

0550

BOX:

72

FOLDER:

808

DESCRIPTION:

Mahoney, Daniel

DATE:

07/11/82



808

0551

No 14
Haringer
July 11/82

Filed 11 day of July 1882
Pleads July 25.

THE PEOPLE
vs.
B
Daniel Mahoney
ass. & con. July 12/82
ASSAULT AND BATTERY.

JOHN McKEON,
District Attorney.

A True Bill
Samuel A. Hendrickson
Indictman.

Recd from D. A. Field 9/87

Att. Hendrickson
25th Nov 1882

Rail fixed at
Sooey
RBE

Bail set by
Stephen Hendrickson
1158. 2nd Nov 1882
m

0552

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Daniel Mahoney

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

Daniel Mahoney

of the CRIME OF ASSAULT AND BATTERY, committed as follows:

The said

Daniel Mahoney

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the *twenty-fifth* day of *June* in the year of our Lord
one thousand eight hundred and eighty *two* at the Ward, City and County
aforesaid, in and upon the body of *Ambrose Mancieff*
in the peace of the said people then and there being, with force and arms, unlawfully
did make an assault and *him* the said *Ambrose Mancieff*
did then and there unlawfully beat, wound and ill-treat, to the great damage of the
said *Ambrose Mancieff* and against the peace of the
People of the State of New York, and their dignity,

JOHN McKEON, District Attorney.

0553

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Daniel Mahoney

Bench Warrant for Misdemeanor.

Issued

July 11th 1882

*Brought into Court by
Officer Ambrose Moncrieff
28th Prec. July 12. 1882*

Ambrose Moncrieff


☒ The defendant is to be admitted to be bail
in the sum of _____ dollars.

0554

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,
Marshal or Policeman in this State, GREETING :

An indictment having been found on the 11th day of July
1882, in the Court of General Sessions of the Peace, of the County of
New York, charging Daniel Mahoney
with the crime of Assault and Battery

You are therefore Commanded forthwith to arrest the above named Daniel
Mahoney and  bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the
City Prison of the City of New York, or if he require it, that you take him before any Magistrate
in that County, or in the County in which you arrest him, that he may give bail to answer the
indictment.

City of New York, the 11th day of July 1882

By order of the Court,

 Clerk.

0555

BOX:

72

FOLDER:

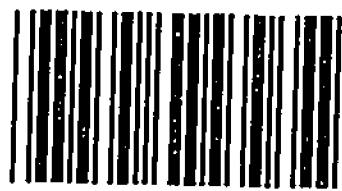
808

DESCRIPTION:

Malloy, Patrick

DATE:

07/14/82



808

0556

No. 96

G. E. E. E.

Filed 14 day of July 1882

Pleas

Guilty

THE PEOPLE

vs.

Assault and Battery.—Felonious.
Firearms.

P
Patrick Mallory

11
11

JOHN McKEON,

District Attorney.

A True Bill.

Comdant
Frederick

My

Please

Second

One year.

0557

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Patrick Marley

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

Patrick Marley

of the CRIME OF "Shooting at another with intent to kill," committed as follows:

The said

Patrick Marley

late of the City of New York, in the County of New York, aforesaid, on the ~~thirtieth~~ day of ~~June~~ in the year of our Lord one thousand eight hundred and eighty ~~two~~ with force and arms, at the City and County aforesaid, in and upon the body of ~~Thomas Smith~~ in the peace of the said People then and there being, feloniously did make an assault and to, at and against ~~him~~ the said ~~Thomas Smith~~ a certain ~~pistol~~ then and there loaded and charged with gunpowder and one leaden bullet, which the said ~~Patrick Marley~~ in ~~his~~ right hand then and there had and held the same being a deadly and dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge, with intent ~~him~~ the said

~~Thomas Smith~~

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

Patrick Marley

of the Crime of Shooting and Discharging off a ~~pistol~~ at another, without justifiable or excusable cause, with intent to injure such other, committed as follows:

The said

Patrick Marley

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said ~~Thomas~~

~~Smith~~

then and there being, wilfully and feloniously did make an assault and to, at and against ~~him~~ the said ~~Thomas~~ ~~Smith~~ a certain ~~pistol~~ then and there loaded and charged with gunpowder and one leaden bullet, which ~~he~~ the said

~~Patrick Marley~~

in ~~his~~ right hand, then and there had and held, wilfully and feloniously, and without justifiable or excusable cause, did then and there shoot off and discharge, with intent, thereby ~~him~~ the said

~~Thomas Smith~~

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

JOHN McKEON, District Attorney,

0558

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

579
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas Smith
1155 2 Ave.

1 Patrick Mallory

2 _____
3 _____
4 _____

Offence, Felonious Assault
& Battery

Dated June 30 188

Mercus Osterberg
James S. Murch Officer,
Clerk.

Witnesses, Frank Leonard

No. 1168 Second Avenue Street

No. 330 Broadway Street

No. _____ Street

\$ 1000 to answer

Green

July 6, 1888
2 P.M.

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

Patrick Mallory

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 July 30 1888 Mercus Osterberg Police Justice.

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

Dated _____ 1888 _____ 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 _____ 1888 _____ Police Justice.

0559

Sec. 198—200.

CITY AND COUNTY }
OF NEW YORK, } ss.

DISTRICT POLICE COURT.

Patrick Mallory 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 waiven cannot be used against him on the trial,

Question. What is your name?

Answer.

Patrick Mallory

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

England

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

Answer.

1129 2nd Avenue.

Question. What is your business or profession?

Answer.

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

Answer

I am not guilty of the charge preferred against me

Taken before me, this

30

day of

June 188*2*

Patrick Mallory

Merced Terbe Police Justice.

0560

Police Court—Fourth District.

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

ss.

Thomas Smith, aged 24 years
Cabinet Makerof No. 1155, 2^d Avenueon Friday the 30th day of June being duly sworn, deposes and says, that
in the year 1882 at the City of New York, in the County of New York,

and feloniously he was violently ASSAULTED and BEATEN by Patrick Malloy (nowhere), who did wilfully and feloniously aim, point and discharge a certain pistol (here shown) loaded with powder and leaden balls - at deponent, and one of the leaden balls so discharged from said pistol by said Malloy strike deponent on the right hand, and deponent has reason to believe that said Malloy did so aim and discharge said pistol at deponent.

with the felonious intent to take the life of deponent, or to do him 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, &c., and be dealt with according to law.

Sworn before me, this
of June

30th day
1882

Marion O'Sullivan
Police Justice.

