

0726

BOX:

289

FOLDER:

2758

DESCRIPTION:

Quinn, John

DATE:

12/21/87



2758

POOR QUALITY ORIGINAL

0727

101
J. J. [unclear]

Counsel,
Filed, 21 day of Dec 1888
Pleas, Guilty (23)

Section 541 — Penal Code.
Grand Jurors First Degree
THE PEOPLE,
vs.
John Linn

See 100-10-10-10
RANDOLPH B. MARTINE,
Dist. Atty.

A True Bill.

[Signature]
Park III March 27 1888
Bail discharged
[Signature]

Witnesses:

People

vs.

John Guine.

Memorandum.

I have examined this case with great care, and, for several reasons, I think it one in which no trial should be had. The defendant was trustee under a deed of trust and under a will and in both estates the complainant was interested. In the administration of these estates more than \$250,000⁰⁰ passed through the defendant's hands and in all his accounts there was no irregularity except in reference to \$4,000⁰⁰ mentioned in this complaint. His accounts were duly passed by the Surrogates. After a time the complainant's husband sought to get the trust estates out of defendant's hands. He had interviews with defendant and defendant admitted that he had carelessly mingled \$4,000⁰⁰ of the funds with his own but desiring to secure the complainant against any possible loss he said he would make an assignment of all his property to complainant's husband and ^{he} did so before any charge was preferred against him. The estate ^{was} assigned

is amply sufficient to cover any loss resulting from the defendant's wrong conduct in reference to this \$4000⁰⁰. Subsequent to this assignment the ~~defendant~~ complainant's husband had some difficulty in getting information from the defendant in reference to the ~~other~~ portions of the trust estates other than the \$4000⁰⁰ mentioned in the complaint, and as a means of compelling him to furnish this information this complaint was brought. The defendant has always led an upright and honest life and it seems to have been a careless matter rather than a criminal one. Further, it is supposed that this money was wrongfully dealt with as long ago as 1878. The complainant desires to withdraw complaint. The defendant is an old man. I doubt if any crime has been committed and I think it extremely improbable that a conviction could be had. Moreover, I would respectfully submit that the ends of justice do not require that this old man, who has ~~been~~ led a long and honorable life should at this late

POOR QUALITY ORIGINAL

0730

day be tried for an alleged wrong
from which no one has sustained
any loss.

July - 10th 1888.

Wm Travers Jerome
Deputy Assistant -

People } Grand Larceny
vs. } 1st Degree.
John Quinn. }

Arthur Feerber, (Lawyer)
293 Broadway.

I am the attorney for the complainant. The defendant under a will and a deed of trust came into possession of between 39 and 40 thousand dollars in securities or mortgages. From time to time these mortgages became due and were paid and the monies were properly reinvested by the defendant. Among other mortgages paid were those mentioned in the indictment amounting to about \$4000⁰⁰/₁₀₀. The defendant therefore made an assignment of all property to pay ^{any amount due the estate} his debts and in this assignment he recited that he was unable to pay the monies due the complainant. This assignment was made to the husband of the complainant. This assignment was made the basis of this charge against defendant. I have carefully examined the whole matter and find that the estate will lose nothing. The defendant

has always been a man of good character and has endeavored to help us in every way to clear up the affairs and have a new trustee appointed in his place. The complainant was the only person who was interested in the estate. I do not think the defendant had any wrong intentions. I think he carelessly got this money with his own. I think he has acted fairly and honorably since his attention has been called to the matter and that he should not be prosecuted further. My client desires to withdraw the charge and I do not think the interests of justice require that the defendant be prosecuted. We have been unable to ascertain when the particular \$4000⁰⁰ mentioned in the indictment came into the defendant's possession. I think it was in 1878.

Grace Margaret DeLaube
Pelhamville Testames to

I desire to withdraw my charge against the defendant. I do not think the defendant meant to steal the money from me - I think he was careless. There will be no loss to me from the alleged wrong doing of the defendant. The defendant has always ~~been~~ had as far as I know a good character for honesty and uprightness.

Alfred P. Delcaubre

Pelhamville, Westchester Co.

