

0009

BOX:

189

FOLDER:

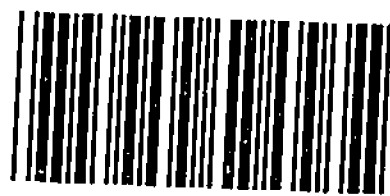
1909

DESCRIPTION:

McCarthy, John J.

DATE:

09/22/85



1909

0010

Counsel,
 Filed 22nd Sept. 1885
 Pleads, *Not Guilty*

THE PEOPLE
 vs.
Wm. L. R. R. R.

James L. R. R. R.
A. D.

District Attorney.

A True Bill.

Foreman

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 J. McRath

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

John J. McRath

of the CRIME OF *Murder in the first degree,*

committed as follows:

The said

John J. McRath

late of the *First* Ward of the City of New York, in the County of New York afore-
said, on the *Twenty-sixth* day of *December*, in the year of our Lord
one thousand eight hundred and eighty-*one*, at the Ward, City and County aforesaid,

with force and arms, in and upon
the body of one Pasquale Savino,
in the presence of the said People
then and there being, unlawfully,
feloniously and of his malice
aforethought, did make an assault,
and him the said Pasquale
Savino, with a certain knife which
he the said John J. McRath in
his right hand then and there
had and held, in and upon the
abdomen of him the said Pasquale
Savino, then and there unlawfully
feloniously and of his malice
aforethought did strike, stab, cut
and wound, giving unto him the

said Pasquale Savino, then and
there with the knife aforesaid,
in and upon the abdomen of
him the said Pasquale Savino,
one mortal wound of the breadth
of one inch and of the depth of
six inches; of which said mortal
wound he the said Pasquale
Savino then and there died.

And as the Grand Jury
aforesaid do say, that the said
John McRath, from the
said Pasquale Savino, in manner
and form and by the means
aforesaid, unlawfully feloniously
and of his malice aforethought,
did kill and murder; against the
form of the Statute in such case
made and provided, and against
the peace and dignity of the said
People.

Randolph B. Martin,
District Attorney.

POOR QUALITY
ORIGINALS

0013

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

James Haley
300 Mulberry
vs.

John J. McCarthy

Offence Homicide

Date September 20 1885

John J. McCarthy

Magistrate.

Haley & Curran

Officer.

Civil Officer

Witness James Haley
Officer of Police

Deputy C. J. Curran

No. 1004 Mulberry

Street.

Francis Lee

No. 147 D. C. St.

Street.

Conrad J. S. J.

to answer

without bail

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 J. McCarthy guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~Five Hundred Dollars~~ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he is discharged.

Dated September 20 1885 J. J. McCarthy Police Justice.

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

Dated _____ 1885 _____ 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 _____ 1885 _____ Police Justice.

0014

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

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

Question What is your name?

Answer

John J. McCarthy

Question. How old are you?

Answer

29 years of age

Question. Where were you born?

Answer.

New York

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

Answer.

233 Mulberry St. 3 years.

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.

Whatever I did was done in self defence

John J. McCarthy

Counselor Spencer, on behalf of the defendant waives all further examination on this Court.

*J. Morrissey
Police Justice*

Taken before me this

day of *September*

188 *8*

Police Justice.

0015

STATE OF NEW YORK.
CITY AND COUNTY OF NEW YORK, } ss:POLICE COURT, 2 DISTRICT.

Owen Haley
 of No 300 Mulberry Street, being duly sworn, deposes and says,
 that on the 26th day of December 1881
 at the City of New York, in the County of New York, one Pasquale

✓ Lauria, who resided at 306
Mott Street, was feloniously
 ✓ stabbed in the chest by
John J. McCarthy, now
 ✓ there from the effect of which
 wound the said Pasquale died
 in the Ambulance before
 reaching the Hospital, and
 ✓ about twenty minutes after
 the infliction of the wound.

That dependent charges
 said dependent with having
 so assaulted said Pasquale
 with the deliberate and pre=
 meditated design to effect
 the death of the deceased
 and without any cause or
 justification on the part of
 said dependent.

✓ That after the arrest of said
 dependent he stated to
 dependent that on the night
 ✓ of the day aforesaid he was
 passing through Mott Street,
 ✓ and when in front of 306
Mott Street he was assaulted
 by a number of Italians
 and stabbed in the left thigh.

0016

That he further stated that he then went to a grocery store at 282 North Main and got a large knife off the butcher block and returned to meet the Italians. That he met them on the North East corner of Main & Houston Streets and that he went to the man who assaulted him and stabbed him, and cut right and left all who opposed him. That he further stated he was under the influence of liquor at the time and did not intend to kill anyone.

Sworn to before me this } Owen Haley
20th day of September 1885 }
J. Henry Cook }
Police Justice

POLICE COURT— DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness.

Disposition

POOR QUALITY
ORIGINALS

0017

HEALTH DEPARTMENT OF THE CITY OF NEW YORK
Sanitary Bureau, Vital Statistics.
Office, 301 MOTT STREET.

Liber 14

No. 43

New York, Sept. 22, 1885

A TRANSCRIPT FROM THE RECORD OF DEATHS
IN THE CITY OF NEW YORK.

NAME OF DECEASED			DATE OF DEATH			AGE OF DECEASED			
COLOR	CONDITION	OCCUPATION	MONTH	DAY	YEAR	YEARS	MONTHS	DAYS	
		Pasquale Lauria	Dec	26	1881	33			
		W. Single Laborer	Italy			How LONG RESIDENT IN CITY			
			BIRTHPLACE			YEARS	MONTHS	DAYS	
								3	
PLACE OF DEATH			FATHER'S BIRTHPLACE			MOTHER'S BIRTHPLACE			
City Hospital Ambulance			Italy			Italy			
16th WARD.									
CAUSE OF DEATH			TIME FROM ATTACK TILL DEATH						
Rating the Liver.			YEARS			MONTHS	DAYS	HOURS	MIN'S
Homicide by stab wound of abdomen, perfor-									
PLACE OF BURIAL			UNDERTAKER			MEDICAL ATTENDANT			
City			Charity			Cor. J. H. Brady.			

John T. McGowan
Deputy Register of Records.
A True Copy.

C. Goldman
Chief Clerk

My General Agents

The People

J. J. McCarthy

Petition of Jurors
to Judge Conroy

0018

0019

N. Y. General Sessions
The People vs

against

J. J. McCarthy

To Hon Rufus B. Cowing
City Judge

The undersigned jurors in the
above entitled criminal trial
respectfully ask that leniency
be exercised towards the prisoner
in imposing the sentence upon
him under his convictions therein.
Dated November 29. 1885.

James Paul

E. J. Seibert.

Leonard Tagherstad

W. Billings Rice

Frederick Murphy

Michael J. Quinn

Edwin R. Merrill

0020

The People
John J. McElhenny 1st of
James M. Farr
Frederick W. Murphy 741. 6th St.
James Paul 401 6th St.
W. Dillinger Rice 2282 3rd St.
Edmund R. Merrill 530 W 28th + 361 W 29th
Edward J. Seibert 25 E. 14th + 429 E. 5th
John R. Spies 322 E. 12th
William H. Devoe
Benjamin Underhill 67 E. 13th W 12th
Michael Gavin 272 Madison St
John W. Lovell 14 W 14th St
Leonard Halberstadt 345 E. 119th St

0021

Arrested
at 1030 am
Free of night
Confession made on
Saturday night: Sept 19th /85
Hass

New York Sept 19 1885

People

by A

we

myself

I Mr. McCarly residing at 233
Mulberry St. makes the following
statement of his own free will and
accord that on December 26 1881

at about 7³⁰ Pm I was passing
308 Mott Street that there was
a crowd of Italians standing on the
sidewalk. They refused to let
me pass, one of them striking me
and another one of them stabbing
me in the left thigh. I then ran

to the grocery store of Edward
Danning 282 Mott Street which
was in charge of a boy, and grabbed
a knife which was lying on the

meat block. a knife about 12 or
15 inches long, and started
back to 308 Mott Street and
when I arrived on the North East
corner of Houston and Mott
Street ^{or just above the corner} I met the same party

of Italians who assaulted me
in front of 308 Mott Street.

I immediately recognized
the party who struck me and
jabbed the knife in his belly

His friends then closed

in armed me and I fought my way through the crowd cutting any one who attempted to stop me.

I then went to the hall way of 280 Matt Street where I met Bart O'Connor and he tried to take the knife from me which I refused to give him.

I then went to Jennings Store and threw the knife on the meat block. I then went out on the street and remained a few moments when I again went back to Jennings grocery store and took the same knife off the meat block and threw it in the water closet of 282 Matt Street.

In a short time after throwing the knife in that water closet I went home.

I had been drinking that afternoon and evening and did not know what I was doing, and did not mean to kill any one.

Signed - John J. McCarthy

August 18, 1891

POOR QUALITY
ORIGINALS

0023

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
33 Years. — Months. — Days.	Italy	New York Hospital	Dec. 27 / 81

No 963 1881
HOMICIDE. 3

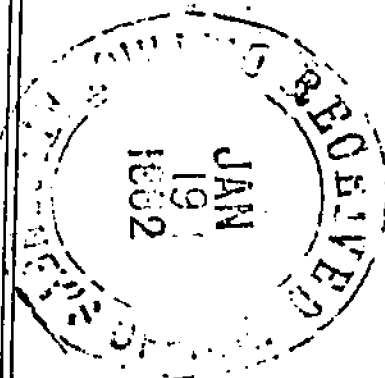
AN INQUISTION

On the VIEW of the BODY of

Auguste Lemire

whereby it is found that he came to
his Death by the hands of a

person to his injury



Disquest taken on the 13 day
of January 1882

John W. Conway, Coroner.

Committed

Discharged

Date of death

0024

Coroner's Office.

TESTIMONY.

Officer William Mulcahy of 15th Dist being sworn, On December 26th at about 6.30 P.M. while on post on Motte St. my attention was called to a crowd opposite. Went there and learned that there had been some cutting. Saw a man lying on the ground and saw his wound. Inquired who had done it and was told that he had gone upstairs. Went up and arrested the prisoner who had a stab wound in his back. He was sitting in a chair and 2 or 3 women were around him apparently trying to stop the ~~bleeding~~ bleeding. In all we had four men wounded, of whom three went to the hospital and the fourth remained at home and was sent to the House of Detention afterwards. Inquired and immediately after he was placed in an ambulance. The prisoner, Felix Laprade, was pointed out by a little boy, Joe Roche of 308 Motte St., as the one who stabbed Pasquale Lauriso.

William Mulcahy

Taken before me
this 13 day of Jan. 1882
John H. Brady

CORONER.

0025

Coroner's Office.

TESTIMONY.

Joe Rocco of 308 West St. Annapolis has
 he is 11 years of age. On December 26 1881
 at about 9 P. M. heard a knocking and
 got out of bed and looked out of the window.
 Saw a man lying down who died soon after.
 Did not see the prisoner, but saw the policeman.
 Saw 4 or 5 of them afterwards. Did not tell the
 policeman that the prisoner did the stabbing.
 Went with him to the N. Y. Hospital, but did
 not identify any one. Did not see any one
 use any knife, but saw deceased lying
 on the cellar door. Saw no fighting at all.

Joe ^{his} Rocco
 mark

Taken before me
 this 13 day of Jan. 1882
 John H. Brady

CORONER.

Coroner's Office.

TESTIMONY.

Antonio Laurino being sworn, says: I live
 at 308 West ^{Dear} St. and am a half brother of de-
 ceased, who was in this country since Dec.
 24th 1881 only. On December 26 at about
 P. M. myself, deceased and my other brother
 were eating supper in the grocery store at
 308 West St. As we went out we met on the
 sidewalk Vincenzo Lufano, an acquaintance
 of deceased. ~~He~~ ^{Deceased} ~~had~~ ^{brought} a letter from Italy
~~and gave it to me~~ for Vincenzo and handed
 it to him. We all then conversed about
 deceased's family when a man, a stranger,
 who we supposed to be an Englishman passed
 between us. At once he was not an Italian.
 He came back in a couple of minutes. He
 said nothing to us. Saw no knife in his hands.
 He came up behind the backs of all of us
 except Vincenzo who stood with his letter
 in his hand. We were all talking about
 Italy. Francesco Demalo was the first
 man stabbed in the arm. The prison was
 not true at all. I do not know how Felix
 got stabbed. Did not know he was stabbed
 until I found him at the Hospital. Myself
 was stabbed in the back so quick that I do
 not know how it occurred. Believe the
 strange Englishman stabbed me also.
 He was a tall man with a long, smooth face,

Taken before me
 this 13 day of Jan. 1882
 John West Mody

CORONER.

0027

Coroner's Office.

TESTIMONY.

From his gait I judged that he was not sober.
Did ~~not~~ see the stranger stab the deceased
after I was cut in the back. Cannot tell
the place he was stabbed in. The whole
affair lasted about 4 or 5 minutes only.
I had no knife. Saw no one have a knife
except the strange Englishman.

Antonio ^{his} + Laurena
mark

Taken before me
this 13 day of Jan. 1882
John H. Mady

CORONER.

0028

Coroner's Office.

TESTIMONY.

5
Franziska Romea being sworn says: Saw
the fight on Monday night Dec. 26th 1881 and
saw a young man without a mustache and
of a tall figure. He was not an Italian. He
did all the stabbing. No one else ~~did~~ had
a knife. It lasted only about 5 minutes.
I do not know the prisoner at all. I live at 279
Mott St.

Francesco Romeo

Taken before me
this 13 day of Jan. 1882
John H. Wady

CORONER.

0029

Coroner's Office.

TESTIMONY.

Lapadula
John Lapadula, living woman, says: I live at
 310 North St. Was ~~seen~~ closing the cellar door
 of 310 North St. when I was stabbed in the back.
 Could not see who did because my back
 was turned. Did not know that any one
 else was stabbed until he got to the hospital.
 Heard no screams. After I was stabbed I
 went upstairs to my family. A policeman
 then came and took me from the house to
 the hospital. *Lapadula John*

Taken before me
 this 13 day of Jan. 1882
John H. Brady

CORONER.

0030

Coroner's Office.

TESTIMONY.

Mr. S. R. Raper, M.D. being sworn, says: I have made an autopsy on the body of Pasquale Laurino at the New York Hospital on the 27th day of December 1881.

Found the body well nourished and muscular with no external mark of violence except a stabwound - 1 inch long - on right side of abdomen. Dissection disclosed that this wound not only perforated the abdominal wall but also the left lobe of the liver near its right border. Removed from abdominal cavity about 900 C.C. of blood, both fluid and coagulated. Old pleuritic adhesions existed on right side. Both lungs, heart and kidneys were normal. Spleen a little large, otherwise normal. Stomach much distended by undigested macaroni, but normal. Brain - normal. Death in my opinion was caused by hemorrhage from stabwound of liver.

M. S. Raper, M.D.

Taken before me
this 28 day of Dec. 1881

John H. Brady

CORONER.

0031

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of *Coroner's Office*
No 13 Chatham Street, in the *4th* Ward of the City of
 New York, in the County of New York, this *13* day of *January*
 in the year of our Lord one thousand eight hundred and *82* before
John H. Brady, Coroner,
 of the City and County aforesaid, on view of the Body of *Pasquale*
Laurino lying dead at

The New York Hospital. Upon the Oaths and Affirmations of
eight good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
Pasquale Laurino came to his death, do

upon their Oaths and Affirmations, say: That the said *Pasquale Laurino*
 came to his death by *stab wound of abdomen*
inflicted December 26th 1881 in front of 308 Mott
Street by a party to his jury unknown.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
 set our hands and seals, on the day and place aforesaid.

