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BOX:

99

FOLDER:

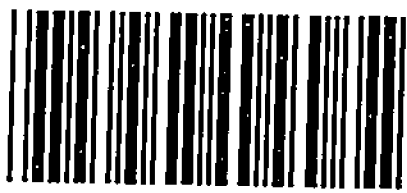
1065

DESCRIPTION:

Fay, William C.

DATE:

04/12/83



1065

April 18th 1883.
For the reasons appearing
in the papers within I do
recommend that judgment
be suspended in this case
for 30 days.
J. H. McKeon
Attorney at Law

112

Counsel,

Filed

day of

1883

Pleas

Not guilty.

THE PEOPLE

vs.

P

William C. Gray

W. C. Gray

JOHN McKEON,

District Attorney.

A True Bill.

W. C. Gray

Foreman.

April 17th 1883

W. C. Gray

Grand Juror.

W. C. Gray

0168

0169

COURT OF GENERAL SESSIONS OF THE PEACE
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

William C. Fay

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

William C. Fay
of the CRIME OF ~~Robbery~~ Grand Larceny in the
second degree
committed as follows:

The said William C. Fay

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the seventh day of April in the year of our Lord
one thousand eight hundred and eighty- three, at the Ward, City and County
aforesaid, with force and arms, one pocket book of the
value of one dollar, two promissory
notes for the payment of money, the
same being then and there due and
unsatisfied, of the kind known as
United States treasury notes, of the
denomination and of the value of
one dollar each, fifteen silver coins
of the United States of the kind
known as quarter dollars, of the
value of twenty five cents each, one
silver coin of the United States of the
kind known as dime of the value
of ten cents, one nickel coin of the
United States of the kind known as five
cent pieces of the value of five cents, and three
coins of the United States of the kind known as
cents of the value of one cent each
of the goods, chattels and personal property of one Martha Bowler
on the person of the said Martha Bowler then and there being found,
from the person of the said Martha Bowler 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.

JOHN McKEON, District Attorney.

0170

Merrill & Whittier, 174 Fulton St. N.Y.
Fifth Judicial District Court,
of the City of New York.
154 Clinton Street,
Between Grand and Broome Streets,

New York, ~~June 18~~ ^{July} 1883

Hon Henry A. Goldensleeve
Judge.

Sir

Permit me to
bear witness to the charac-
ter and good repute of
William Fay, whom I
understand is charged
with a serious offense
before you.

I have known him for
a long time & have always
known and heard of him
as a worthy, reliable and
industrious boy. I cannot
believe him guilty of this
crime. There must be
some mistake.
May I ask you to examine

0171

the case

Yours Very Truly
John Henry McCarthy
Justice

0172

SEVENTH WARD.

Grammar School No. 2 Male Dep't.

New York, April 18th 1873.

William Fakes is regularly
discharged from Senior Class, 1st Grade.
Character, "Excellent"
Scholarship, "Good"

Last attendance at this School, Feb. 21st 1873

Books returned, Yes
Frank J. Haggerty
PRINCIPAL.

0173

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

North Star
Co of District
1122 1st St
William Day

1 William Day

2

3

4

Offence

Larceny from the person

Dated

April 8 1883

No. 3, by

John W. Murphy, Magistrate.

No. 4, by

John W. Murphy, Officer.

No. 4, by

John W. Murphy, Officer.

Witnesses

William J. Brownell

No. 2, by

2 George Peck

No. 1, by

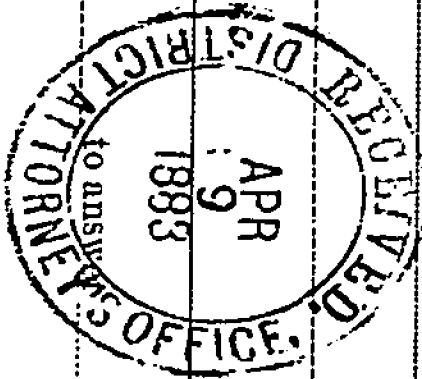
Street

No. 1, by

Street

No. 1, by

Street



Street

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 William Day

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 April 8 1883 } Andrew J. Smith Police Justice.

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

Dated _____ 1883 _____ 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 _____ 1883 _____ Police Justice.

0174

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

1881 District Police Court.

William Jay 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.

William Jay

Question. How old are you?

Answer.

16 Years

Question. Where were you born?

Answer.

Pennsylvania

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

Answer.

13 Oak Street about nine months

Question. What is your business or profession?

Answer.

I went to school till the 1st of March

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 did not snatch the pocket book
I can't tell how it happened*

William Charles Jay.

Taken before me this

day of

April

1881

Charles Jay

Police Justice.

0175

First

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, ss.

of No. 122 Liberty Street, in City of New York Marcha Bowles 29 Years Perfumer

being duly sworn, deposes and says, that on the 7th day of April, 1883

at the Corner of Fulton and South Streets in the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, with the unlawful intent to deprive the true owner of the benefit thereof
the following property, viz:

One pocket book containing two single
one dollar bills three dollars & seventy five
Cents in silver twenty five Cents pieces one
ten Cent piece one five Cent nickel and three
Cents all legal money of the United
States of the amount and value of
five dollars & seventy three Cents
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 William Day (now here)

from the fact that while deponent was walking
through Fulton Street at the Corner South Street
the defendant came up behind deponent and
said while deponent had her hand on her
pocket book in the pocket of deponents
dress worn on the body of deponent
the said defendant snatched the aforesaid
pocket book from deponents hand and
deponent exclaimed Oh my pocket book

Sworn before me this

day of

Police Justice,

188

0176

And defendant ran away and a crowd followed him crying stop thief and Officer John McQuirey 4th Precinct heard defendant scream and saw defendant run and followed defendant afterwards when said Officer got close on to him he saw defendant drop the defendant's pocket book which was identified by defendant

Sworn before me this

Martha Boudler

5th day of April 1883

Andrew White
Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

73.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0177

BOX:

99

FOLDER:

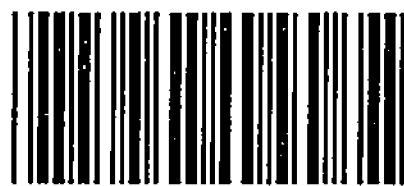
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DESCRIPTION:

Feehan, Michael

DATE:

04/16/83



1065

0178

BOX:

99

FOLDER:

1065

DESCRIPTION:

O'Donnell, Michael

DATE:

04/16/83



1065

0179

BOX:

99

FOLDER:

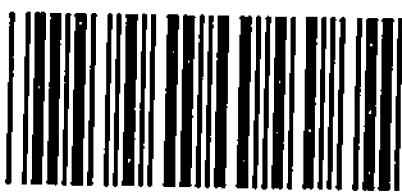
1065

DESCRIPTION:

Doe, John

DATE:

04/16/83



1065

0180

Witnesses:

Mar J. Stein
410 E. 6th St

Counsel,

Filed
day of April 188

Pleads,

THE PEOPLE

vs.

Michael T. Fehan
Michael O. Donnell
vs.
John Doe

JOHN R. FELLOWS,

April 20, 1888 District Attorney.

Michael T. Fehan, Burg. 1 degree
April 6, 1888
Michael O. Donnell, Burg. 1 degree
April 6, 1888

A True Bill.

W. J. Berry

Foreman,

April 22, 1888

April 22, 1888
30 years each of P.P.

R.B.M. 30

0181

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Tachan and
Michael O'Donnell
and John Doe

The Grand Jury of the City and County of New York, by this indictment, accuse Michael Tachan and Michael O'Donnell, and John Doe whose real name is to the Grand Jury aforesaid unknown — of the CRIME OF BURGLARY IN THE First DEGREE, committed as follows:

The said Michael Tachan, Michael O'Donnell and John Doe, all —

late of the Nineteenth Ward of the City of New York, in the County of New York aforesaid, on the — eighth — day of April —, in the year of our Lord one thousand eight hundred and eighty-eight, with force and arms, about the hour of three o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Max J. Stein, —

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: The said Max J. Stein. —

within the said dwelling house, with intent to commit some crime therein, to wit: the goods chattels and personal property of the said Max J. Stein. —

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away; the said Michael Tachan, Michael O'Donnell and John Doe, and each of them being then and there assisted by a confederate actually present, to wit: each by the other, and being then and there and each of them armed with a dangerous weapon, to wit: with a certain pistol then and there charged and loaded with gunpowder and lead; and the said Michael Tachan, Michael O'Donnell and John Doe, having so feloniously and burglariously broken into and entered the said dwelling house as aforesaid, afterwards to, wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, then being in the same dwelling house, in the night time as aforesaid, while engaged in escaping from the said dwelling house, in and upon the said Max J. Stein so as aforesaid being then and there therein feloniously did make an assault, and to, at and against him, the said Max J. Stein, the said pistol so charged and loaded as aforesaid, which they, the said Michael Tachan, Michael O'Donnell and John Doe then and there held in their hands, then and there feloniously did shoot off and discharge; 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,

0182

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said
Michael Tachan, Michael O'Donnell and John Doe
of the CRIME OF ~~Grand~~ LARCENY in the first degree, committed as follows:

The said *Michael Tachan, Michael O'Donnell*
and John Doe, all —

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 ~~month~~ time of the said day, with force and arms,

one watch of the value of fifteen
dollars, one part of the value of
three dollars, one pearl ring of the
value of one dollar, and the sum of
twelve dollars in money, lawful
money of the United States, and
of the value of twelve dollars,

of the goods, chattels and personal property of one *Max J. Stein.* —

in the dwelling house of the said *Max J. Stein.* —

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.