I have known the defendant since 1878. I am the husband of the complainant. The defendant has always to my knowledge had a good character for honesty and uprightness. I believe him innocent of this charge. I do not think he intended to steal any of my wife's money. I had ~~some~~ endeavored to get the trust estate of my wife out of the defendant's hands. He acknowledged that his ~~affairs~~ affairs were in rather a mixed condition and in order to facilitate the settlement of the matter and

prevent any loss to my wife he
 agreed to make an assignment
 to me of all his property and this he
 did before any charge was pre-
 ferred against him. There then
 arose some difficulties between us
 as to information in reference to
 how portions of the trust estate,
 other than the \$4000⁰⁰ mentioned
 in the charge herein, were invested
 and in order to compel him to
 give us this information this
 charge was made. He admitted
 that this \$4000⁰⁰ had been
 mixed with his own funds. The
 property assigned by the defendant
 to me is sufficient to cover any
 deficiency. There were no other
 irregularities in the administration
 of the estate beside this one. During his
 administration of the two trust estates
 over \$250,000⁰⁰ passed through his
 hands and every correct and
 straight account was
 passed by the Surrogate.

POOR QUALITY ORIGINAL

0735

COURT OF GENERAL SESSIONS,

Grand Jurors, 1st Reg.

THE PEOPLE, &c.

vs,

John Quinn

BRIEF OF FACTS.

and
~~*Attorney*~~

For the District Attorney.

Dated *Feb 10th* 1888.

Wm. F. Johnson
Deputy Assistant.

March 27th 1888
On the statements made
by Mr. Jerome who has
examined the case &
files an opinion of record
at the present the discharge
of the Bail, I desire
to look at the facts of
the case personally before
moving for a discharge
J. R. Fellows
Dist. Atty.

**POOR QUALITY
ORIGINAL**

0736

KNOW ALL MEN BY THESE PRESENTS , that I Thomas Connell of the City and County of New York, of the First part, in consideration of the sum of ten dollars, and of love and affection lawful money of the United States to me in hand paid by John Quinn, of the same place as trustee for the uses and purposes hereinafter mentioned of the second part at or before the sealing and delivery of these presents, the receipt whereof is hereby ^{acknowledged} granted, bargained, sold, assigned, transferred and set over and by these presents, do grant, bargain, assign, transfer and set over unto the said party of the second part two certain indentures of mortgages, both bearing date the eighth day of March in the year one thousand eight hundred and seventy three, made by Alfred Bussell and Samuel D. Bussell to me, each to secure the payment of thirteen thousand dollars and interest and recorded in the office of the Register of the City and County of New York, March 10th 1873 in liber 1103 of Mortgages, the one at page 427 the other at page 430 of said Liber together with bonds or obligations therein described and the moneys due and to grow due thereon, with the interest, to have and to hold the same unto the said party of the second part, his successors and assigns upon the uses and trusts following to wit: First, to collect and receive the interest and income of said bonds and mortgages and to pay and apply so much of said interest and income as shall be requisite and necessary to the education, maintenance and support of my adopted daughter, Gracie Lane Connell, during her minority and to accumulate the residue of said interest and income keeping the same at all times securely invested until her attaining the age of twenty one years, at which time all such accumulations of interest shall be paid to her for her own use. Second, Upon said Gracie attaining the age of twenty one years, then to pay to her for her own use, semiannually during her life, the interest and income of said bonds and mortgages or any proceeds ^{thereof} as may have been converted upon payment of the same; Third, upon payment of the principal of said bonds and mortgages or either of them, or of any proceeds thereof to invest and keep the said principal at all times securely invested in first bonds and mortgages on New York City, real estate, free from other prior liens and worth double the amount invested or in United States or New York State Bonds and to pay said Gracie the interest and income thereof as above directed during her life; Fourth, upon the death of said Gracie, to pay said principal sum of said bonds and mortgages, or of any substituted investments thereof, to such of said Gracie's lawful issue or descendants and in such shares and sums as she shall by last will and Testament direct and appoint if she leave lawful issue or their descendants, but no sufficient will or testament, then to pay the same to such issue or descendants in equal shares per stirpes; if she leave no lawful issue or their descendants then to pay the same to such other person or persons as she shall by will direct or appoint and in default thereof, to her right heirs; Fifth, The said trustee is empowered to receive payment of principal and interest of said bonds and mortgages or any substituted investment thereof and to execute all necessary and proper releases upon payment of principal or interest or any other investment or investments which may be necessary or proper to the effectual carrying out of the trust hereby created, subject only to the provision in the said indenture of mortgages mentioned. And I do hereby make, con-

**POOR QUALITY
ORIGINAL**

0737

stitute and appoint, the said party of the second part, my true and lawful attorney irrevocable in my name or otherwise but at his proper costs and charges to have, use and take all lawful ways and means for the recovery of the said money and interest and in case of payment to discharge the same as fully as I might or could do if these presents were not made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the eighteenth day of March in the year one thousand eight hundred and seventy three.