JURORS.

<i>Joel Bell 369 Broadway</i>	<i>Edgar A. Dote 241 Broadway</i>
<i>James Hunt 7 Astor House</i>	<i>Michael Healy 450 Broadway</i>
<i>Isaac Prater 411 Broadway</i>	
<i>Wm. Heathcote 297 Broadway</i>	
<i>W. W. Johnson 19 Mott Street</i>	
<i>John Brosseau 29 Henry St</i>	

John H. Brady CORONER, T. S.

POOR QUALITY
ORIGINALS

0032

Section in the
case of
John J. McCarthy
filed
Sept. 1885.

POOR QUALITY
ORIGINALS

0033

The People
vs.
John J. McCarthy.

Court of General Sessions, Part I.
Before Judge Cowing.

Monday, November 23, 1895.

Indictment for murder in the first degree.

Francis Lee sworn and examined testified: I lived in the city of New York in December 1881 and remembered the evening of December 26, 1881, I was near 307 Mott Street about half past seven o'clock that evening, my attention was called to a row, a scuffle between a lot of men in front of 310 Mott Street, I saw one man swing from them and start to leave them, I didn't recognize him at the time, I imagined I saw a knife in his hand but I could not say positively as it was across the street and it was after dark. He seemed to be walking pretty fast towards Houston Street, I saw two Italians jump away from him, I could not say exactly where they went to, I followed the man as far as 308 Mott Street, I wanted to go across the street in case it was anybody I knew to save him from doing any harm, I then got afraid and holloed why don't you come away, you fool, I did not know the man, I do not identify the prisoner as the man. He made some mumbling sound which I could not distinguish, he continued on to Houston Street and I returned to 307 Mott Street, I heard no noise at the corner of Houston and Mott Streets. One Italian was in the Street I turned and saw him holding his hands on his stomach, I heard three of them ahlling, one of them ran to this door 308 and fell on the cellar door. I was not close enough to see if he was cut or stabbed. I was not present at a conversation between the prisoner and Edward Fanning, who keeps a grocery store at 282 Mott Street.

POOR QUALITY
ORIGINALS

0034

Cross Examined. I have been a waiter on Coney Island and I tended bar for a while, I came this morning from the House of Detention. They obtained a statement from me in the central office on the night I was arrested, I think it was the 19th or 20th, two days after McCarthy was arrested; I slept in the cell that night; they told me I knew all about this thing and to make a statement, I was confused and a little excited, there were no threats used to me and no violence inflicted upon me. Detective Mangin wrote the statement and when he read it to me for me to swear to it I called his attention to two or three things which I wished to withdraw that were incorrect; he told me it would be all right and it would be corrected for me, it was around seven or eight o'clock when I first noticed this trouble; the row was at 310 Mott Street and looked like four or five men abusing one man, they appeared to be Italians, I could not say positively, they all seemed as if they were rushing to strike him, I did not see that man bleeding, I did not see any knives or weapons in the hands of any of the men at this time, I saw this one man break from them and run towards Houston Street, there was a party of men standing at this lamp-post I have spoken of before and whether they started to interfere with him going towards Houston Street or not I do not know but it seems they got in his way anyway, he pushed them, he did something so that they left him quickly. Then I followed and started across and the next thing I noticed was this man ahlloding in the street and two more of the Italians began to holler. I guess there must have been

POOR QUALITY
ORIGINALS

0035

about two hundred Italians gathered together, the one man seemed to be all alone, I saw the Ambulance and the police come after that. I have had growls with the prisoner but I have nothing against him now. I cannot swear that I saw the defendant have a knife.

Bartholomew O'Connor sworn. I was living in New York on the 26th of December 1881 at 282 Mott Street, I had known the prisoner McCarthy about fifteen years; on the evening of the 26th of December I was in Mott Street between eight and nine o'clock, I saw McCarthy standing in front of 282 Mott Street, he had a knife about six inches long in his hand, it was a knife that was used as a carving knife for cutting ham and things like that in the grocery store. I asked him what he was going to do with it and he gave me no answer, I ^{said you} ~~said~~ had better put that away and he said all right; we walked into the hallway of 280 Mott Street and he wanted to go out again and I tried to take the knife off him, I took hold of the knife and he pulled it through my hand and it cut me slightly, he went in and threw the knife in Fanning's store on the counter, it is called a meat block. I went towards the corner and I saw a crowd, there was a lot of officers around and a lot of Italians and I went to look to see what was the matter; that was the last I saw of the prisoner that night when he threw the knife on the meat block, I saw him the next day and the Friday night after, I saw an Italian lying on the cellar door in the street but I do not know who hurt or stabbed him. I

I
was standing down the street in front of Young's stable when an ambulance came and the man who was lying on the cellar door was placed on the ambulance. I did not see McCarthy stab the Italian; when I took the knife from him it was clean, a couple of drops of blood went on the knife from my hand where I cut it, McCarthy did not say anything to me regarding the stabbing or I to him. I am friendly with McCarthy and went to school with him.

Cross Examined. It was between eight and nine o'clock when I saw McCarthy, he was drunk, his face was swelled and his hair was disordered and his overcoat was kind of tore, I did not notice any blood on him I took the knife away from him to avoid trouble if I possibly could, he did not say what use he was going to make of it. I told them at Headquarters my wife was sick and I did not want to be sent to the House of Detention. There is a difference between what I have told this Jury now and the story I told in headquarters.

Edward Fanning sworn I live 280 Mott Street second floor, front room, I work at steam fitting now but in 1931 my father kept a grocery store at 280 Mott Street, there was a meat block there about three feet high and two feet around and two feet square, there was a knife on that block about half an inch wide and about seven inches long. I was in my father's grocery store on the evening of December 26 between seven and eight o'clock in the evening. I did not see the prisoner enter the store and did not see anybody bring a knife back.

POOR QUALITY
ORIGINALS

0037

1

Antonio Laverino sworn I live at 315 Mott Street and remember the evening of December 26, 1881, I was at 308 Mott Street and went to get my meal, I have been in this country five years and talk a little English; there were two others beside me and my two brothers in the street, we five were standing in front of 308 Mott Street we three brothers were walking the street and I met two other countrymen of mine and one of the two commenced to talk to us. He asked my brother, when did you arrive? He says, I came the day before yesterday; then my brother said, I have a letter from your father, and he put his hand into his pocket; all at once I felt somebody hit me in the back, I turned around and saw a knife, I could not see the face of the man and I did not see what he did with the knife. I cried out, Virgin help me and I commenced to walk and then my brother brought me to the house where we took out meals, then came a cousin of mine and the other brother came and said, what happened. I am a brother of Pasquale Laverino, the deceased; he was one of the two brothers standing in the street talking to me that evening I did not see how my brother was killed that night, we were both put in an ambulance, I received a stab in the back, my brother was dying when he was put in the ambulance and when they got to the hospital he was dead. I do not know of my own knowledge who stabbed my brother; a third man was also stabbed and he went to Italy. This thing took place on the corner of Houston and Mott Streets close by Police Headquarters.

POOR QUALITY
ORIGINALS

0038

Vinchenzo Priora sworn. I am married and lived in December 1881 in 308 Mott Street, I was at my home on the evening of December 26th and knew Pasquale Laverino in his lifetime, I saw him the same evening when he died, I only saw them when they came around in front of my house - the deceased and his two brothers; they were on the sidewalk in front of the house, I only saw the brothers, the one that died and the other who is living, the one who testified came into my house afterwards.

Pasquale Laverino sworn. I am a brother of the deceased man who was said to have been killed on December 26, 1881, I lived at 15 Stanton Street; on the evening of the 26th of December about seven or eight o'clock I was near 308 Mott Street, I saw my brother that night, he was talking to me before he was stabbed, I did not see him stabbed but saw him about two minutes afterward; he had two stabs here (pointing to the breast and to the stomach), he lived about five minutes after he was stabbed, I did not see him placed in the ambulance, I was in the custody of the authorities as a witness and did not go to the hospital, I was close to him when I discovered he was stabbed on the corner of Houston and Mott Streets. I am a cousin of the deceased. (The interpreter said, the Italians always say brother, cousin, they mean the brother of the father.)

William A. Bartlett sworn. I am practicing physician in this city attached to the New York Eye and Ear Infirmary. I was at the New York Hospital on the evening of the 26th of December 1881; that evening the ambulance

POOR QUALITY
ORIGINALS

0039

I
brought in two Italian patients, Pasquale Yaverino and his brother. One was suffering from a stab wound of the back and the other from a stab wound of the chest. Pasquale Lavenino died on the way, I recollect the wound that was on the dead man was situated just over the region of the heart, it was a stab wound, I do not remember the width of it, I should say it was inflicted by a knife; he was not dead when he arrived. In my opinion his death was caused by the stab wound of the heart.

Thomas Brynes sworn. I am one of the Inspectors of the Municipal police of this city and have been connected with the police department going on twenty-three years and have acted as patrolman, sergeant, captain and am now inspector. I was in New York on the 10th of last September at 300 Mulberry Street, I had an interview with the prisoner in my room. When I had the first conversation with him there was nobody present but myself but afterwards there was other persons present. I first saw the prisoner in my private room off the office between seven and eight o'clock in the evening, Mr Healy one of my officers arrested him, my impression is that he had been taken before the magistrate and remanded back until the following morning, Detective Healy brought him to my room, I told him to sit down and told him what he was charged with. He had no counsel and no friend there, I told him he was charged with killing this Italian, Healy left the room then. I did not tell him he was not obliged to answer any questions. He asked me then if anybody had been squeeling on him, meaning who had told on him. I told him

POOR QUALITY
ORIGINALS

0040

That this man Conner the plumber had made a statement implicating him in that murder, I read the statement that O'Conner had made, he hesitated for a while and hung his head down and said the statement was true; I did not tell him if he would make a statement I would let him go and Officer Healy did not say so in my presence. The defendant commenced to cry, I asked him then to wait for two or three minutes probably if he wanted to make a truthful statement about the matter and he said he did. He then told me on the night in question that he was going up Mott Street and when he arrived at the Police Headquarters, I think he said in front of 112 or 103 there was a crowd of Italians standing on the sidewalk on the corner, that he had been drinking during the afternoon and evening and one of those Italians jostled against him; they had an altercation there and one of them struck him, fearing that there was too many of them he ran back down the street and went into a grocery store on the block below; he stated that he took a knife off the meat block and returned for the purpose of getting even, when he got to the northeast corner of Houston and Mulberry Streets he said he saw the Italians coming towards him, he continued on up and recognized the man who struck him out of many and he says he jabbed the knife in his belly. He said the Italians' friends then closed in around him and I cut my way through them. I asked him, did you stab other people and he said he did not know. He said he returned to the same grocery store and put the knife on the block and came out on the street, that he hesitated there for a short time and returned and took the knife off the block, went in through

some hallway and threw it in the privy; he said he went down the street then and he finally in a very short time after that went home. That is the substance of his statement to me. While I was talking with him I called in Sergeants Frink and Healy, I told them the statement that this man had made to me and I asked him if he was willing to have it reduced to writing; he said yes, Sergeant Frink sat down and he wrote the statement, it was read to this man in my presence and he signed it as correct. I also in the presence of the prisoner and the two officers brought O'Connor in the room and O'Connor told him that he must not blame him for the statement that he had made, that it was the truth and all that kind of thing. They had a friendly conversation between one another about the statement as they had been friends for many years I understand. O'Connor asked me if he would have to go to the House of Detention, I knew but very little about him. The statement of the prisoner was read over to him, he said it was correct and signed it. I understand the homicide was committed on the 26th of December 1931 and the prisoner was arrested about the 18th of September.

Cross Examined. The prisoner was brought before a magistrate, I am not a magistrate and it was not my duty to instruct the prisoner as to his rights. It is possible that the prisoner may have been detained thirty hours at Headquarters.

Owen Healy sworn. I am a detective sergwant under Inspector Byrnes and have been connected with the police sixteen years as patrolman and detective officer, I was at the police headquarters on the 19th of September

last, I saw the prisoner in Inspector Byrnes's room and I heard the inspector say to him that he was charged with murder and any statement he had to make he was willing to receive it; he told him that he had a statement from O'Conner stating that McCarthy had committed the offence. He sat for some time and said he was willing to make a statement and he went on and explained to the inspector that on that night he was passing 308 Mott Street and there was a number of Italians there and they assaulted him, he went down to Fanning's grocery store and picked up a carving knife off the meat block and came towards 308. As he got on the northeast corner of Mott and Houston Street he seen the Italian who assaulted him; he said I jabbed the knife into his belly and cut my way through the crowd, I then returned down Mott Street to 232 and I met Bart O'Connor and he wanted to take the knife from me and I would not give it to him, he struggled and I cut his hand, I then went into the store and laid the knife on the meat block and came out on the street and stood a few moments and returned back and got the knife and threw it in the water-closet.

Cross Examined. Detective Ruland and myself arrested the prisoner on the night of the 18th of September at 1030 and brought him to Police Headquarters. We didnot tell him he was arrested for anything when we got him, he asked us what he was arrested for and we told him we were bringing him to Headquarters in relation to brass cocks, we arrested him without a warrant and locked him up; the next morning we took him before a police magistrate, Justice Patterson and had him remanded, I told the judge he was

1

charged with murder, there was no written complaint against him, he was remanded back to Police Headquarters and locked up in a cell; there was no complaint made against him before the magistrate because we could not get our witnesses together, he was brought before the magistrate again on Sunday morning, the 20th, I informed the Magistrate that he was charged with murder. Judge Ford was on the bench on Sunday morning and the prisoner stated in my presence and hearing that whatever he did was done in self defence. I believe the night he was arrested he saw his brother and his counsellor. O'Connor was arrested before McCarthy. Do you recollect promising O'Connor, he so stated I think, that his statement he could correct in the matters where he said he was wrong afterwards? No sir.; he never made a suggestion to me to have it corrected. I said nothing to McCarthy about getting out of this trouble Detective Byrnes did not make the statement ^{to} ~~that~~ Frink, McCarthy made the statement and Frink wrote it down. The statement was voluntary. In consequence of what we learned we made the arrest of McCarthy.

William E. Frink sworn. I am a detective sergeant of police and recollect the 19th of September of this year when I was in Inspector Byrnes's office, 300 Mulberry Street, I wrote down a statement that was voluntarily made by the prisoner, after which he signed it. The following is the statement: "I, John J. McCarthy, residing at 213 Mulberry Street makes the following statement of his own free will and accord, that on December 26th 1931, at about 7.30 P.M. I was passing 308 Mott Street; that there was a crowd of Italians standing on the

sidewalk. They refused to let me pass, one of them struck me and another one of them stabbed me in the left thigh.

I then ran to the grocery store of Edward Fanning 282 Mott Street which was in charge of a boy and grabbed the knife which was lying on the meat block, a knife about twelve or fifteen inches long and started back to 303 Mott Street and when I arrived on the northeast corner of Mott Street or just above the corner I met the same party of Italians who assaulted me in front of 303 Mott Street. I immediately recognized the party who struck me and jabbed the knife in his belly. His friends then closed in around me and I fought my way through the crowd cutting anyone who attempted to stop me. I then went to the hallway of 280 Mott Street where I met Bart O'Conner and he tried to take the knife from me which I refused to give him. I then went to Fanning's store and threw the knife on the meat block.

