0193

BOX:
189
FOLDER:
1910
DESCRIPTION:
McKeon, Bernard

DATE:
09/28/85

1910

Witnesses :

.....

.....

.....

.....

Counsel,

Filed 30 day of Sept 1880

Pleads, Not Guilty 29

THE PEOPLE

vs.

Barnard McDermott

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

Arr 15
Tried & Acquitted

RANDOLPH B. MARTINE,

District Attorney.

no 282

Oct 6. To Oct. 14 nolle

A True Bill.

Oct 29 Not Guilty

Foreman.

Dismissed

0195

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Bernard McSheen

The Grand Jury of the City and County of New York, by this indictment, accuse Bernard McSheen of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Bernard McSheen,

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

one watch of the value of thirty five dollars,

of the goods, chattels and personal property of one Max Mayer, on the person of the said Max Mayer, then and there being found, from the person of the said Max Mayer, 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 Guggenheimer
District Attorney.

0196

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court— 1 — District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Max Clayer
101 E. 116
Bernard McKeon

2 _____

3 _____

4 _____

Offence Larceny from the person

Dated Sept 9th 188 5

Solon B Smith Magistrate.

Officer.

6 Precinct.

Witnesses Michael O'Brien
No. 2 Street.

No. _____ Street,

No. _____ Street,

No. _____ Street.

$ 1000 to answer Gen 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 Bernard McKeon

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

Dated Sept 9th 188 5 Solon 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 h to be discharged.

Dated _____ 188 _____ *Police Justice.*

0197

Sec. 198—200.

1st ..... District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Bernard 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 Bernard McKenna

Question. How old are you?

Answer 19 years

Question. Where were you born?

Answer. New York City

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

Answer. 63 Broadway, Williamsburg. One year

Question What is your business or profession?

Answer Newspaper dealer

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

Bernard McKenna

Taken before me this 1st *day of* August 1888

Police Justice.

0198

CITY AND COUNTY OF NEW YORK, } ss.

Michael Silverman

aged 22 years, occupation Merchant of No. 77 1/2 Essex Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Max Mayer and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 24 *day of* Sept 188 } M Silverman.

Solon B Smith

Police Justice.

0199

Police Court— 1st District. Affidavit—Larceny.

City and County of New York, } ss.:

Max Mayer

of No. 101 East 116 Street, aged 41 years,

occupation Jeweler being duly sworn

deposes and says, that on the 23 day of Sept 188✓ 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:

and person

One ladies double case gold watch of the value of thirty five 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 Bernard McKeon (nowhere)

from the fact that deponent was standing on the corner of Canal and Mott street about 4½ o'clock P.M. of the above date in a crowd of men and boys deponent stood there about five minutes and as he was about to go away he noticed his chain hanging down from his pocket and that missed his watch just at this moment deponent was informed by Michael Silverman that he saw said defendant put his right hand in deponents right hand vest pocket and attempt to

Sworn to before me, this day of 188

Police Justice.

take deponents watch and then the crowd jostled the said Silverman one side and then he saw some man unknown to him put his hand in deponents pocket and take deponents watch and hand it to said defendant. Wherefore deponent charges the said defendant with taking stealing and carrying away the aforesaid property

Sworn to before me this 14th day of Sept 1885 } Max Mayer

Solon B Smith
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 ________ 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.

Police Court, ________ District.

THE PEOPLE, &c.,
on the complaint of
____
vs.
1 ________
2 ________
3 ________
4 ________

Offence—LARCENY.

Dated ________ 188

________ Magistrate.

________ Officer.

________ Clerk.

Witnesses, ________

No. ________ Street,

No. ________ Street,

No. ________ Street,

$ ________ to answer ________ Sessions.

0201

BOX:
189
FOLDER:
1910
DESCRIPTION:
McLaughlin, Joseph
DATE:
09/10/85

1910

Witnesses:

Deft waived information in Court which leads to the Recovery of all the Stolen Property.

F.S.

Counsel, JBe.

Filed 10 day of Sept 1885

Pleads Not Guilty

THE PEOPLE

vs.

Joseph McLaughlin

P

Grand Larceny 2nd **degree**

[Sections 528, 531, Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Chas H. Harnell

Sept 14/85 *Foreman.*

Plead D.G.

60 days D.W.F.

Sep 16/85

16

0203

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph McDonaghlin

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

Joseph McDonaghlin —

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

The said Joseph McDonaghlin,

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

one coat of the value of fifteen dollars, one vest of the value of five dollars, one watch of the value of fifteen dollars, and one chain of the value of one dollar, —

of the goods, chattels and personal property of one Antonio Barrano, —

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Randolph B. Martine
District Attorney.

0204

Police Court 5 — 8 — District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Antonio Alvarez
34 Thompson
Joseph McLaughlin
2
3
4

Offence Larceny

BAILED,

No. 1, by _____ Residence _____ Street.

No. 2, by _____ Residence _____ Street.

No. 3, by _____ Residence _____ Street.

No. 4, by _____ Residence _____ Street.

Dated April 22 188 5

H O'R Patterson Magistrate.

Danielly Ryan Officer.

1 Precinct.

Witnesses

No. _____ Street.

No. _____ Street,

No. _____ Street,

Ball $1000 to answer Gen. 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 John McLaughlin guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated April 22 188 5 H O'R 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.*

0205

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Joseph McLaughlin

Question. How old are you?

Answer 25 years of age

Question. Where were you born?

Answer. Rochester N.Y.

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

Answer. Where I happen to work

Question What is your business or profession?

Answer Stake car of horses

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. That is all I have to say at present.

Joseph McLaughlin

Taken before me this 7th *day of* March 1885

Police Justice.

0206

3rd

District Police Court. **Affidavit—Larceny.**

CITY AND COUNTY OF NEW YORK, } ss.

Antonio Barrazo

of No. 34 Hamilton Street, Shoemaker, aged 26 years,

being duly sworn, deposes and says, that on the 20th day of August 1885

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 Coat, vest and silver watch and plated chain attached, in all of the value of thirty-three dollars

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Joseph McLaughlin, New York, for the reasons following, to wit: That at the request of said defendant deponent left him in charge of deponents shoe store, at 34 Hamilton street, while deponent went to Henry street on business. That said property was then within said store. That there was no person in said store at the time deponent placed said defendant in charge

Subscribed before me this day of 188

POLICE JUSTICE.

of the same except the defendant.
That when deponent returned to the store ~~[illegible]~~ about 15 minutes thereafter deponent found that said dependent had gone away and that said property had been stolen and carried away therefrom.
Sworn to before me this 22 day of August 1885

Antonio x Barrazo
mark

J. D. Patterson Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated 188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0208

BOX:
189
FOLDER:
1910
DESCRIPTION:
McMahan, Stephen J.

DATE:
09/28/85

1910

0209

BOX:
189
FOLDER:
1910
DESCRIPTION:
Kelly, Eugene

DATE:
09/28/85

1910

Witnesses :

.....

.....

.....

.....

Counsel,

Filed 28 day of Sept 1885

Pleads, Not guilty (29)

THE PEOPLE

vs.

Stephen J. McMahon P

and P

Eugene Stalling

Burglary in the 2nd Degree.

[Sections 496, 528 and 532.]

RANDOLPH B. MARTINE,

District Attorney.

No 274

Oct 12/85

A True Bill

Clerk Dec affts

of witnesses D

Chas H. Haswell,

October 6/85 *Foreman*

(Both)

Tried & Convicted of

Burglary 1 deg

9

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Eugene Kelly
and
Stephen G. McMahon

The Grand Jury of the City and County of New York, by this indictment, accuse Eugene Kelly and Stephen G. McMahon of the CRIME OF BURGLARY IN THE First DEGREE, committed as follows:

The said Eugene Kelly and Stephen G. McMahon, each —— late of the Twenty-fourth 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, with force and arms, about the hour of twelve o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Raffaele Gamino, ——

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: one Angelo Gamino, ——

within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said Raffaele Gamino,

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away; (each of them the said Eugene Kelly and Stephen G. McMahon being then and there aided, assisted and abetted by a confederate actually present,) ——

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 Eugene Kelly and Stephen J. McMahon

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

The said Eugene Kelly and Stephen J. McMahon, each,

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the night time of the said day, with force and arms,

one United States Treasury note of the denomination and value of one dollar, twenty coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of two dollars and fifty cents, ~~the~~ one hundred cigars of the value of two cents each, and three bottles of porter of the value of two dollars each bottle.

of the goods, chattels and personal property of one Raffaele Gerimini,

in the dwelling house of the said Raffaele Gerimini.

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Randolph B. Martine
District Attorney.

0213

John McMahon
GL 2d

J B Leffert –
Hung his rash in a
W.C.

Henry Sylvester
Saw death go into an
adjoining one

Louis Simmons
Officer Hynes

E m'L43

The People vs Stephen J. McMahon and Eugene Kelly — Indictment for burglary in the first degree.

Court of General Sessions. Part I. Before Recorder Smyth. Tuesday, October 6. 1885.

Raffaele Jannine, sworn and examined testified. I live 233 Elizabeth st and keep a bar room there; it is a brick building three stories high. I do not keep it any more. I kept it on the 21st of Sept. last. I live up stairs now on the second floor. On the first floor there was a store and a rear room and a door which communicated to the store. I remember the night of the 20th of Sept., the night of the burglary. Before I went up to my room I locked everything. There are three doors to the store, one of which communicates with the room in the rear, one communicating with the hall and one leading out to the street, all of which were locked. In the room communicating with the store three people slept — my two sons and a relative named Chricenzo Angelo. I locked them in; they could not get out. I closed the store between nine and ten o'clock I keep a bar room and had liquors and cigars in it. When I went up stairs I went to bed. I was awakened by a policeman and told to come down, that my store was broken in; it must have been between twelve and

two o'clock. When I came down stairs with the officer I made an examination of the doors and found the door open leading into the street and panes of glass broken in the shutters, the whole pane of glass was taken out. I left $3.50 in the till, which I missed and seven bottles of liquor and two boxes of cigars, in all amounting to eleven dollars. I went into the back room and found the door open where the men slept. I saw my cans in there

Neil W. Conner sworn. I am an officer of the 14th precinct, I was on duty in the morning of the 25th of Sept. last in the neighborhood of 233 Elizabeth St. I first saw the defendants, McMahon and Kelly about 25 minutes after 12. I saw three parties standing in the doorway of 233 Elizabeth St. as I was trying my doors. I walked lively down to see who they were; they saw me and ran away. In passing by the place I saw the shutter was down and a pane of glass knocked out of the door way. I followed them and caught McMahon in Christie St. and my roundsman caught Kelly in the Bowery. The parties who were standing in the door way were the defendants. I knew

them previously. McMahon ran about three blocks and ran into a barber shop in Christie St. I went back to the premises and examined the door. I found the shutter was forced open and a pane of glass knocked out of the front door. I found the till pulled out and nothing in it: Another officer and I went up stairs and woke up the owner and he came down. I went in the back room I was bringing the defendants to the station house and they were drinking, and being there they were doing nothing else, but down in the police court they stated, a couple of them had a little trouble and one of them threw a cart rung at another and hit the shutter, broke the shutter down and broke a pane of glass. When I arrested McMahon his hand was cut from the glass and he had a handkerchief with fresh blood on it; it was bleeding. I had no conversation with him in regard to the cut. There was shutters on the door - it was a double door about five feet wide and two lights of glass in each door; one of those was broken. I opened the door when I got inside; the glass was broken. This building is in the 14th ward.