0561

BOX:

72

FOLDER:

808

DESCRIPTION:

Maloney, Thomas

DATE:

07/12/82



808

0562

WITNESSES.

Counsel,

Filed

day of

188

Pleads,

THE PEOPLE

vs.

INDICTMENT.
Larceny from the Person.

JOHN McKEON,

District Attorney.

A True Bill.

Samuel K. W. [Signature]
Foreman.

July 13/82

*Pleads guilty
S.P.H. years.*

0563

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Maloney

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

Thomas Maloney

of the CRIME OF LARCENY (from the person)

committed as follows:

The said

Thomas Maloney

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

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

of the goods, chattels and personal property of one John Phillips
on the person of the said John Phillips then and there being found,
from the person of the said John Phillips then and there
feloniously did steal, take and carry away, against the form of the Statute in such case
made and provided, and against the peace of the People of the State of New York, and
their dignity.

JOHN McKEON, District Attorney.

0564

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

Police Court-
District.
THE PEOPLE, &c.,
ON THE COMPLAIN OF
John D. Sullivan
162 Broadway, N.Y.
Thomas Maloney
Offence, Larceny from person
Dated July 1st 188
James J. Sullivan Magistrate.
James J. Sullivan Clerk.
Witnesses, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____
to answer _____
Clerk

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 Thomas Maloney 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 July 1st 188 Hugh J. Quinn 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.

0565

Sec. 193-200.

CITY AND COUNTY
OF NEW YORK, } ss.

1st District Police Court.

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

Question. What is your name?

Answer.

Thomas Maloney

Question. How old are you?

Answer.

20 Years

Question. Where were you born?

Answer.

New York City

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

Answer.

214 E 5th Street & about 7 years

Question. What is your business or profession?

Answer.

Declar

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
H. H. Maloney
mark

Taken before me this

day of

188

Police Justice.

0566

First

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, ss

of No. 62 Cherry Street

being duly sworn, deposes and says, that on the 31 day of June 1882

at the _____ City of New York,

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

of deponent, from deponent's person in the day time

the following property, viz:

A Silver Watch with chain
attached all of the value of
ten dollars

Sworn before me this

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 Thomas Maloney now

here — that deponent was standing
in the Bowery looking at some
goods in a window when the def-
endant came along and suddenly
snatching the chain pulled the
watch from a pocket of deponent's
vest but let it fall from his
hand when he saw an officer
approach —

John Phillips
man

12
day of July
1882
Henry Chapman
POLICE JUSTICE

0567

Just District Police Court. Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK,

of No. 62 Cherry Street

being duly sworn, deposes and says, that on the 31 day of June 1882

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, from deponent's person in the day time

the following property, viz:

A Silver Watch with chain
attached all of the value of
ten dollars

Sworn before me this

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

Thomas Maloney now
here - That deponent was standing
in the Bowery looking at some
goods in a window when the def-
endant came along and suddenly
snatching the chain pulled the
watch from a pocket of deponent's
vest but let it fall from his
hand when he saw an officer
approach -

John Phillips

1st day of July 1882
H. H. Spencer
Police Justice

0568

BOX:

72

FOLDER:

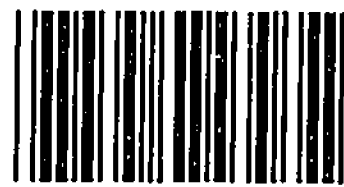
808

DESCRIPTION:

Mandley, John

DATE:

07/07/82



808

0569

BOX:

72

FOLDER:

808

DESCRIPTION:

Horan, James

DATE:

07/07/82



808

No 12

WITNESSES.

Day of Trial,

Counsel,

Filed

7. day of

July

1882

Pleads

THE PEOPLE

vs.

P

John Mansley
vs James Horan

JOHN McKEON,

District Attorney.

A True Bill.

Edward W. Mansley

Foreman.

July 10/82

Edw. J. Dickerson by Court
in presence of witnesses

I have viewed this
case, and have well
thought there was any
felony intent in
violating the laws
and the offense was
not amount to more
than a trespass, under
the circumstances I
imprudently returned
a indictment of the
indictments

W. W. Mansley
July 10 82

0571

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

THE POPE OF THE STATE OF NEW YORK,

against

John Mandley
and James Horan

The Grand Jury of the City and County of New York, by this indictment accuse
John Mandley and James
Horan
of the CRIME OF GRAND LARCENY, committed as follows:

The said John Mandley, and
James Horan
late of the First Ward of the City of New York, in the County of New York aforesaid,
on the ~~twenty eighth~~ day of June in the year of our Lord one
thousand eight hundred and eighty two, at the Ward, City and County
aforesaid, with force and arms one boat of the value
of fifty dollars

of the goods, chattels and personal property of one

Cornelius Sullivan

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

John McLean
District Attorney

0572

BAILED,

No. 1, by

Residence

Street,

No. 2, by

Residence

Street,

No. 3, by

Residence

Street,

No. 4, by

Residence

Street,

Sec. 209, 210, 211 & 212.

Police Court

Dist.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Veronica Smith

John Mandley

Grand Larceny

Offence,

Dated

June 29

188

Wm. J. May Magistrate.

Wm. J. May Officer.

Wm. J. May Clerk.

Witnesses

No.

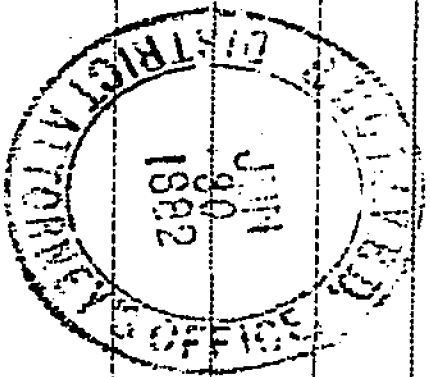
Street,

No.

Street,

No.

Street,



*3 copies to Dept. of Socy
of the City of Chicago*

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 Mandley*

guilty thereof, I order that he be admitted to bail in the sum of *300* Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *June 29* 188 *Wm. J. May* 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.

0573

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.3rd
DISTRICT POLICE COURT.

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

Question. What is your name?

Answer. *John Mandley*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *Brooklyn*

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

Answer. *27 Humboldt Street*

Question. What is your business or profession?

Answer. *I make brooches*

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 took the Boat but I did not mean to steal it*

Taken before me, this *29*

day of *June* 188*8*

John Mandley

Wm. Brown
Police Justice.

0574

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3 DISTRICT POLICE COURT.