I then went out on the street and remained a few moments when I again went back to Fanning's grocery store and took the same knife off the meat block and threw it in the water-closet of 282 Mott Street. In a short time after throwing the knife in that water-closet I went home. I had been drinking that afternoon and evening and did not know what I was doing and did not mean to kill anyone.

Signed, John J. McCarthy.

Cross Examined. I know nothing of the arrest.

John Ruland sworn. I am one of the detective sergeants connected with Inspector Byrne's office and was present on the 19th of September at 300 Mulberry st. when the prisoner was there, I was with Sergeant Healy on the evening of the 18th when McCarthy was arrested but I

heard no part of the confession.

Frank Mangin, Jr sworn I am a detective sergeant connected with headquarters, I heard no conversation between the prisoner and the inspector. While the prisoner was locked up I was in charge of the office that evening, I knew McCarthy a long time and went down to his cell to see him. I asked him if I could do anything for him? He said nothing other than to get him some tobacco. I got him some tobacco and a pipe, I told him that I was very sorry to see him in the trouble he was in and asked him how it occurred. He told me that he was assaulted and stabbed by those Italians; that is all the conversation I had with him.

The Case for the Defence.

George Duffy, Jr sworn. I am a cook and live at 239 Mulberry Street and remember the night of this occurrence. I was standing two doors off the corner of Houston and Mott Streets and heard a noise; with that I walked up towards Mott Street pretty fast to see what was the matter and as I did I turned around and saw McCarthy going down Mott Street; he had his face all bleeding and his hand on his hip; that was about eight o'clock, that is all I know about it.

Cross Examined. This was on a Monday night, I have known the prisoner fifteen or seventeen years and have seen much of him during that time. I was arrested once in Hoboken for playing ball and was fined one dollar and paid it. There was another complaint made against me and I was honorably discharged.

Q Charles Smith sworn I live at 215 Mott St. and am a truck driver, I saw a part of this trouble, I was going through Houston Street that night about half past seven o'clock and on the corner of Houston and Mott Sts. I saw this man, the defendant, running down Mott Street and two Italians after him; one Italian had something in his hand, I could not say whether it was a knife or a pair of scissors, he got about one door from Mott Street going down towards Quince and he turned around quick and the two Italians ran up Mott Street towards Eleecker and there was three Italians standing by the oystersaloon and one of these Italians halloed out something to those and the three rushed at him from behind and then the whole lot got at him and punched him, five in all and kicked him when he was down, I saw him get up and put his two hands to push them one side and he walked down Mott Street quickly towards Quince, I saw a little blood on his face and he had his hand by his side, he passed by the drug store and I went on about my business then. I did not see this man who was attacked by the five Italians do anything, he did not have a chance, I only saw part of the transaction. The character of this locality is very bad.

Cross Examined. I lived two blocks from this place I did not see anything in the prisoner's hand. I was arrested once for disorderly conduct but have never been convicted of any offence, I know the prisoner by sight and am personally acquainted with his brother. When I saw the Italians punching and kicking McCarthy I did not cry for help.

John J. Madden sworn. I am a waiter in a restaurant and was going through Mott Street on the night of this trouble, I was walking with a young lady, I saw five or six Italians and we had to push our way through the crowd. They seemed to be drunk and the Italians were hallooing in their own language, I walked about ten feet away and the girl said, there is a fight, I turned and saw the Italians fighting among themselves and I heard a voice cry out, "I am stabbed," I passed along about my business. I have been five years a waiter in a restaurant; the Italians did not attempt to hit me as I passed.

William J. McCarthy sworn. I am a brother of the defendant and am a printer, I remember the night of this trouble and saw my brother after it was over that night. I found two small cuts in his back and one on the leg; his clothes were all disarranged; the cuts looked like heavy scratches. I should think they were done with a knife, they were not very deep, I washed the blood off, I asked him to go and see a doctor and he said no, I put the plaster on and tied up his leg, the wound was about one and a half inches long and the blood was flowing very fast.

Joe Rocks sworn. I am fifteen years old and recollect the night of this trouble, I know the man that was killed, I did not see anybody running, I saw two Italians lying on the top of a cellar door and scissors along side of them. The dead man was the man who was under. Five or six men were fighting and talking Italian I heard them holloa. I was in the house and I got out of

POOR QUALITY
ORIGINALS

0048

the window. I did not see the man on top of the dead man use the scissors, I did not inform the police officers at the time of what I saw, I was before the coroner four or five years ago and said the same as I do now.

The Jury rendered a verdict of guilty of manslaughter in the first degree.

Handwritten notes:
2nd
case
for
jury

Handwritten:
1882

0049

BOX:

189

FOLDER:

1909

DESCRIPTION:

McCarthy, John

DATE:

09/23/85



1909

Look he not at
 Fall try to charm
 Witnesses: Jack, deft, and his
 deft and

C. H. Kinsley
 Counsel,
 Filed 23 day of Dec 1885
 Pleads, *not guilty*

Grand Larceny, 2nd Degree.
(From the Person.)
[Sections 528, 531 Penal Code].

THE PEOPLE

vs.

R

Cherry

Handwritten signature

~~Y~~RANDOLPH B. MARTINE,

District Attorney.

2032

A True Bill.

Thurs 19. / 1898

W. E. 6/23 Foreman.

W. H. P. S.

Benjamin Franklin

0050

0051

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 McRath

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

John McRath

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *John McRath*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *Twenty-first* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, in the *day* time of the said day, at the Ward, City and County aforesaid, with force and arms.

one watch of the value of ten dollars.

of the goods, chattels and personal property of one *Augustine Augustin*, —
on the person of the said *Augustine Augustin* —
then and there being found, from the person of the said *Augustine Augustin* —
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.

Randolph B. Martin
District Attorney

0052

Police Court--10th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Caroline Levine
113 West 11th St
John W. O'Connell
Lawyer
from the prison

Dated

188

Office

Magistrate.

Officer.

Carroll of the

Witnesses

No. 1

SEP 22 1885

Street.

No.

Street.

No.

Street.

\$

to answer

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated

188

Police Justice.

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

Dated

188

Police Justice.

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

Dated

188

Police Justice.

0053

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK.

188 District Police Court.

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

Question What is your name?

Answer.

Question How old are you?

Answer

Question Where were you born?

Answer.

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

Answer.

Question What is your business or profession?

Answer

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

Answer.

day of

Taken before me this

188

Police Justice.

POOR QUALITY
ORIGINALS

0054

187
Police Court—

District.

Affidavit—Larceny.

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

of No.

113 Sullivan

occupation

Stone Mason

Street, aged

50

years,

being duly sworn

deposes and says, that on the

21st

day of

September

1885

at the City of New

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

And

person of deponent, in the day time, the following property viz:

One double cased Silver watch of
the value of Ten 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

John McCarthy (nowhere)
from the fact that deponent was standing
in a crowd at the corner of West 4th Street
and South Fifth Avenue witnessing the pro-
cession of the Italian Societies the said
defendant was standing on the left side
of deponent. He deponent felt a tug or pull
at his deponents watch chain attached to
the aforesaid watch worn in the upper left
hand side pocket of deponents vest worn
by deponent as a portion of deponents bodily
clothing and deponent immediately caught
hold of the said defendant by the shoulder
and deponent felt defendants hand on
his deponents left side. Wherefore deponent

Subscribed and sworn to before me this

1885

Notary Public

0055

Charge the said defendant with feloniously taking, stealing and carrying away the aforesaid property from possession and person of defendant

Sworn to before me this 21st day of September 1885 ^{his} ^{magistrate} ^{magistrate}

Police Justice

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 1885 Police Justice.

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

Dated 1885 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 1885 Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

1
2
3
4

Dated

1885

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

to answer

Sessions.

0056

BOX:

189

FOLDER:

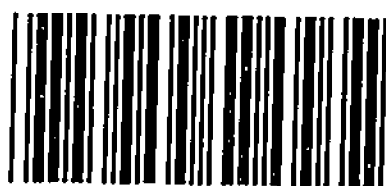
1909

DESCRIPTION:

McDermott, Francis

DATE:

09/15/85



1909

POOR QUALITY
ORIGINALS

0057

Witnesses:

Agat Bruce
Carraces &
Reut 20 10m

40

Counsel,

Filed 15 day of Sept. 1885

Pleads July 16

THE PEOPLE

vs.

P

Grand Larceny in the 2nd degree.
(MONEY.)
(See 258 and 257 of Penal Code.)

Francis M. Demott
Sep 23/85
Grand Juror

RANDOLPH B. MARTINE,

District Attorney.

No 104

A True Bill.

John H. Hamell

44 446 1000
Borenman

40

POOR QUALITY
ORIGINALS

0058

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Francis McDermott

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

Francis McDermott
of the crime of GRAND LARCENY IN THE ~~Second~~ DEGREE, committed as follows:

The said *Francis McDermott*,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the ~~first~~ day of ~~September~~ in the year of our Lord one thousand eight hundred and eighty-~~five~~ at the Ward, City and County aforesaid, with force and arms, in the ~~day~~ time of the same day, ~~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 twenty dollars, and of the value of twenty dollars ~~each~~; ~~ten~~ 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~~; ~~twelve~~ 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~~; ~~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 two dollars, and of the value of two 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 dollar, and of the value of one dollar ~~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 twenty 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 ten dollars ~~each~~; ~~twelve~~ 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~~; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of ~~ten dollars~~,

of the proper moneys, goods, chattels, and personal property of one ~~on the person of the said~~ *Charles Lewis Ennet*, then and there being found, ~~from the person of the said~~ 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.

RANDOLPH B. MARTINE,

District Attorney.

POOR QUALITY
ORIGINALS

0059

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

Police Court 910
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

2 _____
3 _____
4 _____
Offence *John A. Smith*

Dated *Sept. 1* 188 *5*

Patterson Magistrate.
Heating Officer.

Witnesses
John A. Smith
John A. Smith

No. _____
Street, _____
No. _____
Street, _____

No. _____
Street, _____

No. _____
Street, _____
to answer _____ Sessions.

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 *Fifty* 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 *Sept. 1* 188 *5* *John Patterson* 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.

0060

Sec. 198-200.

34 District Police Court.

CITY AND COUNTY { ss
OF NEW YORK.

Francis M. Dermott 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

Francis M. Dermott

Question How old are you?

Answer

29 years

Question Where were you born?

Answer

New York

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

Answer

572 West 49 street four months

Question What is your business or profession?

Answer

book

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

Francis M. Dermott

Taken before me this

1885

day of

1885

Police Justice.

0061

41.50
60

34

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

Sophie Evans
 of No. *155 Norfolk* Street, *Houckes, aged 34 years,*
 being duly sworn, deposes and says, that on the *1st* day of *September* 188 *5*
 at the *day 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.

the following property, viz :

*one pocket-book containing gold and
 silver money of the United States
 to the amount and value of
 one hundred and twenty dollars*

Surrendered to the deponent

Surrendered to the deponent

the property of

*Charles Lewis Ernst, and in
 the care and charge 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 *Francis Mc Dermott,*

*now here, and two other men
 whose names are unknown to
 deponent, from the fact that
 deponent was in charge of the
 Saloon of said Ernst at 179
 West 16th Street. That said pocket-
 book, containing said money, was
 on a shelf behind the bar.
 That said deponent and said
 other men entered the Saloon
 in company together and said*

Power of Justice.

188.

0062

defendant called for drinks for the
 three men. That one of said other
 men went into the back yard
 and returned in a moment and told
 defendant he had dropped a grating
 of a cellar through the grating and
 asked defendant to show him the
 way into the cellar. That defendant
 went as far as the middle door
 of the saloon and turning round
 defendant saw the companion of
 said defendant reach over the bar
 and take said pocket-book and money
 and run out with the same in his
 possession. That defendant attempted
 to follow him whereupon said de-
 fendant stood in the door way and
 spread out his arms to prevent
 defendant going out. That defendant
 pushed him aside but was unable
 to apprehend said man. That said
 defendant saw after said man and
 was arrested by officer John A. Keating
 here present.

Sworn to before me this } Sophie Evans
 1st day of September 1885

J. M. Patterson Policeman

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0063

Testimony in the
case of
Francis McDermott
filed

Sept. 1883.

The People
 vs. Francis McDermott } Court of General Sessions. Part I
 Indictment for grand larceny in the 2nd degree. Before Recorder Smyth. Sept. 25th 1883.
 Sophia Evans sworn. I live 153 Mr
 folk st. I was in charge of the saloon in the 1st
 of Sept. and saw the defendant; he and two
 other men came in and asked for drinks
 and I served them and my sister came
 down, and in the mean while the landlord
 came in and he was to get the rent. My
 sister brought the pocket book down and paid
 the rent. The defendant sat down at the table
 at the foot of the bar, his face was turned so
 that he could see everything that was going
 on behind the bar. My brother-in-law knocked
 for my sister to go up stairs. She laid the
 pocket book down behind the counter and
 said to me, "Take care ^{of that pocket book.} I am going up stairs."
 The pocket book was about three yards from
 the end of the bar - about two yards from him.
 My sister said, "I will be down directly. In the
 mean time the companion of the defendant
 went out and came back directly and
 said to me, "Madam, I have dropped a silver
 quarter down through the railing, would you
 come and show it to me?" "I says, I
 cannot now, because there is not any
 one in the saloon." There is a door looks

0065

in the yard that leads down to the cellar. I came from behind the bar and went to the door, and said to him, "That door leads down to the cellar. I turned around and I saw the prisoner with his arm behind the counter and the pocket book in his hand, and as I went to run the other man stopped me; he put his arm around like that (showing) and I dogged under the arm ran out and halloed, "Stop thief." The prisoner ran away and I ran after him. He ran through Tenth st. across through Ave. St. as far as Eleventh st. between Ave. St. and B. and crossed over on the other side and ran towards Twelfth st. in Ave. St. He was caught by an officer, who is here. There was \$120 in bills in the pocket book after my sister had paid her rent, which was the beer money that we owed and there was a check for fifty dollars beside. The rent was \$41.50; the man who recieved it is not here. I don't know the name of the landlord; the pocket book was thrown away. I have seen it since, it was found in an alleyway and the check for fifty dollars was found on the floor. Cross Examined. My sister carried the business on because her husband was sick. The men came into

the saloon between one and two o'clock. The companion of the defendant was a stout, thickset man with a red heavy mustache. I never saw him before. They went in and out each time and took a drink. My sister is not in Court. Two cigar boxes were put on top of the pocket book which was placed behind the bar. I did not see the contents of the pocket book when she brought it down, but I saw her pay out the rent. My sister counted out the money; she told me the beer money was in there; she is attending my brother-in-law.