Cross Examined. There were three people standing in the doorway of 233 where the pane of glass was broken and the shutter forced open. They were standing with their faces towards the door; the screw which fastened the shutter on to the window was forced open. They did not give me time to speak to them; they ran away. I brought them back to the place. I was between 75 to 100 feet from the door before I noticed them starting to run. I told them to halt. I said to McMahon as he was running through Prince and Delancey sts. if he did not stop I would shoot him. He made no reply. That did not stop him. I did not fire. He ran into a barber shop in Christie st. he ran behind the door. I caught him there. There was a South ward officer in citizen's clothes that was in the barber shop with me and saw the chase. I asked McMahon what he broke into that place for. He said he did not do anything of the kind; he said nothing else. Afterwards when he was in Court he said that a couple of them got fighting and one of them threw a cart rung at the other and struck the other and the shutter fell down and broke the window.

4

Charles Bidongeen sworn. I live 230 Elizabeth St. and remember between twelve and one oclock of the morning of the 29th of Sept. I lived on the opposite side from No 233, the third floor top. I was asleep, I heard the sound of glass breaking and the shutter fell. I stood in the window, saw the shutter fall and heard the glass break. I sat down and thought I would watch it. There were about four or five fellows. I could not see their faces. Two of them went over on the side of the street upon which my house is and then another fellow came over; three or four of them were standing right at the door and they commenced picking out the glass and they laid it on the flour truck. I could not say if the fellow went inside or not; three left and one fellow went inside. When they saw Officer Connors coming they separated and walked fast they ran, and when they started to run the fellow that was inside put out his head and looked out, and when he saw Officer Connor running after them he jumped out and ran up towards Thurston St. Cross Examined. He jumped out of the store window No 233 Elizabeth St. where he went in. he jumped out of the window that was broken.

The Case for the Defence

Stephen J. McMahon sworn. I live 212 Elm St., am 18 years old, and am a hatter. I was working when I was arrested. I lived with my father and mother. I was going with a can for a pint of beer; there was three boys around me sitting on a wagon; they asked me if I would lend them the can to get a pint of beer. I loaned them the can; we stayed there and drank a pint of beer. The fellow who was on the wagon wanted me to lend my can for a second pint of beer. We got into a quarrel, I called him out of his name; he picked up a rung and hit the shutter and knocked the shutter down and broke a pane of glass. Two fellows went away to leave a fellow to the can. When I got back I just went up to the door. I stood there and asked them what they were doing? They said they were doing nothing—just standing there. I had been gone over ten minutes. I do not know how the glass got on the truck, I was not there and did not do it. There was three of them there when I went up the Bowery to see the couple of fellows that went away to leave the fellow in the car. I think there was five there when

I came back. I had not been back two minutes when Officer Conner came. I was not standing in the doorway of the store where you go in but in the doorway of the hallway; three or four others were standing in the doorway. I did not go in the store and did not see any one going in.

Cross Examined. O'Leary is my right name. I gave the name of McMahon because I did not want to disgrace my folks. I worked for James Murphy a hatter at No 80 Nassau St. I do not see him in Court. I have worked for Murphy steady for six years. I got home around seven or half past seven o'clock the night of the burglary; that is the usual time of going home, sometimes 8 or 9 o'clock. I went out after supper about 8 or 9 o'clock. I went around Prince street to see a couple of friends — O'Keefe and McGovern. I stayed there till about eleven o'clock; we were doing nothing but talking. At 11 o'clock I went up to 27 Bleeker St. to a friend of mine, Gallagher. I stayed with him till twelve o'clock and then started to go home but did not go home. I came down to Elizabeth St. and met those fellows, friends of mine — Dick O'Keefe, Frank McGovern, Eugene Kelly and Marinsey.

7

I saw those fellows in Prince St. between Mott and Elizabeth sts: they were standing there talking and I stood and had a conversation with them. I remained with them till about eleven o'clock. I started to go home but met these friends of mine. I saw them early in the evening before that. I do not remember anything I talked about; we were fooling and playing tag. I had no quarrel with them. I borrowed a can of a lady in Elizabeth St. I don't know her name; she always used to lend the boys around there a can; she lives on the second floor. I often went up for a can; I guess she is a married woman; she is not in Court. When I went up this lady told me to get her a pint of beer first. I was going to bring a second pint back and they wanted the can. I would not lend it them and Morrissey got fighting with me. I called him out of his name and he fired the stick at me which he got in the flour wagon and the shutter broke the glass. it knocked the shutter down. I saw the cart ring fall on the ground. I don't know that any one picked it up. All of us went around the corner and we came back again. O'Keefe. McGovern and myself came back. I don't think Kelly came back, but I am not sure.

We came back to the wagon and sat on it. I got the pint of beer for the lady in McCarty's liquor store he is not here. I sat on the cart after breaking the window five minutes. Kelly went with a friend of his around to the car; his friend we called "little Dick," he is a manager in an uptown telegraph office O'Keefe introduced me to him two or three weeks ago, he said he was in a telegraph office up town. I went around to the Bowery to meet them, and while I was around there they got back. I was not back two minutes until the officer came. I saw them standing in the door way. I was not in the doorway. I heard somebody say, "Cheese it." I understood the officer was coming. I went to the corner and the officer wapped with his club; we ran; if the officer caught me he would have clubbed me. I was arrested once on a charge of burglary but was discharged, that was four or five months ago. I was never arrested before. Did you hear the officer tell you to stop or he would fire at you? No sir. He says he said that? I did not hear him. You heard him coming after you? Yes sir, I saw him run. I did not know he was after me or not. You did not hear him say anything? No sir.

Eugene Kelly sworn and examined.
I am 18 years old and I am a tailor. I work in Cambridge, Mass. I have been in New York about two years. I have been a waiter in 231 Bowery. I was at work there about two months until business got slack and they discharged me. I live 27 Bleeker st. with my step father. I have lived with them all the time I have been in New York. I went to the car to see Richard or "Dick" Hughes home; he is the Manager of the District Telegraph Co. up town. After I left him to the car I came around and I seen this window all broke and the blinds down on the street. I says, "Who done this?" Steve McMahon said, "I am after getting licked from Morrissey," and he threw this rung. (pointing to the rung) here comes Mr. Connors you had better put up that blind." He put the blind up; he was coming down and we ran. The officer would have clubbed us. I was not in that store that night I was not present when the rung was fired or when the blind was broke. Cross Examined I was at work that day and left home about 9 o'clock that evening. After I left home I went around Prince st. where I generally stay around with the boys. I met Dick O'Keefe, McGovern, Morrissey and a young fellow

named Campbell and McMahon; we kept together till about ten minutes to twelve. McMahon left there about eleven o'clock. When I left Hughes at the car I came back and McMahon told me he had been in a fight, I saw he was bleeding. Morrissey was waiting for him to fight and he was binding up his hand. He said, "I am after getting 'downed'; that means he was getting licked; he says, "that rung was fired at me, and he saw McMahon with a knife in his hand. I had no hand in the fight; he asked me to help him to fight Morrissey and Campbell; they were partners together. McMahon was the first who told me about the door being broken. I did not know anything about it at that time. He told me the door was broke by Morrissey. I saw the blind and all the glass on the ground. I asked what the trouble was and he said that Morrissey was after firing a rung at him. I noticed the shutter on the ground before he told me. Anybody could see the glass as they passed by; the broken pieces were all over the ground. I dont know who put that glass on the truck. I did not see anybody pick up any glass. I was not there more than two or three minutes. I says, "Put up the blind; here

comes Mr. Conner down. What was your reason for saying, "Put up the blind"? We would get arrested for breaking the window. I did not break the window. Morrissey and I would be blamed just the same as he would. During the time you were there did you see any one go to the till and take it out or did you see any one take brandy? No sir. Was there any one else around there but your crowd? Not as I know of. They are not my crowd. Dick Hughes is a respectable young man in honest employ; he is not in Court, I do not think he could get off from his work. I am a tailor by trade. I never worked for any tailor in the city; the last tailor I worked for was David A. Warren, Cambridgeport, Mass. I came to New York a year and a half ago. I did not like tailoring. I commenced to wait at 231 Bowery, a saloon or sporting house kept by Wm Brock. I never waited any other place. I was with him until the business was stopped. I went there when Prof. McClennan kept it. I worked for Adams and he sold out to Brock. None of these men are in Court that I know of. I did not communicate with any of them.

The jury rendered a verdict of guilty of burglary in the first degree.

0226

BAILED,

No. 1, by _____ Street.
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____ Magistrate
Residence _____ Street. Officer.

No. 4, by _____ 14 Precinct.
Residence _____ Street.

Police Court 1013 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Raffael Lamuth
vs.
233 Elizabeth
1 Stephen McMahon
2 Eugene Kelly
3 _____
4 _____

Offence Burglary

Dated Sept 22 1885
Witnesses Charles Cudlipp
No. 233 Elizabeth Street,
No. _____ Street,
No. _____ Street,
No. _____ Street,
$ 1000 to answer

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Stephen McMahon and Eugene Kelly guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Sept 22 1885 _____ 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.

Sec. 198—200.

1882 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Eugene Kelly 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 Eugene Kelly

Question. How old are you?