John H. Tallon,
District Attorney

0183

Sing Sing Prison

New York Aug th 22 / 72

Judge Randolph W. Martine

Honorable Sir

I take the liberty of
writing you those few lines knowing that you
will rember my Case I had the misfortune to be
Sentens By your Honor to serve thirty years in States
prisson in the year 1888 on the 30th of April

Honorable Sir sence i came to prison I have done
my very best to try and Behave myself and my
prisson records will shoue that i have succeeded

Honorable Sir I have served 2 years in Clinton Prison
and have ben sent Back to sing sing on account of
my health. Beion Predisposed to consumption and my
long sentans has weakened my mind as the Doctor
at sing sing or Clinton can tell your Honor.

Michael O'Scannell has ben sent to the Insane Asylum
three years ago and I ask your Honor for God sake have
mirsey and help me to regain my liberty again. One
chance your Honor, to start life anew and I am sure
your Honor would never have any cause to regret it
I have had the pleasure of an interview with
his Excellency Governor Flower and have mad an
aplocation to him for clemency which has ben
Submitted, and Irite to your Honor to Beg of you
to help me by sending a few lines in favor of
clemency to the Governor, as I have no friends of
Influans to help my my Mother & Father are poor
and cannot help me. If your Honor would take

0184

into consideration my long time thirty (30) years
and my previous good nature and help me to
some mitigating of my long sentence my Poor Mother
would give me in Blessing (you). Out of all the
or fifteen hundred men in this prison my lot
is the hardest men that has been criminals all
there lives in prison for the fifth and sixth time
some of them. O Sir Don't keep me alive in this
living tomb for the rest of my life I know I have
done wrong and I have suffered for it having been
out of my mind on two occasions and I am liable
to lose my mind for good with everyment and
confinement and my health in general I can live
but a few years at most and if my sentence was
shortened so as I could regain my liberty once more
your Honor Could put any conditions on the remission
of sentence which your Honor would suggest to the
Governor Please Sir. take pity on me and send me
one word of management just one line will tell
me whether I will have to stay the remainder of
my days in prison hoping your Honor will excuse
the liberty I take in writing also my way of expressing
my self as my Education was neglected as every
word I have wrote here is with the greatest of
respect hoping it will meet with success and your
Acknowledgement of the receipt of this I remain

Very Respectfully Michael Feehan

Sentence April 30th 1888 thirty years

0 185

O'Donnell

0186

STATE OF NEW YORK
Executive Chamber
ALBANY

November 25 1898

Dear Sir:

Application for Executive clemency having been made on behalf of Michael O'Donnell who was convicted of burglary 1st deg in the County of New York and sentenced April 30 1888 to imprisonment in the State Prison for the term of Thirty years. I am directed by the Governor respectfully to request that in pursuance of Section 695 of the Code of Criminal Procedure, you forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application. The application is made on the ground of innocence in support of which affidavits have been filed which are herewith enclosed for your information. Please return the same with your answer.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

William M. Griffith

Private Secretary.

Hon. Asa Bird Gardiner
District Attorney
New York

Indictment filed Apr. 16. 1888

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

MICHAEL FEEHAN and MICHAEL

O'DONNELL.

Abstract of testimony on

trial April 25th 1888.

0187

0188

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

218
Police Court H. 370
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Max J. D. Lewis
741d & 764
Michael J. Schwan-
Michael J. Schwan-

Offence *Dunham*

Dated *April 9* 188*8*

W. H. H. H. Magistrate.

W. H. H. H. Officer.

W. H. H. H. Precinct.

W. H. H. H. Street.

W. H. H. H. Street.

W. H. H. H. Street.

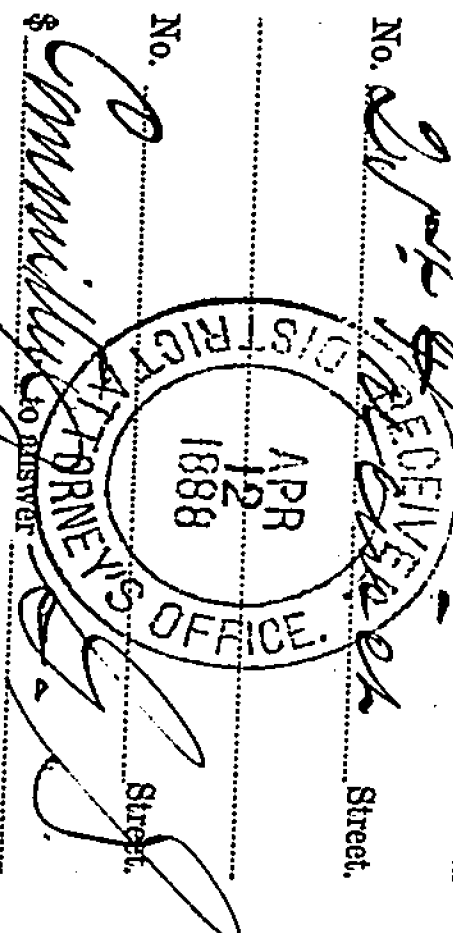
W. H. H. H. Street.

W. H. H. H. Street.

W. H. H. H. Street.

W. H. H. H. Street.

W. H. H. H. Street.



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 *Michael J. Schwan*
Michael J. Schwan

guilty thereof, I order that he be held to answer the same and he be committed 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 is legally discharged.

Dated *April 9* 188*8* *W. H. H. H.* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0189

Sec. 198—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Michael O'Donnell 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.

Michael O'Donnell

Question. How old are you?

Answer.

19 Years

Question. Where were you born?

Answer.

New York.

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

Answer.

413 East 68th St. - 1 Year

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 of the
Charge

Taken before me this

day of

188

Police Justice.

Michael O'Donnell

0190

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Michael Feehan - 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.

Michael Feehan -

Question. How old are you?

Answer.

28 years -

Question. Where were you born?

Answer.

New York -

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

Answer.

1437 Avenue A 8 years -

Question. What is your business or profession?

Answer.

Chair Maker -

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 of the
charge.

Michael Feehan

Taken before me this

day of

March 1888

Police Justice.

0191

Police Court—H. District.

City and County of New York, ss.:

of No. 410 East 64th Street, aged 24 years,

occupation Saloon Keeper — being duly sworn

deposes and says, that the premises No. 410 East 64th Street, 19th Ward

in the City and County aforesaid the said being a Brick Tenement

now known and which was occupied by deponent as a Large Saloon & Billiard

and in which there was at the time a human being, by name Max J. Stern

This deponent

were BURGLARIOUSLY entered by means of forcibly Opening the

door leading from East 64th Street

to deponent's premises

on the 8th day of April 1888 in the night time, and the

following property feloniously taken, stolen, and carried away, viz:

Gold and silver money of the United States

value to the amount and value of

square dollars - One Silver Watch of

the value of fifteen dollars - and one cloth

vest of the value of one dollar - and

one of the value of thirty dollars - and

one plate of silver - and one of the value

of one dollar - all being of the value

of thirty one dollars.

the property of Deponent.

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Michael T. Lehan & Michael J. Donnell.

Both now present - and another person not yet

arrested and unknown to deponent.

for the reasons following, to wit:

That at or about the hour of 11:30 P.M.

on the 7th day of April 1888 deponent

seemingly fast asleep in the premises

and retired to bed. That at or about

the hour of 3 A.M. on the 8th day of April

1888 deponent was awakened by hearing

a noise in deponent's premises

and saw the said Michael T. Lehan and

0192

Donnell in defendant's room - The
said Fuchan and O'Donnell each
pointed a revolving pistol at
defendant. and the said Unknown Person
then said to defendant. Keep still or
you will be shot. The said Fuchan
then took said property which
was hanging in the wall of said
premises. The said Fuchan, O'Donnell
and Unknown Person then ran out
of defendant's premises. The said
Fuchan at the time discharging
one shot from a pistol at defendant.
Defendant then discharged one shot
at the said defendants and seized
hold of the said Fuchan - who took
away from defendant and ran down East
6th Street. Defendant fully identifies the
said Fuchan and O'Donnell as two of
the persons who previously entered said
premises and who did take steel and
carry away said property.

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
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1888
By *John D. Byrne* M.C. *May J. Stein*
Police Justice Police Justice

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY

vs.

1.
2.
3.
4.

Date

1888

Magistrate.

Officer.

Clerk.

Witnesses.

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

COURT OF GENERAL SESSIONS PART III.

- - - - - X
The People of the State of New York : Before
 against : Hon. R. B.Martino
Michael Feehan and Michael O'Donnell: and a Jury.
- - - - - X

Indictment filed April 16, 1888.

New York, April 25, 1888.

Appearances:

For the People. Asst. Dist. Atty. Bedford;

For the Defendants John R. Meintzelman.