Elizabeth Ernest sworn. I am a sister of Sophia Evans and am running this saloon 155 Norfolk St. I brought a pocket book containing money down to the saloon and placed it back of the bar. I brought it down to pay my rent \$42.50, and when I came down I saw two men sitting. There was in the pocket book besides the rent \$10 in cash and a check for fifty dollars. I saw the money that morning a few hours before I brought it down. I left it on a shelf back of the bar. My sister gave me the pocket book the same day; a lady in Eleventh St. handed it to her. I don't know who this lady was, it was my pocket book and my money. Cross Examined. I went down to pay my rent

between eleven and twelve o'clock. My sister was in charge of the bar. I was up stairs nursing my husband. I did not take the money out until the landlord called for it. I paid him \$41.50. I counted it down stairs back of the bar. I put it in a different pocket from which the other money was in. I counted the whole of the money in the morning up stairs in my room. It was nine o'clock in the morning when I counted it. Then I took it down stairs and put it back of the bar and I left it there till this robbery occurred. After I heard my sister scream I went down stairs; that was between one and two o'clock. I heard the cry of "Stop thief." I saw a man in a shirt sleeves run out of the saloon. I saw two men running down the street towards Ave. A. I never saw the men before but I would know the men if I would see them again. I have not seen them since.

John E. Keating sworn. I am an Officer of the 17th Precinct and made the arrest in this case on the 1st of Sept. about 1.40. at the corner of Eleventh St. in Avenue A. I was coming up Avenue A. on the corner of Tenth St. I saw two men running around the corner and this lady after them crying, "Stop thief." I ran after them.

I got about a hundred feet on Eleventh St. between Eleventh and Twelfth Sts. on Avenue A. and she (Sophia Evans) identified him. Was this the only man that was running? Yes sir. What became of the other? He ran into the hallway over in Tenth St. I put my nippers on the prisoner. I found the pocket book in the hallway where the other man ran through. They were both running together when I saw them and she was hallooing, "Stop thief." I know where the saloon 179 East Tenth St. is, it is about three hundred feet from the saloon where I arrested him. A lady who is not here found the pocket book and Mrs Evans identified it. Did the defendant say anything when you arrested him? No sir, nothing.

Cross Examined. This was between one and two o'clock. My attention was attracted by the hallooing and the running, I was going up Avenue A. I was very near Tenth St. and Avenue A where I first had my attention called to it. I heard a woman halloo, "Stop thief." I saw two men running towards Eleventh St. on Avenue A; the prisoner was one of the two, one was probably fifteen or twenty feet ahead of the other. Both of them had coats on. I caught the prisoner in Avenue A and took him to the station house.

Sphinx Evans recalled by Counsel for the defendant. "What time in the day was it that you first saw the two men that you have spoken of? The robbery occurred then - two o'clock in the afternoon. What time did you see them first that day? I think it was a little after nine o'clock. People were coming in and out of the bar room during the whole time that you were there, weren't they? Yes sir. You were not in the bar room from nine o'clock in the morning up to the time that this pocket book was taken continuously? Continually all the while, back and forth, not outside the door and not outside the bar. But you were away from behind the bar? Yes sir, to wait on the customers at the table - to wait on that man there. People were coming in constantly, weren't they? Yes sir. I suppose thirty, forty, even fifty people were in there during that morning? No sir. Were there a dozen there? Half a dozen probably. Do you know who those people were, all of them? Yes sir, I do. Can you give this jury the names? I do not know them by name, but I know that they are customers in the house. When people would come in for beer or whatever they might want, if at the tables, you would leave

the bar and serve them? Yes sir. You had
 no one assisting you? No sir. If such was
 the case you would serve them - you would
 leave the bar and go to the table? Yes sir.
 And that money would be left behind the
 bar? Yes sir. It would not be taken with you
 as you served the customers? No sir. It would
 be left there? Yes sir. The way behind the bar
 was open? Yes sir. There was no door there?
 No sir. Any person could go in and out
 without opening the door at all? Yes sir, but
 I would be supposed to see them going in
 and out. Still you would be serving people
 outside? There was only two parties outside
 sitting at the table that I served that morn-
 ing. The front door of this house opens on
 Tenth St.; and there is a side door open-
 ing upon the hallway; the bar is, on the
 right hand side along towards First Avenue;
 there are some tables towards Avenue A
 and one towards Tenth St., that is the front
 door. There was this defendant sitting at
 nine o'clock in the morning? Right towards
 the door facing Avenue A at the first table
 as you pass the counter. Who was sitting,
 if any one, at the table between the bar
 and Tenth St.? That man was sitting
 with his back towards First Avenue, and

he had a full view of the bar, he could see everything that transpired behind the bar and another man who was with him in his shirt sleeves was sitting face to face. There were no persons sitting in the rear bar room only the prisoner and the man in his shirt sleeves. I did not swear that one person was sitting in the front bar room. I did not state in the examination before the Police Magistrate that it was another man and not the defendant who leaned over and took my pocket book. I did not go out with the man to find his money. I only went as far as the door. I had the door open so that I could see anything that was going on in the saloon. This was between one and two o'clock. I did not go out again to see whether he could find his money. I told him to come back at four o'clock that the bakers would then be awake and he could ask them to let him down in the cellar. Both of the men ran together and I shouted, "stop Thief." I am positive the prisoner is one of the men who ran. I did not see where the pocket book was recovered.

The jury rendered a verdict of guilty of grand larceny in the second degree.

0072

BOX:

189

FOLDER:

1909

DESCRIPTION:

McDonnell, Martin

DATE:

09/15/85



1909

Witnesses:

Complainant now states
that he is fully satisfied
that there was no intention
on the part of deft to injure
him - and that he has
no desire to prosecute
him and that he
makes such statement
in good faith and as a
matter of justice in the
belief in the innocence of
deft. Under the circum-
stances I doubt if a
conviction could be
had and recommend
that within indictment
be dismissed.
At July 23. 1889
Randolph B. Martine
Dist. atty.

Counsel,

Filed 15 day of Sept. 1888

Pleads *M. & W. 16*

THE PEOPLE

vs.

B

Martin McDonald

Sept 23/89

Indictment dismissed

RANDOLPH B. MARTINE,

District Attorney.

*No. 94 on to court
A True Bill.
At July 23. 1889*

John H. Starnell

Foreman.

James P. Kelly

0073

0074

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Martin McDonald

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

Martin McDonald
of the crime of GRAND LARCENY, in the second degree, committed as follows:

The said *Martin McDonald*,

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *fourth* day of *April*, in the year of our Lord one thousand eight

hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms,
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 called 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 *Samuel A. McDonald*, 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.

Second COUNT.

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

Martin McDonald,

of the CRIME OF Grand LARCENY in the second degree,
committed as follows:

The said Martin McDonald,

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the fourth day of April, ——— in the year of our Lord
one thousand eight hundred and eighty-five, at the Ward, City and County
aforesaid, with force and arms, with intent to deprive and defraud one

Edwin A. Mallett,

of the property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to his own use, did then and there feloniously, fraudulently
and falsely pretend and represent to the said Edwin A.

Mallett,

That the said Martin McDonald was
then engaged in the real estate business at
number 5 Bay Street in said City. That he then
had a bank account in the Commercial Bank
of Brooklyn, that he was then the owner of
the premises on the southwest corner of Seventh
Avenue and Ninth Street in South Brooklyn:
That he then had charge of the Reynolds Estate
in Brooklyn, which brought him in a yearly
income of eighteen hundred and thirty dollars.

And the said Martin McDonald did
whereupon then and there offer to sell
to the said Edwin A. Mallett a one-half
interest in his said pretended real estate business.

0076

And the said Edwin A. Mallett,

then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Martin Mc Donnell,

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said Martin Mc Donnell, a sum of money, to wit: The sum of two hundred and fifty dollars in money, lawful money of the United States and of the value of two hundred and fifty dollars, — — —

of the proper moneys, goods, chattels and personal property of the said

Edwin A. Mallett, — — —
and the said Martin Mc Donnell, did then and there feloniously obtain the said sum of money — — —

of the proper moneys, goods, chattels and personal property of the said

Edwin A. Mallett, — — —
from the possession of the said Edwin A. Mallett, — — —

— — — by color and by aid of the false and fraudulent pretenses and representations aforesaid, and with intent to deprive and defraud the said Edwin A. Mallett, — — —

of the same, and of the use and benefit thereof, and to appropriate the same to his own use. **Whereas**, in truth and in fact, the said Martin Mc Donnell was not then engaged in the real estate business at number 6 Bay Street in said City, and did not then have a bank account in the Commercial Bank of Brooklyn, and was not then the owner of the premises on the southwest corner of Seventh Avenue and Ninth Street in South Brooklyn, and he did not then have charge of the Bergolds Estate in

547

0077

Brooklyn, and she same did not
bring him in a ready money of
eighteen hundred and thirty dollars,

And Whereas, in truth and in fact, the pretenses and representations so made
as aforesaid by the said Martin Mc Donnell,
to the said Edwin A. Mottet was and were,
then and there in all respects utterly false and untrue, as the the said
Martin Mc Donnell
at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID do say: That the said
Martin Mc Donnell,
on the day and year first aforesaid, at the Ward, City and County aforesaid, in the
manner and form aforesaid, and by the means aforesaid, with force and arms, the
said sum of money

of the proper moneys, goods, chattels and personal property of the said Edwin
A. Mottet,
then and there feloniously did STEAL, 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.

RANDOLPH B. MARTINE.

~~_____~~ District Attorney.

POOR QUALITY
ORIGINALS

0078

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue
Bring this Subpoena with you, and give it to the Officer at the Court
Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

S U B P E N A

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York,

To *the Cashier of the Commercial Bank*
of *the Republic* Street.

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *June* day of *June* instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Martin McDonnell
in a case of Felony whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of *May* in the year of our Lord, 188 *6*

RANDOLPH B. MARTINE, *District Attorney.*

0079

People
vs

Markus McDonald

Test of Credibility
Witness

District Attorney
who takes this
case might as
well let me know
—

0080

#10 Old Slip Sept 20/85
Asst Dist Atty - Davis.
Dear Sir.

Will you oblige me by subpoenaing
the following persons in the case
of Martin McDonnell charged
with Grand Larceny. The persons
named are directly in interest
in the case for the people.

Mr Jas Cole 158 Smith St Brooklyn
" John Maxwell 249 Pearl St. N.Y.
" Fries Central Office Detective
" W. Curley 1553 Broadway. City.

I would like to have the case tried
the latter part of next week if
possible

Respectfully Yours
Edwin A Mallett -
Complainant.
#328 West 47th St. City.

POOR QUALITY
ORIGINALS

0081

Held for \$7500 bail from \$5000
deposited for \$2000

BAILED,
No. 1, by John L. Keenan
Residence 21 Canal Street.
and George D. Crotty
by 209 West 112 St
Residence 209 West 112 St Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Murphy
Police Court 1st District. 953

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward A. Mallett
328 W. 47th
Martha McManus

Offence Larceny

Dated April 9th 1885

Matthew Magistrate.
John L. Keenan Officer.
John L. Keenan Precinct.

Witnesses
Chas. Cooper of Commercial

No. 1 Bank of Commerce
363 Madison St. N.Y.
John Maxwell
No. 249 Canal Street.

No. _____ Street.
\$ 7500 to answer Sessions.
John L. Keenan

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

Dependant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Seven 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 Sept 9 1885 John L. Keenan 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.

0082

Sec. 198-200.

101 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

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

Question. What is your name?

Answer. *Martin McDonald.*

Question. How old are you?

Answer. *69 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *274 9th Street 12 years*

Question. What is your business or profession?

Answer. *Real Estate*

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

Martin McDonald

Taken before me this

day of

1881

John J. ...
Police Justice.

00003

Sec. 151.

District Police Court.

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police
Justices in and for the said City, by Edwin A. Mallett

of No. 328 West 47th Street, that on the 4th day of April
1885 at the City of New York, in the County of New York, the following article to wit:

Good and Lameful money of the United
States to the amount of
of the value of Two hundred and fifty Dollars,
the property of The said Edwin A. Mallett
was taken, seen, and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by Mr. McDonnell

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

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

Dated at the City of New York, this 9th day of April 1885
John Patterson POLICE JUSTICE.

POLICE COURT DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Edwin A. Mallett
Marshall McDonnell

Warrant-Larceny.

Dated April 9th 1885William C. G. MagistrateWilliam C. G. Officer

The Defendant

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

Officer

Dated _____ 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, _____

Native of _____

Age, _____

Sex _____

Complexion, _____

Color _____

Profession, _____

Married _____

Single, _____

Read, _____

Write, _____

0084

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:
of New York, }of No. 328 West 47th St Street, aged 29 years,
occupation grocer being duly sworndeposes and says, that on the 4th day of April 1885 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz:Good and lawful money of the
United States to the amount and
value of Two hundred and fifty
dollarsthe 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 Martin M'Donnell forthe reasons following to wit: That
said deponent then and there
stated and represented to deponent
that he was engaged in the Real
Estate Business at No. 542 1/2 St.
That he further stated and represented
that he had a bank account in
the Commercial Bank of Brooklyn,
and was the owner of premises in
the South West Corner of 7th Avenue
and 9th Street in South Brooklyn
and had charge of the Queens
Estate in Brooklyn which brought
him in a yearly income ofof—
Subscribed before me, this
—188— day

Police Justice.

0085

Eighteen hundred and thirty dollars.
That he desired Dependent to purchase
a half interest in his said business
for the sum of five hundred dollars.
That dependent believing said statements
and representations to be true then
and there gave said dependent said
said sum of two hundred and fifty
dollars in full payment on the purchase
of one half interest in the said business
of said dependent. That said dependent
left No 5 Bay Street, where he alleged
his office was, on the afternoon of said
day - after dependent had paid him
the money aforesaid and has not since
returned thereto. That dependent
has since visited the office of the
County Clerk in Brooklyn and was

Dated 188 Police Justice.

I have admitted the above named

to bail to answer by the undersigned hereto annexed.

Dated 188 Police Justice.

I have admitted the above named

of the City of New York, until he give me the bail

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

committed, and that there is sufficient cause to believe the within named

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

committed, and that there is sufficient cause to believe the within named

committed, and that there is sufficient cause to believe the within named

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committed, and that there is sufficient cause to believe the within named

committed, and that there is sufficient cause to believe the within named

There informed that no such estate as the Reynolds Estate was in existence. That deponent further made inquiries at the premises on the South West corner of 7th Avenue and 9th Street in Forest Park, Brooklyn and was informed that said defendant was not the owner of said premises and never had been. And further deponent went to the Commercial Bank in Brooklyn and was informed by the officers of said Bank that said defendant did not and never had an account at said Bank.

That deponent therefore charges that all of said statements and representations, so made to deponent by said defendant, were and are false and untrue, and were known to be such by said defendant when made to deponent, and were designedly made to cheat and defraud deponent and whereby deponent was

0007

do cheat and demanded
of said sum of money.
That defendant thereby
has said defendant may be
arrested and dealt with
as the law directs

Shown & before me this Edwin A Mallett.
9th day of April 1885

H M Patterson
Clerk of Court

POOR QUALITY
ORIGINALS

0000

State of New York
City & County of New York
1886

N.Y. General Session

More New People

Agth
Martin M. D.
papers of
for the arrival of people

POOR QUALITY
ORIGINALS

0089

General Release.—696.

Geo. Van De Water, Printer and Mfg Stationer, 5 Wall St., N. Y.