(Signed) Thomas Connell. (Seal)

In presence of
J. F. Underhill and Addison Brown.
State of New York
City and County of New York, ss:

On this 18th day of March in the year of our Lord, one thousand eight hundred and seventy three, before me personally came, Thomas Connell, to me known to be the individual described in and who executed the within assignment, who acknowledged that he executed the same.

ADDISON BROWN,
Notary Public,
N.Y. City.

**POOR QUALITY
ORIGINAL**

0738

THIS INDENTURE, made the 18th day of
November, One thousand eight hundred and eighty-seven, by
and between JOHN QUINN, of the City, County and State of
New York, the party of the first part, and ALFRED P. DEL-
CAMBRE, of the Town of Pelham, County of Westchester and
State aforesaid, the party of the second part, WITNESSETH
as follows:

WHEREAS, one Thomas Connell, of said City of New
York, did on or about the 18th day of March, 1873, make and
enter into a certain Indenture, Deed of Trust, or Agreement
with the said John Quinn and bearing date at the day last
aforesaid, wherein and whereby he assigned and transferred
to him, the said John Quinn two certain bonds and mortgages
given to secure in the aggregate the sum of Twenty-six thou-
sand Dollars to be held by him, the said John Quinn in trust
and to collect the interest and income arising therefrom and
when paid to reinvest the same and to pay all income and
profits arising from the said mortgages and the avails of
the same when reinvested as aforesaid to Gracie Lane, the
adopted daughter of him, the said Connell (now Gracie L.
Delcambre, and the wife of him, said party of the second
part), during her natural life, and after her death to pay
the said sum of Twenty-six thousand dollars to such person
or persons as should be appointed by her last Will and Test-
ament to receive the same, or in default of such appoint-
ment then to the children of her the said Gracie L. Del-
cambre if any; as by reference to the said Indenture or
Deed of Trust now of record in the Office of the Register

**POOR QUALITY
ORIGINAL**

0739

2

of the City and County of New York, in Liber 1247 of Conveyances, at page 139, will more fully and at large appear.

AND WHEREAS, in or about the year 1873, the said Thomas Connell died, leaving a Will which has been duly admitted to probate in the Office of the Surrogate of the County of New York, and wherein and whereby he devised and bequeathed to the said John Quinn and one Philip Lyons who were appointed his executors and Trustees in and by the said Will the sum of Fifteen thousand Dollars to be by them held and invested as such Executors and Trustees and to pay the income and profit resulting therefrom to the said Gracie Lane (now Gracie L. Delcambre) during her natural life; and after her death to pay the principal of the said trust to such person or persons as she should appoint in and by her last Will and Testament to receive the same, or in default of such appointment, then to the children of the said Gracie L. Delcambre if any, as by reference to the said Will now of record in the Office of the said Surrogate in Liber of Wills, at page will more fully and at large appear.

AND WHEREAS, about the year 1876, the said Philip Lyons died and the said John Quinn in or about the year 1879, as the sole surviving Executor of the said Thomas Connell accounted as such Executor, and was discharged from the duties appertaining to such appointment, and that he has at all times since remained and now is Trustee of the moneys aforesaid under and by virtue of the Provisions of the said Indenture or Deed of Trust and of the said last

**POOR QUALITY
ORIGINAL**

0740

3

Will and Testament hereinbefore referred to.

AND WHEREAS, in or about the year 1884, the said John Quinn as such Trustee having in his hands Four thousand Dollars of the said trust moneys uninvested, used and employed the said moneys in his business as a grocer, then and ever since carried on by him at No. 368 Third Avenue in the City of New York, and has continued the use and employment of the ^{same in} said business up to this date.