MAX J. STEIN, a witness for the People, testified:

I live at No. 410 East 64" St. in this City and have lived there for three years. I slept in that house on the night of the 8" of April of this year. I went to bed about half past 11 o'clock; before going to bed I securely fastened and locked all the doors to that house. About half past 3 o'clock in the morning I was awakened by a dog barking in the grocery store next door. I also heard a sound as if a piece of glass was falling out from the front door, I didn't know exactly what it was; then I felt a rush of air coming into my room. I heard foot-steps coming in through the store. I then heard glasses knocking against each other. The next thing I saw was Feehan coming into my bedroom. I positively

0194

2

identified Feehan as the man who came into my room first. After he came in he put the point of a pistol into my mouth; he held a candle in one hand and a revolver in the other and he shouted "Come on". The next thing I saw was O'Donnell coming into the room. I positively identify this man O'Donnell as the second man who entered my room. O'Donnell shoved his hand under my pillow. At that time I saw another man in my room also pointing a pistol at my face. Feehan, when he first came in, pointed his revolver directly at me; O'Donnell did the same thing. There were three men in the room but I have never seen the third man since. Feehan took down my clothes which were hanging on a rack right near my bed and went through the pockets of them. I had a coat, vest and pants and in these clothes was \$12 in cash and a watch and none chain. They took ~~all~~ of that property except the \$12 in cash. Feehan then ran away out of my bedroom and after he was out fired a shot into the room. I got up and went out after them and I saw the three of them lying on the floor in my store. Then I fired off a shot from my pistol. During the time that I fired the shots off the three men were laying on the floor and a big paving stone came in through the window and broke it. Then two of the burglars jumped out of the window and ran on the street; the third one was this man Feehan and he fired at me three times after that. I caught him and wrestled with him and finally threw him on the floor. He escaped

0195

3

afterwards and was caught on the street by a policeman.

Q Did you follow them into the street ?

A I followed them into the street and shouted for police. Shortly after that Officer Young came and he had captured Feehan.

Q Did you have any conversation then ? A Yes, sir. Officer Young asked me what was the matter and I told him that this man robbed me (meaning Feehan).

Q They brought Feehan into your store ? A Yes, sir; in front of the store.

Q What did Feehan say, if anything ? A He said nothing.

Q What was then done ? A I took the three revolvers which were in my store and carried them to the Station House.

Q When did you next see O'Donnell after this burglary ?

A Between 6 and 7 o'clock the same morning I saw him passing my store and I asked an officer to go after him and arrest him. The officer arrested him and I went to the Station House and made a complaint.

Did you say anything in O'Donnell's hearing or presence ?

A I said in the Station House "This is the man that was in my room this morning pointing a pistol at me". O'Donnell said nothing in response to that. I am positive as to my identification of these men. Nothing of my property was found upon these men. I have known this man O'Donnell by sight but did not know his name.

CROSS-EXAMINATION:

I keep a saloon at 410 East 64th Street. I closed my saloon at half past eleven on the night in question.

0196

4

- Q It was about 3 o'clock when these men broke in ? There
A was a low light burning in the saloon. There was one
chair in the saloon and no tables. The first time I
saw O'Donnell on that night was when he was pointing a
pistol at me.
- Q Will you swear that O'Donnell didn't have a moustache on
that night ? A I can't swear, I didn't see any mous-
tache.
- Q Did you notice whether he had any gloves on his hands or
not ? A I didn't notice. I lost sight of him in a
very few moments.
- Q While they were lying on the floor of your saloon you
fired shots ? A Yes, sir. I fired two shots while
they were laying down.
- Q What time did you see O'Donnell pass your store the next
morning ? A Between 6 and 7 o'clock; I am not sure.
- Q Was O'Donnell walking or running ? A He was walking on
the same side of the way as my store is.
- Q Of course you were very much excited ? A Not at all.
- Q Didn't the fact that three pistols were pointed at your
head frighten you ? A Yes, sir; of course it did.

JACOB M. YOUNG, a witness called on behalf of the People, tes-
tified:

I am a Police Officer attached to the 25th Precinct.
On the 8th of April about 3 or 4 o'clock I was on my post
from 59th to 63rd Sts. East side of First Avenue.

- Q What attracted your attention about that hour, if anything
A About that hour when I got near the corner of 63rd St. I

0197

5

heard three or four shots and the breaking of glass.

Q What did you do after hearing this noise ? A Well, after the noise I came down 63" St. and when I got half way in the block I saw a man coming towards me on the North side of the street; it was this man Feehan; he was running. I did not see anybody else there at that time. I crossed over and caught him. I took him to the complainant's place and he identified him fully. I found this pin which was afterwards identified by the complainant as part of his property on the person of Feehan. I found two hats on the premises of this complainant; they were lying on the floor of the saloon. I also found a watch on the floor of this saloon which was identified by the complainant as part of the property taken from him on the night of this occurrence.

CROSS-EXAMINATION:

I did not arrest the defendant O'Donnell in this case. The complainant was very much excited and looked badly frightened. At 6 o'clock in the morning he still bore signs of fright. I searched the premises of Mr. Stein very carefully and I found these things I have stated.

MAX J. STEIN, re-called, testified:

This pin which is shown me is my property. I handed these pistols to the officer; I found them on the floor of my saloon. I positively identified the watch and chain as mine.

JAMES McGURR, a witness for the People, testified:

I am a Police Officer attached to the 25" Precinct.

0198

6

On the morning of the 8th of May I went to the residence of the complainant in 64th St. The complainant saw O'Donnell outside and he told me to arrest him, which I did. At the time I arrested him he was about 200 feet away from Stein's place. I brought him back and Stein identified him as one of the men who had been in his house that same morning. I took him to the Station House and on the way to the Station House he told me that he was in his own house at 9 o'clock that night.

Q Did he say anything more than merely being there at 9 o'clock? A No, sir; he said that he was at home at 9 o'clock.

Q What did Stein say? A Stein charged him with being along with Feehan. At the Station House the complainant fully identified O'Donnell and he was locked up. I searched the defendant O'Donnell and found a handkerchief on his neck which had some blood on it. I took that handkerchief from him and I have it here.

CROSS-EXAMINATION:

O'Donnell was going towards the River when I arrested him; he was coming down from 1st. Ave.

Q What time of day was it? A Half past 7 in the morning.

Q Was he dressed as he is now? A He had no collar or necktie on. He had a handkerchief around his neck.

Q On the way to the Station House O'Donnell said he was in the house from 9 o'clock, which was it, "from" or "at"?

A At 9 o'clock.

0199

7

Q Was that statement made by him in response to any question you put ? A No, sir.

Q Up to that time had O'Donnell received from you any information as to what he was charged with ? A No, sir.

Q He was pretty badly frightened, wasn't he ? A I couldn't say whether he was or not.

Q You found nothing on his person except that handkerchief?

A That is all.

DEFENCE.

ELLEN O'DONNELL, a witness for the defendant, testified:

The defendant, Michael O'Donnell, is my son. I live at No. 413 East 63rd St. between Avenue A. and the Boulevard. I remember Sunday morning three weeks ago, the day my son was arrested.

Q Do you remember the Saturday night before that ? A Yes sir.

Q Did you see your son that night? A I did. As near as I can say I saw him about nine o'clock; and after that he did not move out of the house. He was in with me at 9 o'clock.

Q He was home at No. 413 East 63rd St. at 9 o'clock?

A Yes, sir.

Q Did he go out again that night ? A Not one step.

Q What did he do ? A He was playing with his little brother. He went to bed a little after 10 o'clock.

When I went to bed I locked all the doors and put the lamp out.

Q What time did you get up the next morning ? A I was up

0200

8

six o'clock.

Q When you got out of bed where was Michael ? A He was in another bed.

Q And after you got up he got up? A Yes, sir; he got up and dressed himself and went out . He left the house about 7 o'clock as near as I can judge.

Q Do you recognize the handkerchief which the Officer says he found on your son? A Yes, sir, he put it on him that very Sunday morning; it was fresh and clean .

Q Are you a heavy sleeper ? A I cannot sleep very much; the least thing wakes me.

CROSS-EXAMINATION:

I have five rooms in this house. I occupy the first room, and my son Michael occupies the one next to me. In order to get out of the house he would have to walk through the room in which I sleep and unlock the door which leads into the hall.

Q How do you know that it was on the night of the 8th of April that your son came home at 9 o'clock? A I remember it was last Saturday night two weeks, the 7th of April, I have no other way of fixing it.

WILLIAM O'DONNEIL, a witness for the deft., testified:

I am a brother of the deft. Michael O'Donnell. I live at home with my mother at No. 413 East 63rd St. I remember the Sunday that my brother was arrested about three weeks ago. I recollect his coming home ^{the night} before at 9 o'clock. I looked at the clock when he came in. It was exactly 20 minutes past nine when I went to bed.

0201

9

My brother was still up when I went to bed. When I got up in the morning I saw him dress himself and go out. It was about seven o'clock.

CROSS-EXAMINATION:

I slept with my mother that night. One time during the night she woke me up and sent me out to the kitchen for a glass of water.

EDWARD O'DONNELL, a witness for the defts., testified:

I am a brother of the deft. Michael O'Donnell. I live at No. 413 East 63rd St. I remember the Saturday night before he was arrested. I saw him in the house at 9 o'clock. He was in the house before I came in on that night. He slept in a room in the middle part of the house. I saw him the following Sunday morning at about seven o'clock.

Q Did you notice anyone passing your bedroom after you went to bed? A No, sir.

CROSS-EXAMINATION:

I last saw my brother when he went to bed shortly after nine o'clock on that Saturday evening; then I didn't see him until the next morning about a quarter to seven o'clock. I am a very sound sleeper.

MICHAEL O'DONNELL, one of the defendants, testified:

I have been arrested six or seven times for being drunk and fighting. I have never been arrested for burglary and have never served a term in State Prison. I have heard the testimony given by Mr. Stein against me.

0202

10

I was not in the premises 410 East 64" St. about 3 o'clock on the morning of the 8" of April, nor was I there at any time. I did not point a pistol at the complainant. I did not have any hand in committing a burglary at that place. On the night in question I was home in my bed at No. 413 East 63" St.. I went to bed somewhere around 8 o'clock.