Answer 18 years

Question. Where were you born?

Answer. New York City

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

Answer. 27 Bleecker Street 3 months

Question What is your business or profession?

Answer Tailor

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

Eugene Kelly

Taken before me this 9 *day of* March 1882

Police Justice.

Sec. 198—200.

15th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Stephen J. McMahon

Question. How old are you?

Answer 18 years

Question. Where were you born?

Answer. New York City

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

Answer. 212 Elizabeth 16 years

Question What is your business or profession?

Answer Hatter

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

Stephen J. McMahon

Taken before me this 7 *day of* October 188[illegible]

[illegible] *Police Justice.*

Police Court—1st District.

City and County of New York, } ss.:

Raffaele Jannini

of No. 233 Elizabeth Street, aged 50 years,

occupation Saloon Keeper being duly sworn

deposes and says, that the premises No 233 Elizabeth Street,

in the City and County aforesaid, the said being a three story brick Tenement building

and which was occupied in part by deponent as a a Saloon and dwelling

and in which there was at the time a human being by name Angelo Jannini, Crescenzio Jannini and Michele DeAngelis

were BURGLARIOUSLY entered by means of forcibly breaking the front door and forcing off the shutter

on the 11th day of Sept 188[illegible] in the Night time, and the following property feloniously taken, stolen, and carried away, viz:

Good and lawful money of the United States consisting of One One dollar bill and two dollars and fifty cents in silver Coin of divers denominations four bottles of Vermuth and two boxes containing fifty Segars each three bottles of Cognac All together of the value of Eleven dollars and fifty Cents

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen, and carried away by Eugene Kelley and Stephen J. McMahon (both new here)

for the reasons following, to wit: that deponent at about 10 30 PM Oclock on the above date securely locked bolted and fastened all the doors and windows attached to his portion of said premises and went upstairs to go to bed leaving in the rear of said Saloon asleep Angelo Jannini Crescenzio Jannini and Michele De Angelis

0230

two of whom were sons of defendant—
Deponent is informed by Officer
Neal W. Conner of the 14th Precinct
Police that he saw Eugene Kelly and
Stephen J. McMahon standing in front
of said premises and acting in a
suspicious manner at about 12 30 P.M. o'clock when he went
toward them they ran away and
were pursued by Officers Conner
and Officer William Lahr who
caught and arrested said defendants—
Officer Conner then went back to the
aforesaid premises and discovered
that the shutter of the front door had been
pulled off and the front door glass
had been broken whereupon he informed
deponent— Wherefore deponent charges
the said Eugene Kelly and Stephen J. McMahon
with burglariously entering the aforesaid
premises and carrying away the aforesaid
property.

Raffaele Lamini

Sworn to before me
this 22d Sept 1887

P. G. Duffy
Police Justice

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary ..... Degree.

Dated 188

..... Magistrate.

..... Officer.

..... Clerk.

Witnesses: .....

Committed in default of $ ..... Bail.

Bailed by .....

No. ..... Street.

Court of General Sessions
of the Peace, City & County of New York.

The People &c
vs.
Stephen Mc Mann

City & County of New York ss:
James Murphy, being duly sworn says, that he is 35 years of age a Manufacturer of hats by occupation, that his office and factory is at No. 88 Nassau street, New York city. That Stephen O'Leary, alias "Stephen Mc Mann", the defendant above named has been in his employ as an apprentice for the past five years during which he has been steady, industrious and strictly honest that he has frequently and upto the date of his arrest on the 24th day of September 1885, entrusted him with large sums of money drawn from various Banks and never had occasion to regret the entire confidence he placed in him, and that he gave him power to endorse his name on checks.

W.E.M.

That he attended to his duties as usual on the day of his arrest

W.E.M.

and received from deponent that evening the sum of Five dollars in payment of his weekly salary.

That he had no reason to commit such a crime and although convicted deponent has his doubts as to his guilt and if he were discharged deponent would not hesitate to employ him as he is an excellent workman for a boy of his age. That had deponent believed that he would have been convicted of such a crime he would have willingly came forward and testified to his character—

Sworn to before me this 7th day of October 1885.

Jas Murphy

Wm C. Morris
Notary Public
N.Y.Co.

0233

Court of General Sessions of the Peace. City & County of New York —

The People &c
vs.
Stephen Mc Mann.

City & County of New York ss:
Thomas O'Leary, being duly sworn says in relation to the above entitled action, that he is 44 years of age, a Roofer by occupation, that he resides at No. 208 Elm Street, New York City, that he is the father of Stephen O'Leary, alias Stephen McMann, the defendant above named, that said defendant was born in the City of New York, on 26th day of December 1867, was placed in St. Patricks Parochial School, when six years of age, and remained there for about eight years, was then placed as an apprentice with James Murphy, Hatter, at 80 Nassau Street, New York City, where he remained upto the date of his arrest. That he has always gave deponent his entire wages each and every Monday evening, during

said period, that he was employed by said Murphy, as aforesaid, and has always been an obedient son. That deponent has a wife (the mother of said defendant) and five other children all of whom reside with him at the address aforesaid, one of which is a school teacher, in ~~this city~~. That he was not informed of, nor was he present at, the trial of said defendant, and he prays that he may be sent to the Elmira Reformatory, as he is confident that after a short term he will prove a good and worthy citizen.

Sworn to before me this 7th day of October 1885

Thomas O'Leary

Wm. O'Morris
Notary Public
Wes. Co.

0235

St. Patrick's Church.

REV. J. J. ...
... MOTT STREET.

New York, Oct. 8th 1885

Recorder Smythe:
Dear Sir:

I wish to say one word in favor of Eugene Kelly who, I am informed, has been convicted of burglary. I am surprised at the charge and conviction. I have reason to believe he is innocent.

If it be in your power to send him to Elmira Reformatory, will it be too much to ask you to send him there?

Please do so and oblige

Yours truly,
John F. Kearney.

0236

Rectory of St. Patrick's Church,
263 Mulberry Street,
NEW YORK.

Hon, Frederick Smyth
President

0237

OFFICE OF

WM. E. MORRIS,

SOLICITOR OF CLAIMS,

23 CHAMBERS STREET,

New York, October 7th 1885.

Hon. Frederick Smyth,
Recorder &c.

Sir:—

I have known Eugene Kelly, (now convicted) for the past six years, and believed him to be a young man of integrity.

He has never been arrested before and I believe this to be his first offence. His mother is an estimable lady, and for her sake, as well as for the boys, I trust "justice" will be tempered with "mercy".

Very respectfully,
Wm. E. Morris

0238

If not called for in ten days return to

WM. E. MORRIS,

SOLICITOR OF CLAIMS,

335 BROADWAY,

New York.

Hon. Frederick Smyth

Recorder &c

0239

Court of General Sessions
of the Peace. City & County of New York

The People &c
vs.
Eugene Kelly

City & County of New York ss:
William Hugo, being duly sworn says, that he is 26 years of age, a Grocer by occupation that his store and post office address is No. 333 East 11th Street New York city. That he has known Eugene Kelly, the defendant above named for five years last past, that he has always believed him to be a young man of integrity and would have cheerfully recommended him to any one desiring his services

Sworn to before me this 7th day of October 1885.
Wm. E. Morris
Notary Public
N.Y. Co.

William Hugo

The People
agt
Stephen O'Leary
alias McMahon

New York
Oct 9th 1885

4 Affidavits ——
2 Letters adr to the Recorder

Jam Murphy - Hatter - 80 Nassau St
has employ the above prisoner 4½ years
the last (2 years has trusted him to collect
money & deposite in the bank - one & two
hundred dollars at a time, he
never made a mistake, considers him
honest industrious and a good workman
for his age - would be glad to get him
to work now -

The complaint agt him 5 mos
ago, he considers he was innocent of - he
came to Court several time, not Complt
appeared & after 2 mos, he was dis d by
Recorder Smyth - no one appearing to
prosecute

Respectfully
S Leutter

0241

Court of General Sessions
City & County of New York

The People &c
vs.
Stephen McMann

City & County of New York ss:

B. J. McClann, being duly sworn says that he is 36 years of age, a dealer in hats, caps &c., by occupation, that his store and post office address is No. 218 Bowery, New York City.

That he has been intimately acquainted with Stephen O'Leary, alias Stephen McMann, the defendant above named for the last three or four years, that he made his acquaintance by reason of said defendant's employment with James Murphy, a manufacturer of hats of whom deponent is a customer. That during the period aforesaid said defendant has been in the habit of collecting large sums of money amounting to from two to three hundred dollars per week from deponent for said

Murphy, that said money was often paid to said defendant by check to the order of said Murphy and that the defendant would endorse said Murphy's name on the back of the checks and receive the money thereon from deponents bank, and that he was authorized to do the same.

That deponent has always had entire confidence in the integrity of said defendant and would not hesitate to employ him if he desired his services and had he expected that he would have been convicted of a felony would have willingly came forward and testified to his character.

Sworn to before me this 7th day of October 1885.

W. C. Morris
Notary Public
N.Y. Co.

B. J. McCann

0243

Court of General Sessions
of the Peace. City & County of New York

The People &c
vs.
Eugene Kelly.

City & County of New York ss:
Joseph Davis, being duly sworn says, that he is 25 years of age, a merchant by occupation, that his place of business is at No. 345 Third Ave. New York city; that he has known Eugene Kelly, the defendant above named four years last past.

That during his acquaintance with the defendant as aforesaid he has always believed him, to be a young man of integrity, would have employed him, had he desired his services in his business and would have cheerfully recommended him to any of his friends or acquaintances

Sworn to before me this 7th day of October 1885.
Wm. E. Morris
Notary Public
N.Y. Co.

Joseph Davis

0244

BOX:
189
FOLDER:
1910
DESCRIPTION:
McQuillen, Henry

DATE:
09/10/85

1910

Witnesses:

Dole Blood,

Counsel, ~~S. S. Wade~~.

Filed 10 day of Sept 1885

Pleads Not Guilty 11.

THE PEOPLE

vs.

Henry McDindhard

Robbery, First degree. (MONEY.) (Secs. 224 and 229, Penal Code.)

$5
$80

RANDOLPH B. MARTINE,

Dr. Sept 15/85 District Attorney.

Tried & convicted.

S.P. 15 yrs.

A True Bill.