James Horn 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 Horn

Question. How old are you?

Answer. 15 years

Question. Where were you born?

Answer. New York

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

Answer. 320 Grand Street Williamsburg. 2 months

Question. What is your business or profession?

Answer. Make Shoes

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

Answer. I had no intention to steal the Boat I only wanted to take a sail

Taken before me, this 29

day of June 1887

James Horn

J. M. Morris Police Justice.

0575

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. 41 North

Street,

Brooklyn E.D.

being duly sworn, deposes and says, that on the

28

day of

June

188

at the

City of

Brooklyn

in the County of ~~New York~~ ^{Kings}, was feloniously taken, stolen and carried away from the possession

of deponent, and brought to the City & County of New York at which time

the following property, viz:

One Boat of the value of fifty dollars

the property of

deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,

stolen, and carried away by

John Mandley & James Horn

(both now here) from the fact that deponent

is informed by Officer Francis Kelly of

the 24th Precinct Police that at the hour

of 4:45 o'clock this a.m. he arrested said

John & James with the aforesaid Boat in

their possession, on the Waters of the East

River foot of Governor Street of the City of New York

Deponent fully identifies said Boat found

found in the possession of said defendants

as the property stolen from deponent

Cornelius Sullivan

Sworn before me this

29

day of

June

188

Police Justice.

0576

City & County of New York 335

Francis Kelly of the 24th
Precinct Police being duly sworn deposes
and says that he arrested the woman
named John Maudley my friend Horn
on foot of Governor Street sitting in
a Boat, and Cornelius Sullivan the
woman complainant identifies said
Boat as the one stolen from his
possession.

Sworn to before me this 29th day of June 1882
Reb Francis Kelly

Wm J. Murray Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0577

BOX:

72

FOLDER:

808

DESCRIPTION:

Markey, Mary

DATE:

07/11/82



808

0578

WITNESSES.

No. 42

Day of Trial,

Counsel,

Filed

11 day of

188

Pleads

July 2

THE PEOPLE

vs.

P

Mary Markley

15/10/12

*LARCENY AND RECEIVING
STOLEN GOODS*

JOHN McKEON,

District Attorney.

A True Bill.

Edmund W. Markley

Foreman.

July 12/12

Guilty

Pend one year.

0579

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Mary Markey

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

Mary Markey
of the CRIME OF LARCENY

committed as follows:

The said

Mary Markey

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

*seven carrockes of the
value of seven dollars each*

of the goods, chattels and personal property of one

Peter Mc Carraugh

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

John McDean
District Attorney

0580

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

Police Court-⁵⁶⁷ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Peter Michaelson
Branch of the City & County
333 West 42nd St.

Mary Markley

2 _____
3 _____
4 _____
Offence, *Grand Larceny*

Dated *June 27*, 188 *2*

M. O'Brien Magistrate.

J. J. Kelly Officer,
122
Clerk.

Witnesses *J. J. Kelly*
No. *122* Park St. Office.

No. _____
No. _____
\$ *100* to answer
Answered



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 *Mary Markley*

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 *June 27*, 188 *2* *M. O'Brien* 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.

0581

Sec. 198-200.

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

Mary Markey 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 Markey

Question. How old are you?

Answer. 37 years

Question. Where were you born?

Answer. Ireland

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

Answer. 44th Street 11th Avenue.

Question. What is your business or profession?

Answer. Domestic

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

Answer

I am guilty of the charge preferred against me. I was drunk and crazy when I took them

Taken before me, this 2nd

day of June 1882

her
Mary Markey
mark

Michael Police Justice

0582

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss

Peter M. Callough, aged 50 years
 of No. *the Church of the Holy* Street, *Ass. 333 West 42nd Street*
 being duly sworn, deposes and says, that on the *or about* *15* day of *June* 188 *2*
 at the *22nd Ward of 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:

Seven Cassettes of the value of
Forty nine dollars -

the property of *the Church of the Holy Cross and in*
the care and charge of deponent as Janitor
and trustee of the said Church

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 Markey (nowhere)*
from the fact that previous to said
larceny the said property was in a
room in said Church and said
Mary Markey has admitted and confessed
and in the presence of Officer James Kelly
to deponent that she did so take steal
and carry away the said property from
said Church and from the possession of
deponent

Peter M. Callough

Sworn before me this

27th

day of June

1882

Michael J. Callough
Police Justice

0583

BOX:

72

FOLDER:

808

DESCRIPTION:

McCabe, John

DATE:

07/12/82



808

0584

BOX:

72

FOLDER:

808

DESCRIPTION:

McDonald, Thomas

DATE:

07/12/82



808

0585

BOX:

72

FOLDER:

808

DESCRIPTION:

Hayes, John

DATE:

07/12/82



808

0586

BOX:

72

FOLDER:

808

DESCRIPTION:

Smith, Frank

DATE:

07/12/82



808

No 61

Day of Trial

Counsel,

Filed 12 day of July 1882

Pleas 4 Not guilty (13)

THE PEOPLE

vs.

John McKeon
Richard Dwyer
John Dwyer
Frank Smith

18. per

BURGLARY—Third Degree, and
Receiving Stolen Goods

JOHN McKEON,

July 13/82 District Attorney.

Chas. J. Dwyer
and others guilty
of Housebreaking
A True Bill.

Charles H. Dwyer

Foreman.

Chas. J. Dwyer by Court
July 18/82
Chas. J. Dwyer
Pen 14 months

0588

Court of General Sessions of the City and County of New York.

THE PEOPLE OF THE STATE OF
NEW YORK,

against
John McCabe
Thomas McDonald
John Hayes and Frank Smith

The Grand Jury of the City and County of New York by this indictment accuse
John McCabe, Thomas McDonald
John Hayes and Frank Smith
of the crime of Burglary in the third degree,

committed as follows:

The said *John McCabe, Thomas McDonald, John Hayes and Frank Smith*
late of the *Fourth* Ward of the City of New York, in the County of New York,
aforesaid, on the *ninth* day of *July* in the year of our
Lord one thousand eight hundred and eighty *two*, with force and arms, at the Ward,
City and County aforesaid, the *store* of
John C. Stockwell

there situate, feloniously and
burglariously, did break into and enter, the same being a building in which divers goods,
merchandise and valuable things were then and there kept for use, sale and deposit, to
wit: the goods, chattels and personal property hereinafter described, with intent the said
goods, chattels and personal property of the said

John C. Stockwell

then and there being, then and there
feloniously and burglariously to steal, take and carry away, and *ten keys of*
the value of ten cents each, one lock
of the value of one dollar, two hundred
postage-stamps of the value of one cent
each, twenty pieces of paper of the
value of one cent each

of the goods, chattels and personal property of the said

John C. Stockwell

so kept as aforesaid in the said

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

John McKeon
District Attorney

0589

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

585
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John McDonald
John Hayes
Frank Smith
Offence, _____

Dated July 10 1882

John McDonald
Magistrate.