Q After you went to bed that night did you leave it during the night ? A No, sir, I did not get out of bed until half past six o'clock the next morning. I dressed myself and went out and as I was walking along through 64" St. towards the River an officer came up to me and arrested me.

Q You were walking along the same side of the street as No. 410 East 64" St. is on ? A Yes, sir/

Q The policeman took you to the Station House ? A Yes, sir.

Q You say you were not in that place that night ? A I was not.

CROSS-EXAMINATION:

Q What caused you to take that walk so early in the morning?

A I generally go out in the morning when I have nothing else to do and walk around.

Q Did you have a hat on when you were arrested ? A Yes, sir.

Q After you were arrested were any hats tried on you ?

A Yes, sir.

Q Did any of these hats fit you ? A No, sir.

0203

11

Q You have been arrested six or seven time. What were you arrested for? A For assaults. I struck a man in the head once and got 1 month for it. Afterwards I was arrested for disorderly conduct and served 11 months in the Penitentiary. I have also been in the Work House for disorderly conduct.

Q How long have you known Feehan? A I know him by sight a good while, a few years.

Q How long have you known him personall? A About three months.

Q Do you frequent Feehan's company much? A No, sir.

Q Did you see him on the 8" of April? A No, sir. I have never seen any of these pistols which are shown me.

MICHAEL FEEHAN, one of the defts., testified:

I am one of the defts. in this case. I pleaded guilty to burglary in the first degree this morning.

Q Now Feehan, tell the truth. Was O'Donnell with you that night? A No, sir.

Q That is the truth? A Yes, sir.

Q Was he with you at the time you broke into the store belonging to Mr. Stein? A No, sir.

Q When had you seen O'Donnell before the night of this occurrence? A Something between 3 weeks and a month.

Q You did not see him on the 7" or 8" of April? A No, sir.

CROSS-EXAMINATION:

Q When did you leave the Penitentiary? A I was never in

0204

12

the Penitentiary. I was never convicted of any crime.

Q That is as true as anything you have testified to ?

A I never was arrested for anything.

Q You are the man who put the pistol in the complainant's mouth? A No, sir.

Q Why did you plead guilty. He swore that you put this pistol into his mouth. A I pleaded guilty to being with the other party. A man named Smith had the pistol.

Q Where did you meet Smith on that night. A On the corner of 2nd. Ave. and 63" St. He asked me to go along with him and I did. I did not go into the house though. I simply stood at the door.

Q How many shots did you hear? A I didn't count them.

Q Do I understand you to say that you never entered the store or bedroom of Max Stein on that morning? A I put one foot in the store, I wasn't inside of the room. I remained by the open door.

Q How long did you keep that one foot there? A I stayed there until I heard the shots inside the store.

Q Who was shooting? A I didn't know who was shooting.

Q Did you ever see this pin before? A It was found on me in the Station House. I don't know where I got it; I might have picked it up.

The defendant Feehan pleaded guilty to burglary in the first degree and the defendant O'Donnell was found by the Jury to be guilty of burglary in the first degree.

0205

BOX:

99

FOLDER:

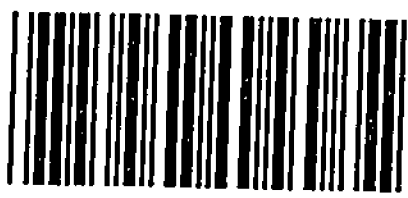
1065

DESCRIPTION:

Feniello, Pasquale

DATE:

04/25/83



1065

0206

340

Day of Trial,

Counsel,

Filed, 25 day of Feb 1883

Pleads

Iniquity.

THE PEOPLE

vs.

F

Barqualese

Assault in the First Degree.

(Sections 217 and 218)

JOHN MCKEON,

District Attorney.

A TRUE BILL.

W. J. Miller

Foreman.

Paul J. J. J.

Then acquitted.

0207

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Parquale Sanicello

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

of the CRIME OF *Assault in the first degree*, committed as follows:

The said *Parquale Sanicello*

late of the City of New York, in the County of New York, aforesaid, on the *twenty second* day of *April* in the year of our Lord one thousand eight hundred and eighty *three* with force of arms, at the City and County aforesaid, in and upon the body of *Stefano Nicastro* in the peace of the said people then and there being, feloniously did make an assault and *in* the said *Stefano Nicastro* with a certain *knife* which the said *Parquale Sanicello*

in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent *in* the said *Stefano Nicastro* then and there feloniously and wilfully to kill, 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

Parquale Sanicello of the CRIME OF Assault in the Second Degree, committed as follows:

The said *Parquale Sanicello*

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Stefano Nicastro* then and there being, feloniously did, willfully and wrongfully, make an assault and *in* the said *Stefano Nicastro* with a certain *knife* which the said

Parquale Sanicello in *his* right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut and wound

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 McKEON, District Attorney.

0208

Police Court District.

151328

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Stephen Nicastro

197 Green St

1 Pasquale Stucello

Offence Deliberately Assault

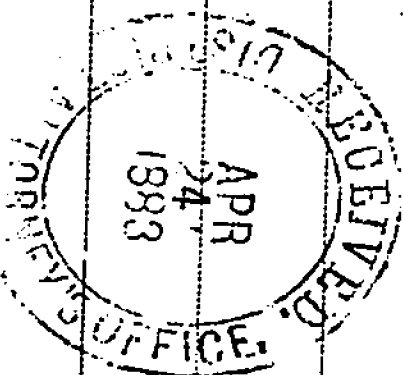
No. 1, by
Residence
Street.

No. 2, by
Residence
Street.

No. 3, by
Residence
Street.

No. 4, by
Residence
Street.

Witnesses



No. _____ Street _____
to answer \$ _____
Deer

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 Pasquale Stucello

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 April 23 188 } Salou R. Smith Police Justice.

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

Dated _____ 188 . _____ Police Justice.

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

Dated _____ 188 . _____ Police Justice.

0209

Sec. 198-200.

1st District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Pasquale Finello being duly examined before the under-
signed, according to law, on the annexed charge: and being informed that it is his co 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. Pasquale Finello

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer. Italy

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

Answer. 2448 Broome Street one year

Question. What is your business or profession?

Answer. Shoemaker

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

Pasquale Finello

Taken before me this 23
day of April 1888

John A. Smith
Police Justice.

02 10

Police Court—⁵⁴111 District.

CITY AND COUNTY } ss.
OF NEW YORK,

of No. 197 Greene Street,

being duly sworn, deposes and says, that
on Sunday the 22nd day of April

in the year 1883 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and ~~BEATEN~~ by Pasquale P. P. P.

(now here) did wilfully and feloniously
make a thrust at deponent with
a Knife then and there held in his
defendants hand and said he defendant
would kill deponent

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 23 day
of April 1883

Salon B. Smith
POLICE JUSTICE.

Stefano Nicastro

0211

BOX:

99

FOLDER:

1065

DESCRIPTION:

Fischer, Julius

DATE:

04/16/83



1065

170

Day of Trial

Counsel,

Filed

Pleads

J. J. Berling
16 day of April 1883

July 17

THE PEOPLE

vs.

B

Julius Fischer

845 Cassman St

JOHN McKEON,

District Attorney.

22 May 3, 1883
Ind. & acquitted.
A TRUE BILL.

W. J. McKeon

Foreman.

Dr. Cassman

Violation of Excise Law.
Selling on Sunday.

02 12

02 13

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Julius Fischer

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

of the CRIME OF *Exposing for Sale and Selling Spirituous Liquors on Sunday*, committed as follows :

The said *Julius Fischer*

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *First* day of *April* in the year of our Lord one thousand eight hundred and eighty *three*, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, 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 expose for sale and sell as a beverage to

~~and to~~ certain ~~other~~ persons whose names are 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 McKEON, District Attorney.~~

02 14

Court of General Sessions of the Peace

~~OF THE CITY AND COUNTY OF NEW YORK~~

~~THE PEOPLE OF THE STATE OF NEW YORK~~

~~AGAINST~~

Julius Fischer

And the Grand Jury aforesaid, by this indictment, further accuse the said

of the CRIME OF

committed as follows:

The said

Julius Fischer

~~the said~~

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *First* day of *April* in the year of our Lord one thousand eight hundred and eighty *three*, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, 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 *give away* as a beverage to

~~and to~~ certain ~~other~~ persons whose names are 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 McKEON, District Attorney.

0215

Police Court 3 District. 286

THE PEOPLE, &c.,

ON THE COMPLAINT OF

JAMES W. WARD

1 Julius Fisher

BAILED,

No. 1, by Julius Fisher

Residence 113 Myrtle Street.

No. 2, by Julius Fisher

Residence 113 Myrtle Street.

No. 3, by Julius Fisher

Residence 113 Myrtle Street.

No. 4, by Julius Fisher

Residence 113 Myrtle Street.

Dated April 23 1883

James Van Rensselaer Magistrate.

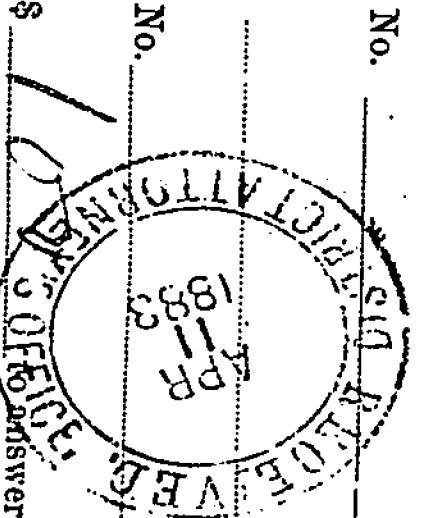
11 Precinct.

