Corwin

Police Court— District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Degree.

vs.

Burglary

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 34th 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 4th
day of December 1890

George H. Murray

H. E. Murray

Police Justice.

0804

Sec. 198-200.

6ⁿ 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.

24 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.; 24 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 guiltyJames Mc Donald

Taken before me this

24th

Dec

1890

at

Pictou

N.S.

before me

J. W. M. M.

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^d 1890 James McDonald 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

Police Court---

6

1827
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George W. O'Connor
Hills and bridge
James McDonald

Burglary
Offence

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated December 2^d 1890

Murray

Magistrate.

G. H. Murray

Officer.

34

Precinct.

Witnesses, said officer

No. Street.

John Turley
34th Precinct Police Court.

No. Street.

\$2.177- DEC 5 1890

Comm. [Signature]
Recd

0807

1890
Eastport Dec 14
James Mc Donald
Capt see a month
ago to go to New
York to get work
you can write to
lots of his
man her that
and pay him for
travel. I will
tell you any
thing you

0000

would to know
about him

Mr G Gracie

McL Blanch

McL. Homes

man he has work
for and you
know that man
does business here

allway new

James McDonald

to be honest and

a good worker

C Banks
Eastport men

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~~ *first* Ward of the City of New York, in the County of New York
aforesaid, on the ~~first~~ *first* day of ~~December~~ *December* in the year of our Lord one
thousand eight hundred and ~~eighty-ninety~~ *ninety*, with force and arms, in the
~~night~~ *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.

08 10

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

store
in the dwelling house of the said

George W. O'Connor
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

George W. O'Connor
of the goods, chattels and personal property of

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

08 13

Witnesses:

John G. [unclear]

Counsel,

Filed

Pleaded

10 Dec 1900

THE PEOPLE

vs.

John McDonald

[Sections 224 and 225, Penal Code].
Robbery, 1st degree.

JOHN R. FELLOWS,

*John R. Fellows, District Attorney,
People against Second Degree*

A True Bill.

Dec. 19.

William Van [unclear]

Foreman.

340 S.P. [unclear] Dec. 19.

08 14

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.

2- Where do you reside?

A 432 West 39th St

2 What is your business?

A a little grocery store

2 Did you lose any money on
Dec 4?

A Yes Sir.

2 How much?

A What money was in the
drawer.

2 How much?

A About three dollars.

2 How did you lose it?

A His comrade was inside the

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

08 16

said Jack Jack 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 6th 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
people deposes and says:-

Q

I am the daughter of the
complainant. I was in the store
yesterday and saw defendant
there.

2. 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- You 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.

Given to before me this 5 day
December 1930

Charles N. Lantier
Police Director

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 half open. I went in the store and saw this person inside of the store at the end of the counter. He asked me: "Do you know such

a person? I said No. There
 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 "Opa
 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 this first man came in?

7 A Yes sir all the time.

Q Did you receive any of the money?

A No sir; I had no time. This man took the things away from me.

Q Are you sure that no one else was at the dinner 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 got there?

A I could have seen anyone
Yes sir.

Subscribed to before me this 5 day

of December 1890

Chadwick

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

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.

2 Did you strike him?

A Yes sir; when I could not get away from him.

2 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

0823

Police Court— 2 / District.

CITY AND COUNTY } ss
OF NEW YORK,

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 Coinof 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 byJohn W. Donald (nowhere) and another
person not arrested and whose name
is unknown to deponent from the fact
that deponent had seen money in two
Red Caps standing behind the counter in
deponent's store at the aforesaid
premises, and deponent caught said
persons 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 handSworn to before me, this
day of

Police Justice

0824

When said defendant Mc Donald Entry
deponent Stone struck deponent two
by violent blows in the face and by
force tore said unknown person from
deponent's 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 } Sebastian M. Secs
5 day of December 1890
Charles L. Linton Recorder

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888 Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888 Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1888 Police Justice.

Police Court, District,	Offence—ROBBERY
THE PEOPLE, &c., on the complaint of	
1.	
2.	
3.	
4.	
Date, 1888	Magistrate.
	Officer.
	Clerk.
Witnesses,	
No.	Street,
No.	Street,
No.	Street,
No.	to answer General Sessions.

0825

Sec. 200.

CITY AND COUNTY OF NEW YORK, ss.

2 District Police Court.

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. *23 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 this

day of *December* 188*6*

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

John McDonald
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 200 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. Linter 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.

0827

\$1000 for 24
Dec 5-1890. 2 PM.
CMT. J.

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Sebastian M. Seco,
437 West 39th

1. John McDonald
2. _____
3. _____
4. _____

Offence Robbery

Dated Dec 5 1890

Paristot Magistrate.

Palmer Gray Officer.

20 Precinct.

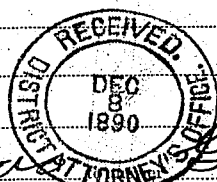
Witnesses Louis Seco

No. 437 W. 39th Street.

No. _____ Street.

No. _____ Street.

\$ 1000 ATTORNEY'S FEE



Cam

0828

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Sebastian M Secor

John M Donald

Examination had

Dec 5

188*0*

Before

Charles W. Tainter

Police Justice.

I, *W. L. Armbryst*

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 Secor*

John M Donald

as taken by me on the above examination before said Justice.

Dated

Dec 5

188*0*

W. L. Armbryst

Stenographer.

Charles W. Tainter

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-ninety, 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 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. Bellows,
District Attorney

0830

BOX:

420

FOLDER:

3884

DESCRIPTION:

McGough, James

DATE:

12/19/90



3884

0031

Counsel

Filed

1898

Pleads

THE PEOPLE

vs.

(B)

James McLaugh

VIOLATION OF EXCISE LAW.
(Selling to Minor)
[Section 290, Penal Code, sub. 8.]

JOHN R. FELLOWS,

District Attorney.

Transferred to the Court of Special
Sessions for trial and final disposition.

A True Bill.

Foreman.

Witnesses:

Wm. H. King

for Foreman, Dec 20

William Van Kenndy

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.