Witnesses,
George O'Connell
Clerk.

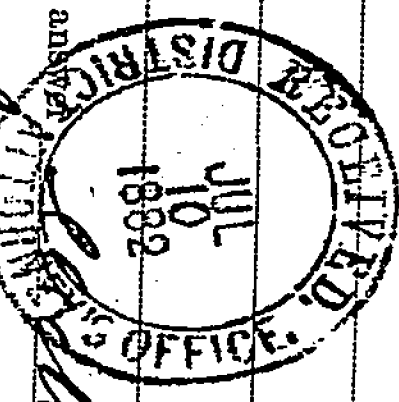
No. 19
Street,

No. _____
Street,

No. _____
Street,

No. _____
Street,

No. _____
Street,



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed and that there is sufficient cause to believe the within named _____ 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 July 10 1882 _____ Police Justice.

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

Dated _____ 1882 _____ 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 _____ 1882 _____ Police Justice.

0590

Sec. 198-209.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Frank Smith 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 Smith

Question. How old are you?

Answer.

18 Years

Question. Where were you born?

Answer.

Boston

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

Answer.

I live in the Newsboys Lodging House.

Question. What is your business or profession?

Answer.

I sell Newspapers

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. I know nothing whatever about the matter unless what had been told me by the other boys. I ask for a thorough examination of my case by the Magistrate.

Frank Smith

The defendant (being further examined) says - "After the Burglary was committed I was told of the same by the other defendants and I then went with them. I was not with them when the things were stolen and knew nothing about it at that time."

Frank Smith

Taken before me this

day of

July 11

Police Justice.

0591

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss

10th District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer. 152 Leonard Street. About 2 Years

Question. What is your business or profession?

Answer.

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

Answer.

Two fellows put me up
to it and I went in
I waive further examination

John X Hayes
mark

Taken before me this
day of

Police Justice.

0592

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

1st District Police Court.

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

Question. What is your name?

Answer.

Thomas McDonald

Question. How old are you?

Answer.

11 Years

Question. Where were you born?

Answer.

494 Water Street New York City

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

Answer.

494 Water Street About one Year

Question. What is your business or profession?

Answer.

I sell newspapers

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

Answer.

*I did not go in McCabe
Went in with Hayes and brought
out the money I want no
further examination*

Thomas McDonald
(mark)

Taken before me this

day of

1888

John J. [Signature]

Police Justice.

0593

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

10th District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty of the charge I know nothing about it & waive further examination

John McCabe

Taken before me this

day of

John McCabe
1884
John McCabe
Police Justice.

loitering in front of said premises acting as a sentinel or lookout for McCabe and Hayes whom he afterwards saw coming from said premises through the broken window having in their possession the property within described which deponent identifies as his property that after coming through the window McDonald joined them & they went away together -

Deponent further says that he is informed by said Abbott that after the said three defendants viz. McCabe McDonald and Hayes had proceeded about three blocks they met said Smith who joined them and was in their company at the time of the arrest of said defendants and deponent believes all said information to be true and charges Smith with being an accessory after the fact of the commission of said felony

John Stoebuck

City and County of New York

George Abbot of W 19 Ann Street being sworn says that the statement contained in the foregoing affidavit is true in every particular in so far as the same relates to the information given to Complainant by this deponent

George Abbot

Sworn to before me this 10th day of July 1892

John Stoebuck
Deponent

John Stoebuck

John Stoebuck

0595

POLICE COURT—DISTRICT.

City and County
of New York, ss:

of No.

John O'Connell Street, being duly sworn,

deposes and says, that the premises No. 409
Street Fourth Ward, in the City and County aforesaid, the said being a Store

and which was occupied by deponent as a

Store for the deposit
and sale of paper were BURGLARIOUSLY
entered by means of breaking and forcing
open a front window leading
from the street into said storeon the day of the 9th day of July 1882

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

A quantity of Copper Coins, several
Keys, one lock, and about
two hundred penny postage stamps
together with about thirteen
old Bank bills, collectively
of the value of five 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 John McCabe & Thomas McDonald

for the reasons following, to wit:

That deponent after
notification came to said premises
and discovered that the window
was broken open and the property
above described stolen & carried
away. That deponent was informed
by the Genl. Delbot that about
5 o'clock P.M. on said day
he saw the defendant McDonald

0596

BOX:

72

FOLDER:

808

DESCRIPTION:

McCarney, John

DATE:

07/13/82



808

47 Bill

9th

(11)

Day of Trial

Counsel (Kingston)

Filed 13 day of

188 2

Pleads

July 14

THE PEOPLE

vs.

John McCarney

John McCarney

Pleads

JOHN McKEON,

Aug 10 for District Attorney.

Sentence Suspended.

W. J. G.

A True Bill.

Edmund K. M. M. M.

Foreman

0598

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Mc Carney

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

John Mc Carney

of the CRIME OF manslaughter
committed as follows:

The said

John Mc Carney

late of the City and County of New York, on the tenth day of June
in the year of our Lord one thousand eight hundred and eighty-two, at the City and County
aforesaid, with force and arms in and upon one Samuel

Mc Nally then and there being feloniously
and wilfully made an assault, and the said
John Mc Carney, a certain brick which he
in his right hand then and there had
and held, to, at, against and upon the said
Samuel Mc Nally, feloniously and wilfully
did then and there cast and throw, and
the said John Mc Carney, with the brick
aforesaid so, as aforesaid, by him cast and
thrown, him the said Samuel Mc Nally
in and upon the forehead of him the
said Samuel Mc Nally, feloniously and
wilfully did strike, cut, bruise and wound,
giving unto him the said Samuel Mc Nally
then and there, with the brick aforesaid
so by him, the said John Mc Carney cast and
thrown, to, at, against and upon the said
Samuel Mc Nally as aforesaid, in and upon
the forehead of him the said Samuel Mc Nally

one mortal wound and fracture of the breadth of four inches and of the depth of one inch of which said mortal wound and fracture the said Samuel McNally at the City and County aforesaid, from the said tenth day of June in the year aforesaid, until the twentieth day of June in the same year aforesaid, did languish, and languishing did live, and on which said twentieth day of June, in the year aforesaid, the said Samuel McNally, at the City and County aforesaid, of the mortal wound and fracture aforesaid, did die.