Chas H. Harnell

Foreman.

Sept 15

0246

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Henry McDiddem

The Grand Jury of the City and County of New York, by this indictment accuse Henry McDiddem of the crime of ROBBERY IN THE First DEGREE, committed as follows:

The said Henry McDiddem, late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty-second day of August, 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 Aphrm Blood, 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; two 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; four 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; 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 two dollars, and of the value of two 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 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 twenty 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 ten dollars each; four 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 thirty dollars,

of the goods, chattels and personal property of the said Aphrm Blood, from the person of the said Aphrm Blood, against the will, and by violence to the person of the said Aphrm Blood, then and there violently and feloniously did rob, steal, take and carry away, (the said Henry McDiddem being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid unknown)

against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,
District Attorney.

0247

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street

No. 4, by _____

Residence _____ Street.

Police Court— 4th 891 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Flood

414 6th St.

1. Henry McCullen

2.

3.

4.

AUG 31 1885

Offence Robbery

Dated August 27th 1885

P. J. Duffy Magistrate.

Laughlin Officers

& Martin

28th Precinct.

Witnesses

No. _____ Street.

No. _____ Street.

No. _____ Street.

$ _____ to answer _____

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant *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 August 27th 1885 _____ *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.*

0248

Sec. 198—200.

4th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Henry McQuillen 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 Henry McQuillen

Question. How old are you?

Answer 35 years

Question. Where were you born?

Answer. Massachusetts

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

Answer. 505 East 80th St. 1 month

Question What is your business or profession?

Answer Longshore man

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
Henry McQuillen

Taken before me this 27th *day of* August *188*5

Police Justice.

0249

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT—FOURTH DISTRICT.

John Flood

of No. 414 East 78th Street, Laborer

being duly sworn, deposes and saith, that on the 22d day of August

1885 at the Nineteenth Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent, by force and violence, without his consent and against his will, *the following property, viz:*

Twenty four Dollars in good and Lawful money of the United States.

of the value of Twenty four Dollars,

the property of Deponent

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

Henry Mc Quillen (now here) and three others not arrested, from the fact that said Defendant held deponents hands, and said other persons threw deponent down and upon the sidewalk, and acting in concert they forcibly took from the pantaloon pocket of deponent the above described property while deponent was in the act of walking in the public street

John Flood

Sworn to before me, this 22 *day of* August *1885*

Police Justice.

0250

BOX:
189
FOLDER:
1910
DESCRIPTION:
Mehltaeger, Moritz

DATE:
09/30/85

1910

A. S. Rosenthal
140 Nassau

Counsel,

Filed, 30 day of Oct 1885

Pleads, Not Guilty Oct 1

THE PEOPLE

vs.

P

Moritz Mehlkaeger

Nov 11/85

Tried & Convicted of Rape

RANDOLPH B. MARTINE,
District Attorney.

RAPE.
(Sections 278 and 218, Penal Code.)

16.

No. 3 Oct. 26 Feb. 27

A True Bill.

Chas. N. Varnell
Foreman.

S. P. 17½ years.

Nov 16/85

Nov. 6th
Nov. 10th 7 yrs

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Moritz McIlkargo

The Grand Jury of the City and County of New York, by this indictment, accuse Moritz McIlkargo of the CRIME OF RAPE, committed as follows:

The said Moritz McIlkargo,

late of the City of New York, in the County of New York aforesaid, on the fifteenth day of September, in the year of our Lord one thousand eight hundred and eighty-five, at the City and County aforesaid, with force and arms, in and upon one Annie Oder, then and there being, willfully and feloniously did make an assault, and her the said Annie Oder, then and there, by force and with violence to her the said Annie Oder, against her will and without her consent, did willfully and feloniously ravish and carnally know, 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 Moritz McIlkargo of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Moritz McIlkargo,

late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon her the said Annie Oder, willfully and feloniously did make an assault, with intent her the said Annie Oder, against her will, and without her consent, by force and violence, to then and there willfully and feloniously ravish and carnally know, 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.

Third COUNT.

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

of the CRIME OF Rape,

committed as follows:

The said Moritz Mellkroger

late of the ~~Ward of the~~ City of New York, in the County of New York, ~~on the~~ aforesaid, on the Eighth 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 and upon one Annie Oth, then and there being wilfully and feloniously did make an assault, and did then and there wilfully and feloniously perpetrate an act of sexual intercourse with her the said Annie Oth, she the said Annie Oth being then and there a female under the age of ten years, to wit: of the age of nine years; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

Randolph B. Martine,
District Attorney.

0254

Atty for the defendant
Annie Eich
v
Morris Mehlhaeger

ALEX. S. ROSENTHAL,
COUNSELOR-AT-LAW

140 NASSAU STREET,
(Morse Building.)

NEW YORK.

RESCUING YOUNG GIRLS.

The Charges Against Mrs. Howard—Some Interesting Statements.

Two young girls were present in the Yorkville Police Court yesterday, in charge of Superintendent Jenkins of the Society for the Prevention of Cruelty to Children, as witnesses in the case of Mrs. Rachel Howard, who was arrested a few days ago by Superintendent Jenkins on the complaint of the mother of Katie Byrne, one of the girls present, on the charge of keeping a disorderly house in East 32d street. The arrest took place a few days ago, and Mrs. Howard was held in $1,000 for examination by Justice Herrman.

Yesterday Superintendent Jenkins made another charge against the woman, abduction for prostitution. He stated that last May a warrant was issued for the arrest of Mrs. Howard, but she made off to Philadelphia, and then was traced to a farm at a place called Bristol. About a month ago she returned to this city and took up her residence in a respectable flat on Sixth avenue near 54th street. From this place she used to visit the "house" in disguise, and eluded the society until Tuesday evening, when she was arrested.

Superintendent Jenkins informed TRUTH that Katie Byrne, 14 years of age, was taken from the house in May, it having come to the knowledge of the society that young girls were kept there for immoral purposes. She was at that time taken to the Yorkville Police Court and made a statement. The society then had her taken to Bellevue Hospital, as she was suffering from a certain disease.

She stated that the girls used to inform their parents that they were employed in a shop, and on Saturday night would return home with $5. When they were a little later than usual in returning home they would inform their parents that they had extra work to perform, for which they had received extra pay. One of the girls remained away from home for a night or two, and then explained to her mother that she had been sitting up with a sick friend.

Superintendent Jenkins has in his possession an account book taken from Katie, in which is a statement of the money which she earned, how much she was allowed to keep for herself, and how much she spent. Considering what she earned, she received but very little.

Superintendent Jenkins also said that a lawyer named Rosenthal, who is now counsel for Mrs. Howard, visited the girl while in Bellevue Hospital and induced her to sign a paper, stating that he was authorized to act for her. Then he again visited the hospital with a friend of Mrs. Howard's for the purpose of getting the girl to change her statement, but was prevented by the matron, who had been warned by the society. He next visited the girl's mother and tried to have the matter fixed up, but without success.

Since this the girl has been in the care of the society, and yesterday the examination was commenced.

Some hot words passed between Jenkins and Rosenthal, in which the word shyster was used, and Jenkins stated to Justice Herrman that Rosenthal had visited Bellevue Hospital to see the girl when she was under the jurisdiction of the court, and that Mr. Gerry when he returned to the city would probably take steps to have Rosenthal disbarred.

Mrs. Howard stated that she was entirely innocent of the charge and would prove it. She was held for further examination on Saturday.

As she was being led through the prisoners' entrance to the prison her counsel attempted to go with her, but was prevented by Roundsman Muldoon, who compelled him to go through the regular entrance.

It is rumored that one of the girls was taken to the "house" by her employer, and that it was supposed she knew for what purpose. Superintendent Jenkins would neither deny nor affirm the rumor. It was also rumored that the other girl was the daughter of a prominent gentleman in this city.

0256

District Attorney's Office
City & County of
New York.

189

discharge of itself should
cause no condition
with it as it is after
well fed well housed
medium that
moved with chicken
closely simulating grounds
charges is of frequent
occurrence in young
children among from
various causes chiefly
and reflex irritation

0258

No.

THE NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN

CABLE ADDRESS:
"GERRY, NEW YORK."

The New York Society for the Prevention of Cruelty to Children,

Nº 100 EAST 23D STREET, (CORNER 4TH AVE.)

New York, Mar. 9th, 1892. *188*

Henry W. Unger, Esq.,

Secretary to District Attorney.

Dear Sir:

In reply to your letter to our Superintendent of March 8th, 1892, relative to the application for pardon on behalf of Maurice Mehltaeger, convicted of Rape in the General Sessions' Court and sentenced Nov. 16th, 1885, to imprisonment for seventeen years and six months,- this case is one of the most atrocious it has been the mission of this Society to prosecute. The prisoner,- at the time said to be a Russian medical student,- not only committed the crime of rape upon a little girl, named Annie Och, only nine years of age, but imparted to the child, who was previously chaste, venereal disease, which compelled her to be subject to hospital treatment for some time. The evidence as to the prisoner's guilt was conclusive, and the jury promptly convicted him. The child in question was the daughter of a poor washer-woman, and took some clothes to the prisoner's room, which her mother had washed for him.

Under these circumstances, the Society hopes that you will entertain its respectful protest against any pardon being granted.

I have the honor to remain,

With great respect,

Eliot T. Gerry

President etc.

0259

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
Bring this Subpœna 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.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York,

To Dr. Cook

of No. 111 St 12 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 4 day of November instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against Morris Mellhager 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 November in the year of our Lord 188 .

RANDOLPH B. MARTINE, *District Attorney.*

0260

S. G. COOK, M. D.,

No. 111 WEST 12th STREET,

(Two doors W. of 6th Ave.)

OFFICE HOURS:
From 11 to 1.
" 6½ to 7½ P. M.

New York, Nov 3d 1885.

To William A. Penny,
My Dear Sir,
I have rec'd during the past fortnight two or three Subpoenas like the enclosed and have been unable to respond by reason of sickness and the outlook for the coming two weeks looks very dubious. I got down to my office yesterday & expect to be taken in a close carriage to the polls to day, but feel utterly unable to go to court & go through an ordeal which probably awaits me there in this case. Please communicate the substance of this to Dist. Atty & oblige
Yours truly S G Cook

N. Y. GENERAL SESSIONS.

THE PEOPLE

against

Chorris
Mehltaeger

CRUELTY TO CHILDREN.