AND WHEREAS, by reason of sundry losses and misadventures in his said business, the same has become unprofitable, and being unable to meet and pay his liabilities as they mature, suits have been commenced and other suits are threatened, which if suffered to proceed to judgment by reason of forced sales thereunder, loss will result to his said trust and being desirous to protect and secure the same in full;

NOW THEREFORE, John Quinn, the said party of the first part, in consideration of the sum of One Dollar to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, and other considerations him thereunto moving, hath sold, assigned, granted, conveyed, transferred and set over, and doth hereby sell, assign, grant, convey, transfer and set over unto him the said party of the second part, all and singular the stock and fixtures belonging and appertaining to his business of grocer now carried on by him at No. 368 Third Avenue, in the City of New York, and contained in and upon the premises so occupied by him in his business at the place aforesaid, or

**POOR QUALITY
ORIGINAL**

0741

4

wheresoever else the same may be, or be situated, and also all his right, title and interest of, in and to all notes, bills, bonds, book accounts, bills receivable, and choses in action, of all and every kind and nature whatsoever, hereby authorizing and empowering him, the said party of the second part to take immediate possession of all and every of the property hereby sold, assigned, granted and conveyed.

IN TRUST, nevertheless, and TO HAVE AND TO HOLD the same for the following uses and purposes, that is to say:

FIRST: To take possession of the said assigned property, and to proceed forthwith in the execution of the trust hereby created; to convert the said assigned property into money by selling and disposing of the said stock and fixtures and all goods, chattels and personal property hereby sold, assigned and transferred and connected with, or in any way appertaining or belonging to the business so carried on by him, said party of the first part, as aforesaid, for cash, and to collect all notes, bills, bonds, book accounts and bills receivable, so far as the same are collectible, and that when and so soon as the said assigned property shall have been sold and converted into money, and the said bills, bonds, book accounts and bills receivable shall have been collected, so far as the same are collectible, that then he, the said party of the second part, shall from the avails of such sales and collections, forthwith deposit with the Chamberlain of the City of New York, the sum of Four thousand Dollars, together with interest thereon at

0742

**PAGE 5 IS
MISSING FROM
FOLDER # 2758
BOX # 289 FOR
JOHN QUINN -
12/21/87 CASE**

the rate of six per cent per annum from the ^{18th} day of *November* 1887, or if the amount of such sales and collections shall be insufficient to realize the said sum of Four thousand Dollars with interest as aforesaid in full, then to deposit with the said Chamberlain the entire amount realized from the said sales and collections, less the cost and expenses of executing this trust to be by him, the said Chamberlain, held and thereafter to be by him paid to such person or persons as shall be hereafter appointed by the Supreme Court of the State of New York, in any proceeding which may hereafter be taken to supersede him, the said party of the first part, as Trustee under the Deed of Trust and Will of the said Thomas Connell, and to appoint another Trustee or Trustees to execute the trust thereby created.

SECOND: If after the deposit and payment to him the said Chamberlain of the said sum of Four thousand Dollars, together with interest thereon as aforesaid, and the payment of all the costs, charges and expenses attending the execution of the said trust, there shall be and remain in the hands of him, said party of the second part, any surplus arising from or created by the sales and collections of the said assigned property as aforesaid, then to repay such surplus to the said party of the first part, his executors, administrators or assigns.

AND for the better and more effectual execution of these presents and of the trust hereby created and reposed, the party of the first part doth hereby make, constitute and appoint him, the said party of the second part, his true and

lawful Attorney irrevocable to do, transact and perform all acts, deeds and things which may be necessary in the premises, and to the full execution of the said trust, and for the purposes thereof to ask, demand, recover and receive from all and every person all the property, debts, and demands belonging and owing to the said party of the first part connected with, or in any wise belonging or appertaining to the said assigned estate, and to give acquittances and discharges for the same, and to sue, prosecute, defend, and implead for the same, and to execute, acknowledge and deliver all instruments of receipt or conveyance necessary or proper for the better execution of the trust hereby created, and also for the purposes aforesaid, or for any of them, to make, constitute and appoint one or more Attorneys under him and at his pleasure to revoke the same, hereby ratifying and confirming whatever the said party of the second part shall lawfully do or cause to be done in the premises.

AND the said party of the second part does hereby accept the trust hereby created and reposed in him by these presents, and doth for himself, his heirs, executors and administrators hereby covenant and agree to and with the said party of the first part, his executors, administrators and assigns, that he, the said party of the second part, will honestly, faithfully and without delay execute the same to the best of his skill, knowledge and ability.

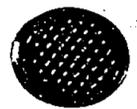
I N W I T N E S S W H E R E O F, the parties to these presents have hereunto set their respective hands

and seals the day and year first above written.