And so, the Grand Jury aforesaid do say that he, the said John Mc Carney Ivin, the said Samuel McNally, in manner and form aforesaid and by the means aforesaid on the day and in the year aforesaid, at the City and County aforesaid, wilfully and feloniously did kill and slay, against the form of the statute in such case made and provided and against the peace of the People of the State of New York, and their dignity.

John McKean

District Attorney

0600

Coroner's Office, ■

CITY AND COUNTY }
OF NEW YORK. } ss.

John McCarney being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

John McCarney

Question.—How old are you?

Answer.—

50 years

Question.—Where were you born?

Answer.—

Ireland

Question.—Where do you live?

Answer.—

New York City

Question.—What is your occupation?

Answer.—

Laborer

Question.—Have you anything to say, and if so, what, relative to the charge here preferred against you?

I had no intention to hurt the child in question. On the 10th day of June 1882 I was standing on the corner of 16th St & 9th Av, when a crowd ^{of boys up} came & threw horse manure in my face & eyes, they ran away 16th St down towards 10th Av. I followed them, could not catch them, caught back up a brick & threw it at them & where the brick landed I did not know.

John McCarney.

Taken before me, this 29th day of June 1882,

Philip Herker CORONER.

0601

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
3 Years. — Months. — Days.	U. S.	New-York Hospital	June 20 th 1882.

Residence 412 W. 16th St.

240, 943-2047 1882.

HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of

Samuel M. Kelly

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

John McCarney

with a sword

Charged taken on the 29th day
of June 1882.

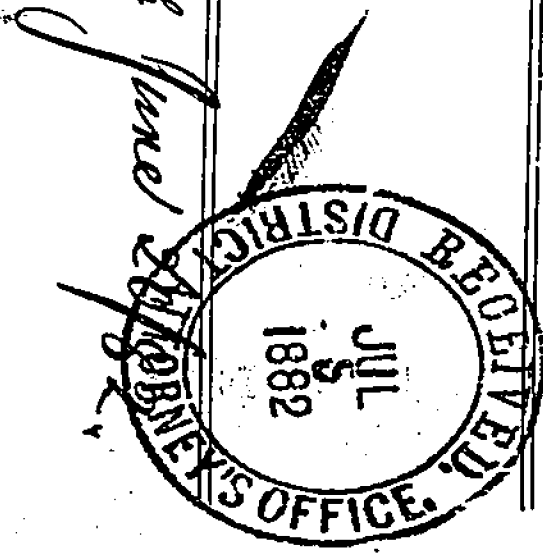
Philip H. Keeney
Coroner.

Committed

Obtained

Obtained

Date of death June 20th 1882.



5. The case if tried by a jury would I think be held to be one of "Excusable" Homicide - Because (II, R.S., 660 §4) in a "sudden, (unprovoked,) combat," he lawfully tried, without using any dangerous weapon, and not in a cruel or unusual manner, to defend himself from assault -
6. He could not retreat by reason of age and infirmity -
7. So far from trying to injure any of his assailants he aimed low (and not even in their direction) and most unfortunately struck this little boy of $2\frac{1}{2}$ years of age who happened to be just in the way and entirely unnoticed -
8. The moment he did the act he picked the child up and has been most sorry ever since -
9. The witnesses (Garrity & King) who saw the whole, and who appear for the Prosecution both tell me "that it was not the old man's fault but the boys' and the old man ought to be let go altogether."

LIVINGSTON & OLCOTT,
ATTORNEYS AND COUNSELLORS-AT-LAW,
31 PINE STREET.

ROBERT A. LIVINGSTON.
J. VAN VECHTEN OLCOTT.

New York, August 9th 1882

Hon: H. A. Gildersleeve - Judge

The People
- vs -
John McCarney } Homicide

Prisoner an old man pleads "guilty," under advice of Counsel, to Manslaughter in 4th degree; and throws himself not only on the mercy but also the good judgment of the Court -

Dear Judge -

Please allow me to make a brief statement of this case, and show you why in my opinion I think you would be justified in suspending sentence -

1. The man is old, and has a good character never having been arrested before -
2. He was attacked by boys, of quite large size, who stoned him, and threw manure in his face,
3. He had to defend himself; and in trying to throw low, so as to frighten; and not injure any of his many assailants he struck a little child sitting in the gutter.
4. This child was an innocent 3rd party, and was by two large boys - unobserved,

5. The case if tried by a jury would I think be held to be one of "Excusable" homicide - Because (II, R.S., 660 §4) in a "sudden, (unprovoked,) combat," he lawfully tried, without using any dangerous weapon, and not in a cruel or unusual manner, to defend himself from assault -

6. He could not retreat by reason of age and infirmity -

7. So far from trying to injure any of his assailants he aimed low (and not even in their direction) and most unfortunately struck this little boy of 2½ years of age who happened to be just in the way and entirely un-noticed -

8. The moment he did the act he picked the child up and has been most sorry ever since -

9. The witnesses (Garity & King) who saw the whole, and who appear for the Prosecution both tell me "that it was not the old man's fault but the boys' and the old man ought to be let go altogether."

0604

Under this statement of facts
I most sincerely hope that you
will take the place of acquittal by
Jury, and Suspend Sentence -
(That is not the same, because
he can be sentenced any time)

The man "Ernest Horst," is described
in the Directory as an "Agent"
His name was not used before
the Grand Jury, and I know
nothing of him - McCarney tells
me he is a Boarding house keeper.
I suppose his testimony may
concern some "bill" -

Trusting you agree with
me in a merciful view of
this case, and hoping I have
not trespassed too much on
your time I remain

Yours Sincerely

Robert A. Livingston

0605

The people of

the

John McCarney

Homicides
(Brief & Points
of Prisoners)

August 8, 1922

ROBERT A. LIVINGSTON,
COUNSELLOR AT LAW,
31 & 33 Pine St.

0606

N. Y. Court of
General Sessions of Peace

August 8th '82

Present: Hon. Henry A. Gildersleeve - Judge
(And empanelled Jury!)

The people of the State of New York
Plaintiffs,
Against
John McCarney -
Defendant,

Homicide

District Attorney John M. Keon, for the People.
Robert A. Livingston " " prisoner.