Witnesses

No. 1 Street.

No. 2 Street.

No. 3 Street.



Bureau

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 Julius Fisher

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 April 23 1883 Hugh Furman Police Justice.

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

Dated April 23 1883 Hugh Furman 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 _____ 1883 _____ Police Justice.

02 16

Sec. 198-200

CITY AND COUNTY
OF NEW YORK } ss.

3 District Police Court.

Julius Fisher 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.

Julius Fisher

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer.

Germany

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

Answer.

84 Cannon Street and about one year

Question. What is your business or profession?

Answer.

Saloon Keeper

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 had the front door locked and a only gave him my brandy

Julius Fisher

Taken before me this

day of

June

188

Augusta G. G. G.

Police Justice.

0217

Police Court 2 District.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK,

ss

the 11 Police Precinct, 12th Street
of the City of New York, being duly sworn, deposes and says, that on Sunday the April day
of April 1883, in the City of New York, in the County of New York,
at premises 84 Cannon Street
a place where intoxicating liquors and wines were kept for sale, and sold as a beverage,
Julius Fisher [now here]
did then and there expose for sale and did sell, caused, suffered and permitted to be sold, and given away under his
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in
the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said
Sunday the four day of April 1883 as required by law.

WHEREFORE, deponent prays that said Julius Fisher
may be arrested and dealt with according to law.

Sworn to before me, this 2 day
of April 1883 } James Van Rensselaer

Hugh Gorman POLICE JUSTICE.

02 18

BOX:

99

FOLDER:

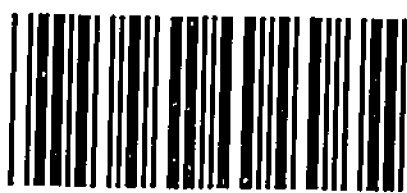
1065

DESCRIPTION:

Fitzgerald, Edward

DATE:

04/25/83



1065

Received by
John P. J.
First appearance
Character: heinous
Good. P.S.

344 ✓

Counsel,
 Filed 25 day of April 1883
 Pleads *Not guilty (2d)*

THE PEOPLE		vs.	<i>P</i>
<i>My O</i> <i>Chas</i> <i>Edward Fitzgerald</i> <i>42</i> <i>8 Rays</i> <i>Single</i> <i>Just dead.</i>		INDICTMENT. Grand Larceny in the 1st degree. <i>Section 52-8 and 52-9</i>	

JOHN McKEON,

District Attorney.
 22 Apr 30. 1883
 Tried & convicted 3.
A True Bill.

[Signature]

Foreman.
[Signature]

02 19

0220

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Fitzgerald

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

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

The said Edward Fitzgerald

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 21st day of April in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms

in the night time of
said day one watch of the value
of eighty dollars

of the goods, chattels and personal property of one Benjamin Oxley
on the person of the said Benjamin Oxley
then and there being found; from the person of the said Benjamin Oxley

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.

JOHN McKEON, District Attorney.

0221

BAILED,
No. 1 by _____
Residence _____
Street, _____
No. 2, by _____
Residence _____
Street, _____
No. 3, by _____
Residence _____
Street, _____
No. 4, by _____
Residence _____
Street, _____

3657
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Stephen O'Leary
of 544 W 4th St
Edward Fitzgerald
Offence, Larceny from person

2 _____
3 _____
4 _____

Dated April 22 1883

William J. McQuinn
Magistrate.

James D. McQuinn
Officer.

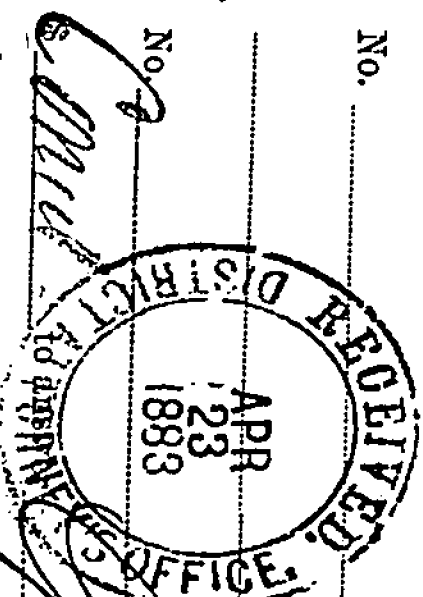
Clerk.

Witnesses
Hugh Hargrave

No. 1000 20th St.

No. _____
Street, _____

No. _____
Street, _____



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 Edward Fitzgerald

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~~ *be legally discharged* and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated April 22 1883 *W. J. McQuinn* Police Justice.

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

Dated _____ 1883 _____ 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 _____ 1883 _____ Police Justice.

0222

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Edward Fitzgerald 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.

Edward Fitzgerald

Question. How old are you?

Answer.

22 Years

Question. Where were you born?

Answer.

New York City

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

Answer.

8 Ridge Street about two years

Question. What is your business or profession?

Answer.

Wagon Driver

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 decline to say anything
before consulting my counsel.*

*(Counselor Steiner appeared
for defendant and waived
examination and the defendant
plead not guilty of the charge)*

Taken before me this

day of

188

William Patterson
Police Justice.

Edward Fitzgerald

0223

2

District Police Court

Affidavit—Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. 374 West 48th Street

being duly sworn, deposes and says, that on the 21 day of April 188 3

at the _____ City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, from his person in the night time
the following property, viz:

A Gold Watch of the
Value of Eighty 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

Edward Fitzgerald Nord
Present. That deponent was standing at the entrance to Barringer's Circus in 4th Avenue about ten O'clock P.M. on said day. A man named Haughey was standing a short distance from deponent while the defendants stood between Haughey & deponent. That Haughey exclaimed, I have lost my watch & deponent looking at his chest

0224

Discovered that the chain which
 was attached to the watch was
 hanging from deponent's vest and
 the watch which was in a pocket
 of said vest taken stolen and
 abstracted herefrom — That no
 person other than the defendant
 was close to or between said
 Haughey & deponent from the time
 deponent last saw the watch until
 he discovered that the same had been
 so taken and abstracted from dep-
 onent's vest pocket — Therefore dep-
 onent alleges & believes & charges
 said defendant with the commission
 of the felony

Benjamin ^{his} Otley
 Clerk

Given to before me this
 22nd day of April 1883
 H. M. Jackson
 Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0225

BOX:

99

FOLDER:

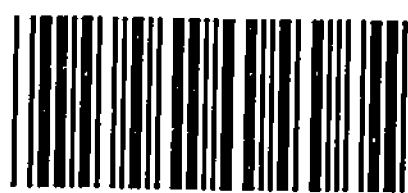
1065

DESCRIPTION:

Fitzpatrick, Daniel

DATE:

04/25/83



1065

0226

319 18th

Counsel,
Filed 25th day of April 1883
Pleads *Not guilty (2d)*

THE PEOPLE

vs.

B

Daniel S. Fitzgerald

JOHN McKEON,

District Attorney

A True Bill.

W. J. Foster

Foreman.

Part 2 May 25/83

Tried and acquitted

0227

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Daniel G. Fitzpatrick

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

Daniel G. Fitzpatrick

of the CRIME OF Petit LARCENY in the 1st degree, committed as follows:

The said Daniel G. Fitzpatrick

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 14th day of April in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms three hundred cigars of the value of five cents each, one bottle of champagne of the value of four dollars and twenty five cents, and silver coins of the United States of a number, kind and denomination to the Grand Jury aforesaid in sum of the value of seventy five cents.

of the goods, chattels and personal property of one William A. Jennings 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.

John McLean
District Attorney

0228

The Reverend, Daniel F. Felt,
I have known since he was a
young boy, and have always
found him the dearest to his
parents, and good in his
home relations. I have always
found him spoken of as
full the parent, as being very
devoted to every member of
his family, and he has always
been liked by his friends.

Respectfully

John C. Haynes

St. Jerome's Church

May 25-1883

E 137

to St. Paul's

0229

Police Court - 3rd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William St. Lawrence

vs.

1. Daniel Fitzpatrick

2.

3.

4.

Offence

Petty Larceny

Dated 15 April 1883

my Power Magistrate.

Def. Date Officer X

Witnesses

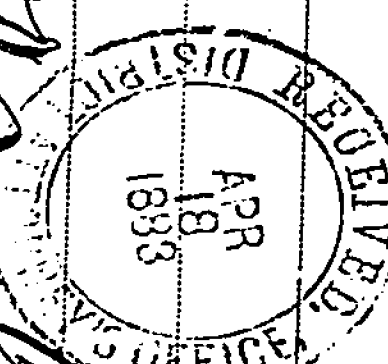
Def. Patrick Date

1st Precinct Police

No. Street.

No. Street.

\$ 1000 to answer



1000 to answer

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 Daniel Fitzpatrick

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 15 April 1883 City Comm Police Justice.

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

Dated April 16 1883 Andrew J. ... 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 1883 Police Justice.

0230

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

142 District Police Court.

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

Question. What is your name?

Answer. Daniel Fitzpatrick

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. United States

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

Answer. 152 Street and Morris Avenue

Question. What is your business or profession?

Answer. Policeman

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

Daniel Fitzpatrick

Taken before me this

day of

April 1889

Edith M. M. M. Police Justice.

0231

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick Dates
aged 40 years, occupation Sergeant of Police attached
to the First Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of William A Jennings
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 15
day of April 1883 } Patrick Dates,

W. J. O'Neil

Police Justice.