Robinson

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,
President, &c.

The New York Society for the Prevention of Cruelty to Children,

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, October 29 1885

Court of General Sessions of the Peace in and for the City and County of New York.

The People
against
Morris Mehlbacher

} Notice of Prosecution.

To the District Attorney of the
City and County of New York,

Sir: This Society is interested in the prosecution of the above defendant, and is familiar with the facts of the case. It respectfully requests that before sending the papers to the Grand Jury, fixing the day of trial, consenting to any postponement thereof, or to any reduction of bail, or final disposition of the charge, you will duly notify me as its President and Counsel, so that I may confer with you in regard thereto. This request is made pursuant to the statute (Laws of 1875, Chapter 130, Section 3), and in furtherance of the ends of Justice.

I have the honor to remain, with great respect,

Elbridge T. Gerry,
President, &c.

0263

Office for Application Commissioner 23 Sept 97.

BAILED,

No. 1, by _____ Residence _____ Street.

No. 2, by _____ Residence _____ Street.

No. 3, by _____ Residence _____ Street.

No. 4, by _____ Residence _____ Street.

No. 1

Police Court 3d District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Gold
residing No. 23 Chrystie
Street

1 Charles Gold
2 Morris Meltzager
3
4

Dated September 8th 188 5

Magistrate

Offence _____

Witnesses _____ Officer.
Charles Gold Street.
Patrick Fleming Street.
Dr. George Rosenwald Street.
Dr. G. Hospital Street.

No. 1 Charles Gold
No. 2 Patrick Fleming
No. 3 Dr. George Rosenwald
No. 4 Dr. G. Hospital

Complained to answer General Sessions
Dr. S. Simpson 57 Rivington St.
Dr. S. S. Cohen 57 Rivington St.
Police Surgeon 111 W. 47th St.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Morris Meltzager *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~~ be legally discharged

Dated Sept 9 188 5 _____ *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.*

0264

Sec. 151.

Police Court 3d District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by Annie Ode of No. 124 Delaney Street, that on the 8th day of September 188 5 at the City of New York, in the County of New York,

John Doe a Physician of No. 128 Delaney street in the City of New York did assault and ravish Complainant She being a child of the age of 8 years and did carnally know her against her consent and against her will

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 each and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the 3 *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 8th *day of* September 188 5

A. J. Crowley POLICE JUSTICE.

Police Court 3d District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Annie Ode

vs

John Doe

Warrant—General.

Dated Sept. 8 188 5

Crowley *Magistrate.*

Sergt. Dowling *Officer.*

The Defendant _____ taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Sergt. Dowling *Officer.*

Dated Sept. 9 188 5

This Warrant may be executed on Sunday or at night.

Crowley *Police Justice.*

REMARKS.

Time of Arrest, Sept. 9 1885

Arrest Mentioned in Affidavit

Native of Affidavit

Age, 13 Yrs.

Sex, Female

Complexion,

Color, White

Profession, Ill. Attached

Married,

Single, 11

Read, 11

Write, 11

128 Delaney St

0265

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

POLICE COURT, 3d DISTRICT.

Annie Ochs aged 9 years,

School Girl

of No. 1241 Delancy Street, being duly sworn, deposes and says,

that on the 5th day of September 1885

at the City of New York, in the County of New York, Morris Melitzager ~~John Doe~~ of No. 128 Delancy street in the city of New York a Physician living on the 1st floor of said premises did wilfully feloniously and unlawfully assaut deponent against her will and did ravish and have sexual inter-course with deponent-she deponent being in his defendants apartments when he feloniously cast her down on a Lounge in his room and did violate her deponents person in violation of section number 278 of the Penal Code of the State of New York.

Annie Ochs

Sworn to before me, this 5th day of September 188

Police Justice.

Defts Exh A
4/85

District Police Court,
New York, Sept 9 1885

To his Hon Judge Power

This is to certify that I have examined Annie Och, 9 year old, for the purpose of ascertaining if a rape had been committed upon her, & find her privates are unnaturally red, slightly swollen & inflamed. They are also discharging profusely, a mixture of mucous and pus of a yellowish green tint, characteristic of Gonorrhea. I did not find any laceration

Very Respectfully
Amy Pentecost S. G. Cook M.D
Surgeon of Police

Police Department of the City of New York,

Precinct No. 10

New York, Sept 9th 1885

To His Honor Judge Power.

This is to certify that I have examined Annie Ock, 9 years old, for the purpose of ascertaining if a rape had been committed upon her, and find her privates are unnaturally red, slightly swollen and inflamed. They are also discharging profusely, a mixture of mucous and pus of a yellowish green tint, characteristic of Gonorrhea. I do not find so.

Very re

S. G. Cook MD

Surgeon of Police,

Sec. 198—200.

CITY AND COUNTY OF NEW YORK } ss

District Police Court.

Morris Mehltaeger 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 Morris Mehltaeger

Question. How old are you?

Answer 36 years

Question. Where were you born?

Answer. Warsaw, Russia

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

Answer. 125 Delancy St

Question What is your business or profession?

Answer. Medical Student

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

Moritz Mehltraeger

Defendant waived Examination by advice of his Counsel — Alex S. Rosenthal Esq.

A J Bower
P.J.

Taken before me this 9 *day of* Oct 1888

A J Bower

Police Justice.

0269

BOX:
189
FOLDER:
1910
DESCRIPTION:
Mencer, Thornton L.

DATE:
09/14/85

1910

Witnesses:

.....

.....

.....

.....

Counsel,

Filed 14 day of Sept 1885

Pleads Not guilty

THE PEOPLE

21 & 1 Wrdt

vs.

Thornton L. Mercer

ASSAULT IN THE FIRST DEGREE, Etc.
(Sections 217 and 218, Penal Code).

RANDOLPH B. MARTINE,

District Attorney.

No. 87

A True Bill.

D 2 Sept 23/85
Not guilty 3/85.

D 2 Sept 23/85
Mdt acquitted

Chas H. Hassell

Foreman.

Sept 23
G. Fos

Sept
21st
G. Fos

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thornton S. Newell

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

Thornton S. Newell

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Thornton,

late of the City of New York, in the County of New York aforesaid, on the Ninth day of September, in the year of our Lord one thousand eight hundred and eighty-five, with force of arms, at the City and County aforesaid, in and upon the body of one Augustus Brown in the peace of the said People then and there being, feloniously did make an assault and then the said Augustus Brown,

with a certain knife

which the said Thornton in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound,

with intent then the said Augustus thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

Thornton S. Newell

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Thornton,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of one Augustus Brown in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and then the said Augustus

with a certain knife

which ~~then~~ the said Thornton in his right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, stab, cut and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Randolph B. Martine,
District Attorney.

0272

BAILED,

No. 1, by _____ Residence _____ Street.

No. 2, by _____ Residence _____ Street.

No. 3, by _____ Residence _____ Street

No 4, by _____ Residence _____ Street.

Police Court 2 District.

THE PEOPLE, &c., ON THE COMPLAINT OF Lucie Brun 173 Greene vs. Antonia Mercer

2 _____
3 _____
4 _____

Offence Felonious Assault

Dated Sept 5th 1885

Saml O'Reilly Magistrate.
Michael Gilroy Officer.
15th Precinct.

Witnesses

No. _____ Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.

$1000 to answer _____

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York until he give such bail.

Dated Sept 5th 1885 Saml O'Reilly 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.

0273

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Thornton L. Mercer 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 Thornton L. Mercer

Question. How old are you?

Answer 21 years old

Question. Where were you born?

Answer. Virginia

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

Answer. 218 Worth st 6 months

Question What is your business or profession?

Answer Waiter

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

Thornton L. Mercer

Taken before me this 1st *day of* April 188[illegible]

[illegible] *Police Justice.*

0274

Police Court— 2 District.

City and County of New York, } ss.:

Gussie Brown

of No. 173 Greene Street, aged 23 years,

occupation Domestic being duly sworn

deposes and says, that on the 1st day of September 1885 at the City of New York, in the County of New York,

She was violently and feloniously ASSAULTED and BEATEN by Thornton L Mercer (now here) who did wilfully and maliciously cut and stab deponent in the right hand with a large case knife, and strike deponent on the right side of her face with his clenched hand, and pointed a loaded pistol at deponent

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

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

Sworn to before me, this 5th day of Sept 1885 } Her Gussie + Brown Mark

Saml C O'Reilly Police Justice.

0279

BOX:
189
FOLDER:
1910
DESCRIPTION:
Messiano, Dominick

DATE:
09/15/85

1910

Witnesses:

.....

.....

.....

.....

It appearing by the within affidavit that it is impossible to secure the attendance of Michael Moriarty *a material and [illegible] witness for the People at [illegible] evidence [illegible] that the defendant* Dominick Messiano *be discharged on his own recognizance.*

Dated, Oct. 30, 1885

Randolph B. Martine
District Attorney.

Counsel,

Filed 15 day of Sept. 1885

Pleads Not guilty (16)

THE PEOPLE

vs.

Dominick Messiano

Oct 30/85
Deft discharged on his own Recognizance
of Dancy, J.

ASSAULT IN THE FIRST DEGREE, Etc.
(Sections 217 and 218, Penal Code).

RANDOLPH B. MARTINE,
District Attorney.

No 101

A True Bill.

Chas. H. [illegible]
Foreman.

Can find the Dom[illegible]

Sept 22.
Oct 23

POOR QUALITY ORIGINALS

0220

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Dominick Messiano

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

— Dominick Messiano —

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Dominick,

late of the City of New York, in the County of New York aforesaid, on the Ninth —— day of September, in the year of our Lord one thousand eight hundred and eighty-Nine, with force of arms, at the City and County aforesaid, in and upon the body of one Michael Moriarty, in the peace of the said People then and there being, feloniously did make an assault and him the said Michael, —

with a certain Knife —

which the said Dominick, —

in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did attempt to beat, strike, stab, cut and wound

with intent him —— the said Michael ——

thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

— Dominick Messiano —

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Dominick,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of one Michael Moriarty, — in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and him the said Michael, ——

with a certain Knife ——

which he the said Dominick ——

in his —— right hand then and there had and held, the same being a —— instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully attempt to beat, strike, stab, cut and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Randolph W. Broderick
District Attorney

0278

Police Court— 6th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Michael Maurer
vs.
Dominick Messina

Offence Felonious Assault & Battery

Dated September 7th 188 .

Joseph Schnauer Officer.
3355 Precinct.
Witnesses Thomas Evans
No. 140 Mott & 3 Ave Street.
James Finn
No. Street.
No. 54 Street.
$ to answer GS

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

Dated September 7th 188 . Police Justice.

Dominick Messina

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 Dominick Messina 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 September 7th 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.

Sec. 198—200

CITY AND COUNTY OF NEW YORK, } ss.

6th District Police Court.

Dominick Messiano 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. Dominick Messiano

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. Italy

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

Answer. 3rd Avenue & 136th St 1 2 years

Question. What is your business or profession?

Answer. Laborer

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

his
Dominick x Messiano
mark

Taken before me this 7th *day of* September 1885

Charles F. Wheeler

Police Justice.

0280

Police Court— 6th District.

CITY AND COUNTY OF NEW YORK, } ss.

Michael Moriarty

of No. [illegible] of 135th Street bet 3rd Avenue & the Canal Street, aged 18 years, occupation Horseshoer being duly sworn, deposes and says, that on Sunday the 6th day of September in the year 188[illegible] at the City of New York, in the County of New York, he was violently and feloniously ASSAULTED and BEATEN by Dominick Mersiano - (now here) who did strike as deponent with the blade of a Knife which Knife he the said Dominick Mersiano then and there held in his hand thereby cutting through the left side of the coat then & there worn by deponent as a portion of his bodily clothing, that deponent was so violently & feloniously assaulted & Beaten

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

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

Sworn to before me, this 7th *day of* September 188[illegible] } Michael Moriarty

[illegible] POLICE JUSTICE.

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Dominick Messiano

OFFENCE

District Attorney.

1820

GLUED PAGE

0282

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
Bring this Subpœna 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.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York,

To Michael Moriarty

of No. ..... 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 29 day of Oct. instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against Dominick Messiano 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 Oct. in the year of our Lord 1885.

RANDOLPH B. MARTINE, *District Attorney*

sworn, deposes and says: I ~~[illegible]~~ to the 33 Precinct ~~Street~~, in the City of New York. ~~I am a subpœna server in the office of the District Attorney of the City and County of New York.~~ On the 28th day of October 1885, I called at the North side of 135th Street between 3d Avenue and the Canal the alleged residence of Michael Moriarty the complainant herein, to serve him with the annexed subpœna, and was informed by his former employer that he had heard nothing of him since I called there as appears in my affidavit of Sept. 28, 1885. I also made diligent search and inquiry at several other places but have been unable to gain any further information of his present whereabouts.

Joseph Schirmer

Sworn to before me, this 29 day of October, 1885
Rudolph L. Schaef
Comr of Deeds

Supœna Server.

GLUED PAGE

0283

Court of General Sessions.

THE PEOPLE

vs.

ick Messiano

ty of New York, ss.:

Joseph Schirmer being duly sworn, deposes and says: I ~~reside at No.~~ am a Police Officer attached to the 33 Precinct ~~Street~~, in the City of New York. ~~I am a subpœna server in the office of the District Attorney of the City and County of New York.~~ On the 28th day of October 1885, I called at the North side of 135th Street between 3d Avenue and the Canal the alleged residence of Michael Moriarty the complainant herein, to serve him with the annexed subpœna, and was informed by his former employer that he had heard nothing of him since I called there as appears in my affidavit of Sept. 28, 1885. I also made diligent search and inquiry at several other places but have been unable to gain any further information of his present whereabouts.

Joseph Schirmer

Sworn to before me, this 29 day of October, 1885

Rudolph L. Scharf
Comr of Deeds

Supœna Server.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his assistants.

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

being duly sworn, deposes and says he

Subpœna, of which the within is a copy, upon

on the day of

188 by

Sworn to before me, this day of 188

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Dominick Messina

RANDOLPH B. MARTINE

4820

0285

PART 2.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
Bring this Subpœna 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.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York, of Peter Schirmer

To Michael Moriarty

of No. ..... 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 28 day of September instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against D. Messino 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 September in the year of our Lord 1885.

RANDOLPH B. MARTINE, *District Attorney.*

GLUED PAGE

0286

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney, or one of his assistants.

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

being duly sworn, deposes and says he

Subpœna, of which the within is a copy, upon

on the day of

188 by

Court of General Sessions.

THE PEOPLE

vs.

ick Messino

of New York, ss.: Joseph Schirmer being duly sworn, deposes and says: I ~~reside at No.~~ am a Police Officer attached to the 33 Precinct ~~Street~~, in the City of New York. ~~I am a subpœna server in the office of the District Attorney of the City and County of New York.~~ On the 26 day of September 1885, I called at 135 Street near 3d Ave.

the alleged residence of Michael Moriarty the complainant herein, to serve him with the annexed subpœna, and was informed by the Man he formerly boarded with that he had left there and had heard that the said Moriarty had gone to New Jersey near Rutherford but did not know positively nor where he can be found. I also inquired of the former employer of the said Moriarty and he gave the same information

I have made diligent search and inquiry but could gain no positive information as to the present whereabouts of the said Michael Moriarty

Joseph Schirmer

Sworn to before me, this 28 day of September 1885

Rudolph L. Schorf
Comr. of Deeds
N. Y. City

0287

BOX:
189
FOLDER:
1910
DESCRIPTION:
Metzer, Julius

DATE:
09/18/85

1910

Witnesses:

.....

.....

It appear[illegible] affidavit that it is i[illegible] secure the attendance [illegible] Levy Kraemer a material [illegible] ess for the People [illegible] dence a conviction [illegible] therefore respectfully [illegible] the defendant be [illegible] Julius Metzger be discharged on his own recognizance.

N. Y., April 25 1887.

Wm. Davis

Dep. Asst. District Attorney.

Counsel, A. L. Phillips & Hernan

Filed 18 day of Sept, 1887

Pleads Not Guilty.

THE PEOPLE

vs.

B

Julius Metzger

Grand Larceny in the second degree. (MONEY.) (Sec. 528 and 530, Penal Code.)

Defendant Confined on Recog. on his own

RANDOLPH B. MARTINE, for District Attorney.

No 164

A True Bill.

Chas N. Haskell

Foreman.

No Witness.

0289

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Sylvius McGuy

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

Sylvius McGuy

of the crime of GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Sylvius McGuy,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the third day of August, 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, 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 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; 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 dollars, and of the value of five dollars each; eight 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; sixteen 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 twenty 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 ten dollars; 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 five dollars each; divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of one dollar, and one pocket book of the value of ten cents,

of the proper moneys, goods, chattels, and personal property of one Sam Thomas, on the person of the said Sam Thomas, then and there being found, from the person of the said Sam Thomas, 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.

0290

BAILED,

No. 1, by Friedrich Dietzkowski

Residence 114 Eldridge 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

Gus Wagner
43 Bowery
Wm. Metz

1
2
3
4

Offence Larceny from the person

Dated Oct 2 1885

John Zimmer Magistrate

Peter Speder Officer.

30th Precinct.

Witnesses

No. Street.

No. Street,

No. Street,

$ 500 to answer Wm Metz

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 Wm Metzer

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 Oct 2 188 5 John Zimmer *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.*

0291

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question. What is your name?

Answer. Julius Metzer

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. Germany

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

Answer. 53 Clinton Street 7 months

Question What is your business or profession?

Answer. Runner

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

Jul. Metzer

Taken before me this 2 *day of* March 188 5

Charles Eaton Police Justice.

0292

Police Court— 1st District. Affidavit—Larceny.

City and County of New York, } ss.:

Levy Kramer

of No. 42 Essex Street, aged 35 years,

occupation Peddler being duly sworn

deposes and says, that on the 3rd day of August 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 daytime, the following property viz:

A pocket Book containing Food and lawful money of the United States of divers denominations in Bank bills of the amount and value of Sixteen 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 Julius Melzer (now here) from the fact that deponent was sitting on a bench in the Battery Park at about the hour of eleven o'clock and thirty minutes A.M. on said date, when the said defendant came to where deponent was sitting down and inserted his defendants hand into deponent inside coat pocket worn by deponent as a portion of deponents bodily clothing and abstracted the said pocket-book containing the aforesaid money and ran away

Wherefore deponent charges the said defendant with feloniously taking stealing and carrying away said money from possession and person of deponent

Levy Kramer

Sworn to before me, this day of August 1885

Police Justice.

Court of General Sessions.

THE PEOPLE, *on the Complaint of*
Levy Kramer

vs.

Julius Metzger

Offense:

RANDOLPH B. MARTINE,
District Attorney.

Affidavit of
Jacob Denbar

Subpœna Server.

Failure to Find Witness.

0294

PART III.

THE COURT ROOM IS IN THE THIRD STORY.

☞ If this Subpœna is disobeyed, an attachment will immediately issue.

☞ Bring this Subpœna 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.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

C

The People of the State of New York,

To Levy Hamer

of No. 42 Essex 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 25 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

Julius Metzger

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 April, in the year of our Lord 1887.

RANDOLPH B. MARTINE, *District Attorney.*

Court of General Sessions.

THE PEOPLE

vs.

o Metzger

If ill when served please send timely word to the District Attorney's office

If you know of more testimony than was produced before the Magistrate or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his assistants.

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

being duly sworn, deposes and says he

Subpœna of which the within is a copy, upon

on the day of

188 , by

nty of New York, ss.: Jacob Deubert being duly

nd says: I reside at No. 161 Essex Street, in the City of New York. I am a subpœna server in the office of the District Attorney of the City and County of New York. On the 20th day of April 188 , I called at No. 42 Essex Street

the alleged residence of Leoy Kraemer

the complainant herein, to serve him with the annexed subpœna, and was informed by the housekeeper that she knows all the tenants in the house and that no one by that name resides there, and that she has inquired of the several tenants if they have a boarder by that name and she was informed that none of the tenants know anything of the said Leoy Kramer and that they do not know where he resides or where he can be found and that he does not reside in that house

Sworn to before me, this 21 day of April 188

Rudolph L. Schaef

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

Jacob Deubert
Subpœna Server.

0296

BOX:
189
FOLDER:
1910
DESCRIPTION:
Miley, James

DATE:
09/10/85

1910

Witnesses:

.....

.....

.....

.....

.....

Counsel, ...

Filed 10 day of Sept 1885

Pleads Not guilty

THE PEOPLE

vs.

P

James Miley

No

I am [illegible] wife but did.

Grand Larceny 2nd degree

[Sections 528, 53 & 55 Penal Code].

RANDOLPH B. MARTINE,

Dr Sept 21/85 *District Attorney.*

Ind Dismissed, 25.

A True Bill. Elmira Rep.

Chas H. Hassell

Foreman.

Sept 16 K

G.J.D.

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 Vidal

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

James Vidal

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

The said James Vidal

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

one note book of the value of twenty dollars, one note of the value of five dollars, and two cars of the value of two dollars each,

of the goods, chattels and personal property of one Edward Randolph,

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT—

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

James Nidey

of the Crime of CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said James Nidey,

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 note book of the value of forty dollars, one coat of the value of six dollars, and two oars of the value of two dollars each,

of the goods, chattels and personal property of one John A. Bowden,

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

unlawfully and unjustly, did feloniously receive and have; the said

James Nidey,

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.

0300

BAILED,

No. 1, by _____ Street.
Residence _____

No. 2, by _____ Street.
Residence _____

No. 3, by _____ Street.
Residence _____

No 4, by _____ Street.
Residence _____

Police Court— 4th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John F. Bracy
White St. & Mott St.

1 Geo. Bailey
2
3
4

Offence Larceny

Dated August 24 188 5
Duffy Magistrate.
Harlan Officer.
4th Precinct.

Witnesses
No. _____ Street.
No. _____ Street.
No. _____ Street.
No. _____ Street.

AUG 27 1885

$ 300 to answer General Sess.

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

Dated August 24 1885. _____ 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.

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

James Miley 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 James Miley

Question. How old are you?

Answer 20 years

Question. Where were you born?

Answer. United States

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

Answer. 1st Avenue between 53 & 54th St. 2 months

Question What is your business or profession?

Answer Truck Driver

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

Answer. Not guilty. Two others were in the boat. Asked them to let me sail with them as far as Staten Island was anchored after we had gone a short distance.

James Miley.

Taken before me this 4th *day of* October 1885

Police Justice.

0302

Police Court— 20 District.

Affidavit—Larceny.

City and County of New York, } ss.:

John H. Busch of ~~No.~~ White Stone Long Island City ~~Street,~~ aged 35 years, occupation Boatman being duly sworn deposes and says, that on the 23 day of August 1886 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:

a skiff boat known & described as a Whitehall rowboat; one pair of oars; & one boat sail & all of the value of about fifty dollars $50.00

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by James Mill (Unknown) from the following facts to wit:- That after the time of said larceny deponent saw the above described property in the possession of defendant & two others unknown to deponent.

Sworn to before me, this 24 day of August 1886

Police Justice.

John H. Busch

City General Sessions Court

The People &c.

Plaintiff

against

James Miley

Defendant

Affidavits for new trial.

HARRY C. BEACH,

Attorney for defendant

~~319 BROADWAY~~

Room No 11 140 Duane Street NEW YORK.

To filed Sept 27/86 *Esq.*

Attorney for

Due and timely service of a copy of the within

..... is hereby admitted.

Dated *188*

Attorney for

C. B. Merwin, Printer, 218 Fulton St., N. Y.

0304

In the Court of General Sessions of the Peace in & for the City & County of New York.

The People &c.
against
James Miles.

City & County of New York, ss.
Michael Mulcahy being duly sworn deposes & says;

1. I reside at No. 851 First Avenue New York City; my business is that of bartender and am in the employ of Thomas E Haley at No. 853 First Avenue in said City.

2. I know the above named defendant, James Miles, and have known him and his brothers for the past eight years.

3. On August 2nd 1885 about half past ten o'clock I was accosted on a charge of assault made by Margaret & Bridget McKenna — I took them to the station for the matter to the 19th Precinct Police Station. On the morning of August 23rd 1885 I was taken to the 5th Police Court, arraigned on said charge and about one hour of

half past nine o'clock on said last day he was discharged, and thereafter the first person whom I saw and shook hands with was the above named defendant, James Miley. I walked from said Court room to the corner of 50th Street and 2nd Avenue, this City, and said Miley was walking ahead of me with one, Morris Koonie, from said Court to said place and there left him.

4. In addition to James Miley being in said Court on said August 23rd, 1885, the following persons were also there;

Morris Koonie of Corner of 53rd Street & 1st Avenue, N.Y. City.

Thomas McCarthy foreman of Peter Jewitt & Co., whose business is hard coal storeyard is in 48th Street and East River.

David Barnes, of No. 332 East 48th Street N.Y. City.

5. I never before heard of said Miley's ever having been arrested for stealing. I know a great many persons who know him, and his character for honesty is of the

0306

best.

6. I was down at the Court of General Sessions, Part 2 or about on the 16th day of September 1885 as a witness on behalf of the said defendant, but the case was not called for trial on said day, and when the trial was had I knew nothing about it, or would have been present and testified to the foregoing facts.

Sworn to before me this 24 day of September 1885
B. V. Stoky
Notary Public
N.Y.C.

Michael O'Mullady

POOR QUALITY ORIGINALS

0308

as [illegible] slain, [illegible] time of day was [illegible] bet[illegible] nine o'clock and a quarter to ten [illegible] morning.

4. Besides [illegible] as aforesaid, [illegible] were there at said time and place [illegible]

[illegible] Thomas [illegible] Peter [illegible] 4th [illegible]

[illegible]

5. [illegible] defendant [illegible]

6. I have known [illegible] said [illegible] tried [illegible] Mon-[illegible] to the best of my [illegible]

David Byrnes

Sworn to before me this [illegible] day of January 1885.

SW French
Notary Public (49)
N.Y. Co.

In the Court of General Sessions of the Peace in & for the City & County of New York.

The People &c.
against
James Riley.

City and County of New York ss.

John Dennis being duly sworn, deposes & says;

1. I reside at 868 First Avenue New York City; my business is that of bricklayer and the last person I worked for was Peter Mallon who discharged me because I went away from my work; and the reason I left my work was on account of going to the Court of General Sessions in Chambers street on Wednesday, Sept 16th 1885

2. I know the defendant for the past ten years and know others who know him. His character for honesty, to my knowledge and from what I have heard is good.

3. I know that about the hour of 9.00 or 9.15 on the morning of the

23rd day of August 1885, I met the above named defendant, on the corner of 48th Street & 1st Avenue N.Y. City, and walked with him from there to the corner of 53rd Street & 1st Avenue in said City, where I left him and went to church, and he told me that he was going to the 57th Street Police Court to see how Michael Mullady, whom I know and know that he was a prisoner at that time on a charge of assault, made out.

4. I did not know that the defendant was going to be tried on Monday last or I would have been there to testify in his behalf as aforesaid and if he gets a new trial I am willing to will attend as a witness and testify to the foregoing facts.

Sworn to before me this 28th day of September 1885

John Dennis

John [illegible]

Notary Public

N.Y.Co (7)

In the Court of General Sessions of the Peace in & for the City & County of New York

The People &c.
against
James Miley.

City & County of New York } ss.
Thomas McCarthy being duly sworn, deposes & says:
1. I reside at No 421 East 28th Street in the City of New York. My business is that of foreman of the stable of Peter Rettig & Co. whose business is Hay, Grain & Feed. Their yards are at the foot of 49th Street & East River, and North River, both in the City of New York.
2. I have known for a long time a person named defendant for the last three years & knew him when he was living in Twenty-second Street, & I know his character for veracity to be all that any one could wish — excellent.
3. I know Michael McCarthy & have known him for a long time, years last past; I know that he was a pri-

oner in the 5th Police Court on the morning of August 23 1885, was present on said day in said Court & knows that he was discharged about half past nine of said day.

4. I saw the above named defendant in company with Mike Coome, James Reaves, and Richard Reaves come out of said Court house on said day and at said place.

5. I did not know that Hyde was at fault, or I would have been present and testified as a witness for the defendant at the trial. I am willing to go to Court and testify to the foregoing facts, which are true. I was in the Court of General Sessions as a witness on defendant's behalf on the 16th day of September 1885 but his case was not called.

Sworn to before me this 24th day of October 1885.

Thomas Hart

Thos. Gibbons
Notary Public
Hyde Co.

(7)

In the Court of General Sessions of the Peace in & for the City & County of New York

The People &c.
against
James W[illegible]

City & County of New York ss.

William [illegible] Ba[illegible], being duly sworn [illegible] says

1. I reside at No. 336 East [illegible] Street [illegible] City [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] and [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] street, in said City.

2. [illegible] [illegible] the [illegible] [illegible] defendant [illegible] [illegible] known [illegible] [illegible] the past [illegible] [illegible] years.

3. I know that I saw the defendant [illegible] on August 23rd 1900 [illegible] about the [illegible] between [illegible] 10.00 [illegible] [illegible] at the corner of 23rd [illegible] [illegible] Avenue [illegible] City. Said defendant was in company of Mr Morris Loonie, a saloon keeper [illegible] corner of [illegible] [illegible] 1st Avenue [illegible] City. That defend-

and sorted company [illegible] to me. [illegible] Crane, joined [illegible] [illegible] a [illegible] deponent [illegible] were [illegible] (May) [illegible] me.

I did not know that the defendant [illegible] hired on last Monday [illegible] [illegible] the [illegible] [illegible] [illegible] [illegible] [illegible] to the [illegible]

[illegible] knowingly [illegible] [illegible] in [illegible] [illegible] class.

Sworn to before me this
[illegible] day of [illegible] 186[illegible] } William Barclay

John [illegible] Hibbard
Notary Public
[illegible] (7)

03:15

BOX:
189
FOLDER:
1910
DESCRIPTION:
Miller, Frank

DATE:
09/22/85

1910

Sendfer

Witnesses:

~~Wm. Wh~~

Mr. Miller

216 E. 35th St

M. P. Schmeiter

122 2 & 3 Av.

Parmer

and for office

FD

Mr Miller not found.

Mr Schmeiter says he knows nothing good or bad

FD

Counsel,

Filed 22 day of Sept. 1885

Pleads,

THE PEOPLE

vs.

Frank Miller

P

Burglary in the Third Degree.

Sections 498, 506, 528 and 532

RANDOLPH B. MARTINE,

District Attorney.

Norro

A True Bill.