Witnesses

- 1 R. F. M. Campbell - Police Officer (16th Precinct) 333 W. 15 -
- 2 James Garrity Knew boy 2 years, & McCarney 5 - 412, W. 16
- 3 Mary Gillen - Aunt of deceased - 412 W. 16
- 4 Edward King - 421 W. 16
- 5 J. Vanderboel - House Surgeon - N. Y. Hospital -

Brief = Statement & Points,
for Prisoner -

I

The prisoner was incarcerated under this charge June 21. and has been in close confinement although nearly 70 years of age; and feeble; ever since that date! He being too poor to obtain bail -

II

The prisoner committed the act under the greatest annoyance and provocation, and in the fear of serious bodily injury from his many assailants!

III

The homicide is "Excusable"; because the act by which it was occasioned was "justifiable".

IV

The missile was thrown, not at the assailants nor even in their direction, but simply thrown out into the street to make a noise, and frighten those attacking him, so as to prevent their continuing the assault -

V

The deceased was an innocent third party, & so small as to be unobserved by the prisoner -

VI

The act was justifiable under the Law, in the Case of his not having ability to escape by retreat, He being old & infirm, and his assailants young men.

VII

Any man is allowed to protect his life, limb & liberty, and his household goods, by force of arms - "A Strong man armed keepeth his goods in peace" - Homicide is then Excusable -

VIII

Thus Wharton on Homicide § 208 under the head of "Killing innocent third parties" says "If a man intending to kill a man attempting to commit a forcible & obvious crime against his person, by mistake kills one of his own family, it is homicide by misadventure only - & Russell on Crimes also =

And further: The prisoner knowing that his life was not in danger - did not attempt to take life but simply protected himself by a reasonable show of violence - He threw the missile just where he intended, ^(not in a crowded street) but owing to the smallness of deceased & ~~his~~ seated posture, by large legs which would have stopped brick, it being aimed low down, and ~~at~~ the ground, he struck him instead.

IX

After throwing the brick he endeavored to pick child up, and was then knocked down.

0609

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of *Coroner's Office*
 No 13 & 15 Chatham Street, in the 4th Ward of the City of
 New York, in the County of New York, this 27 day of June
 in the year of our Lord one thousand eight hundred and 82 before
Philip M. McKee Coroner,
 of the City and County aforesaid, on view of the Body of *Samuel McCallally*
 lying dead at

Six Upon the Oaths and Affirmations of
 good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
Samuel McCallally came to his death, do

upon their Oaths and Affirmations, say: That the said *Samuel*
McCallally came to his death by being struck on the
 forehead June 10th 1882 by being struck on the
 forehead by a brick thrown by John McCarney.
 The jury does not think that the stone was
 thrown with a criminal intention to kill the
 boy, nevertheless the jury find, that McCarney
 had no right to throw a brick and find him
 responsible for the death of the child

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

JURORS.

*Andrew Hammerman**W. H. Sheg**John Tidell**William N. Brown**Simon J. Rothschild**Philipp Ochsenreiter**158 E 4th Str.**574 8th Avenue**53 West 37th St**637 E. 11th Street**239. E 51st Street**22 Rose street*

Philip McKee CORONER, L. S.

06 10

The People of the State of New York, on the
Complaint of

vs.

List of Witnesses.

John M. Carney

NAMES.

RESIDENCE.

Off. Robert F. M. Campbell

16th Police Pl.

James Garrity

412 West 16

Edward King

421 West 16

Mary Ann Gillen

412 West 16

J. Vanderpool m.d.

J. B. Messersmith

Coroner's Office

0611

Coroner's Office.

TESTIMONY.

Robert F. M. Campbell being sworn says: I am an officer on special duty at the 16th Police Precinct. I reside at 333 W. 15th St. The prisoner John McCarney was ~~handed to me~~ placed in my care in the 20th Precinct where he had been arrested. On June 20th 1882, he was placed in my charge. I asked the prisoner why he threw the brick at deceased child Samuel McCall. He said the children were bothering him and he threw the brick not intending to harm anyone. He said he never intended to throw the brick at this child. He expressed great sorrow at having struck the child. I know the prisoner by sight for a long while. He was doing laboring work. He was shovelling coal at 15th St. & 4th Ave. & 14th St. & 4th Ave. He was always able to take care of himself and was never much under the influence of liquor. He was not what I would call a tramp.

Taken before me
this 24th day of June

Robert F. M. Campbell

1882.

Philip Morke CORONER.

06 12

Coroner's Office.

TESTIMONY.

2

James Garrity being sworn says:
 I reside at 412 N. 16th St.
 I knew deceased child Samuel
 McNally about two years. I
 lived in the same house. I knew
 the prisoner for four or five years
 to speak to. Some boys were
 taunting John McCahey on
 June 9th ^{at} about half past
 five P.M. McCahey had a
 little cobble stone in his hand
 and was coming from towards
 10th Ave. He went into the alleyway
 of 412 N. 16th St. ^{deceased} The child was
 sitting about 12 to 14 feet from where
 he picked the brick up. Just as
 he opened the door a crowd
 of boys ran by, and he threw
 the brick at these boys and not
 at the deceased child Samuel
 McNally. He was intoxicated
 and could not take straight or
 good aim on that account.
 As soon as the brick that he
 had thrown had struck the child
 he ran out and picked the child
 up. The child was only 3 years old.
 I ran down out of the house

Taken before me

this 29th day of June 1882.

Philip Clarke CORONER.

0613

Coroner's Office.

TESTIMONY.

B

and knocked the prisoner McLarny
and another boy down with the
force of the impetus I had given
myself in running out. The child
was picked up and taken to
the 16th Precinct Station House
where Sergeant Blair summoned
a Police Surgeon, ~~who does~~

James Garrity

Taken before me
this 29th day of June 1882.
Philip W. Webb
CORONER.

06.14

Coroner's Office.

TESTIMONY.

4

Edmund King of No. 421 West
Sixteenth Street, being sworn
deponent and oath, on Saturday June
10th, I saw a dark complexioned
man chasing a crowd of boys. He
followed some of them into a
stable yard on 16th Street. He
picked up something that looked
to me like a stone or a brick
and took it with him when he
went into the yard. When he
came out ~~there~~ were some boys
on the sidewalk ~~and~~ ~~side~~ ~~side~~
They ran and he fired the brick
which hit the child. He threw
the brick at the boys and I do
not think that he intended to
hit the child. I heard the sound
as the brick struck the child's
head. The man picked the child up
in his arms after the brick had
struck it. He held the child until
he was knocked down by a young
man.