To all to whom these Presents shall come or
may Concern,

Greeting: Know Ye, That I Edwin A. Mallett
of the city, County & State of New York
(Exhibit C)

for and in consideration of the sum of one hundred & twenty five
dollars

lawful money of the United States of America, to me in hand paid by George W. God-
ward & John F. Merriam

the receipt whereof is hereby acknowledged, have remised, released, and forever discharged, and by
these presents do for my self my heirs, executors and
administrators, remise, release and forever discharge the said Martin McDonald his
heirs, executors and administrators, of and from all, and all manner of action and actions, cause and
causes of actions, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties,
covenants, contracts, controversies, agreements, promises, variancies, trespasses, damages, judgments,
extents, executions, claims and demands whatsoever, in law or in equity, which against him &

my self my ever had, now ha. or which
my self my heirs, executors or administrators, hereafter can,
shall or may have for, upon or by reason of any matter, cause or thing whatsoever from the beginning of
the world to the day of the date of these presents. And especially from any

fall indebtedness of said Martin McDonald to
me for money in the sum of two hundred &
fifty dollars loaned by me to said McDonald
in the month of April 1888 & on or about the first
day thereof & for which I have begun an action in
the City Court of New York via full settlement of
said action

In Witness whereof, I have hereunto set my hand and seal the
twelfth day of June in the year one thousand eight hundred
and eighty six

Scaled and Delivered in the presence of

Witness

Thomas E. Layton

Edwin A. Mallett



POOR QUALITY
ORIGINALS

0090

State of New York County of New York

On this twelfth day of June 1886
before me personally came and
appeared the within named Edwin
A. Mallett & me known & known to me
to be the individual described herein
who executed the within instrument &
who acknowledged to me that he executed
the same for the uses & purposes
therein mentioned.

Thomas E. Laughlin
Notary Public 1889
New York County

Edwin A. Mallett

TO

Martin McDevitt

General Release.

POOR QUALITY
ORIGINALS

0091

City Court of New York

Edwin A. Mallett.

Exhibits

vs

"D"

Martin Mc Donnell.

Mr. Henry consent that the above
entitled action be discontinued
without costs to either party.
as against the other. The defendant
herein having paid the claim
of the plaintiff herein. And that
an order to that effect be
entered without notice.

Dated June 5/1886

Copy of
Original.

H. M. Brecheidt
Supt. atty.

Southworth & Mauhan
Pltffs attys

At a Special Term of the
City Court of New York held
at the Chambers thereof
in the City Hall in said
City on the 16th day of June
1886

Present

Hon Edward Browne

Justice
(Exhibits
"E")

Edwin A Mallett

Asst

Martin McDonnell

On reading, and filing the
Annexed Consent,

And on Motion of Geo W Gibbons
of Counsel for the Defendant
for the purposes of this Motion.

It is ordered that the above
settle action be, and the
same is hereby discontinued
without Costs to either party
as agreed the other.

a copy
John Reid
Clerk.

POOR QUALITY
ORIGINALS

0093

Edwin Mallett

TO

Wm. M. Samuels

Article of Co-Partnership.

Dated April 4th 1880

POOR QUALITY
ORIGINALS

0094

Article of Co-Partnership

W. Reid Gould, Law Blank Publisher and Stationer, 168 Nassau St., N. Y.

Article of Agreement, Made the *Fourth* day
of *April* one thousand eight hundred and *Eighty five* BETWEEN
M. M. Donnell of the city of New York and Edwin
A. Mallett of the same place (Exhibits)

as follows: The said parties above named have agreed to become co-partners in business,
in the real Estate and by these presents do agree to be co-partners together
under and by the name or firm of *M. Donnell and Mallett*

in the buying, selling and vending all sorts of goods, wares and merchandise to the said business
belonging, and to occupy the *office 5 Day Street Room 11 or any other*
place which the said parties may name

their co-partnership to commence on the *Fourth* day of *April 1885*
and to continue *for one year or as long thereafter as they may*
agree upon

and to that end and purpose the said *Mallett* put in *Five hundred*
Dollars to be paid as follows two hundred & fifty Dollars
in cash and two hundred & fifty Dollars by installments

~~to be used and employed in common between them for the support and management of the said business,~~
~~to their mutual benefit and advantage.~~ And it is agreed by and between the parties to these presents,
that at all times during the continuance of their co-partnership, they and each of them will give their
attendance, and do their and each of their best endeavors, and to the utmost of their skill and power,
exert themselves for their joint interest, profit, benefit and advantage, and truly employ, buy, sell, and
merchandise with their joint stock, and the increase thereof, in the business aforesaid. And also, that
they shall and will at all times during the said co-partnership, bear, pay and discharge equally between
them, all rents and other expenses that may be required for the support and management of the said
business; and that all gains, profit, and increase, that shall come, grow or arise from or by means of
their said business, shall be divided between them.

and all loss that shall happen to their said joint business by ill commodities, bad debts or otherwise, shall
be borne and paid between them.

POOR QUALITY
ORIGINALS

0095

And it is agreed by and between the said parties, that there shall be had and kept at all times during the continuance of their co-partnership, perfect, just, and true books of account, wherein each of the said co-partners shall enter and set down, as well all money by them or either of them received, paid, laid out and expended in and about the said business, as also all goods, wares, commodities and merchandise, by them or either of them, bought or sold, by reason or on account of the said business, and all other matters and things whatsoever, to the said business and the management thereof in anywise belonging; which said book shall be used in common between the said co-partners, so that either of them may have access thereto, without any interruption or hindrance of the other. And also, the said co-partners, once in *every month*

or oftener if necessary, shall make, yield and render, each to the other, a true, just and perfect inventory and account of all profits and increase by them, or either of them, made, and of all losses by them, or either of them, sustained; and also all payments, receipts, disbursements and all other things by them made, received, disbursed, acted, done, or suffered in this said co-partnership and business; and the same account so made, shall and will clear, adjust, pay and deliver, each to the other, at the time, their just share of the profits so made as aforesaid.

And the said parties hereby mutually covenant and agree, to and with each other, that during the continuance of the said co-partnership, neither of them shall nor will endorse any note, or otherwise become surety for any person or persons whomsoever, without the consent of the other of the said co-partners. And at the end or other sooner termination of their co-partnership the said co-partners each to the other, shall and will make a true, just and final account of all things relating to their said business, and in all things truly adjust the same; and all and every the stock and stocks, as well as the gains and increase thereof, which shall appear to be remaining, either in money, goods, wares, fixtures, debts or otherwise, shall be divided between them.

Subscribed to before me
the 24th day of March 1885
James P. Banks
Notary Public
St. Louis

Edwin A. Mallett

M. M. Howell

POOR QUALITY
ORIGINALS

0096

St. U. City Court

Erwin A. Mallett

— agt —

Martin M^cDonnell

Complaint

Southern Railway Co. v. Mallett

Plaintiff's Attorney

18 William Street

New York

N. Y.

To Martin M^cDonnell

POOR QUALITY
ORIGINALS

0097

City Court of New York

51 Nassau Street, N. Y.

Edwin A. Mallett

Plaintiff

against

Martin M. Donnell

Defendant

Exhibit
"A"

Summons.—With Notice.

To the above named Defendant

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer on the Plaintiff's Attorney within ~~twenty~~ ^{six} days after the service of this summons, exclusive of the day of service, and in case of your failure to appear, or answer, Judgment will be taken against you by default, for the relief demanded in the complaint.

Dated *New York April 7th* 1886

Southworth & Mauahan Plaintiff's Attorneys

Office No. 18 William Street

NOTICE.

TAKE NOTICE, That upon your default to appear, or answer the above Summons, Judgment will be taken against you for the sum of *Two Hundred and Fifty* dollars, with interest from *April 1st* 1885 and with costs of this action.

Southworth & Mauahan Plaintiff's Attorneys

POOR QUALITY
ORIGINALS

0098

City Court of New York.

Edwin A. Mallett

agst

Martin Mc Donnell

Plaintiff, complaining a-

gainst said defendant, states, alleges and avers:

First. That on or about the 1st. day of April 1885, at the City of New York, the defendant falsely and fraudulently representing to said plaintiff that he was a man of means, and with the intent to cheat and defraud said plaintiff, falsely representing to him that he was the owner in fee simple of certain real property, in the City of Brooklyn, State of New York, induced plaintiff to part with and give to him the sum of Two Hundred and Fifty Dollars to invest in the real estate business, in the City of New York.

Second. That said defendant failed to use said money for the purpose for which it was intrusted to him, and converted the same to his own use and benefit.

Third. That said defendant is and was at the time of gaining possession of said money, wholly irresponsible and without any means whatever, and has refused and still refuses to repay said money or any part thereof.

POOR QUALITY
ORIGINALS

0099

Wherefore said plaintiff demands
judgment against said defendant for Two hundred and fifty
dollars, besides the costs of this action.

Southworth & Manahan,

Plaintiff's Attorneys,

P.O. & Office Address-----No. 18 William Street
New York.

City and County of New York SS:

Edwin A. Walleth, being
duly sworn says: that he is the plaintiff herein; that he has
read the foregoing complaint and knows the contents thereof, &
and the same is true of his own knowledge, except as to the
matters therein stated to be alleged upon information and
belief, and as to those matters, he believes it to be true.

Sworn to before me this
6th day of April 1886.

J F Lockwood

Edwin A Walleth

Notary Public
My Co 80

POOR QUALITY
ORIGINALS

0100

General Sessions
of the Peace of the City and
County of New York

In U. S. People
vs
Martin McDonnell }

Ala County of New York
John J. Riernan being duly
sworn & says:

That he does business at No.
21 Wall Street New York City
and that he is acquainted
with the above named Defen-
dant for over ten years, and
that his reputation among
many people known to your
Honors for honesty and
sobriety is very good.

And he will for me

the 18 day of June 1886 }

George Gibbons

Notary Public

N.Y. Co

John J. Riernan

I am in the above

Large M. Sealman

161 Adams

POOR QUALITY
ORIGINALS

0 10 1

General Sessions &c
of the City & County of New York

In re The People

&c

Agst
Martin Mc Donnell

City and County of New York ss

Edwin C. Mallett being

Sworn says -

I make & file Complaint in
the above entitled action on
the grounds set forth in the
Complaint hereto annexed
and marked Exhibit "A"
and made a part of this Offi-
cial Complaint.

II That on the 4th day of April
1885 I went in to business with
one Martin Mc Donnell in the Real
Estate Brokerage business at
No 64 1/2 Broadway New York City
and paid the said Mc Donnell
the sum of \$200.00 and
fifty Dollars, as my share
for the General Expenses &c for
the said business, as appears

by the Articles of Copartnership
between the said McDonnell
and myself heretofore
and marked "B" and made
a part of this my Affidavit
III That said business not
being profitable was indu-
ced to commence an action
against the said McDonnell
(See Exhibit "C") and caused
to be served on him the un-
dred summons and Complaint
on or about the 6th day of April
~~1885~~ 1886.

IV That on the 24th day of Sep-
tember 1885 prior to the ^{the case of M. McDonnell} said
action ~~of~~ was arrested on
a warrant issued by the
Justice of the Peace on the same
grounds for which I thereafter
commenced the civil action
and ^{said McDonnell} was held in default
of bail to await the action
of the Grand Jury
V That thereafter the said
McDonnell gave bail and
was released from custody
and since thereafter after

a full and satisfactory state
ment to me and my lawyers
in regard to the transaction
I was fully satisfied that
there was no intention on the
part of the said McDonnell
to wrong me, and at the ad-
vice of my attorneys Messrs
Southworth and Marchant
of 18 William Street New York
City and my own belief in
the said McDonnell, I con-
sented to the discontinuance
of said civil action, and
gave him a release therefor
which is hereto annexed and
made a part of this Affidavit
as Exhibit "C" and also
consented to discontinue
said action hereto annexed
and marked Exhibit "D"
as "E"

¶ That I have no desire or
wish to prosecute the Crimi-
nal part of this action
now pending in General
Sessions Court of this City
as the cause of action

Civil and Criminal are identical and with the permission of the Court on the State Court herein made desire to with draw said Complaint

VI That I have not been induced to do this by any promise of reward or profit directly or indirectly from any person or persons known or unknown, and that the statement made herein is made in good faith and as a matter of justice in the belief of the innocence of the said Mc Donnell of any Criminal Intent to wrong me

Subscribed before me
this 16th day of June 1886

E. H. Bryan.
Notary Public #5
A. T. City and County

0 105

BOX:

189

FOLDER:

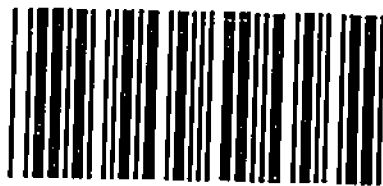
1909

DESCRIPTION:

McGinniss, John H.

DATE:

09/14/85



1909

POOR QUALITY
ORIGINALS

0106

Witnesses:

It appearing by the within affidavits
that it is impossible to secure the at-
tendance of Charles Barker
a material and necessary witness for
the People and without whose evidence
a conviction cannot be had. I there-
fore respectfully recommend that the

defendant herein John H.
McGinnis be
discharged on his own recognizance.

N. Y. March 24, 1887

John M. Sains
Deputy District Attorney.

Counsel,

Filed 14 day of Sept

1887

Pleads

THE PEOPLE
vs.
Grand Larceny, 1st Degree, etc
From the Person
Sections 528, 531, 535, Penal Code

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Chas H. Karsell

Foreman,

Part III, Sec 218

Bail discharged

POOR QUALITY
ORIGINALS

0 107

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 D. McFinnis

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

John D. McFinnis
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said John D. McFinnis,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
sixth day of July, in the year of our Lord one thousand
eight hundred and eighty-five, in the night time of the said day, at the Ward, City and
County aforesaid, with force and arms,

one written instrument and evidence of
debt, to wit: an order for the payment
of money, drawn by one John D. Sanford
by his attorney Daniel W. Sanders, upon
a certain banking institution there
known as the National Safe Bank
of New York, directing the said bank
to pay to the order of Martin Bondee
Five hundred and ten & 3/100 Dollars, the
same being numbered 4717 and bearing
date New York July 1886 and bearing
upon the back thereof the endorsement of
the said Martin Bondee as follows, to wit:
"Martin Bondee" and being then and there wholly unsatisfied
and of the value of four hundred and ten dollars and fifty three
cents, of the goods, chattels and personal property of the said Martin Bondee,
on the person of the said Martin Bondee,
then and there being found, from the person of the said Martin Bondee,
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.

POOR QUALITY
ORIGINALS

0108

SECOND COUNT—

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

John D. McGinniss

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said John D. McGinniss,

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, with force and arms, one written instrument and evidence of debt, to wit: an order for the payment of money ~~no~~ numbered 277 and bearing date New York July 6 1885, drawn by one John D. Sanford by his attorney Daniel W. Shider upon a certain banking institution there, known as the National City Bank of New York, and directing the said Bank to pay to the order of Martin Rondae Four hundred and Ten & 53/100 Dollars, the same being then and there duly endorsed by the said Martin Rondae and being then and there wholly unsatisfied and of the value of four hundred and ten dollars and fifty three cents,

of the goods, chattels and personal property of the said Martin Rondae,

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

unlawfully and unjustly, did feloniously receive and have; the said John D. McGinniss,

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

RANDOLPH B. MARTINE,

District Attorney.

POOR QUALITY
ORIGINALS

0109

COURT OF GENERAL SESSIONS

The People, &c.

J. G.
vs.
John H. McQuinn

RANDOLPH B. MARTIN
District Attorney

*Affidavit of
Det. Sergt. Holden*

POOR QUALITY
ORIGINALS

0110

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

John H. McGinnis

OFFENCE

RANDOLPH B. MARTINE,
District Attorney.

City and County of New York fo:-

Timothy Golden being
duly sworn says, That he is a Detective
Sergeant of Police, that he resides at
the Metropolitan Hotel in the city of
New York. That he is acquainted
with Martin Rourke the complainant
in the above entitled action and
that said Rourke resides at the
Metropolitan Hotel when he is
in this City. That his ^{place of business} ~~residence~~
is at No. 13. Market Street Manchester
England and that he has not
been in this City since last
year. Deponent further says
that the said Rourke is an
old man who will probably not
come to this country again.

Deponent is informed that restitution
has been made.

Sworn to before me this } *Timothy Golden*
17th day of March 1887 }
Rudolph L. Schauf

COMMISSIONER OF DEEDS,
N. Y. CITY & COUNTY.

POOR QUALITY
ORIGINALS

0 1 1 1

Court of General Sessions.

THE PEOPLE, on the Complaint of

Martin Rouke

vs.

John H. McKinnis

Offense

RANDOLPH B. MARTINE,

District Attorney.

Affidavit of

Geo. H. Driscoll

Subpoena Server.

Failure to Find Witness.

POOR QUALITY
ORIGINALS

0112

PART III.

IF ROOM IS IN THE THIRD STORY.
disobeyed, an attachment will immediately issue
with you, and give it to the Officer at the Court Room
if it may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

Affidavit wanted

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To *Martin Rourke*
of No. *Metropolitan Hotel* Street.

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper
person, before the Court of General Sessions of the Peace, to be holden in and for the City and County
of New York, at the County Court House, in the Park of the said City, on the *211*
day of *March*
in the year *19*

GREETING:

POOR QUALITY
ORIGINALS

0113

Affidavit warranted

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To *Martin Rourke*
of No. *Metropolitan Hotel* Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the County Court House, in the Park of the said City, on the *24* day of *April* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against

John H. McGuire
in a case of Felony, whereof *he* stands indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of _____, in the year of our Lord 1887.

RANDOLPH B. MARTINE, *District Attorney*

PART III.

THE COURT ROOM IS IN THE THIRD STORY.

If this Subpoena is disobeyed, an attachment will immediately issue
Bring this Subpoena with you, and give it to the Officer at the Court Room Door that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

CECED PAGE
POOR QUALITY
ORIGINALS

0114

Court of General Sessions.

THE PEOPLE

vs.

H. McGinnis

County of New York, ss.:

I says: I reside at No.

James H. Driscoll
being duly
15 City Hall Place

~~Street~~, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the *17th* day of *March* 188

I called at *the Metropolitan Hotel*

the alleged residence of *Martin Rouke*

the complainant herein, to serve him with the annexed subpoena, and was informed by *the* Clerk of the Hotel that *Martin Rouke* stops there when in the City, that he is now in England and has not been here in some time and does not know when he will be here again.

Sworn to before me, this *19* day

Rudolph L. Schauf
of *March* 188

COMMISSIONER OF DEEDS
N. Y. CITY & COUNTY.

James H. Driscoll
Subpoena Server.

POOR QUALITY
ORIGINALS

0115

Before the Grand Jury

The People

vs.

John N. McGinnis

STENOGRAPHERS' TRANSCRIPT.

Sept 10 & 11 1885.

Henry Winger

*Stenographer to Grand Jury
32 Chambers St
N.Y.*

POOR QUALITY
ORIGINALS

0116

S. T. Smith,

14 Park Place, N. Y.

STENOGRAPHERS' MINUTES.

The People
vs
John H. McGinnis

BEFORE

The Grand Jury

Sept 11 and 11 1885

Witnesses:

Direct.

Cross.

Re-Direct. Re-Cross.

Martin Rouba
M. G. Glostein
Timothy Golden
Joseph C. Brien

1

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8

12

Henry Winger,
Stenographer to the Grand Jury
57 Chambers St.

POOR QUALITY
ORIGINALS

0117

The People of the State of New
York

against

JOHN H. HOPKINS

New York, September 10th 1885.

BEFORE the GRAND JURY.

MARTIN ROULIE, being first duly sworn, testified as
follows :-

By the Court--

Q Your name ?

A Martin Rourke.

Q Where do you reside ?

A I reside at present at the Metropolitan Hotel.

Q You keep a saloon-- do you not ?

A No, Oh, No.

Q You had a check with you one certain evening ?

A Yes sir.

POOR QUALITY
ORIGINALS

0118

- Q What was the amount of that check ?
- A \$410.53
- Q Would you recognize it if you see it again ?
- A I believe so.
- Q Look at that check and say whether this is it. (handing witness check).
- A That is the check.
- Q You are positive about that ?
- A Oh, yes.
- Q What did you do with that check ?
- A I put it in my pocket here. (Indicating trousers' pocket)
- Q How did you get rid of it ?
- A It was taken from my pocket by some person or other-- I don't know now.
- Q Taken out of your pocket ?
- A Yes sir.
- Q You went into a bar-room, did you not ?
- A Yes.
- Q Where there was a Mr. McGinnis ?
- A I don't know Mr. McGinnis-- I never saw him-- I never saw any of them until I saw them at court.
- Q You went into this bar-room and you had the check in your

POOR QUALITY
ORIGINALS

0119

pocket ?

Q Which bar-room do you mean ? I went into a bar-room in Prince Street next to the Metropolitan Hotel-- Heilly keeps it.

Q You had the check with you when you went in there ?

A I had.

Q When did you miss the check ?

A The next morning.

Q But you went into a bar-room after that ?

A Not that I am sure of-- I got too under the drink-- I don't remember.

Q You had been drinking ?

A Yes sir.

Q Are you clear you only went into one bar-room ?

Q I am not aware of any other.

Q You don't recollect any other ?

A No-- I came out of that bar, I believe it was clear.

Q And you didn't miss the check until the next morning ?

A No.

Q And how far was this bar-room from your residence ?

A It was only around the corner-- the Metropolitan Hotel goes into Prince Street.

POOR QUALITY
ORIGINALS

0 120

Q It is close by ?

A Close by.

Q You are sure you were not robbed there when you went from your house to your this bar-room ?

A That I can't say.

Q And you were alone with you ?

A There was two or three of the porters of the hotel. I didn't leave the desk until the following morning, so that I really don't know who took it or how it went-- I had a knife and a parcel of something like ten or twelve dollars in money that was rolled with the desk, and it all went.

Q Have you seen this man Cately that was arrested in the house .

A Yes, I saw him at the court.

Q Where-- in the station-house ?

A Yes.

Q Did you ever see him before ?

A Not to my knowledge.

Q You are sure of that ?

A Yes.

Q You didn't see it at night you lost the money ?

A I didn't see any of the prisoners-- I don't remember ever

POOR QUALITY
ORIGINALS

0121

seeing one of them before.

Q Did you go to Canal Street at all ?

A I don't know Canal Street until the other day-- although I crossed it.

M. G. CLOISKEY, aia; first duly sworn, testified as follows :-

By the Foreman--

Q Where do you reside ?

A 354 Grand Street.

Q What do you know about this case ?

A This was Prien case to me, I think it was on the 7th or 8th of July and handed me a certification check to be cashed, and I told Prien I didn't think I had money enough to cash it unless he was willing to take silver, and I handed all the money I had, and I gave this Prien three hundred dollars in bills, and offered him the package of silver that I took in on the Saturday night previous, and he says " I don't want to lug that around with me-- it is too hot; I

POOR QUALITY
ORIGINALS

0 122

will come in for the balance to-morrow!" Then I took the check, and deposited it in the Bowery National Bank for collection and the check was paid. The next day, at twelve o'clock, this man Bourke came to my house, and said "Are you Mr. Gioianni?" and I said yes. Then he said "I lost a check that you had deposited in the Bowery National Bank;" and I says: "How much?" and he said \$410., and I said "Yes, I had that yesterday, and I put it in the bank for deposit," and I said if there is anything wrong about it we will go to Police headquarters, and get this man that gave it to me. Then he went out and about twenty minutes after that, he came in with the officer outside-- Officer Golson, I believe-- and they said I must go with them, and I was arrested and locked up at headquarters, and released that night.

Q You gave Brian the money?

A Yes sir.

Q Would you recognize the check if you saw it again?

A I would.

Q Just look at that and see. (Handing witness paper).

A That is the check-- that is my own signature.

Q All that you know about the transaction is that you cashed

POOR QUALITY
ORIGINALS

0123

the check for Brion ?

A Yes sir, and this man McGinnis was present when the check was cashed, and he wanted me to give him the money, and I wouldn't allow it-- I said "You have nothing to do with it-- I am cashing this check for Allen."

Q He came in company with Allen ?

A Yes sir.

Q And he appeared to be very much interested in the transaction ?

A Yes sir.

By a Grand Juror--

Q Where did you say your place of business was ?

A 354 Grand Street-- corner Grand and Essex .

Q Were you acquainted with this Brion-- was he a customer of yours ?

A He was in business with his father, and dealt in plumber's supplies on Center Street, and I have called, I think, three or four times previous to this one-- two or three, and this being a certified check, and I was just going to send the money to the bank, I thought it would be all the same.

Q Did he give you anything for cashing this check ?

A No sir.

POOR QUALITY
ORIGINALS

0124

TIMOTHY GOLDEN, being first duly sworn, testified as follows :-

By the Foreman:-

Q What is your occupation, Mr. Golden ?

A Detective Sergeant.

Q Where are you ?

A I am attached to the Central Office.

Q Did you arrest this man McGinnis ?

A I did, sir.

Q You arrested the other man, too-- Cobely ?

A Cobely was arrested by one of our men-- Robert O' the Central Office..

Q But you arrested McGinnis ?

A Yes sir.

Q What do you know about this Joseph L. Brien, or McGinnis or any of them ?

A In the first place, when that check was stolen, my attention was called to it, and went to the Park Bank on which it was drawn, and ascertained it had been cashed-- the

POOR QUALITY
ORIGINALS

0125

check was there. I took the names of the endorsers, and I arrested Gleistein-- one of the witnesses that was in here, as he deposited the check in the Bowery National Bank, and the Park paying the Bowery. He said he got it from Joseph Brien, a man in business in Center Street, and then I arrested Brien, and Brien said he got it from a man named McGinnis. Then, when he came to plead to the indictment, he told me about McGinnis and McManus. Then I arrested him and Cokely. Brien's story to his counsel was that he went with McGinnis, when Mr. Gleistein gave the three hundred dollars on that check. Then McGinnis bought so many clothes on the Bowery, and then went to Cokely's and gave him two-thirds of the money. Then Brien asked him why Cokely got two-thirds. Then Judge Murray, on the statement of Cokely's-- the investigation came up before Judge Murray, you know, and on Cokely's own statement he held him in default of \$2,000. for examination.

Q He held Cokely ?

A Cokely and McGinnis. The examination came up before Judge Welde, and the statements Cokely made previous, he denied before Judge Welde. He stated he never saw the

POOR QUALITY
ORIGINALS

0126

check, and never saw the complainant, and never got any portion of the proceeds of that check, and then McGinnis was examined in his own behalf, and he assumed the responsibility of the whole thing, and he said he got the money and spent it.

Q When McGinnis gave Cokely part of that money, was Brien or anyone else present that you know of?

A Brien says he was present-- it is only through Brien I know that-- I am not testifying on my own knowledge-- it is only hearsay. In fact, Mr. Fisher (addressing a Grand Juror), and you Mr. Foreman, in my opinion, I don't think there is any evidence on which we can convict Mr. Cokely.

Q That is our business-- not yours.

By Assistant District Attorney Davis--

Q I think in your testimony there, you stated that Cokely ~~was~~ made the remark that he couldn't see why Brien was kicking as he got his share of the transaction. What did Cokely say to you when he was arrested?

A He didn't say anything to me directly. On the evening I arrested McGinnis, I walked in Cokely's saloon, corner Canal Street, and walked in police headquarters at nine o'clock at night, and Cokely jumped off of a car seeing me on the sidewalk with McGinnis. I put McGinnis in

POOR QUALITY
ORIGINALS

0 127

charge of another officer, and walked along with Cokely and he said to me then, he didn't see why Brien is making any kick-- he got his bit out of it-- that is a slang phrase usually to know-- I am quoting exactly what he said-- of course, you gentlemen know what that implies.

Q What did Cokely mean by that-- that he was also a partner in the profits, do you know?

A I couldn't put that construction upon it-- I couldn't infer from that remark that Cokely knew the check was stolen-- I couldn't infer he got any portion of it

POOR QUALITY
ORIGINALS

0128

The People of the State of New
York

against

John H. McGinnis.

New York, September 11th 1885.

Before the Grand Jury.

JOSEPH C. BRIDGES, being duly sworn by the Foreman,
testified as follows :-

(The witness had commenced his statement to the
Grand Jury before the Stenographer was called in, and, as
repeated by the Foreman, he stated as follows :-
McGinnis was a friend of his, and on the day in question
approached him and asked him to cash this check for \$410.-
55, and he took McGinnis to this Mr. Glostein, who cashed
it for him.)

By the Foreman--

Q You knew both those people ?

A Yes sir.

13

POOR QUALITY
ORIGINALS

0129

By Mr. Davis--

Q Brien, did you get any of the proceeds of that check?

A I was just relating it to the gentlemen-- I was just saying that money I got from McGinnis on the day I cashed it.

Q What day was it?

A The 7th of July-- I think that is the day of the certification of the check.

Q Did McGinnis tell you where he got it?

A He said he got it from a man in payment of a wine bill.

Q Do you know how much that was?

A No sir.

Q Did you ever hear?

A Yes sir, I heard in the Jefferson Market Police Court upon his examination he stated that Mr. Bourke had spent some forty dollars for wine.

Q Whereabouts?

A In Cobely's saloon on Canal Street.

Q Did McGinnis say he was there?

A Not at the time he cashed the check..

Q And he told you the check he had there was given in payment of a wine bill?

POOR QUALITY
ORIGINALS

0130

- A Yes sir. He said the man ordered the wine, and gave him the check in payment.
- Q And you went with McGinnis to this man Gloistein?
- A Yes sir.
- Q How did you come to go to him?
- A He had previously cashed checks for me-- three or four-- that I had received in my business, and sometimes in the night when I got home from business he would cash them.
- Q Did you see him pay the money?
- A He gave the money to me-- he didn't know McGinnis-- McGinnis's endorsement was on the check, and mine.
- Q How much did you get?
- A Three hundred dollars.
- Q What did you do with the money?
- A I gave it to McGinnis.
- Q Did you go with McGinnis then?
- A Yes sir.
- Q Where did you go?
- A I went through Canal Street, and stopped corner Bowery and Canal, and had a drink, and went further on Canal towards Broadway where he got a coat and vest-- he bought a coat and vest.

POOR QUALITY
ORIGINALS

0131

- Q Who did, McGinnis ?
- A Yes sir.
- Q With the proceeds of this money ?
- A That I can't say.
- Q How much did he give ?
- A Fourteen Dollars, and then we went to Cokely's place.
- Q What time was that ?
- A About half past three-- between three and four.
- Q In the afternoon ?
- A Yes sir.
- Q Who did you see there ?
- A Nobody but the bar-keeper was there when we got there. My idea in going with McGinnis was he was under the influence of liquor, and after we sat down there--
- Q While you were there, was anything done with that money ?
- A He took it out of his pocket and began counting it, and put it in two or three separate piles-- and about half an hour afterwards or twenty minutes Cokely came in.
- Q What Cokely-- Abraham Cokely ?
- A Yes sir.
- Q Keeper of the place ?
- A Yes sir, supposed to be, and he handed him some of the

POOR QUALITY
ORIGINALS

0132

money-- what the amount was I couldn't say-- I couldn't tell-- for I paid no attention to it-- I know he was counting it out in three separate piles, and handed in two rows of bills. As soon as I cashed the check, I walked back to a friend of mine at East Broadway and Rutgers Street, and I told him-- I counted out the money to He-
ginis there, and he gave me Ten Dollars that I had given him the previous.