Chas H. Hassell

Foreman

Leads Burg 3 deg

Gal Rep

FD

Sept 24/85

24

0317

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Brenda Miller

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

Brenda Miller

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said Brenda Miller,

late of the 8th Ward of the City of New York, in the County of New York, aforesaid, on the twelfth day of September, in the year of our Lord one thousand eight hundred and eighty-five, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the dwelling house of one

E. Max Miller

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

E. Max Miller,

in the said dwelling house, then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

0318

SECOND COUNT—

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

— Frank Miller —

of the CRIME OF Petit LARCENY, committed as follows:

The said Frank Miller,

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the daytime of the said day, with force and arms,

two pairs of trousers of the value of seven dollars and fifty cents each pair, and one bottle of whiskey of the value of one dollar,

of the goods, chattels and personal property of one E. May Miller

in the dwelling house of the said E. May Miller,

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

Randolph B. Martine
District Attorney

0319

Police Court— 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Max Muller
vs.
Frank Miller
2
3
4

Offence Burglary and Larceny

Dated September 19 188 5

Patrolman Magistrate.
James Ogle Officer.
15 Precinct.
Witnesses Annie Evans
No. 20 West 44th Street.
James Ogle
15th Precinct Police Street.

No. Street.
$ 1500 to answer G. J. C.
Comp.

BAILED,

No. 1, by Residence Street.
No. 2, by Residence Street.
No. 3, by Residence Street.
No. 4, by Residence 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 Frank Miller *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* Fifteen *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 September 19 188 5 J. M. Pearson *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.*

0320

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Frank Miller 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 Frank Miller

Question. How old are you?

Answer 17 years of age

Question. Where were you born?

Answer. Ireland

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

Answer. 216 East 85th St. 4 months

Question What is your business or profession?

Answer Painter

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 guilty.

Frank Miller

Taken before me this 5 *day of* February 188 }

Hall Buttenson *Police Justice.*

0321

CITY AND COUNTY
OF NEW YORK, } ss.

aged 32 years, occupation Housekeeper of No. 30 East 4th Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of C. Max Miller and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Annie Long

Sworn to before me, this 19th *day of* September 188 } Mrs. Annie Long

J. M. Patterson

Police Justice.

CITY AND COUNTY
OF NEW YORK, } ss.

aged 39 years, occupation Police Officer of ~~No.~~ 15th Precinct Police ~~Street~~, being duly sworn deposes and says, that he has heard read the foregoing affidavit of C. Max Miller and that the facts stated therein on information of deponent are true of deponents' own knowledge.

James Doyle

Sworn to before me, this 19th *day of* September 188 } James Doyle

J. M. Patterson

Police Justice.

0322

Police Court—2nd District.

City and County of New York, } ss.:

E. Max Miller

of No. 30 East 4th Street, aged 23 years,

occupation Cook

being duly sworn deposes and says, that the premises No 30 East 4th Street, in the City and County aforesaid, the said being a Boarding House in the 15th Ward of the City of New York and which was occupied by deponent as a Boarding House and in which there was not at the time a human being, ~~by name~~

Broke and

were BURGLARIOUSLY entered by means of forcibly opening the door of deponents sleeping room on the top floor of said premises by means of a false key, at about the hour of 10 o'clock A. M.

on the 12th day of September 188 5 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

Two pair of pants and a bottle of whisky, in all of the value of Sixteen dollars

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed, and the aforesaid property taken, stolen, and carried away by

Clark Miller, New York

for the reasons following, to wit: That deponent closed and locked the door of said room about 6 o'clock on the morning of said day and said property was then within said room. That when deponent returned to his room in the evening deponent then discovered that said property had been stolen and carried away therefrom.

That deponent was then informed by his landlady, Annie Lahy, there present, that about 10 o'clock A.M. on said day she saw said defendant come down stairs from the top floor of said premises with said property in his possession. That she was unable to apprehend him as he ran swiftly away, and upon her going up to deponents room she found the door of the same open. That officer Lozier, here present, further informs deponent that he found in the possession of the defendant a key which opens the door of deponents said room.

Sworn to before me this 19th day of September 1885

E. Marie Müller

J. M. Patterson Police Justice

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary ..... Degree.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of $ ..... Bail.

Bailed by .....

No. ..... Street.

0324

BOX:
189
FOLDER:
1910
DESCRIPTION:
Miller, Mary

DATE:
09/16/85

1910

0325

BOX:
189
FOLDER:
1910
DESCRIPTION:
Esser, Walter

DATE:
09/16/85

1910

Witnesses:

.....

.....

.....

.....

.....

Counsel, J. M. Brady

Filed 6 day of Sept 1885

Pleads Not guilty

THE PEOPLE

vs.

Grand Larceny 2 degree

[Sections 528, 531 Penal Code].

vs. Grand Larceny

vs.

P

Mary Miller

33 2d Christopher St

druggist

P

Walter Essard

RANDOLPH B. MARTINE,

District Attorney.

No 129 Tr Sept 24/85

Not plead Tr.

30

A True Bill.

60412

Chas H. Russell

Foreman.

Tr. Oct 12/85

Not tried. Convicted

with recom to mercy

Two years. Oct 25

Pen one year

POOR QUALITY ORIGINALS

0336

03227

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Mary Miller
and
Walter Essner

The Grand Jury of the City and County of New York, by this indictment, accuse Mary Miller and Walter Essner of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Mary Miller and Walter Essner, each

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

one piece of paper of the value of thirty dollars.

of the goods, chattels and personal property of one Samuel Goodman

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Randolph B. Martine
District Attorney

0328

City Prison Oct. 1. 1885.

Hon. R. B. Martine!

Sir!

Pardon my writing you. I am assured of your determination to grant speedy trials and to see that justice is done and entertaining this I feel that I can call your attention to my case. I am charged with in some way being concerned with a woman upon a charge of larceny. My meeting her the first in five years was purely accidental. She inquired about my wife & desired to visit her and I volunteered to accompany her & stopped to buy some lining for a coat and while so doing I had no knowledge of what she intended doing or did. I simply knew her as an occasional customer in my store and in no way was I ever connected with her. – this is the solemn truth. She plead guilty to petit

larceny a week since. For the past three weeks I have been confined here under $1500 bail. I have urged my counsel to insist upon my trial but with no result. I never committed nor was I ever charged with any disreputable or discreditable act, my character is good and can be vouched for by reputable people and as I am greatly suffering and my wife is consetive, in poor health and unprovided for I beg you to consider my case at once.

The bearer is my wife and will hand you this and in the hope that you will grant my request or release me I beg to be and remain your obedient servant,

Walter Eaer

0330

Police Court 1961 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John Wilford
vs.
Mary Allen
Walter Green
Offence Grand Larceny

BAILED,

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

Dated Sept 12th 188 5
S. B. Bell Magistrate.
James McCullagh Officer.
17 Precinct.

Witnesses Andrew Mallon
No. 82 University Place Street.
Matthew Quillian
No. 82 University Place Street.

No. _____ Street.
$ 1500 to answer

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within ~~named~~ Defendants 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 12 188 5 Daniel O'Reilly 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.

0331

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Walter Essen 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 upon the trial.

Question. What is your name?

Answer Walter Essen

Question. How old are you?

Answer 32 years old.

Question. Where were you born?

Answer. Germany

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

Answer. 22 Cattermole Street 2 Months

Question What is your business or profession?

Answer. Engraver

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
Walter Essen

Taken before me this 14th *day of* Sept 1885

Lewis C. Collins
Police Justice.

0332

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Mary Miller

Question. How old are you?

Answer 45 years old

Question. Where were you born?

Answer. Germany

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

Answer. Greenville N.J. about 9 months

Question What is your business or profession?

Answer Keep house

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

Mary Miller

Taken before me this 12 *day of* Sept 188 }

Samuel Allen

Police Justice.

0333

CITY AND COUNTY OF NEW YORK, } ss.

Andrew S. Malloy

aged 20 years, occupation Salesman of No. 82 University Place Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of John N. Wilford and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 12 *day of* Sept 1885 } Andrew S. Malloy

Sam'l C. Reilly

Police Justice.

CITY AND COUNTY OF NEW YORK, } ss.

Mathew Quillian

aged 16 years, occupation Errand boy of No. 82 University Place Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of John N. Wilford and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 12 *day of* Sept 1885 } Mathew Quillian

Sam'l C. Reilly

Police Justice.

0334

Police Court— 2 District. Affidavit—Larceny.

City and County of New York, } ss.:

John H. Vigford

of No. 82 University Place Street, aged 25 years, occupation Manager being duly sworn deposes and says, that on the 11th 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 of deponent, in the day time, the following property viz:

One piece of Mohair Serge of the value of thirty dollars

the property of Samuel Goodman, William E Goodman and Joseph A Goodman and doing business under the firm name of Harrington & Goodman and in the care and custody of deponent as manager 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 Mary Miller and Walter Essen, both now here, from the fact that deponent is informed by Andrew J Malley that he the said Andrew saw the said defendants come in the store of Harrington and Goodman No 82 University Place, together and acting in concert, the defendant Essen made several small purchases and while the said Essen was making said purchases. the said Andrew saw the said Mary Miller pull the above described property from a pile lying on the counter in said store. And deponent is further informed by

Sworn to before me this 188 day of

Police Justice.

0335

Mathew Sullivan that he the said Mathew saw the defendant Mary Miller take the aforesaid property and put it under her dress. and walk out of said Store with the said Walter Essen, Deceased and the two witnesses followed the defendant out of the store up university Place to 13th St through 13th St to and up 5th Ave to 14th St where they were arrested. and when the defendant Mary Miller was searched at the 15th Precinct Station house the aforesaid property was found on her the said Mary Millers person. deponent has seen said property and fully identifies it as the property feloniously taken stolen and carried away from the Counter in the Store 82 University Place by the said defendant.

John F. Lifford

Sworn to before me this 12th day Sept/1885

Daniel C. Kerrigan
Police Justice

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1 _____
2 _____
3 _____
4 _____

Offence—LARCENY.

Dated _____ 188 _____ *Magistrate.*
_____ *Officer.*
_____ *Clerk.*

Witnesses, _____ *Street,*
No. _____
_____ *Street,*
No. _____
_____ *Street,*
No. _____
$ _____ *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 _____ *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 he to be discharged.*

Dated _____ 188 _____ *Police Justice.*