Edmund King

Taken before me

this 29th day of June

1882,

Philip Merkel

CORONER.

06 15

Case of Samuel Moe
Nelly

0616

Coroner's Office.

TESTIMONY.

5

Mary Ann Gillen being sworn
 says: I reside at 41, 2 W. 16th St.
 I am the aunt of deceased
 child. I have known McCarney
 the prisoner about 30 or 40 years.
 He never had any grudge
 against me or my ~~deceased~~ nephew.
 On Saturday June 10th or between
 5 and 6 o'clock in the evening
 the boys were teasing McCarney
 and he had a stone in his hand
 which he threw at the boys which
 struck no one, McCarney stepped
 back into the yard ^{of my house} and picked
 up a brick which had remained
 there from an old building. He
 threw the brick at the boys and
 instead of hitting the boys the
 brick hit the child on the
 forehead. The wound on the forehead
 bled freely. The old man never
 intended to injure the child. I was
 about ten feet from the child when
 the child was struck by the brick.
 I saw the child bleeding very profusely
 immediately after the brick had been
 thrown. After the child's head had
 been dressed ^{at the Gillen House} I took the child to my

Taken before me
 this 29th day of June 1882.
 Philip Mearke CORONER.

0617

Coroner's Office.

TESTIMONY.

home and next morning I
took the child from my home
to the New York Hospital. I
learned of the child's death on ^{Tuesday}
June 29/82
Wm. A. Gillen
parent

Taken before me
this 29th day of June 1882
Philip M. McKee CORONER.

0618

Coroner's Office.

TESTIMONY.

This is to certify that —
 Samuel ^{the} ~~the~~ ^{Wally} — was brought to this
 Hospital on the 17th day of June 1882 ~~and~~
 suffering from compound depressed fracture
 of the Skull — said to have been struck
 with a brick. While here — was operated on —
 bone elevated & removed. Meningitis developed —
 pt became stupid & unconscious. The above
 disease became marked — compression
 subsequently developed. Child died on the
 20th day of June 1882.

J. Vandorck M.D.

House Surgeon

Taken before me
 this 29th day of June 1882,
 Philip Herklee

CORONER.

0619

TESTIMONY.

M. J. B. Messeméed being sworn says
 On June 21/82 at the New York Hospital
 made an Autopsy on the body of Samuel
 McCall and found a lacerated wound of
 the forehead $2\frac{1}{4}$ inches long from side to side and
 a half inch wide, this wound was in the center of
 the forehead. ^{Underneath this and corresponding}
 thereto was a ^{compound depressed} fracture about $\frac{5}{8}$ inch in diameter
 situated in the frontal bone immediately to the
 right of the frontal ridge. A fracture extended
 down from this to the nasal bone. The ^{Dura} and ^{clot of blood}
 Mater was covered with a thin layer of pus,
 over the right side of the same. The meninges of the brain were considerably
 inflamed, and an abscess had formed on the
 anterior lobe of the right cerebral hemisphere. ~~This~~
~~abscess was discharging partly outward and~~ There
 were several fissures in the frontal bone extending
 from the main fracture. The other organs of the
 body were by me found to be normal.
 In my opinion death was due to Coma caused
 by depressed compound fracture of the frontal
 Bone of the Skull and Compression of the
 Brain from Clot and Pus due to injuries received
 by being struck on the forehead ^{by the corner of a brick.} M. J. B. Messeméed

Sworn to before me,
 this 29th day of June 1882.

Philip Merkle

CORONER.

0620

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
Years.	Months.	Days.			
			U.S.	New York Hospital	June 20/02
				Residence 41 W. 16 St.	

Samuel M. Hall
412 W. 16 St.
3 years of age
Born in U.S.
Wife. Parents born in
Indiana

Brought to the Court
May 20/02. He is
412 W. 16 St. on June
11/02. He is suffering from
a lacerated wound
of the forehead.
On June 10/02 in the
evening he was
struck by a brick
thrown by a drunken
man in the street.
The wound was first
discovered at the victim's
house. The child's mother
is dead. The father's name
is Neal M. Hall. He is employed
by Delamater & Co. He has other
children. The father is a
Catholic. The child was
born in U.S.

M.

No. 943

And Quai.

1082

AN INQUISITION

On the VIEW of the BODY of

Samuel M. Hall

whereby it is found that he came to
his death by

Inquest taken on the 29th day
of June 1882
before

PHILIP MERKLE, CORONER.

0621

BOX:

72

FOLDER:

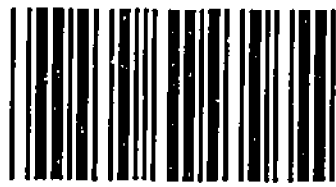
808

DESCRIPTION:

McCarthy, John

DATE:

07/11/82



808

0622

No. 31

WITNESSES.

Day of Trial,

Counsel, *W. H. C.*

Filed 11 day of

Pleads

1882

July 2
Joseph (Hr.)

THE PEOPLE

vs.

John McCarty
P

LARCENY AND RECEIVING
STOLEN GOODS.

JOHN MCKEON,

District Attorney.

TRIO BILL.

Edward W. Newcomb

July 11/82 Foreman.

Pleas, G. J.
S.P. 18 months

0623

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Mc Carthy

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

John Mc Carthy
of the CRIME OF ^{Grand} LARCENY

committed as follows:

The said

John Mc Carthy

late of the First Ward of the City of New York, in the County of New York,
aforesaid, on the *first* day of *July* in the year of our Lord
one thousand eight hundred and eighty *two*, at the Ward, City and County
aforesaid, with force and arms *divers valuable securities*

and evidences of debt, of the kind commonly known as coupons, to wit, divers coupons of the Missouri Pacific Rail Road, the same being then and there unsatisfied, a more particular description of which said coupons, is to the Grand Jury aforesaid unknown, of the value of three hundred and fifty dollars, and one other valuable security and evidence of debt, of the kind commonly known as coupons, to wit one coupon of the Metropolitan Elevated Railway Company, the same being then and there unsatisfied, a more particular description of which said coupon, is to the Grand Jury aforesaid unknown, for the payment of, and of the value of thirty dollars.

of the goods, chattels and personal property of one

Charles D. Leverich

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

0624

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

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

The said

John Mc Carthy

late of the Ward, City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, with force and arms, at the Ward, City and County aforesaid, *divers val-*

uable securities and evidences of debt, of the kind commonly known as coupons, to wit divers coupons of the Missouri Pacific Rail Road, the same being then and there unsatisfied, a more particular description of which is to the Grand Jury aforesaid unknown of the value of three hundred and fifty dollars, and one other valuable security and evidence of debt of the kind commonly known as coupons, to wit one coupon of the Metropolitan Elevated Railway Company, the same being then and there unsatisfied, a more particular description of which said coupon is to the Grand Jury aforesaid unknown for the payment of, and of the value of thirty dollars.

of the goods, chattels and personal property of the said

Charles D. Deverich

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

Charles D. Deverich

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

John Mc Carthy

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.