Q That let him two hundred and ninety dollars?

A He gave me that out of his pocket, and when he gave me fifteen dollars that I asked the loan of.

Q That was twenty-five dollars?

A Yes sir.

Q And when you got to Cobely's saloon, you say he counted out three piles?

A Yes sir.

Q Did each pile contain the same amount?

A That I can't say.

Q Did you see him give some of those rows to Cobely?

A Yes sir..

Q How many?

A I think two.

POOR QUALITY
ORIGINALS

0133

- Q This was on what day ?
- A The same day-- the 7th of July.
- Q In the afternoon at four o'clock ?
- A Between half past three and four.
- Q Was anything said then by Covey or McGinnis.
- A McGinnis passed the money to Covey.
- Q Did Covey ask for it ?
- A Ask McGinnis ? Yes sir. He asked "Where is the money ?"
- Q Anything else said ?
- A Only a matter of fact conversation-- asked him where he was at night and he replied "Not in town" on the case though.
- Q When Covey received the money, what was done ?
- A He put it in his pocket.
- Q He didn't say anything about the amount ?
- A No.
- Q And McGinnis said nothing ?
- A Not to me, no sir.
- Q What happened then ?
- A It was raining very hard that afternoon, and I went down-
townxxxxxxxxxxxx and bought a coat and this coat I had on
was soaking wet, and I had to hang it up there to dry.

POOR QUALITY
ORIGINALS

0134

- Q How soon after that did you leave ?
- A Some time-- late at night.
- Q You remained there some hours after the money was given to Cokely ?
- A Yes sir.
- Q And was Henin is there ?
- A No sir. He left about two o'clock, and said he was going uptown, and I said "Don't fail to get a check tomorrow at two o'clock, and get this money from Gleinstein."
- Q Did you see Cokely since then ?
- A At the examination last week.
- Q Were you before Justice Murray ?
- A Yes sir.
- Q Did you hear Cokely say anything about the money he received ?
- A Yes sir, Forty Dollars he received for wine-- which this man had spent for wine-- this man opened so many bottles of wine-- I think McGinnis testified it was fifteen or sixteen, and the money he paid to Cokely was due on those bottles of wine.
- Q Have you heard Cokely say anything else about receiving the money, or about this check-- how it came in the post-

POOR QUALITY
ORIGINALS

0135

session of McGinnis ?

A No. I ~~heard~~ Cokely on the stand-- he knew nothing about it-- he was in bed when the witness there. He testified, I think, before Judge Murray or Judge Welch-- I don't remember which.

Q Have you seen McGinnis since then -- since his arrest ?

A No sir, only in court there the day of the examination.

POOR QUALITY
ORIGINALS

0136

District Attorney's Office.

PEOPLE

vs.

Ch Davis,

Dismiss these on endorse-
ments.

ADP

POOR QUALITY
ORIGINALS

0137

Justice Weeks will
in my absence hear
and determine the
within case.

McCluskey Police Justice

DAILED

No. 1, by Susan Kenan

Residence 379 - sunny Street.

No. 2, by Brodley Street.

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court 589 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William J. Connelley

Metropolitan Police

vs. William J. Connelley

Offence

1885

Dated August 22 1885

John J. McLaughlin Justice.

Office

William J. Connelley

No. 431 1/2 - sunny Street.

Residence Street.

No. 10 - sunny Street.

No. 10 - sunny Street.

No. 10 - sunny Street.

No. 10 - sunny Street.

No. 10 - sunny 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

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 August 22 1885 Police Justice.

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

Dated August 22 1885 Police Justice.

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

Dated August 24 1885 Police Justice.

POOR QUALITY
ORIGINALS

0138

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK

District Police Court.

John H. McGinniss 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

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

*I am not guilty of the charge
I took the cheque in payment
for a bill over the bar*

John H. McGinniss

Taken before me this

day of

1883

Police Justice.

POOR QUALITY
ORIGINALS

0139

CITY AND COUNTY } ss.
OF NEW YORK,

aged _____ years, occupation Plumber of No. 431 1/2 Grand Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Martin Rouke
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

188

Henry Murray
Police Justice

Joe Bryan

POOR QUALITY
ORIGINALS

0140

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Martin J. Burke
of the Metropolitan Hotel Broadway Street, aged 59 years,
occupation Merchant being duly sworn

deposes and says, that on the 6th day of July 1885 at the City of New

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

A bank cheque on the National Park
Bank for four hundred and ten
dollars and bank notes to the amount
of ten dollars, collectively of the value
of four hundred and 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 *Thos. H. McE. James, now present* and *James E. Brennan, formerly*

That deponent on the day in question had
said property in a pocket of the trousers then
worn by deponent and about the hour of
midnight went from the Hotel for a walk
That deponent met some persons with whom
he had some drink and on the following day
deponent discovered that said property had been
stolen — That the cheque here shown and which
is identified by deponent as the one stolen
from him was deposited in the National Park
Bank and payment demanded therefor by *Mr. H. Griston*
as he *Griston* now admits and states that he
received the cheque from *Joseph C. Bryan* and
deposited it not knowing that it had been unlawfully obtained

Subscribed and sworn to before me this 1885

Police Justice.

From showing to John to before the day of August 1883 Office Justice

That said Joseph C. Bryan now states that the defendant came to him with the cheque and asked him to cash it and not having sufficient money for that purpose he applied to said Gloistern to cash the cheque and obtained from him three hundred dollars in part payment of the face value of said cheque. That Bryan further states that he handed over said money to McGinniss in the presence of said Gloistern and the McGinniss then and there received and took possession of said money. That Bryan further states and avers that when McGinniss received said money as aforesaid he gave and handed to Abraham Crakley part of said money and that he Crakley received and took possession of the same he well knowing at the time that the money was realized by the parting and disposing of said cheque which had been stolen from defendant. Defendant therefore charges said Crakley with being an accessory after the commission of said felony.

Witnesses
Dated 1883
Police Justice

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

I have admitted the above named to bail to answer by the within named.

Dated 1883
Police Justice

of the City of New York, until he give such bail.

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

THE PEOPLE, &c., on the complaint of

1. 2. 3. 4.

Witnesses, No. Street, No. Street, No. Street, Sessions.

Dated 1883 Magistrate, Officer, Clerk.

Police Court, District, Offence—LARCENY.

POOR QUALITY
ORIGINALS

0142

214 & 216 BROADWAY.

No. 4717

NEW YORK

1885

THE NATIONAL PARK BANK
OF NEW YORK.

PAY TO THE ORDER OF *Martin Pomke*

Four Hundred & Ten & 53/100

\$410.53

John P. ...
by Daniel ...

CERTIFIED
DOLLARS.

July 7 1885

Printed at the National Park Bank, 214 & 216 Broadway, N.Y.

POOR QUALITY
ORIGINALS

0143

Martin Rourke

John H. McGowan

W. J. Gristen

POOR QUALITY
ORIGINALS

0144

District Police Court.

Walter J. Ford

vs. John J. McElroy

Abraham Lincoln

STENOGRAPHER'S TRANSCRIPT.

Aug 24 1885

BEFORE HON.

Charles H. Hilde

Police Justice.

W. J. Hilde

Official Stenographer.

STENOGRAPHER'S MINUTES.

Second District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Martin Peruk
John & McGinnis
Abraham Coackley

BEFORE HON.

Charles Selce
POLICE JUSTICE,
Aug 26 188*5*

APPEARANCES:

For the People,

For the Defence,

188

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Martin Peruk
Samuel Gorden
Joseph Doyan
Abraham Coackley
John McGinnis

1 to 2 2 to 4
5. 6 5. 6
7-8 7. 8
9-10 9. 10
11-12 11-12

A. J. Tracy
Official Stenographer.

POOR QUALITY
ORIGINALS

0146

2

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Martin Kowk

John H. McGinnis

Examination had

Aug 24

188

5

Before

Hon Charles Guide

Police Justice.

A. J. Peacy

Stenographer of the

2

District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of

*M. Kowk, Emma
John H. McGinnis*
as taken by me on the above examination before said Justice.

Dated

Aug 24

188

5

Hon Kowk

Police Justice.

A. J. Peacy
Stenographer.

New York Aug 25/85
 Second District Court
 Hon. Charles Hodge - Presiding.
 Martin O. Rourke } Grand
 John D. McGinnis } Larceny
 Abraham Coakley }

Martin Rourke, being duly
 sworn deposes and says,
 I stop at the Metropolitan
 Hotel, New York in N.Y.
 England.

Q. Did you see this
 check before?

A. Yes Sir, I indorsed
 it. I got it from Anna Taylor
 the maker of the check.

Q. What did you
 do with it, after you
 got it?

A. I indorsed it. I
 did not get it cashed.

Q Has become of it?
 Ans It was taken out
 of my pocket.
 Q Has become of it?
 Ans My pants pocket.
 Q Where did
 you next see it?
 Ans Bank (Bank
 of America)
 Q Did you see any
 one steal it?
 Ans No. I went from
 the Hotel at midnight, I
 had some drinks,
 Q Did you take
 the Porter of the Hotel,
 our & have some drinks?
 Ans I took one. I went
 to his saloon (~~Coatlery~~)
 Q Do you recollect
 coming back?
 Ans No.
 Q By reason of your being
 intoxicated.
 Ans Yes Sir.

3

Ques Do you recollect leaving
the place?

Ans Yes Sir. we came
out together

Ques Who?

Ans Several.

Ques How many?

Ans There were
Eight in the Parlor
altogether, with our crowd

Ques Can you tell how
many there were there.

Ans 3 or 4. There
were 3 or 4 at the time, I
did not take notice.

Ques Where did you go?

Ans To the Hotel.

Ques Do you
know where you went?

Ans I was at the Hotel
at 2 O'clock in the morn-
ing.

Ques Will you swear you
did not go anywhere else

3

H

Ans There is no doubt that, I
did not go anywhere else,
I do not recollect leaving his
place. I did not get in
with any women.

Ques Did you
go to camp, Canal, &c?

Ans No Sir. I was
never there in my life.

Ques How long have you
lived in New York?

Ans Since April at
the Metropolitan Hotel.

Ques How much money
did you have when you
left the Hotel?

Ans Somewhere
about ten dollars, may
be 12\$ dollars.

Ques What did you
drink there

Ans Beer and Whisky
I had no wine.

Sworn to before me } Wm. H. H. H.
This 24th day of Aug 1885 }
A Police Justice

Q Timothy Golden being
only sworn deposes and says.
I am a Detective Sergeant
of the Central Office.

Q When
were you first spoken to
by anyone about this case?
A On the 7th of July.
Q What did you do about
it then?

A I told Mr Rourke
to stop payment. He did
not speak to me directly.
I was too busy and could
not attend. On the 8th of July
Mr Rourke told me the
check was paid. I got the
check and made a copy.
He went to Centre Street
and found Mr Bogart had
been there. I told Mr Coakley
to go to Head quarters. He
said he got the check
from Bryan, he said he
he got the check from

14

McGuinnis, I asked
him if he knew where
he was, he said he did
not.

Ques

Ans

Did you arrest one
or both of the defendants?
I assisted. They
walked from Canal St.
The Detective was following
me and McGuinnis. Coakley
did not say what Bryan
was arrested for. And said
he did not know why he
was making a kick so
he got his share of the
transaction.

Deposed before me
This 24th day of Aug 1894

W. H. H. H.

Police Justice

14

14

Ques Joseph C. Bryan, being only
inborn deposits and says,
What did you

Ans do with the money?
I gave McGinnis

Ques Twenty five dollars. (25.00)
What was it for?

I owed him 10.00 and I
borrowed twenty five, two
men were present when
I got the money.

Ques What did you do then?

Ans Went across the
street and got two bottles
of wine. McGinnis got the
check certified. When
McGinnis came in he
counted the money. I have
been arrested and indicted
for taking this check. I got
the check from McGinnis.

14

(Cross Examination)
Ques Was this gentleman
your counsel then?

Ans No. Hathaway. I
was arrested in the after
noon. I did not advise
McGinnis not to come to
court. I never told anyone
he had been advised not
to come to court. I went
to my lawyer's place one
Sunday night & met Mr
Hathaway.

Ques And you
swear before justice O'Reilly
that you only had a slight
knowledge of this man?

I said I knew
him for a year. I know him
for one year, not for 10 years. I
will not deny going to the
same school, but I do not
remember him.

Known to before me }
this 24th day of Aug 1885 }
Police Justice

9
Abraham Coakley being
Alegsworn, deposes and
says, I am a Liquor Dealer,
I have been arrested and
not convicted three times,
twice for Petit Larceny, and
once for Assault & Battery.
I served my time. I did
not get any portion of this
Check. My Bartender gave
me 40¢ the receipt of the
day. No part of the Check
money came to me.
McGinnis gave me the
receipt. He said nothing
about opening wine.
He said nothing to me
about a man's Check
for a Wine Bill. The
Lawyer told him not
to appear in Court.
I know nothing about
the proceeds of the Check.
I heard him say here,

POOR QUALITY
ORIGINALS

0156

(10)
That Mr Runk came
in with 2 or 3 gentle-
men and paid 4 or 5
dollars for wine. He
got the check in pay-
ment of the wine. I
did not see Mr Runk
there

Sworn to before me
this 24th day of Aug 1885

W. H. H. H.
Police Justice

10

John A. McJinnis being
duly sworn deposes and
says. I was in Mr Coakley's
employ on the 7th of July.
I got the check from Mr
Kewer in payment of a
wine bill. I got three
hundred dollars on it.
I had been drinking. I
was there an hour before
Mr Coakley came in; he
asked for the receipts. I
gave them to him. I
got no money for the
receipts of the check. The
money I gave I came
over the bar. I kept
the other money myself.

Ques

Were you ever at Bryan
Attorney's?

Ans

I was there Sunday
night. I promised to
come to court in the
morning

POOR QUALITY
ORIGINALS

0158

✓ 12

Q. Was told there was
no necessity for my going.
Q. Did you ever find out
where Mr. Gurnea was?

A. Yes I have.

Q. Did you ever try to
find him?

A. Yes I did not.

Sworn before me

This 24 day of Aug 1885

W. H. H. H.
Police Justice.

72

POOR QUALITY
ORIGINALS

0159

District Police Court

Martin

vs.

John H. Williams

Abraham Cooney

STENOGRAPHER'S TRANSCRIPT.

188

BEFORE HON.

Charles H. Hilde

Police Justice

W. J. Tracy

Official Stenographer

POOR QUALITY
ORIGINALS

0160

STENOGRAPHER'S MINUTES.

Second District Police Court.

THE PEOPLE, &c., in COMPLAINT OF

Martin Rourke
John H. McGinnis
Abraham Coackley

BEFORE HON.

Charles Hilde
POLICE JUSTICE,
Aug 27 188*5*

APPEARANCES:

For the People,

For the Defence,

188

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Patrick O'Callahan
William Galson
William Harrison
Edward Harty
William Badger

1 to 3 *1-3*
4 4 5 4 4 5
6 - 6
8 17 8 17

W. J. Brady
Official Stenographer.

0161

2

DISTRICT POLICE COURT.

THE PEOPLE
ON COMPLAINT OF

Martin Rowe
John A. McGinnis
Abraham Coakley

Examination had

Aug 24

188

3-

Before

Hon. Charles Noble

Police Justice.

I,

M. J. Treacy

Stenographer of the

District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of

Patrick Callahan,
William Galson, William Harrison, Edward
Henry William Barker
as taken by me on the above examination before said Justice.

Dated

Aug 24

188

5

M. J. Treacy

Police Justice.

M. J. Treacy
Stenographer.

0162

New York City, 24th 1843
 District Office Court
 Hon. Charles Holm, Presiding
 Examination in the case of
 Robert S. Williams defendant
 Petitioner Holm has being very
 soon disposed of and I am
 a porter in the Metropolitan Hotel
 On the 2nd of July I was
 with Mr. [unclear]

Ques

Ans

Ques

Ans

Ques

Ans

Ques

Where did you meet him?
 At the Hotel. I
 went with him from the
 Hotel. I stopped with him
 till he came home. I did
 not come home with him.
 Where did you meet him?
 That night?
 I was only at
 Riley's.
 Did you see
 Mr. Hewitt offer a check in
 payment of debts?

0164

\$ 3

Barkeeper to take, and change
the check. I saw the Bar-
keeper take it. The barkeeper
showed it to the Boss, and
the Boss refused to take it
for drinks. The barkeeper
was behind the bar, the boss
was at the bar. I never
paid a check for drinks.
I never ~~even~~ had a \$100.00
check

Deposited before me
this 21st day of Aug 1885

Wm. H. H. H.
Prize Justice

3

William Jackson, being duly sworn, deposes and says

Ques On the 6th day of May were you with Mr. Rowk?
Ans Some part of the evening.

Ques What portion of the evening were you with him?

Ans At 11 and 12 o'clock, he came out of Riley's apud over him, I went home with him. I went as far as the Hotel and bid him "good night." He said he would smoke a cigar and go to bed. That was the last I saw of him. I had a couple of drinks, I came in late and was there an hour. I think he was sober, he walked as straight as I did.

J

0166

E-

I brought him to the
Hotel and left at one
o'clock. The Saloon is
about one block and a
half from the Hotel. I
do not know what occurred
after I brought him to the
Hotel.

Deposited before me
this 24th day of Aug 1885

H. B. B. }
Police Justice

E-

0167

William Harrison, being
 duly sworn, deposes and says,
 John Mather Porter, at the
 Marlborough Hotel. I was on
 duty that night. My work
 came in between one and
 two o'clock with a Porter.
 I saw him at the foot of
 the stairs, he turned round
 and went. I was off duty,
 I did not see him till
 the morning. He had not
 returned, or I did not see
 him up to 8 or 9 o'clock
 in the morning.

Sworn to before me
 this 24th day of Aug 1885 } W. H. H. H.
 Police Justice

6

²⁴
 Obedient Party, being duly
 sworn, deposes and says,
 That is her business?
 Clerk.

Ques
 Ans
 Ques

Look at this Check
and tell me if you saw
it before?

Ans

I saw it on the
 day of that indorsement,
 July 4th 1885 - About noon
 time. It was handed to me,
 & asked if the indorsement
 was right, if not to have it
 certified.

Ques

Did you see
 any one there with the
 check?

Ans

I did not, I will
 take my oath this (M^cJames)
 of the man.

Sworn to before me
 this 24th day of August 1885

H. H. H.
 J. H. Justice

William Badger, being
 duly sworn, deposes and says
 I am in the Clothing House
 of A. Leach & Co. where there on
 the 6th & 7th of July 1885.

Ques

Did you
 ever see this person before?

Ans

No Sir.

Ques

Did you have any conversation
 in relation to a suit of clothes
 that morning when the check
 was offered in payment?

Ans

Yes Sir.

Ques

With whom was the conversation?

Ans

With two young men.

I think this person is one
 of them, but I will not swear to it.
 I will not swear that this is the man,
 there was no price set as to the
 price of the clothes.

Examined before me
 this 21st day of Aug 1885

W. H. H. H.
 Vice Justice

0170

BOX:

189

FOLDER:

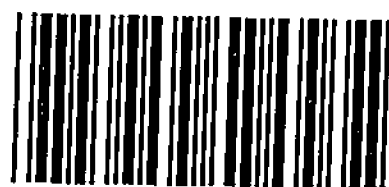
1909

DESCRIPTION:

McGinnity, Michael

DATE:

09/14/85



1909

POOR QUALITY
ORIGINALS

0171

Counsel,

Filed *14* day of *Sept* 188*5*

Pleads *Murder 1st*

THE PEOPLE

vs.

I

Michael

vs. Signifying

RANDOLPH B. MARTINE.

District Attorney.

No
76

A True Bill.

Chas H. Hamill

Foreman

It is Acquitted
sep 21/85

(See 622 and 630)
Grand Larceny, Second degree.

POOR QUALITY
ORIGINALS

0172

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 Mc Ginnity

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

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

The said *Michael Mc Ginnity*

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *fourth* day of *September*, in the year of our Lord one thousand eight
hundred and eighty-*five* at the Ward, City and County aforesaid, with force and arms,
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), be-
ing 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 unsatis-
fied, 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 called 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.

one part of the value of eight dollars, and
one part of the value of two dollars,

of the goods, chattels, and personal property of one *Matthew Evans*,
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.

RANDOLPH B. MARTINE.

~~JOHN M. TOWN~~ District Attorney

0173

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court - 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Matthew Evans
vs
Michael McElinty
Grand Larceny

1
2
3
4
Offence

Dated

188

John J. Herman
Magistrate
26 Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

1000 98
Alvin

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 McElinty

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 1000 ~~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 Sept 8th 1885 John J. Herman 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.

POOR QUALITY
ORIGINALS

0174

CITY AND COUNTY
OF NEW YORK,

ss.

POLICE COURT, 1st DISTRICT.

Peter Graden
of the 26th Precinct Police Street, aged 42 years,
occupation Police officer being duly sworn deposes and says,
that on the 8 day of September 1885
at the City of New York, in the County of New York,

Matthew Evans (nowhere)
is a Material Witness for the people of
the State of New York against Michael
McGuire charged with Grand Larceny
Deponent fears that said
Evans will not appear to testify when
required, therefore deponent prays that
said Evans may be committed
to the House of Detention
Peter Graden

Sworn to before me, this 8 day

John J. [Signature]
1885
Police Justice.

POOR QUALITY
ORIGINALS

0175

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

18th District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Michael McGinty

Taken before me this

day of July 1885

Police Justice.

POOR QUALITY
ORIGINALS

0176

Police Court—

District.

Affidavit—Larceny.

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

of No. 3 Morris Street, aged 31 years,
occupation Wine being duly sworn

deposes and says, that on the 4th day of Sept 1885 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 night time, the following property viz:

Good and lawful money of the
United States Consisting
of Bank bills of divers denominations
viz all of the value of Four
hundred and Eight dollars
and a coat and vest together of
the value of ten dollars all together
of the amount of Four hundred
and Eighteen 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

Michael M. Shurtz
(Newberry) from the fact that deponent
and said defendant arrived together
on the steamer City of Berlin on the
above date and the said defendant
went with deponent to No 5 Morris
street to engage a room for them
both to sleep in and after engaging
said room they both retired in
the same bed at about Eleven
O'clock P.M. Shurtz afterward
deponent fell fast asleep and did
not awake again until about
Six O'clock A.M. when he arose
and found his Coat and Vest

Sworn to before me, this

188

day

Police Justice.

Missing and ^{also} the aforesaid Money
which when deponent retired was
in his Coat-pocket. The said
defendant had left the room subsequent
to the time that deponent retired and
the time he awoke the following morning.
Deponent is informed by Officer
Peter Groden of the 26th Precinct that
he arrested said defendant at Orange
New Jersey and brought him to this city
and when arrested defendant had in
the Coat and Vest which deponent
identifies as being his property and had
also in his possession the sum of
three hundred and ninety five dollars
which deponent charges him with taking
stealing and carrying away
known to be from the property of Matthew Evans
Jt. day Sept 1885
J. J. Groden
Police Justice

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 1885
Police Justice.

I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1885
Police Justice.

There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1885
Police Justice.

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
1. 2. 3. 4.	
Offence—LARCENY.	
Dated	1885
Magistrate.	
Officer.	
Clerk.	
Witnesses,	
No.	Street,
No.	Street,
No.	Street,
\$	to answer
	Sessions.

0178

BOX:

189

FOLDER:

1909

DESCRIPTION:

McKendry, James

DATE:

09/28/85



1909

Witnesses:

Counsel,

Filed day of

1885

Pleads

THE PEOPLE

vs.

Robbery, (MONEY)
(Secs. 294 and 299, Penal Code.)

R

James H. Randall

RANDOLPH B. MARTINE,

District Attorney.

No 256
and No 281 also 279
A True Bill.

Chas H. Russell

Foreman.

Wm Toombs

Feb. 13, 1885.

Ind. & acquittal.

0179

0180

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James McHenry

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

of the crime of ROBBERY IN THE *second* DEGREE, committed as follows:

The said *James McHenry*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, in the *time of the said day*, at the Ward, City and County aforesaid, with force and arms, in and upon *one a certain man whose name is to the Grand Jury of the said County of New York unknown* in the peace of the said People then and there being, feloniously did make an assault, and *one* promissory note 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 *one*; *one* promissory note 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 *one*; *one* promissory note 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 *one*; *one* promissory note 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 *one*; *one* promissory note 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 *one*; *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 twenty dollars *one*; *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 ten dollars *one*; *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 five dollars, *and* divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of

ten dollars,

of the goods, chattels and personal property of the said *man,* from the person of the said *man,* against the will, and by violence to the person of the said *man,* then and there violently and feloniously did rob, 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.

RANDOLPH B. MARTINE,

District Attorney.

POOR QUALITY
ORIGINALS

0181

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

415 Avenue

William Le Roy

Attorney at Law

1 James McHenry

Robber

Offence

8

4

Dated

Sept 21

188

Magistrate

James McHenry

Officer

12

Prisoner

Witnesses

No. 1

James McHenry

Street

No. 2

James McHenry

Street

No. 3

James McHenry

Street

No. 4

James McHenry

Street

\$ 500

to answer

James McHenry

Street

James McHenry

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

James McHenry guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Sept 21 1881 Andrew White 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.

0 182

Sec. 198—200.

J District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

James McKeuzie McKendry being duly examined before the under-
signed, according to law, on the annexed charge: and being informed that it is h^e right to
make a statement in relation to the charge against h^{im}, that the statement is designed to
enable h^{im} if he see fit to answer the charge and explain the facts alleged against h^{im}
that he is at liberty to waive making a statement, and that h^e waiver cannot be used
against h^{im} on the trial.

Question What is your name?

Answer

James McKeuzie McKendry

Question How old are you?

Answer

17 years.

Question Where were you born?

Answer

MS.

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

Answer

135. H. O. Mad Am. 7 years

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
James M^c McKendry

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINALS

0183

Police Court

District.

CITY AND COUNTY }
OF NEW YORK. } ss.

of No 14 E 134th Street Street,

being duly sworn, depose and saith, that on the 20th day of September
1885, at the 12th Ward of the City of New York, in the County
of New York, was feloniously taken, stolen, and carried away, from the person of an unknown man
by force and violence, without his consent and against his will, the FOLLOWING PROPERTY, VIZ:

A quantity of money, the amount
being unknown to deponent

of the value of an unknown person DOLLARS,
the property of an unknown person
and that this deponent has a probable cause to suspect, and does suspect, that the said property
was feloniously taken, stolen, and carried away, by force and violence as aforesaid by

James McKeen (run-in), from
the fact that deponent said said
McKeen approached an unknown
person who was laying in Reington
between 130th & 131st Street in an intoxicated
condition, and that said McKeen
stooped over said man and took
from the pockets of said intoxicated
man a quantity of money, and
that said McKeen then ran
away from said intoxicated man

Willie Schaffer

Sworn before me, this

day of Sept 1885

Police Justice.

0 184

BOX:

189

FOLDER:

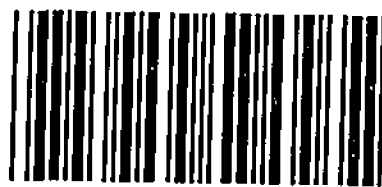
1909

DESCRIPTION:

McKenna, John

DATE:

09/28/85



1909

Witnesses:

Counsel, *J. P. Lewis* or
Filed *28* day of *Sept.*, 1885
Pleads, *Not guilty*

THE PEOPLE

1st *vs.*

I

John McShane

Grand Larceny, 1st Degree.
(From the Person.)
Sections 528, 530, — Penal Code.

RANDOLPH B. MARTINE,

District Attorney.

No 279 *Pr Sep 19/85*
pleads & L. & J.

A True Bill. *House of Reps.*

Chas M. Russell

Foreman.

0185

0186

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Mc Hanna

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

John Mc Hanna
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *John Mc Hanna*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Twenty fourth day of *September*, in the year of our Lord one thousand
eight hundred and eighty *five*, in the *night* time of the said day, at the Ward, City and
County aforesaid, with force and arms,

one watch of the value of
nine dollars, and one chain
of the value of one dollar,

of the goods, chattels and personal property of one *Severin Hansen*,
on the person of the said *Severin Hansen*,
then and there being found, from the person of the said *Severin Hansen*
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.

Randolph B. Martin

District Attorney

0187

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John M. McGuire

74 Chambers St.

John M. McGuire

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

188

Magistrate

Officer

Precinct

Witnesses

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

Offence

from the Prison

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 M. McGuire

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 Sept 25 1885 Solau B. 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 he to be discharged.

Dated 188 Police Justice.

0100

Residence

1

from the Person

Dated _____ 188 _____ *Police Justice.*

0189

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

*I am not guilty
John McKenna*

Taken before me this

188

Justice.

POOR QUALITY
ORIGINALS

0190

Police Court—

District.

Affidavit—Larceny.

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

of No. *744 Hamilton Ave Brooklyn* Street, aged *39* years,
occupation *Captain of a Lighter* being duly sworn
deposes and says, that on the *2nd* day of *Sept* 188*8* at the City of New

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

*One double Case Silver watch
the value of Ten dollars
all together*

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 *John McKenna*

*(now here) from the fact that at
about 12 o'clock midnight on the
above date while deponent was
passing by the corner of James
Stp and Water street said
defendant, who had been following
deponent for several blocks, ran
up to deponent and grabbed deponent's
Chain which was attached to the
said watch then and there worn
in deponent's left side vest pocket,
a part of deponent's bodily clothing,
and then ran away and was
pursued by deponent when Officer*

Sworn to before me, this

188*8*

day

Police Justice.

0191

James Sullivan arrested said
defendant and deponent identified
him as being the person who
did feloniously steal and
Carry away from the possession and
person of I deponent the aforesaid
property.

Sworn to before me J. Severin Hansen
this 25th day of Sept 1885
Solomon B. Burch
John Joshua

Dated 1885 Police Justice.

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

Dated 1885 Police Justice.

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

Dated 1885 Police Justice.

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.

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

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

1
2
3
4

Dated 1885

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer

Sessions.