In presence of:

William Augustus M. Quinn

Alfred P. Delcambre



City and County of New York, ss:

On this *18th* day of November, One thousand eight hundred and eighty-seven, before me personally appeared John Quinn and Alfred P. Delcambre, to me known and known to me to be the same persons mentioned and described in the foregoing instrument, and who executed the same, and duly and severally acknowledged that they had executed the same for the uses and purposes therein mentioned.

William Augustus M. Quinn
Notary Public
N.Y.C.

POOR QUALITY ORIGINAL

0746

JOHN QUINN

to

ALFRED P. DELCAMBRE.

ASSIGNMENT IN TRUST.

*Merrill Langdon
Att York
Trust Co*

POOR QUALITY ORIGINAL

0747

Police Court _____ District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Grace Delcampre
of No. Pelhamville Westchester County ^{96 East 11th Street} aged 32 years,

occupation Married woman being duly sworn

deposes and says, that on the 1st day of January 1887 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 :

Good and lawful money of the United States of the amount and value of Four Thousand Dollars

the property of _____

the 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 _____

for the reasons following, to wit: on the above described date this deponent was acting as trustee for deponent and as such was entrusted with the said money. Deponent believes that the said deponent has appropriated the same to his own use from which fact the said deponent admits no perjury as mentioned to having appropriated the said money to his own use. Therefore deponent prays that the said deponent be apprehended and _____

Sworn to before me, this _____ day of _____ 1887
of _____
Police Justice.

POOR QUALITY ORIGINAL

0748

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John Quinn 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 Quinn

Question. How old are you?

Answer.

60 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

1937 - 2nd Ave. Queens

Question. What is your business or profession?

Answer.

Driver

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

Answer.

I am not guilty

Taken before me this

day of *December* 19*18*

Police Justice.

[Signature]

POOR QUALITY ORIGINAL

0749

Sec. 151.

District Police Court.

CITY AND COUNTY } ss In the name of the People of the State of New York; To the Sheriff of the County
OF NEW YORK, } of New York, any Marshal or Policeman of the City of New York:

Whereas, Complaint on oath, has been made before the undersigned, one of the Police
Justices in and for the said City, by Grace DeCambre
of No. Delhamville, Westchester County Street, that on the 1st day of January
1887 at the City of New York, in the County of New York, the following article to wit:

Good and lawful money
of the United States
to the value of Five thousand Dollars,
the property of James Sullivan
as taken, stolen, and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by John Quinn

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith
bring me before me, at the DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 1st day of December 1887
J. H. Hill POLICE JUSTICE.

POLICE COURT, 1st DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Grace DeCambre

vs.

John Quinn

Warrant - Larceny.

Dated Dec 1 - 1887

McElbreth Magistrate

Searity Officer

The Defendant John Quinn

taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

James Smith Officer.

Dated Dec 23 1887

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, Dec 25-87

John DeCambre
1737 - 2nd Ave

Native of Irel

Age, 60 yrs

Sex mr

Complexion, fair

Color W

Profession, broker

Married Y

Single, Y

Read, Y

Write, Y

POOR QUALITY ORIGINAL

0750

BAILLED
 No. 1, by William Wilson
 Residence 251 West 11th St.
 No. 2, by _____
 Residence _____
 No. 3, by _____
 Residence _____
 No. 4, by _____
 Residence _____

WR 13/0 10 2007
 Police Court District

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

Grace H. Stewart
 249 3rd Broadway
 John J. Conner
 100 West 11th St.
 188

Dated Dec 2 188

Magistrate
 Officer
 Precinct

Witnesses

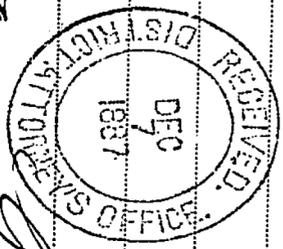
No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

\$ 1000 TO ANSWER Dec 3 188

10-30-188
 Dec 3 188



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

Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 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 2 188 William Wilson Police Justice.

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

Dated Dec 4th 188 J. J. Conner Police Justice.

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

Dated _____ 188 _____ Police Justice.

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 Quinn.

The Grand Jury of the City and County of
New York, by this indictment accuse John Quinn
of the crime of Grand Larceny in the first
degree, committed as follows:

Heretofore, to wit: on the eighteenth day of March
in the year of our Lord one thousand, eight hundred
and seventythree, one Thomas Conelli, late of the
City and County of New York, now deceased, by a
certain written instrument and deed of trust,
by him on said day duly made, executed
and delivered for a good and sufficient con-
sideration, did grant, bargain and sell, assign,
transfer and set over unto the said John Quinn
two certain indentures of mortgage theretofore
duly made by Alfred Russell and Samuel
D. Russell to him, the said Thomas Conelli,
each to secure payment of thirteen thousand
dollars and interest, together with certain bonds and
obligations therein described, and the monies
due and to grow due thereon with the interest,
to have and to hold the same unto the said
John Quinn, his successors and assigns in
trust, upon certain uses and for certain purposes, and

amongst others, to collect and receive the interest on the income of the said bonds and mortgages and to pay and apply so much thereof as should be requisite and necessary to the education, maintenance and support of Gracie Lane Conell, the adopted daughter of him the said Thomas Conell, during her minority, and to accumulate the residue of said income, keeping the same at all times securely invested until she should attain the age of twenty-one years, at which time all accumulations of interest should be paid to her for her own use; —

— Upon the said Gracie Lane Conell attaining the age of twenty-one years, then to pay her for her own use semi-annually during her life, the interest and income of said bonds and mortgages, or any proceeds thereof that might have been converted upon the payment of the same; —

Upon the payment of the principal of the said bonds and mortgages, or either of them, or of any proceeds thereof, to invest and keep the said principal at all times securely invested in first bond and mortgages on New York City real estate free from other prior liens and worth double the amount invested, or in United States or New York State Bonds, and to pay the said Gracie Lane Conell the interest and income thereof as above directed, during her life; Upon the death of the said Gracie Lane Conell to pay the said principal sum of said bonds and mortgages, or

of any substituted investments thereof of such to said Grace Lane Bonell's lawful issue or descendants, and in such shares and sums as she should by her last Will and Testament decree and appoint, if she should leave lawful issue or their descendants, but in case of no sufficient will or testament, then to pay the same to the said issue or descendants in equal shares per stirpes; if she should leave no lawful issue or their descendants, then to pay the same to such other person or persons as she should by will direct or appoint, and in default thereof to her right heirs, as by the said written instrument and deed of trust now on file and of record in the office of the Register of the City and County of New York, doth more fully and at large appear.

And afterwards, to wit: on the twenty-second day of May in the year aforesaid, the said Thomas Bonell died, leaving a last Will and Testament, wherein and whereby he did devise and bequeath to the said John Quinn and one Philip Lyons (whom, in and by the said last will and testament, he did appoint his executors) the sum of fifteen thousand dollars in money in trust, to be by them held and invested as such executors and trustees upon certain uses and for certain purposes, and amongst others to pay the income and profits resulting therefrom to the said Grace Lane Bonell during her natural life

and after her death to pay the principal of said trust to such person or persons as she should appoint in and by her last will and testament, to receive the same, or in default of such appointment then the children of said Grace Lane Conell, if any as by said last Will and Testament now on record in the office of the Surrogate in the City of New York, will more fully and at large appear, which said last will and testament was, thereafter, to wit: on the fourteenth day of July in the year aforesaid, duly admitted to probate by the said Surrogate.

And afterwards, to wit: on the first day of January in the year of our Lord, one thousand eight hundred and eighty seven, the said John Quinn late of the City and County of New York, having been as well by the said written instrument and deed of trust, as also by the said last will and testament, duly appointed as such trustee, and having duly accounted as such executor of the said last will and testament, and having been duly discharged from the duties appertaining to his said appointment as such executor (the said Philip Lyons having before then died and the said John Quinn being at the time of said accounting the sole surviving executor of the said last will and testament) and then and there acting as such trustee, then and there had

in his possession and custody by virtue of his said appointment, a large sum of money, to wit: the sum of four thousand dollars in money, lawful money of the United States of America, and of the value of four thousand dollars.

And the said John Quinn being such trustee as aforesaid, and then and there acting as such, and so having the said sum of money in his possession and custody by virtue of his said appointment as aforesaid, afterwards, to wit: on the ^{said} first day of January in the year of our Lord, one thousand eight hundred and eighty seven, with force and arms did feloniously appropriate the said sum of money to his own use and withhold the same; 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.

David J. Sweeney

District Attorney.