JOHN McKEON, District Attorney.

0625

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

Police Court District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Arthur White
John McCourt

Offence *Larceny from*
the person

Dated *July 5* 188 *2*

William Magistrate.
Mulvey 24 Officer.

Meyer Clerk.

Witnesses *Mrs. Mulvey*
27 West. 10th St. Street,

No. _____ Street,

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

John E. R. Sullivan
1884
CLERK OF THE DISTRICT COURT
NEW YORK

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 McCourt*

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 *July 5* 188 *2* *W. H. Sullivan* 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.

0626

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

District Police Court.

John M. Carthy being duly examined before the under-
signed, 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 me; that the statement is designed to
enable h me if he see fit to answer the charge and explain the facts alleged against h me,
that he is at liberty to waive making a statement, and that h is waiver cannot be used
against h me on the trial.

Question What is your name?

Answer. *John M. Carthy*

Question. How old are you?

Answer. *Twenty years of age*

Question. Where were you born?

Answer. *New York*

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

Answer. *67 Munn St. 7 months*

Question. What is your business or profession?

Answer. *Barrow builder*

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 found the Coupons on the
pills waist and gave them
to a man for safe keeping
as I could not read or
write and I then took
them to St. Wall Street
to return them in answer
to an advertisement I
saw in the Herald and
found the office closed.*

John M. Carthy
man

Taken before me this

day of

July
William J. Sullivan
Police Justice.

Arthur White, the Complainant,
Cross examined by Counsellor
O'Brien -

Q When you felt a hand in
your pocket what did you
do?

A. I felt for my Coupons and
they were gone. I saw
the defendant walking up
Broadway a few feet from
me. I did not take hold
of him or charge him
with the larceny. Immediately
prior to my feeling the
hand in my pocket there
was a large crowd about
me.

Q Did you see the prisoner
at any time nearer to
you than three feet?

A No sir.

Q How long prior to your
feeling the hand in your
pocket did you see the
Coupons?

A Five minutes prior to
my coming up Broadway
I felt the Coupons in

my pocket.

Re Direct

Immediately after feeling the hand in my pocket I looked ahead and the defendant was the nearest person to me on the side walk.

Re Cross -

Q Did you at that time suspect any particular person of taking your Cigars?

A I suspected the man I saw in front of me about three feet away. The defendant is that man to the best of my belief. I did not think him because I thought he might be an innocent man and my loss a kind of might me up and I was a kind of stunned at the loss.

Q Did you identify this person by his face?

A No Sir.

Q Did you ask the Magistrate while the prisoner was at the bar to have him turn his back to you?

A I did.

Q Did you say when the man turned his back to you that you thought that was him?

A I did.

Q Did you at any time see the defendants from until he was arraigned in Court?

A No Sir.

Q Did any person tell you or point the person out to you as the person arrested for the larceny.

A No Sir. Officer Mulvey asked me to walk over and look at the men in Court and I picked out the defendant.

Q Is there anything peculiar about the shape of the defendants head and neck?

A I have seen others like him.
To the Court

I gave a description of the
man whom I suspected
of taking my money. I
described him as a short
plowdy man.

Q Your firm offered a reward
A They did

Q What did the offer pay

A Lost or stolen, a liberal
reward for their return
Apply at Leverich's office
31 Wall Street.

~~Cross-ex.~~

Q Are you prepared to swear
that your Coupons were
stolen?

A Yes Sir. I am morally
certain I felt a hand
in my pocket taking
out the Coupons

Re Cross.

Q When you say you are morally
certain, there is a question of
doubt in your mind? I ask

A I am positive I felt a

Hand in my pocket. I
will not swear the defendant
~~subscribed~~ had his hand
in my pocket.

Q Were there many people
passing by and down
Dwelling at that time?

A There were. Arthur White,

Counsel for defendant moves
to discharge the defendant
on the grounds of insufficiency
of evidence.

Motion denied

Given to the jury
5th of July 1888
J. H. Harrison
Not a Justice

City and County } ss.
 of New York

Thomas Mulvey, an officer
 of the 27th Precinct Police, being
 duly sworn says that at the
 City and County of New York,
 on the 3rd day of July 1882
 deponent arrested John
 McCarthy, the defendant
 here present, and then and
 there found upon his person
 and in his possession three
 Pacific Rail Road of Missouri
 Coupons and one Metropolitan
 Elevated Railway Coupon, all
 of which are now being
 shown and identified by
 Arthur White, the Complainant
 in the foregoing affidavit, as
 the property of Charles D. Leach
 and another, Co-partners, and
 as having been stolen from
 his, White's, person on the
 1st inst.

Thomas Mulvey

Subscribed before me and
 attested July 1882
 Metropolitan Police Justice

0633

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }
OF NEW YORK } ssof No. *31 Wall* Street, *Arthur White*being duly sworn, deposes and says, that on the *1st* day of *July* 188 *2*

at the _____ City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, *and from deponent's person in the daytime* the following property, viz:..

One envelope containing a number of Coupons of the Pacific Rail Road of Missouri in all of the value of three hundred and fifty dollars, and one envelope containing one Metropolitan Elevated Railway Coupon of the value of thirty dollars, said property being in all of the value of three hundred and eighty dollars

the property of *Charles E. Leverich and James H. Leverich, Co-partners, and in care and charge of deponent as their clerk and servant* and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by *John M. McCarthy, now*

here, from the fact that deponent then ~~stood~~ was packing in Broadway in front of the Astor House, and said envelopes and Coupons were then and there contained in the right pocket of the coat then worn upon deponent's person. That deponent felt a hand in said pocket and looking round deponent saw

0634

The said defendant about three feet from defendant and waiting up Broadway.

That defendant is now here informed by officer Thomas Wrenley, here present, that he, said Officer, found said stolen Coupons, or a portion thereof, in the possession of said defendant on the afternoon of the 3rd instant. That the Coupons now here shown are a portion of the Coupons so stolen from defendant as aforesaid.

Sworn to before me this } Arthur White
5th day of July 1882 }

J. M. Patterson } Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION