

0726

**BOX:**

**289**

**FOLDER:**

**2758**

**DESCRIPTION:**

**Quinn, John**

**DATE:**

**12/21/87**



2758

POOR QUALITY  
ORIGINAL

0727

Witnesses:

Counsel,

Filed, 21 day of Dec 1888

Pleas, Guilty (23)

THE PEOPLE,

vs.

John Linn

Section 541 Penal Code.

Grand Jurors First Degree

Presented by A. B. B.

RANDOLPH B. MARTINE,

PR 3 Jan 3 1889 to for day of  
District Attorney.

James H. H. H.

PR 3 Jan 16 1889

A True Bill.

Wm. J. H. H.

Par. III March 27 1888

Bail discharged.

Wm. J. H. H.

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 \$250,000<sup>00</sup> passed through the defendant's hands and in all his accounts there was no irregularity except in reference to \$4,000<sup>00</sup> 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 \$4,000<sup>00</sup> 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 <sup>he</sup> did so before any charge was preferred against him. The estate <sup>20</sup> assigned

is amply sufficient to cover any loss resulting from the defendant's wrong conduct in reference to this \$4000<sup>00</sup>. 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 \$4000<sup>00</sup> 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.

Feb - 10<sup>th</sup> 1888.

Wm Travers Jerome  
Deputy Assistant -



People } Grand Larceny  
vs. } 1<sup>st</sup> 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 \$4000<sup>00</sup>/<sub>100</sub>. The defendant  
heretofore made an assignment of  
all property to pay <sup>any amount due the estate</sup> 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 complain-  
ant. 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 \$4000<sup>00</sup> mentioned in the indictment came into the defendant's possession. I think it was in 1878.

Grace Margaret DeLaube  
Belhamville 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. Delcambre

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 \$4000<sup>00</sup> 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 \$4000<sup>00</sup> 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 \$250 000<sup>00</sup> passed through his  
hands and every correct and  
straightened his accounts were  
passed by the Surrogate.

POOR QUALITY  
ORIGINAL

0735

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs,

George Leveaux, 'et al.

John Quinn

BRIEF OF FACTS.

~~Attorney~~

For the District Attorney.

Dated Feb 10<sup>th</sup> 1888.  
Wm. F. Lawrence  
Deputy Assistant.

March 27<sup>th</sup> 1888

On the statements made by Mr. Foreman who has examined the case & filed an opinion of record at the present time discharging the Bail, I desire to look at the facts of the case personally before moving for a discharge.  
J. R. Foreman  
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 <sup>acknowledged</sup> 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 <sup>thereof</sup> 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 18<sup>th</sup> 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



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 <sup>same in</sup> 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 <sup>18<sup>th</sup></sup> 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

0745

8

and seals the day and year first above written.

In presence of:

*William Augustus Quinn*

*Alfred P. Delcambre*

City and County of New York, ss:

On this 18<sup>th</sup> 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*  
*Notary Public*  
*N.Y.C.*

POOR QUALITY  
ORIGINAL

0746

JOHN QUINN

to

ALFRED P. DELCAMBRE.

ASSIGNMENT IN TRUST.

*Marcia Langdon  
Att York  
Trust Co*

POOR QUALITY  
ORIGINAL

0747

Police Court— District.

Affidavit—Larceny.

City and County } ss.  
of New York,

Grace Delcambre  
of No. Pelhamville Westchester County, New York, aged 32 years,  
occupation Married woman being duly sworn

deposes and says, that on the 1<sup>st</sup> 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

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 H. John Quinn Enright

for the reasons following, to wit:  
on the above described date this  
deponent was acting as trustee  
for deponent and no such was  
entrusted with the said money.  
Deponent believes that the  
said deponent has appro-  
priated the same to his own  
use from the fact that the  
said deponent admits no per-  
cussion acknowledgment to  
having appropriated the said  
money to his own use. Therefore  
deponent prays that the said de-  
fendant be apprehended and  
sent to prison.

Sworn to before me, this 1<sup>st</sup> day  
of January 1887  
M. J. Justice  
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 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 *he*; that the statement is designed to  
enable *he* if he see fit to answer the charge and explain the facts alleged against *he*  
that *he* is at liberty to waive making a statement, and that *h* waiver cannot be used  
against *he* 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. New York*

Question. What is your business or profession?

Answer. *Writer*

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* 1888

Police Justice.



POOR QUALITY  
ORIGINAL

0749

Sec. 151.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss

In the name of the People of the State of New York; To the Sheriff of the County  
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 Delcampre*

of No. *Delhamville, Westchester County 293 Broadway* Street, that on the *12th* 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 *four thousand* Dollars,  
the property of *James Delcampre*  
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 *him* 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 *12th* day of *December* 1887  
*J. H. Smith* POLICE JUSTICE.

POLICE COURT, 1st DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

*John Quinn*

Warrant-Larceny.

Dated

*Dec 11*

1887

*Michael Smith* Magistrate

*Sanity* 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 Delcampre* 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 Delcampre*  
*1737 - 2nd Ave*

Native, of

*Irel*

Age,

*60 yrs*

Sex

*mc*

Complexion,

*fair*

Color

*W*

Profession,

*grocer*

Married

*Yes*

Single,

*Yes*

Read,

*Yes*

Write,

*Yes*

POOR QUALITY  
ORIGINAL

0750

BAILED

No. 1, by *William Wilcox*  
Residence *261 West 11<sup>th</sup>* Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Grace M. Thompson*  
*249 3<sup>rd</sup> Broadway*  
*John J. Curran*

Dated *Dec 19* 188*7*  
Magistrate *Charles H. Smith*  
Officer *Ward*  
Precinct \_\_\_\_\_

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

No. \_\_\_\_\_ Street.  
\$ *1000* TO ANSWER *Dec 3<sup>rd</sup>*  
*10-30-87*  
*Debit*

RECEIVED  
DEC 7 1887  
CLERK'S OFFICE.

District *107* 2007  
Police Court

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*7* *Thompson* Police Justice.

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

Dated *Dec 4<sup>th</sup>* 188*7* *J. J. Curran* 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 his

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 <sup>said</sup> 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. S. [Signature]*

District Attorney.