0232

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

comes & appears *16 Dutch*

William A Jennings 61 years

of No. *16 Dutch* Street,

being duly sworn, deposes and says, that on the *14th* day of *April* 188

at the *premises 16 Dutch Street in the night* *time in the* City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent *with the unlawful intent to deprive the true owner of the use and benefit thereof*
the following property, viz:

*Three hundred cigars one bottle of Champagne
wine and lawful money to the amount and
value of seventy five cents in all of the value
of twenty 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 *Daniel Fitzpatrick (now here)* from

*the fact that deponent was informed by Sergeant
Patrick Oates that he found said defendant on
the aforesaid premises with a portion of the said
property in his defendant's possession*

W A Jennings

Sworn before me this

13th

day of

April

188

Police Justice,

0233

BOX:

99

FOLDER:

1065

DESCRIPTION:

Fitzpatrick, Thomas

DATE:

04/25/83



1065

380

Counsel,

Filed 25th day of April 1883

Pleads

Not guilty. (16)

THE PEOPLE

vs.

P

James S. Sigurdson

~~(James S. Sigurdson)~~

Grand Larceny, 1st degree, and

Sections 34, 528 and 531

JOHN McKEON,

District Attorney

A True Bill.

W. W. Smith

Foreman.

April 30/83

Henry H. Sigurdson

0234

0235

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Fitzpatrick

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

Thomas Fitzpatrick

attempting to commit
of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Thomas Fitzpatrick

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
21st ~~on the~~ day of April in the year of our Lord one thousand eight hundred and
eighty-three, at the Ward, City and County aforesaid, with force and arms

two promissory notes for the payment
of money, the same being then and
there due and unsatisfied, of the kind
known as United States Treasury notes
of the denomination and of the
value of five dollars each, and divers
silver coins of the United States of
a number kind and denomination
to the Grand Jury aforesaid unknown
of the value of twenty eight dollars

of the goods, chattels and personal property of one Julius F. Weiss

attempt to
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.

John McLean

District Attorney

0236

BAILED,
No. 1, by _____
Residence _____ Street,
No. 2, by _____
Residence _____ Street,
No. 3, by _____
Residence _____ Street,
No. 4, by _____
Residence _____ Street,
No. 5, by _____
Residence _____ Street.

Police Court 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward J. Moran
1404 St. James
New York City
Offence, *Disruptive*
Disorderly

2 _____
3 _____
4 _____

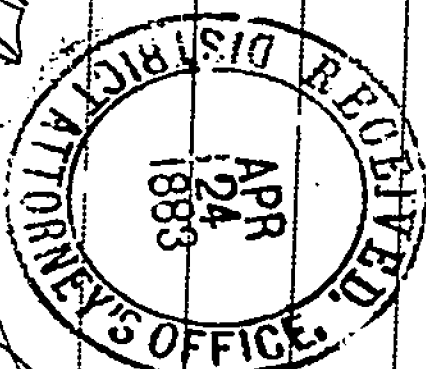
Dated *April 21st* 1883

Marcellus Magistrate.

Edward J. Moran Clerk.

Witnesses, *Edward J. Moran*
John J. Moran Street,

No. _____ Street,
No. _____ Street,
\$ *1000* to answer *at* *8* Street,
at



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 *Edward J. Moran*

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 *April 21st* 1883

Edward J. Moran Police Justice.

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

Dated _____ 1883 _____ 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 _____ 1883 _____ Police Justice.

0237

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

5 District Police Court.

Thomas Fitzpatrick 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. Thomas Fitzpatrick

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. 226 East 27 Street for two months

Question. What is your business or profession?

Answer. Truck driver

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 of the charge preferred against me.

T. Fitzpatrick

Taken before me this

21

day of

March 1933

at

New York

City

Police Justice.

0238

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. 2404 - 34 Avenue Street,

Julius F. Reiss

being duly sworn, deposes and says, that on the 21st day of April 1883

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 way time*

the following property, viz:

Thirty eight Dollars good and lawful money of the United States to wit: two five dollar bills, and twenty eight dollars in silver coins, in all of the value of thirty eight Dollars of 38.00

the property of

Julius F. Reiss and Brother

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 *Thomas Fitzpatrick (now here)*

from the fact that while the deponent had left his store for a minute, and on his return he found the defendant in said store behind the counter at the money drawer making an attempt to open said drawer in which the aforesaid money was contained.

and when the deponent attempted to stop the defendant said defendant took

POLICE JUSTICE

0239

holder of the deponent and throw
him down and in doing so said
deponent struck a violent blow
at the deponent's stomach
the deponent then followed the
defendant to the street and caused
his arrest.

Subscribed before me
this 1st day of April 1883

Julius F. Priss
Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0241

The People
vs. Thomas Fitzpatrick Court of General Sessions Part
Monday, April 30. 1883. Before Judge Gildersleeve.
Indictment for attempt at grand larceny.

Julius F. Reiss, sworn and examined
by Mr. Fellows.

Q Mr. Reiss, where do you live.

A No 1404 Third Avenue.

Q Is that your place of business.

A Yes sir.

Q What is your business.

A Paints, wall papers &c.

Q On the 21st of this month did you see
the prisoner at the bar at your
place of business. A Yes sir.

Q What hour in the day.

A It was a little after ten in the morning.

Q Was there any one in your store
besides yourself and he at that time.

A No sir.

Q Tell now, tell the jury the circumstances
under which you discovered him there.

A We had some carpenters repairing
the stair way leading down stairs.
I just stepped out for a moment to
see what they were doing. I wanted

0242

to give some orders in regard to fixing the stairs, and I was not there over a minute or so, and all at once I heard the click of a money drawer. We have one of those patent money drawers behind the counter; and I run for the door, and this man Fitzpatrick he was right behind the drawer, behind the counter. He had the windows open that we have our shelved goods in, such as gold leaf, brushes &c, and as I got to the door he rushed from behind the counter. I got hold of him by the shoulders and asked him what he was doing? He hit me a terrible blow in the stomach and knocked me down. Of course he ran towards Eightieth St. I got up and halloed to the man next door to watch the store. I was afraid there might be two in the party. The man next door runs the candy store. I saw he was coming towards the door. I gave chase down Second Avenue. Of course he had a terrible start of me, but I knew I could catch him. Well, did you catch him.

0243

- A Well sir, the officer heard me hallooing "thief." People ~~joined~~ ^{joined} in the ~~race~~ and caught him five or six blocks from the store down near the First Avenue and Seventy Eighth St.
- Q Was that officer McMahon. A Yes sir.
- Q That property was that was in that cash drawer. A Well, there was \$38 in money. \$35 I had just paid in a moment ago; this man passed the store. A young boy paid me \$35 for a bill.
- Q You had \$38 in the drawer and that was your own lawful money.
- A Yes sir.
- Q When you went out of the store did you leave any one in there.
- A No.
- Q Did any one have the right to enter behind that counter in your absence. A No.
- Q You heard the click of the cash drawer. A Yes sir.
- Q What means of getting into the store are there except the front door. A No other means.
- Q Well, when you went out of the store

0244

did you go where you could see the store entrance. A. O. the stair way, that is right down in the basement in front.

Q Then you left the door, so that you could not see whether any party entered there or not. A. No.

Cross Examined.

Q How far away were you from the money box when you heard the click of it as you say.

A Well, it might be 20 or 25 feet.

Q You were down stairs.

A I was at the head of the stairs, a few steps down.

Q These steps go down to the cellarway.

A Yes sir, go down in front.

Q How loud a click did this box make. A. Well, it is one of these patent money drawers. If you pull it out you can hear it quite a distance.

Q How far do you suppose.

A I do not know how far. I know I heard it quite plain.

Q You are very sure you heard it.

A Yes sir.

Q Were there people passing in

0245

the street at the time.

A Quite a number.

Q Wagons? A. I do not know.

Q The probabilities are that they were - a public street. A. Yes sir.

Q When was the first time you saw this prisoner. A. Well, I am quite sure he passed the store when this young fellow paid me the money.

Q Will you swear that he passed the door. A. Yes sir.

Q When did you see him again.

A When he came from behind the counter.

Q And how do you get behind the counter - what way. A. There is two ways; you can go in the rear of the store or go behind the counter or go in front.

Q Did he say anything to you at the time when you found him at this money drawer.

A No; I asked him what he was doing? He did not say anything; he hauled off as we clinched.

Q You pursued him. A. Yes sir.

Q You did not arrest him.

A No.

0246

Edward M. Mahon, sworn and examined.
Q You are an officer of the 23.
A The Twenty third precinct.
Q Were you on duty on the day of this occurrence at the store of Mr. Reiss.
A I was on Second Avenue and Eightieth St.
Q Mr. Reiss' store is on Third Avenue near what street..
A Between Seventy ninth and Eightieth Sts.
Q Did you see the prisoner that day.
A I heard the cry of "stop thief," looked around, and I saw Mr. Reiss running. I looked down the Avenue further and I saw the prisoner.
Q Well, what was the prisoner doing.
A He was running.
Q What did you do. A. I pursued him to Seventy eighth St.; he turned Seventy eighth St. towards First Avenue, and there we overtook him and I arrested him.
Q Did he make any statement to you.
A No statement - nothing more than he said there was nothing of the kind and he asked to be taken back to the store, and

0247

I accommodated him by taking him back.

Cross Examined.

Q Did you ask him what he had done.
A I asked the complainant what he had done. He was there at the time.

Q Did you ask the prisoner what you had done. A. No sir.

Q The prisoner made that statement to you that he wanted to be taken back to the store without your saying anything to him.

A Yes sir.

Mr. Fellows: The People rest.

The Case for the Defence.
Thomas Fitzpatrick, sworn and examined, in his own behalf, testified:

By counsel Q What is your business.

A Well, I have been for the last two years pencilling. I am a truck driver by trade. I strip houses for painters.

Q How did you come to go into this store that day.

A Well, I had three basements to do
7

0248

for a painter in Seventy Seventh St. and I wanted a brush and I had to go to the paint store to buy it.

- Q So you went to this store. A. Yes sir
- Q Tell now tell the jury all about what happened in there. A. I went into the store, went up to the counter, and I put my hand on the counter. There was rolls of wall paper on the counter and one roll went down on the floor. So I stooped to pick it up to put it on the counter, that gentleman who was here come running in and grabbing me, hallooing "thief, thief." I went out into the middle of the street, I ran into the middle of the street. I never hit him. He came out and made a motion to the man in the candy store to watch the store. Well then he turned around and pursued me. He chased me and I ran away. I was going down Seventy Eighth St. I stopped, and the officer came up and I said, "Officer, I stole nothing." The man came up, "yes, he has

0249

got my money drawer." I said, "Officer, come back to the store and see if I have done anything." The man pulled out a chamois bag of silver. He said, "No, I did not lose nothing."

Q You did not go anywhere near that money drawer. A. No sir, I did not know where it was until the man went back to the store, and I went back with the officer and he opened the money drawer, and he says, "No, I did not lose anything."

Q What did you run for.
A He scared me. He motioned to the man next door to run after me. I ran away.

Cross Examined.

Q You did not hit him.
A No sir, I did not hit him.
Q He is mistaken about that.

A Yes sir, he is mistaken.
Q Well, what right had you to go in behind the counter.

A I was not behind no counter. I went into the store to buy varnish.
Q You were not behind the counter.

0250

Q No, I was not behind the counter.
How did you get hold of any wall paper. A. It was on the counter, and as it rolled down this man started and grabbed me. I was away back in the store right by the counter. When the officer took me back I said so.

The jury rendered a verdict of "not guilty."

This is a correct transcript of the testimony made by William Anderson, official stenographer of the General Sessions, Part First City and Co. of New York.

New York, July, 11th 1883.

0251

BOX:

99

FOLDER:

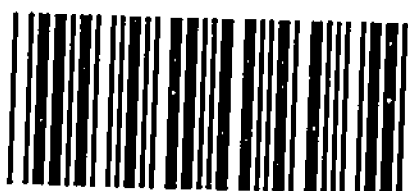
1065

DESCRIPTION:

Fleming, John

DATE:

04/05/83



1065

2
Fleming has already
been tried upon a bill
similar to this and
found not guilty. We
have no other evidence
but that offered in the
former case, and I
ask the discharge of the
prisoner on his own
recognition.

May 18. 1883.

Geo. H. Hays

31
12th June.
✓ C. H. Hays & Co.
Day of Trial,
Counsel,
Filed *May 18* day of *June* 1883
Pleads *Not guilty*

THE PEOPLE
vs. *B*
John Fleming
(2 cases)
Keeping Gambling Establishment,
etc.
(Section 843, Penal Code.)

JOHN McKEON,
District Attorney.

A True Bill,
W. J. Hays
May 18/83 Foreman.
Geo. H. Hays

0252

0253

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 Fleming

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

John Fleming

of the CRIME OF KEEPING A room TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said John Fleming

late of the First Ward of the City of New York in the County of New York aforesaid, on the twenty second day of January in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a room in a certain Building there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called playing Lottery policy where money and property was dependent upon the result, 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 John Fleming

of the CRIME OF KEEPING A room TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said John Fleming

late of the First Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said twenty second day of January, in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, unlawfully did keep a room in a certain Building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public or private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers, and documents, 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 Mc Keon
District Attorney

0254

BAILED,
No. 1, by John H. Blather
Residence 76 Orchard Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court 3^d Dist. District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
George Connor
vs.
John Fleming
1
2
3 see other
4 complaint for S. I.
Offence Violation of Lottery Law

Dated March 22^d 188 3
Patterson Magistrate.
Connor Officer.
Sharp. Dist. Precinct.

Witnesses _____
No. _____ Street.
No. 10. 10th St. Street.
No. 300 Street.
to answer at 10th St.
at 10th St.

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 John Fleming

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three 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 March 23^d 188 3 J. M. Patterson Police Justice.

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

Dated March 23 188 3 J. M. Patterson 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.

0255

Sec. 188-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

John Fleming 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 Fleming

Question. How old are you?

Answer.

64 years of age

Question. Where were you born?

Answer.

Germany

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

Answer.

544 - 6th St. 8 months

Question. What is your business or profession?

Answer.

Machinist

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 Fleming

Taken before me this

day of

March

188

13

John D. Wilson

Police Justice.

0256

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

George Connor, aged 37 years,
of the First Inspection District, being duly sworn, deposes and says, that on the 22nd
day of January 1883, at No. 544 East 6th
Street, in the City and County of New York,

John Fleming, New York,
did unlawfully and feloniously sell and vend to deponent
Gorsho Penn of Ten Cents, Cutani numbers
viz: "Ten first"
~~and is paper and document~~, the same being what is commonly
known as, and is called a Lottery Policy, and which said Lottery
Policy, ~~and number~~ ~~and is paper and document~~ is ~~unlawful~~ ~~that is to say~~
in the nature of a bet, wager or
insurance upon the drawing or drawing
numbers of a Cutani Lottery (not authorized
by the laws of said State)

Wherefore deponent prays that the said John Fleming
may be dealt with according to law.

Sworn to before me, this

22nd
day of March 1883

George Connor

J. M. Pauson

Police Justice.

0257

95 *

Day of Trial,

Counsel,

Filed *11* day of *April* 1883

Pleads *Not guilty (U)*

THE PEOPLE

vs.

B

John Fleming

[2 cases]

*Keeping Gambling Establishment,
etc.
(Section 843, Penal Code.)*

JOHN McKEON,

District Attorney.

A True Bill.

M. J. Moran

Foreman.

Apr 16/83

Fred. J. Acquisti

0258

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 Fleming

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

John Fleming

of the CRIME OF KEEPING A room TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said

John Fleming

late of the First Ward of the City of New York in the County of New York aforesaid, on the tenth day of February in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a room in a certain building there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called playing lottery policy where money and property was dependent upon the result, 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

John Fleming

of the CRIME OF KEEPING A room TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said

John Fleming

late of the First Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said tenth day of February in the year of our Lord one thousand eight hundred and eighty-three at the Ward, City and County aforesaid, unlawfully did keep a room in a certain building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public or private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers, and documents, 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 McKeon
District Attorney

0259

Judge-Justices please
take care in the within
case in my absence.
March 31/83

Don Patterson
J. J. Patterson

BAILED,
No. 1, by Henry Stuenkel
Residence 138 1/2 Avenue Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Don Patterson

Police Court- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Leuner

1 John Fleming

2 _____
3 _____
4 _____

Offence Grand Larceny

Dated March 28 1883

Patterson Magistrate.

Leuner Officer.

138 1/2 Ave. St. Precinct.

Witnesses

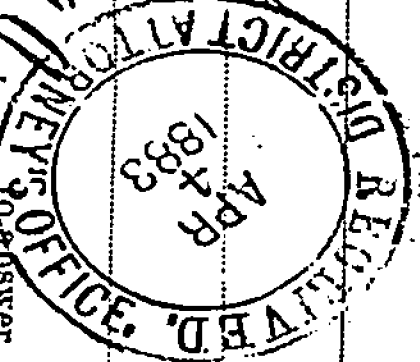
No. 138 1/2 Ave 31st St.

No. Barren 2 1/2 Ave

No. _____ Street.

No. _____ Street.

No. _____ Street.



Ward

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 John Fleming

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three
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 March 31st 1883 J. J. Patterson Police Justice.

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

Dated April 2 1883 _____ 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 _____ 1883 _____ Police Justice.

0260

Sec. 198-200.

3rd District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

John Fleming 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 Fleming

Question. How old are you?

Answer. 64 years

Question. Where were you born?

Answer. Germany

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

Answer. 544 6th Street 8th months

Question. What is your business or profession?

Answer. Machinist

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

Taken before me this 28
day of March 1883

W. M. Patton
Police Justice.

0261

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK,

POLICE COURT, 3 DISTRICT.

37 years
of the 1st Inspection District Police Street, being duly sworn, deposes and
says that on the 10th day of February 1883

at the City of New York, in the County of New York, John Flemming

(nowhere) did unlawfully receive from
deponent the sum of ten cents good and
lawful money, which money was paid to
him, by deponent in the nature of a bet or
wager, or insurance on the drawing or drawn
numbers of a certain lottery unauthorized by
the laws of this State, and the said defendant
did thereupon sell and lend to deponent for
said money a lottery policy denominated
3 first in both Lotteries

George Connor

Sworn to before me, this 28
of March 1883

Wm. Patterson
Police Justice.

0262

BOX:

99

FOLDER:

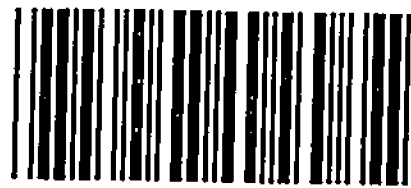
1065

DESCRIPTION:

Flynn, Peter E.

DATE:

04/16/83



1065

0263

Nb. 12. 1883

Day of Trial

Counsel,

Filed 16 day of April 1883

Pleads

THE PEOPLE

vs.

Violation of Excise Law.
Selling on Sunday.

B

Baron C. E. Dwyer

3/7/1884

JOHN McKEON,

District Attorney.

22 April 17, 1883

A TRUE BILL.

Pleads guilty

W. H. Ambrose

Foreman.

J. med. \$30.

Costs paid 19 April

0264

COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New-York.

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

- against -

Peter E. Flynn
-----x

THE GRAND JURY OF THE CITY AND COUNTY OF NEW-YORK, by this indictment accuse *Peter E. Flynn*

of the Crime of Selling and Exposing for Sale Spiritous Liquors ~~on~~
Sunday ~~at unlawful hours~~, committed as follows:

The said *Peter E. Flynn*
late of the City and County of New-York, on the *first* —
day of — *April* — in the year of our Lord one thousand
eight hundred and eighty *three*, the same being the first day of
the week, commonly called and known as Sunday, at the City and
County aforesaid, he, the said *Peter E. Flynn*
being then and there duly licensed to sell strong and spiritous
liquors, wines, ale and beer at certain premises known as number
431 First Avenue, in the said City and County, then
and there, at the premises as aforesaid, with force and arms,
certain strong and spiritous liquors and certain wines, to wit:
one gill of wine, one gill of bitters, one gill of ale, one gill
of porter, one gill of beer, one gill of lager beer, one gill of
brandy, one gill of rum, one gill of whiskey, one gill of gin,
one gill of cordial, and one gill of a certain strong and spirit-
ous liquor to the Grand Jury aforesaid unknown unlawfully did ex-
pose for sale and sell as a beverage to certain persons, whose
names are 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.

And the Grand Jury aforesaid, by this indictment, further
accuse the said *Peter E. Flynn* of the Crime of Giving
Away and Disposing of Spiritous Liquors ~~at unlawful hours~~, com-
mitted as follows:

The said *Peter E. Flynn*, late of the City and County
aforesaid, on the day and in the year aforesaid, the same being
the first day of the week, commonly called and known as Sunday,
at the City and County aforesaid, he, the said *Peter E. Flynn*
being then and there duly licensed to sell strong and spiritous
liquors, wines, ale and beer at certain premises known as number
431 First Avenue, in the City and County aforesaid,
then and there, at the premises aforesaid, certain strong and
spiritous liquors and certain wines, 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 spiritous liquor to the
Grand Jury aforesaid unknown, unlawfully did give away and dispose
of as a beverage to certain persons, whose names are 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.

0265

of the City and County of New-York.
COUNTY OF NEW-YORK, ss. I, the Clerk of the Court,

And the Grand Jury aforesaid, by this indictment, further accuse the said *Peter E. Flynn* of the Crime of not closing and keeping closed a place licensed for the sale of liquors, on Sunday, committed as follows:

The said *Peter E. Flynn* late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, at the City and County aforesaid, he, the said *Peter E. Flynn* being then and there duly licensed to sell strong and spirituous liquors, wines, ale and beer, at certain premises known as number 43, *First Avenue* in the City and County aforesaid, unlawfully did not close and keep closed the premises aforesaid, so licensed as aforesaid, 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 Mc'KEON,

District Attorney.

0266

BAILED.
No. 1, by Morris Vitale
Residence 2431 1st Avenue
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

163
Police Court 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

James J. Vitale
Peter Flynn
Office Two Equis
Law

Dated

April 2 1883

No. 1, by

J. M. McInnis Magistrate.

No. 2, by

Geo. J. McInnis Meer.

No. 3, by

18 Precinct.

Witnesses

No. 1, by

_____ Street.

No. 2, by

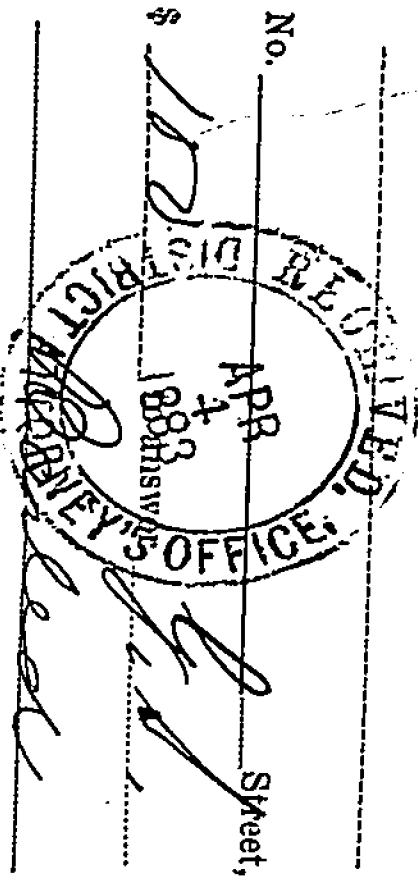
_____ Street.

No. 3, by

_____ Street.

No. 4, by

_____ Street.



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 Peter Flynn

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 Apr 2 1883 [Signature] Police Justice.

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

Dated April 2 1883 [Signature] 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.

0267

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, } ss.

4 District Police Court.

Peter Flynn 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. Peter Flynn

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. New York

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

Answer. 1/3 West 12th St 12 years

Question. What is your business or profession?

Answer. Barman

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 have nothing to say

Peter E Flynn

Taken before me this 2
day of April

1883

John J. McQuinn
Justice

0268

Fourth District Police Court.

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

James F. Goldnick
of No. 18 Breuners Police
Street, being duly sworn, deposes and says,
that on Sunday, the 1st day of April 1883
at the City of New York, in the County New York,
he saw Peter Flynn
sell and expose for sale, at his premises, No. 437-1st Avenue

spirituous and intoxicating liquors, in violation of the law in such cases
made and provided. deponent says that
the bar was exposed and a number
of men was present at the bar

James F. Goldnick

Sworn before me this
of
Police Justice.

0269

BOX:

99

FOLDER:

1065

DESCRIPTION:

Franklin, Eliza

DATE:

04/03/83



1065

Counsel,
Filed 3 day of April 1883
Pleads *Not guilty (&)*

THE PEOPLE
vs. *P*
Eliza Franklin.

JOHN McKEON,
District Attorney.
P 2 April 6, 1883
Ind & acquitted
A True Bill.

[Signature]
Foreman

0270

0271

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Eliza Franklin

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

Eliza Franklin
of the crime of GRAND LARCENY, in the *second* degree, committed as follows:

The said *Eliza Franklin*

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *eight* day of *March* in the year of our Lord one thousand eight
hundred and eighty-*three* at the Ward, City and County aforesaid, with force and arms,

\$75. three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually known as dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins (of the kind known as two cents), of the value of two cents each.

of the goods, chattels, and personal property of one

Sam De Forest

then and there being found, 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.

JOHN McKEON, District Attorney

0272

BAILLED,
No. 1 by _____
Residence _____
Street, _____
No. 2 by _____
Residence _____
Street, _____
No. 3, by _____
Residence _____
Street, _____
No. 4, by _____
Residence _____
Street, _____

#15
Police Court- 20933 District.
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Jettie M. Mearns
vs. Elizabeth Mearns
1 Elizabeth Mearns
2 _____
3 _____
4 _____
Offence Grand Larceny
Dated March 30 1883
Elizabeth Mearns, Magistrate.
Elizabeth Mearns, Officer.
Clerk.
Witnesses, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____
to answer \$ 500.00
J. J. Mearns

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 she be held to answer the same and she be admitted to bail in the sum of five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until she give such bail.

Dated March 30 1883 Police Justice.

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

Dated _____ 1883 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 _____ 1883 Police Justice.

0273

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, } ss.

12th District Police Court.

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

Question. What is your name?

Answer.

Eliza Franklin

Question. How old are you?

Answer.

Twenty Eight Years.

Question. Where were you born?

Answer.

New York.

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

Answer.

15 1/2 Sullivan Street 5 Years -

Question. What is your business or profession?

Answer.

Domestic

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

Answer.

I am not guilty of the Charge.

Her
Eliza Franklin
maam.

Taken before me this

day of

188

Police Justice.

0274

25

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. 131 East 13th Street, *Nettie Lee Forest* *Housekeeper*

being duly sworn, deposes and says, that on the *22nd* day of *March* 188*8*

at the *Above premises* 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 with intent to deprive the*
owner thereof the following property viz:

Good and lawful money
of the United States, consisting
of notes or bills of various denominations
and values together of the value of
Seventy five dollars.

the property of *deponent and her husband Levi*
Lee Forest

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 *Olivia Franklin (mother)*

from the fact that deponent placed said
money under the carpet of deponent's
room near the Mantel piece in said
room in the presence of the said Franklin
at or about the hour of 4 O'clock P.M.
deponent left said room in charge of
the said Franklin and went to dinner
deponent returned in about one hour
and the said Franklin complained

0275

of being sick and wanted to go home
 Dependent gave the said ^{maid} permission
 to go home and the said Maanklin
 immediately left dependent's room.
 On the following morning dependent
 discovered that the said money had
 been taken stolen and carried away.
 Dependent further says that the said
 Maanklin on leaving dependent's premises
 left her clothing behind here and
 wages due and failed to return to dependent's
 premises ~~and~~ Dependent has not been
 able to find the said Maanklin and
 has not seen her until she had been
 arrested by Officer Heidelberg.

Given before me by State Dependent
 this 30th March 1883

W. G. Puffly
Justice of the Peace

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

28.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION