

0902

**BOX:**

70

**FOLDER:**

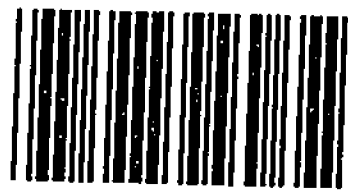
785

**DESCRIPTION:**

Mooney, James

**DATE:**

06/09/82



785

WITNESSES.

Day of Trial,

Counsel, *Ed.*

Filed *9* day of *June* 188*2*

Pleads *Not Guilty 1/2*

THE PEOPLE

vs.

*John M. Mooney*

*(26 years)*

JOHN McKEON

District Attorney

*22 June 14. 1882*

*True Bill.*

*51. Two years.*

*Lehard Meun Foreman*

*for*



0904

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

THE POPE OF THE STATE OF NEW YORK,

against

*James Mooney*

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

*James Mooney*

of the CRIME OF GRAND LARCENY, committed as follows:

The said

*James Mooney*

late of the First Ward of the City of New York, in the County of New York aforesaid,  
on the *third* 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

*five hundred Regars of the value  
of four Cents each divers promissory  
Notes for the payment of money then and  
there due and of the kind known as  
United States Treasury Notes of a number  
and denomination to the Grand Jury  
aforesaid unknown of the value of thirty  
dollars and divers Silver Coins of  
the United States of America of a kind  
and denomination to the Grand Jury  
aforesaid unknown of the value of  
thirty dollars*

of the goods, chattels and personal property of one

*William C. Ford*

*attempt to*  
feloniously did steal, take and carry away, against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York, and  
their dignity

then and there being found,

*John McKeon*  
*District Attorney*

0905

BAILED,

No. 1, by

Residence

Street,

No. 2, by

Residence

Street,

No. 3, by

Residence

Street,

No. 4, by

Residence

Street,

Sec. 208, 209, 210 & 212.

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William L. Steel

1909 No. 6 'Ch.

James M. Mearns

Offence,

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses

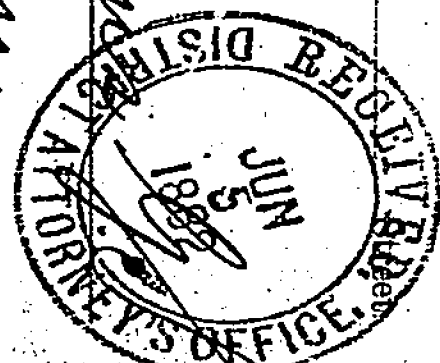
No.

Street,

No.

Street,

No.



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named James Mearns

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

Dated June 4 188

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.



0906

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

DISTRICT POLICE COURT.

*James Mooney* 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 Mooney*  
Question. How old are you?

Answer.

*Twenty Eight Years*  
Question. Where were you born?

Answer.

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

Answer.

*333 West 35th Street*  
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 not guilty*

Taken before me, this

day of

*June* 188*7*

*James Mooney*  
*Not Guilty*  
*Mervin Otterburn*

Police Justice.



0907

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss

46 years  
of No. 909-6 Avenue Street, occupation, paper dealer  
being duly sworn, deposes and says, that on the 9 day of June 1882  
at the day time attempt 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:

W. B. containing \$30 dollars worth  
and lawfully money of the United States  
and for the purpose of being of the  
value of twenty dollars in all value \$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 Mooney (now prisoner)  
from the fact this deponent found  
the said James seated behind  
his counter in said premises and  
deponent charges that the said James  
was there with intent to steal

W. C. Ford

Sworn before me this

day of June

1882

Michael J. O'Sullivan  
Police Justice

0908

**BOX:**

70

**FOLDER:**

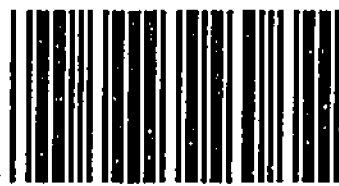
785

**DESCRIPTION:**

Moore, Peter

**DATE:**

06/05/82



785



0909

WITNESSES.

Day of Trial,

Counsel,

Filed

day of June 1882

Reads

Forquilly (6).

THE PEOPLE

vs.

Peter Moore

LARCENY AND RECEIVING STOLEN GOODS

JOHN McKEON,

District Attorney.

June 14, 1882

A True Bill.

Read Forquilly

June 14/82

W. J. J.



09 10

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

THE POPE OF THE STATE OF NEW YORK,

against

*Peter Moore*

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

*Peter Moore*

of the CRIME OF GRAND LARCENY, committed as follows:

The said

*Peter Moore*

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

*Six boxes of feathers of the value  
of fifteen dollars Each box and  
fifty feathers of the kind known  
as ostrich of the value of one dollar  
Each*

of the goods, chattels and personal property of one

*Iidor Grunwald*

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

*John McKeon  
District atty*

0911

New York, *April 29*, 188*7*  
*M. W. Chapman & Sons*  
*57 Leonard St.*  
Received from **GARVEY & GRUNWALD,**  
in good order, *J. 27 West Houston,*  
*45 Meeker.*  
*1 Package. - Cartons.*  
*Thompson* *C. P. A. W.*

0912

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_

Sec. 208, 209, 210 & 212.

Police Court 27 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Richard Jewmald*  
*85 13th St.*  
*Albion Moore*

Offence, *Grand Larceny*

Dated

*May 20th* 1882

*Isaac* Magistrate.

Officer.

Clerk.

Witnesses

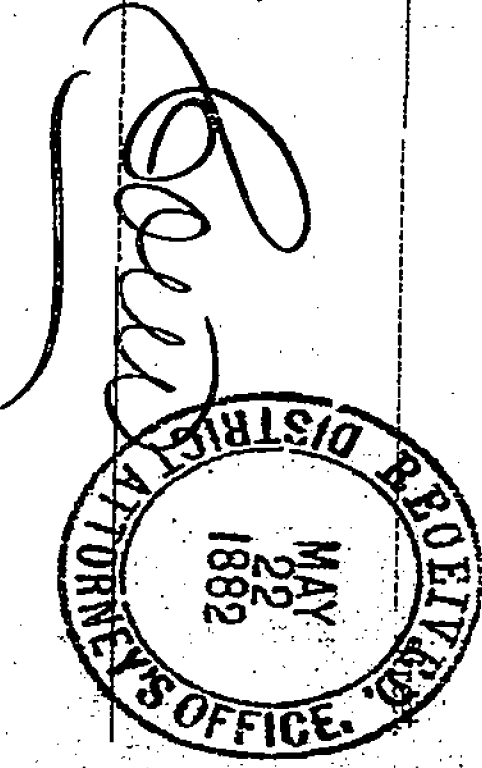
No.

*Stofornard* Street,

No.

Street,

No.



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named *Peter Moore*

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

Dated *May 20* 1882

*Solomon 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.



0913

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK } ss.

2 DISTRICT POLICE COURT.

Peter Moore 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.

Peter Moore

Question. How old are you?

Answer.

Eighteen years.

Question. Where were you born?

Answer.

U.S.

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

Answer.

172 West Broadway - 2 years

Question. What is your business or profession?

Answer.

I work at iron

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 left the goods at the place.

P. Moore

Taken before me, this 20th

day of May 1882

Sever B. Smith  
Police Justice.

0914

2

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK } ss

of No.

85 Bleeker

Street,

39 years Manufacturer

being duly sworn, deposes and says, that on the 29th day of April 1882

at the

above premises

City of New York,

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

the following property, viz:

Six paper boxes containing ostrich feathers and in all of the value of ninety 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 Peter Morris (now here) for the

following reasons to wit: Said Peter who was in the employ of deponent was sent by deponent to deliver the above named property to the firm of Sharpless and sons. Deponent is informed by James Clandino receiving clerk for said Sharpless and sons that said Morris did not deliver said package to them. Wherefore deponent charges said Morris with feloniously taking stealing and converting to his own use the said property.

Isidor Grunwald.

Sworn before me this

Isidor Grunwald

1882  
POLICE JUSTICE



09 15

James Claudius 17 years of age Clerk  
of Sennard Jones being duly sworn  
says that he is the receiving clerk at  
Shirpless and Sons, and that Peter  
More did not deliver to that firm  
the within described property on the 29th  
day of April or on any day subsequent  
thereto. There is no person named Thompson  
employed on the premises.  
James Claudius

Sworn to before me  
this 20th of May 1882  
Solon B Smith

Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION



09 16

**BOX:**

70

**FOLDER:**

785

**DESCRIPTION:**

Morrissey, John

**DATE:**

06/16/82



785

0917

WITNESSES.

174

(C)

Counsel, *McKeon*

Filed 16 day of June 1882

Pleads, *Forfeiture (19)*

THE PEOPLE

*vs.*  
*John Morrissey*

INDICTMENT.

*Extenuating Larceny from the Person.*

JOHN McKEON,

*Part 2. June 29/82 District Attorney.*

*Pleads Guilty*  
A True Bill.

Foreman.

*John Morrissey*



09 18

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 Morrissey

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

John Morrissey

of the CRIME OF LARCENY (from the person)

committed as follows:

The said John Morrissey

late of the First Ward of the City of New York, in the County of New York,  
aforesaid, on the ~~fourteenth~~ 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 seven dollars*

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

JOHN McKEON, District Attorney.

0919

BAILLED,  
No. 1 by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_

174 & 576  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Hargreaves  
24 August 1887  
John Morrissey

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Offence, attempted Larceny  
from person

Dated 14 June 1887

J. Gardner Magistrate.

Shenard Thomas Officer.

5 General Clerk.

Witnesses, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_

\$ 1000 to answer \_\_\_\_\_

1592  
DISTRICT CLERK'S OFFICE  
JUN 15 1887

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 Morrissey

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 14 June 1887 Shenard Thomas Police Justice.

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

Dated \_\_\_\_\_ 1887 \_\_\_\_\_ 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 \_\_\_\_\_ 1887 \_\_\_\_\_ Police Justice.



0920

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

187 District Police Court.

John Morrissey 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.

John Morrissey

Taken before me this

day of

188

George Chapman Police Justice.

0921

186 District Police Court.

Affidavit—Larceny.

CITY AND COUNTY,  
OF NEW YORK, ss.

of No.

24 Laight

Street,

William Jacquemin  
30 years Watch Maker

being duly sworn, deposes and says, that on the

14<sup>th</sup>

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, <sup>attempted to be</sup> and from deponent's person in the day time the following property, viz:

One silver watch of the value seven 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 <sup>attempted to be</sup> John Morrissey (now here)

from the fact that while deponent was on West street in said city said defendant came up to deponent and took the watch out of the pocket of the vest then and there worn by deponent at said time said watch was attached to a steel chain which was fastened to a button hole in said vest deponent seeing said <sup>watch</sup> in said defendant's hand did by force take it away from defendant when deponent had secured his watch



0922

Said defendant assaulted deponent  
wherefore deponent Charges said defendant with  
attempting to take steal and carry away from  
deponent's person the aforesaid property as aforesaid

Sworn to before me this  
14 day of June 1882

Wilhelm P. P. P.

Hugh Cassin Police Justice

District Police Court.

THE PEOPLE &  
ON THE COMPLAINT OF  
THE DISTRICT ATTORNEY  
OF THE CITY OF NEW YORK  
vs.  
[Name of Defendant]

Dated 1882

Magistrate.

Officer.

WITNESSES:

DISPOSITION

1882

0923

**BOX:**

70

**FOLDER:**

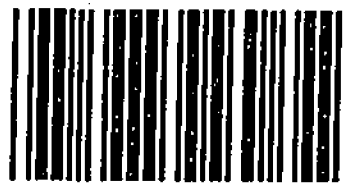
785

**DESCRIPTION:**

Morton, Georgiana

**DATE:**

06/09/82



785



WITNESSES.

Day of Trial,

Counsel,

Filed 9 day of

1882

Pleads

THE PEOPLE

vs.

P.

Georgia Morton

Felonious Assault and Battery.

JOHN McKEON,

District Attorney.

A True Bill.

Foreman.

July 17/82  
Chas. J. H. [Signature]

0925

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Georgiana Morton*

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

*Georgiana Morton*

of the CRIME OF "Assault and Battery upon another with a deadly weapon with intent to kill," committed as follows:

The said

*Georgiana Morton*

late of the City of New York, in the County of New York, aforesaid, on the  
*thirtieth* day of *May* 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 *George W. Johnson*  
in the peace of the said people then and there being, feloniously did make an assault  
and *him* the said *George W. Johnson*  
with a certain *razor* *George W. Johnson*  
which the said *Georgiana Morton*

in *her* 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 *him* the said *George W. Johnson*  
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

*Georgiana Morton*

of the CRIME OF "Assault upon another, without justifiable or excusable cause, with a  
sharp dangerous weapon, with intent to do bodily harm," committed as follows:

The said

*Georgiana Morton*

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 *George W. Johnson*

then and there being, wilfully and feloniously did make an

assault and *him* the said *George W. Johnson*

with a certain

*razor*

which the said

*Georgiana Morton*

in *her* right hand then and there  
had and held, the same being then and there a sharp, dangerous weapon, wilfully and  
feloniously, and without justifiable and excusable cause, did then and there beat, strike,  
stab, cut and wound, with intent to then and there wilfully and feloniously do bodily  
harm unto *him* the said *George W. Johnson*  
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.



0926

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_

Sec. 208, 209, 210 & 212.

Police Court 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

George W. Johnson  
156 W 130  
Georgiana Morton

Florida  
Assault

Dated June 30 1882

Smith Magistrate.

Me Gue 29 Officer.

Clerk.

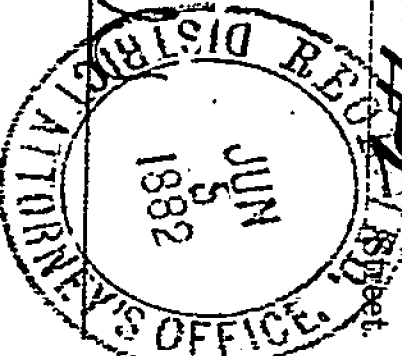
W. H. H. Lee

No. 7076 Peacock Street,

No. 403 East 19 Street,

No. 403 East 19 Street,

No. 403 East 19 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 Georgiana Morton

guilty thereof, I order that she, be held to answer the same and be committed to the Warden or Keeper of the City Prison and give such bail of Hundred Dollars and be com-

Dated June 30 1882

Solomon 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.

0927

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 DISTRICT POLICE COURT.

Georgiana Morton 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 he see fit to answer the charge and explain the facts alleged against ~~her~~ that he is at liberty to waive making a statement, and that ~~her~~ waiven cannot be used against ~~her~~ on the trial,

Question. What is your name?

Answer.

Georgiana Morton

Question. How old are you?

Answer.

Twenty four years

Question. Where were you born?

Answer.

Washington DC

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

Answer.

Orange N.J.

Question. What is your business or profession?

Answer.

I do day work

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. The complainant put his hands under my clothes and I struck him with my hand. He then tried to strike me with a cane. He was knocked down by a man. I did not see any razor.

Georgiana Morton

Taken before me, this 30

day of June 1887

Solomon B. Smith Police Justice.



0928

Police Court— 2 District.

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

George W. Johnson  
of No. 156 West 34th Street,

16 years of age being duly sworn, deposes and says, that

on Tuesday the 31st day of May

in the year 1882 at the City of New York, in the County of New York.

he was violently and feloniously ASSAULTED and BEATEN by Georgiana

Morton (now here) who cut deponent

on his wrist with a razor then and

there held in the hands of said Georgiana

putting the arteries in deponent's wrist

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, etc., and be dealt with according to law.

Sworn to before me, this 3d day  
of June 1882;

Solomon B. Smith  
POLICE JUSTICE.

George W. Johnson  
his mark

0929

BOX:

70

FOLDER:

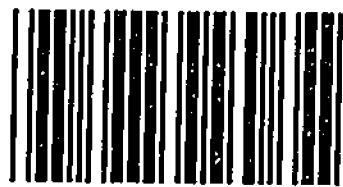
785

DESCRIPTION:

Morton, Thomas

DATE:

06/12/82



785



0930

WITNESSES:

Counsel, *107*  
Filed *19* day of *June* 188*2*

Pleads *Not Guilty* 13

THE PEOPLE

vs.

*Thomas Norton*

*vs. E. Bray*

INDICTMENT.  
LARCENY FROM THE PERSON.

JOHN McKEON,

District Attorney.

*22 Nov 19. 1882*

*pleads guilty*

A True Bill.

*Levi: One year & 6 mo*

*Edward M. Freeman*

*for*

0931

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 Morton*

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

*Thomas Morton*

of the CRIME OF LARCENY from the person

committed as follows:

The said

*Thomas Morton*

late of the First Ward of the City of New York, in the County of New York, afore-  
said, on the *seventh* 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 pocketbook of the value  
of one dollar one promissory note  
for the payment of money the same being  
then and there due and unsatisfied and  
of the kind known as United States  
Treasury Notes for the payment of and  
of the value of five dollars. one silver  
coin of the United States of America and of  
the kind known as trade dollars of  
the value of one dollar*

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



0932

**PART 2.**

THE COURT-ROOM IS IN THE THIRD STORY, AND FRONTING THE PARK.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the Officer at the Court-Room door; that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

**SUBPOENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To

of No.

Street,

*Off. Connor is on a funeral till the 17<sup>th</sup>*

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 *13* day of *June* instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

*Thos. Morton*

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 *June* in the year of our Lord 188 *2*

DANIEL G. ROLLINS, District Attorney.

*John McEen*

0933

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

Office 103  
Police Court - 157 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Alta Hasenow  
37 West 2nd  
Thomas Morton

Office Peter Lavery  
from person

Dated June 7 1882

Matthew Magistrate  
Cowan C. Officer

Ward Clerk

Witnesses, Neill Dr. Cowan  
No. 6 West 10th Street

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

No. \_\_\_\_\_  
to answer \$ 1000



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 Morton

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 7 1882 J. M. Parnass 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.



0934

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.*Thomas Morton*

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 Morton*

Question. How old are you?

Answer. *Twenty years of age*

Question. Where were you born?

Answer. *New York City*

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

Answer. *94 East Broadway, a few weeks*

Question. What is your business or profession?

Answer. *Police*

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 want further examination here.*

*Thomas Morton*

Taken before me this

day of

*June 1892*

at

*1892*

at

*1892*

at

*1892*

at

*1892*

at

*1892*

at

*1892*

at

*1892*

Police Justice.

0935

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss

*Peter Hagenson*  
of No. *54 West Broadway* Street, *Shoemaker,*  
being duly sworn, deposes and says, that on the *7<sup>th</sup>* day of *June* 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 pocket book containing gold and  
lawful money of the United States,  
consisting of one five dollar  
bill, one silver trade dollar  
and a number of other silver and  
copper coins, for all of the amount  
and value of seven dollars and  
twenty-four cents*

the property of

*deponent*

\_\_\_\_\_ and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by *Thomas Morton, now*

*here, from the fact that about  
the hour of a quarter to 6 o'clock  
A. M. of said day deponent was in  
Catharine Street near Mulberry  
Street and said pocket book and  
money was then contained in  
the left pocket of the pantaloons  
then worn upon deponent's person.  
That said deponent then and  
there approached and spoke to*



0936

deponent and asked deponent to go with him and while he talking to deponent did insert one of his hands into deponents said pocket and stole and carried away said property therefrom and ran away with the same in his possession. That deponent pursued him into the hall way of 3 Mulberry Street where said pocket book and money was found by Officer Connor here present. Sworn to before me this 7<sup>th</sup> day of June 1882 D. H. H. J. J.

J. W. Parsons J. Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0937

**BOX:**

70

**FOLDER:**

785

**DESCRIPTION:**

Mullen, James

**DATE:**

06/12/82



785



0930

Colinus O'Keefe 23<sup>rd</sup>  
Filed 23<sup>rd</sup> day of June 1882  
Pleads Guiltily 03/19/82

THE PEOPLE  
vs.  
James Mullen  
F.  
RECEIVING STOLEN GOODS

JOHN McKEON,  
District Attorney.

A True Bill.

Wm. J. Keane Foreman.  
June 23. 1882  
Specs. & Deputies  
J.W.

0939

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 Mullen*

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

*James Mullen*

of the crime of RECEIVING STOLEN GOODS,  
committed as follows :

The said *James Mullen*  
late of the First Ward of the City of New York, in the County of New York aforesaid, on  
the *fifth* 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.

*one set of harness of the value  
of fifty dollars*

of the goods, chattels and personal property of *James D. Keely* by  
*Alexander Bonick*  
~~by a certain person or persons to the Jurors aforesaid unknown,~~ then lately before  
feloniously stolen, taken and carried away from the said

unlawfully and unjustly, did feloniously receive and have he the said *James Mullen*

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.



0940

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_

5750  
Police Court 217 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Alexander J. Smith  
James Mullen

Offence, Receiving  
Stolen Goods

Dated

June 7th 1882

Magistrate.

Schmidt  
Clerk.

Witnesses

No. 29. Paeruel Street,

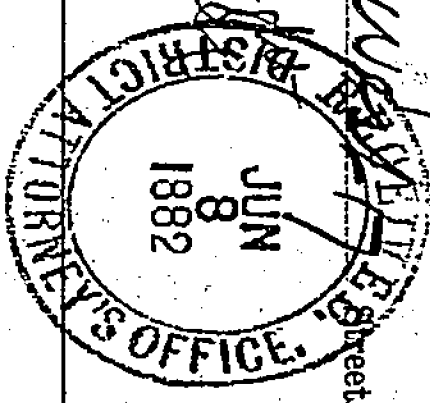
Post 18 Graham

No. 156 West 31st Street,

John Mullen

No. 133 9th Street,

Wm. J. Smith  
Told him he had  
in New Rochelle



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named James Mullen

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

Dated June 7 1882

J. Henry Ford 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.

0941

Sec. 188-200.

2 DISTRICT POLICE COURT.

CITY AND COUNTY } ss.  
OF NEW YORK, }

James Mullen 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 Mullen

Question. How old are you?

Answer.

Thirty six years.

Question. Where were you born?

Answer.

Ireland

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

Answer.

342 7th Ave 4 years.

Question. What is your business or profession?

Answer.

Stableman

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 run the harness was stolen. I bought it in good faith

Taken before me, this

day of

188

7th } James Mullen  
June } man

J. Henry Ford Police Justice.



0942

Form 99.

Sixth District Police Court.

STATE OF NEW YORK.  
City and County of New York, } ss.

*26 years of age - Coachman*

*Alexander Banks*

*of No. 155 West 31st  
Street,*

*being duly Sworn, deposes and says, that on June 5th 1882:*

*James Muller (now here) did feloniously  
and knowingly receive from deponent  
one set of harness of the value of fifty  
dollars which said Muller well knew  
had been stolen by deponent as deponent  
told said Muller at the time he received  
said harness that he (deponent) had  
stolen said harness, and said Muller  
when he received said harness from deponent  
told him he would sell the same for  
deponent.*

*Alexander <sup>his</sup> Banks  
Banks*

*Sworn to before me, this  
of June 1882  
day*

*Police Justice*

0943

**BOX:**

70

**FOLDER:**

785

**DESCRIPTION:**

Muller, Joseph

**DATE:**

06/21/82



785



~~Reasons above.~~  
grounds to believe  
that Sept. broke  
entered the prison  
before & slates  
Lead Pipe  
P.S.

Bill Underwood

Day of Trial

Counsel,

Filed

21 day of

June 188

Pleads

THE PEOPLE

vs.  
H. M. 1881  
blacksmith  
P

Joseph Muller

BURGLARY—Third Degree, and  
Receiving Stolen Goods.

JOHN MCKEON,

District Attorney.

21 June 1881

Plead guilty

A True Bill.

Chadman Foreman.

S. P. Rogers

208  
P.S.

0944



0945

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

THE PEOPLE OF THE STATE OF  
NEW YORK,

against

Joseph Muller

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

Joseph Muller

of the crime of Burglary in the third degree,

committed as follows:

The said

Joseph Muller

late of the Twenty second Ward of the City of New York, in the County of New York,  
aforesaid, on the sixteenth day of June 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

Frances Derschnick

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 Frances

Derschnick

then and there being, then and there  
feloniously and burglariously to steal, take and carry away, and fifty feet of  
hose of the value of twenty cents  
each foot

of the goods, chattels and personal property of the said

Frances Derschnick

so kept as aforesaid in the said store 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



0946

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street, \_\_\_\_\_

Sec 208, 209, 210 & 212

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James J. Davis*  
*542 W 54th St.*  
*Joseph Miller*  
Offence, *Burglary*  
*Larceny*

Dated *June 16* 188 *2*

*Albertus* Magistrate.

*Thomas J. Teas* Officer.

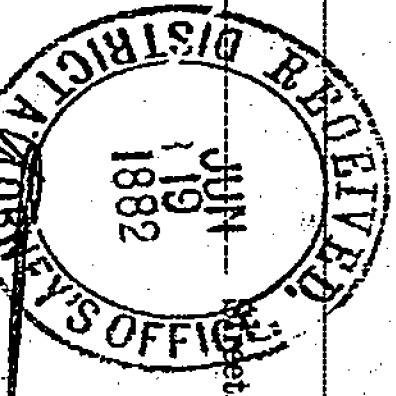
Clerk.

Witnesses \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_



*William Davis*  
*withins law &*

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 *Joseph Miller*

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

Dated *June 16* 188 *2* *Morrell Otter* 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.

0947

Sec. 198-200.

4 DISTRICT POLICE COURT.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Joseph Müller

Question. How old are you?

Answer.

35 years

Question. Where were you born?

Answer.

Germany

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

Answer.

I have no home

Question. What is your business or profession?

Answer.

blacksmith, but I can not  
work, my hand is broke,

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

Answer.

I have entered that statement  
and I have taken that oath  
J. Müller

Taken before me, this 16

day of June

1882

Marcus Stenberg Police Justice.



0948

Police Office, Fourth District.

City and County  
of New York, } ss.

*Andrew Daerschuck* aged 32 years  
 of No. 542 <sup>West 54<sup>th</sup></sup> Street, being duly sworn,  
 deposes and says, that the premises No. 542 <sup>part of</sup> ~~West 54<sup>th</sup>~~ <sup>premises</sup> Street, <sup>part of</sup> ~~West 54<sup>th</sup>~~ Ward, in the City and County aforesaid, the said being a ~~brick dwelling~~  
 and which was occupied by deponent as a ~~storeroom~~

were **BURGLARIOUSLY**  
 entered by means of ~~forcibly removing~~ <sup>of forcibly removing</sup> a wooden  
 brace by which a window opening in  
 said storeroom in the basement of said dwelling  
 house was kept closed  
 on the morning of the ~~thirteenth~~ <sup>fifteenth</sup> day of ~~June~~ <sup>June</sup> 1882  
 and the following property feloniously taken, stolen and carried away, viz.:

*fifty feet of rubber hose, all of the  
 value of ten dollars.*

the property of *Frances Daerschuck* and ~~they~~ <sup>deponent's care and charge</sup> and there in this  
 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 *Joseph Müller* (now here)

for the reasons following, to wit: *that on said day at  
 about four o'clock in the morning  
 deponent saw said defendant, come  
 out of the hallway of said premises  
 with said hose in his possession and  
 walk away therewith. That after  
 ward deponent found that a wooden*



0949

brace by which defendant had  
fastened the lock on window opening  
into said storeroom, and which brace  
had been in place, and position  
on the evening ~~previous~~ <sup>before</sup> ~~to~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~15th~~ <sup>16th</sup> day  
of the 15th day of June 1882; removed  
and said window opened, and said  
rubber hose, which was up to the  
commission of said burglary had  
been in said store room, missing.  
That said defendant ~~was~~ admitted  
afterward to defendant; that he  
had entered said store room, and ~~there~~  
and carried away said rubber hose  
from before me  
this 16 day of June 1882 A J Overchurch  
McCrean Clerk  
Police Justice



0950

BOX:

70

FOLDER:

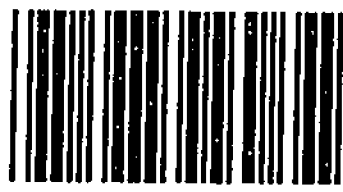
785

DESCRIPTION:

Mundy, William

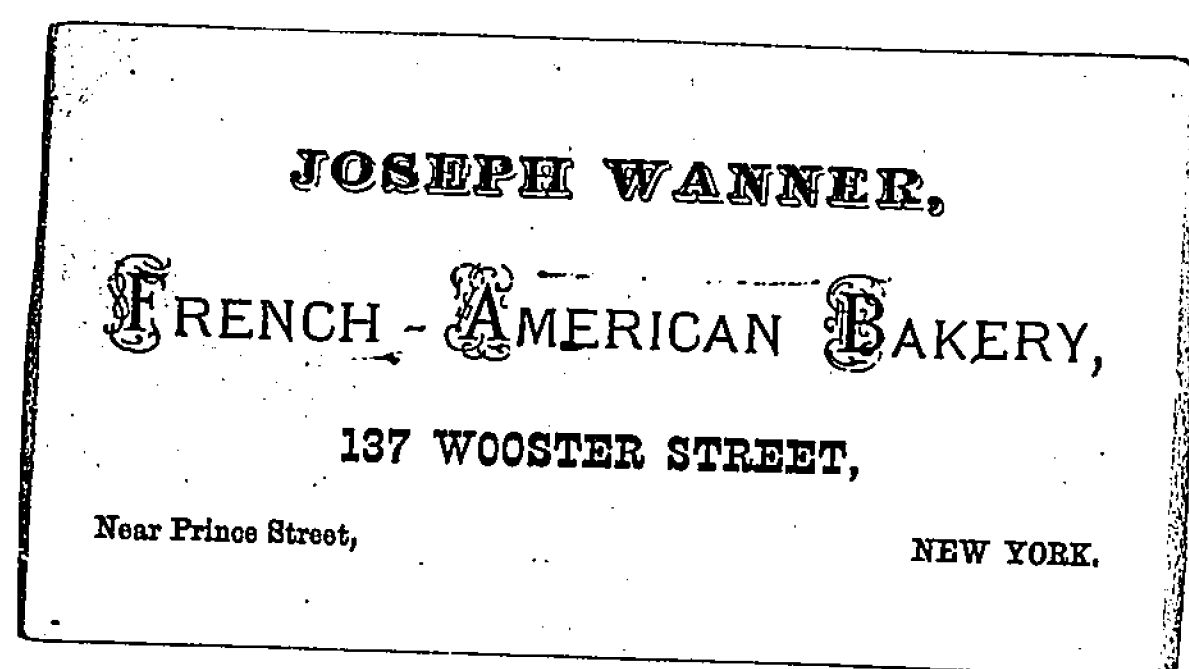
DATE:

06/21/82



785

0951





Mail fees at

#1000 FD  
June 23/82

Exchanged by

W.S. Butcher  
111 William St

Rebilled by  
of Pleasant Manor  
Water Island  
N.Y.

John  
Guthrie  
Chambers

Day of Trial,

Counsel,

Filed - 21 day of June 1882

Pleads

THE PEOPLE

vs. B

William H. Haines

JOHN McKEON,

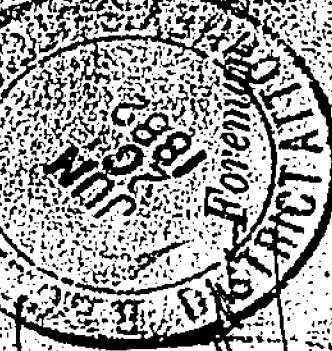
Dany 9/2 District Attorney

Wm. H. Haines 1883

A True Bill

Wm. H. Haines

June 12 1882





0953

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William H. Mundy

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

William H. Mundy

of the CRIME OF Compounding a Misdemeanor  
committed as follows:

One Eliza Porret

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

Certain strong and spirituous

liquors, and certain wines, to wit, one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager-beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one time, to a certain person whose name is to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the people of the State of New York, the same being an offence punishable by imprisonment in a County jail.

And the said William H. Mundy late of the City and County aforesaid, on the first day of June in the year of our Lord one thousand eight hundred and eighty-two, at the City and County aforesaid had



ing a knowledge of the actual commission of the said offence by the said Eliza Porret, unlawfully did take of and from the said Eliza Porret, a sum of money, to wit: the sum of One hundred and fifty dollars in money lawful money of the United States upon an express understanding and agreement on the part of him the said William B. Thundy to compound the said offence and to abstain from a prosecution of the said Eliza Porret therefor, against the form of the statute in such case made and provided, and against the peace of the people of the State of New York and their dignity.

And the Grand Jury by this indictment further accuse the said William B. Thundy of the crime of Compounding a Misdemeanor, committed as follows: one Eliza Porret late of the City & County of New York, on the sixth day of April in the year of our Lord one thousand eight hundred and eighty two, at the City and County aforesaid, with force and arms, certain strong and spirituous liquors and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell in quantity less than five gallons at one time to a certain person whose name is to the Grand Jury aforesaid unknown

Without having a license therefor, as required by law, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the people of the State of New York, the same being an offence punishable by imprisonment in a County jail.

And the said William H. Mundy late of the City and County aforesaid, on the first day of June in the year of our Lord one thousand eight hundred and eighty two, at the City and County aforesaid having a knowledge of the actual commission of the said offence by the said Eliza Porret, unlawfully did take of and from the said Eliza Porret a sum of money, to wit: the sum of One hundred and fifty dollars in money lawful money of the United States upon an implied understanding and agreement on the part of him the said William H. Mundy to compound the said offence and to abstain from a prosecution of the said Eliza Porret therefor, against the form of the statute in such case made and provided and against the peace of the people of the State of New York and their dignity.



And the Grand Jury aforesaid by this indictment further accuse the said William B. Mundy of the Crime of Compounding a Misdemeanor, committed as follows: One Eliza Parret late of the City and County of New York on the sixth day of April in the year of our Lord one thousand eight hundred and eighty two at the City and County aforesaid, with force and arms, certain strong and spirituous liquors, and certain wines to wit: one gill of wine, one gill of brandy one gill of rum, one gill of gin, one gill of whiskey, one gill of Cordial, one gill of bitters, one gill of ale, one gill of porter one gill of beer one gill of Lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell in quantity less than five gallons at one time, to a certain person whose name is to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the people of the State of New York the same being an offence punishable

by imprisonment in a County jail.

And the said William B. Brady late of the City and County aforesaid, on the first day of June in the year of our Lord one thousand eight hundred and eighty two at the City and County aforesaid having a knowledge of the actual commission of the said offence by the said Eliza Porret unlawfully did take of and from the said Eliza Porret a sum of money to wit: the sum of one hundred and fifty dollars in money lawful money of the United States upon an express understanding and agreement on the part of him the said William B. Brady to compound the said offence and to withhold the evidence thereof to wit: upon the express understanding and agreement that he the said William B. Brady should procure one Joseph B. Wilson who was a witness to the commission of the said offence not to appear against her the said Eliza Porret upon the prosecution thereof 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 & their dignity.



And the Grand Jury aforesaid by this indictment further accuse the said William B. Mundy of the crime of Compounding a Misdemeanor, committed as follows: one Eliza Poret, late of the City and County of New York on the sixth day of April in the year of our Lord one thousand eight hundred and eighty two, at the City and County aforesaid, with force and arms, certain strong and spirituous liquors, and certain wines, to wit: one gill of wine one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown unlawfully did sell in quantity less than five gallons at one time, to a certain person whose name is to the Grand Jury aforesaid unknown, without having a license therefor as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the

people of the State of New York, the same being an offence punishable by imprisonment in a County jail.

And the said William B. Mundy late of the City and County aforesaid on the first day of June in the year of our Lord one thousand eight hundred and eighty two at the City and County aforesaid, having a knowledge of the actual commission of the said offence by the said Eliza Parret, unlawfully did take of and from the said Eliza Parret a sum of money, to wit: the sum of one hundred and fifty dollars in money lawful money of the United States upon an implied understanding and agreement on the part of him the said William B. Mundy to compound the said offence and to withhold the evidence thereof to wit: upon the implied understanding and agreement that he said William B. Mundy would procure one Joseph B. Wilson who was a witness to the commission of the said offence not to appear against her the said Eliza Parret upon the prosecution thereof, against the form of the statute in such case made and pro-



vided and against the peace of the people of the State of New York, and their dignity.

And the Grand Jury aforesaid, by this indictment further accuse the said William H. Mundy of the crime of compounding a misdemeanor committed as follows: the said William H. Mundy, late of the City of New York in the County of New York aforesaid, on the first day of June, in the year of our Lord one thousand eight hundred and eighty two, having a knowledge that one Eliza Porret had theretofore, to wit: on the Sixth day of April in the year aforesaid, at the City and County aforesaid, had committed an offence in this that she the said Eliza Porret on said last mentioned day then and there unlawfully sold strong and spirituous liquors in quantity less than five gallons at a time to divers persons, unlawfully and without having a licence therefor, as required by law, and that

the said Eliza Porret had been duly held to answer for the said offence, and that an indictment for the same was then pending against the said Eliza Porret for the said offence in the Court of General Sessions of the Peace in and for the City and County of New York, and unlawfully and unjustly contriving and intending to prevent the due course of justice in that behalf, and to procure the said Eliza Porret to escape with impunity from the pains and penalties imposed by law upon persons convicted of like offences, did then and there unlawfully and unjustly and for the sake of wicked gain, compound the said offence with the said Eliza Porret; and did then and there exact, receive and have, of the said Eliza Porret, the sum of one hundred and fifty dollars in money lawful money of the United States, and of the value of One hundred and fifty Dollars



0962

and in consideration thereof did  
then and there agree with the  
said Eliza Parret, that he would  
abstain from the prosecution of  
her for said offence, and with-  
hold the evidence thereof 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

0963

Statement of  
Charles F. Billings,

Roselle, S. I.

HIM I HAD NOT.

HAD BEEN TO SEE ME. WHEN ABOUT THIS ORIGINAL CASE ACCUSED HIM. I TOLD

WAS BEING TO THE PROSECUTION FOR HER. HE SAID THAT HE HAD HEARD THAT I

THE KING THAT THIS WAS THE FIRST THAT I EVER HEARD OF HIS ATTENDING TO

THE FIRST THAT I EVER HEARD OF HIS ATTENDING TO

A HOTEL. I TOLD HIM NO: THAT HE HAD NEVER MENTIONED THAT TO ME. HE SAID

WAS ATTENDING TO SOME REAL ESTATE BUSINESS FOR HER IN 31ST STREET FOR

FROM HER WITHOUT AUTHORITY. HE WANTED TO KNOW IF I DIDN'T KNOW THAT HE

WAS NOW. HE SAID THAT SHE HAD MADE ASSERTIONS THAT HE HAD TAKEN MONEY



0964

CHARLES F. RILLINGS, OF ROSSVILLE, STATEN ISLAND, MAKES THE FOLLOWING STATEMENT:

ABOUT THIS PORRET MATTER I KNOW THAT MR. MUNDY SENT FOR ME ON FRIDAY PREVIOUS TO THE TIME WE WENT UP THERE; I CAN'T RECOLLECT THE DATE; HE WANTED ME TO GO UP WITH PILSON TO MADAM PORRET'S TO SEE IF WE COULD GET EVIDENCE AGAINST HER FOR SELLING LIQUOR WITHOUT A LICENSE AND FOR KEEPING A DISORDERLY HOUSE; HE ASKED ME WHAT MY TERMS WOULD BE; HE GAVE US A CERTAIN AMOUNT OF MONEY EXPENSES AND TIME. I WENT AND FOUND SHE DID VIOLATE THE LAW, AND REPORTED HER TO MUNDY. HE SAID HE WOULD BRING HER TO TERMS, OR SOMETHING TO THAT EFFECT; I REMEMBER HIS SAYING THAT THIS MADAM PORRET KEPT A VERY BAD PLACE, AND THAT HE HAD WARNED HER TO CLOSE UP AND SHE HAD PROMISED SHE WOULD BUT SHE HAD VIOLATED HER PLEDGE TO HIM AND HE WOULD PUT HER THROUGH; I DON'T KNOW WHAT THE PLEDGE WAS. HE SAID HE WOULD MAKE HER SUFFER FOR IT, OR SOMETHING OF THAT KIND; HE SAID SHE WAS A VERY WEALTHY WOMAN; I CAN'T EXACTLY REMEMBER THE LANGUAGE. THE SUM AND SUBSTANCE OF IT WAS THAT SHE WAS VERY MUCH AFRAID OF HIM; THAT SHE KNEW HE HAD OTHER CHARGES AGAINST HER PREVIOUS TO THIS, AND WE COULD MAKE HER COME TO TERMS, OR SOMETHING OF THAT KIND. THE SUM AND SUBSTANCE OF IT WAS THAT HE HAD HER IN HIS POWER. HE MENTIONED SOMETHING ABOUT GEORGE W. MC'ADAM BEING HER ATTORNEY, AND HE SAID THAT SHE HAD BEEN TO SEE MC'ADAM, AND HE SAID THAT HE DIDN'T KNOW THAT I WOULD BE NEEDED IN THE CASE; THAT HE THOUGHT SHE WOULD SETTLE THE MATTER. I DID NOT ATTEND BEFORE THE GRAND JURY. I WAS IN COURT ONE TIME IN RESPONSE TO A CARD FROM HIM; I THINK IT WAS IN MAY, AND I CAME UP AND SAT IN THE COURT ROOM OF GENERAL SESSIONS FOR SOME TIME AND FOUND THE CASE DIDN'T COME ON. I TOLD HIM I HAD ANOTHER MATTER TO ATTEND TO AND ASKED HIM ABOUT THE PROBABILITY OF THE MATTER BEING REACHED, AND HE TOLD ME TO COME A WEEK FROM THAT DAY, THAT HE HAD MADE UP HIS MIND THAT HE WAS GOING TO SEND HER TO STATES PRISON

0965

ANY HOW. HE SAID THAT SHE HAD MADE ASSERTIONS THAT HE HAD TAKEN MONEY FROM HER WITHOUT AUTHORITY. HE WANTED TO KNOW IF I DIDN'T KNOW THAT HE WAS ATTENDING TO SOME REAL ESTATE BUSINESS FOR HER IN 31ST. STREET FOR A HOTEL. I TOLD HIM NO; THAT HE HAD NEVER MENTIONED THAT TO ME. HE SAID "WHY, YES; DON'T YOU KNOW?" I TOLD HIM THAT I DIDN'T KNOW ANYTHING OF THE KIND; THAT THIS WAS THE FIRST THAT I EVER HEARD OF HIS ATTENDING TO ANY REAL ESTATE TRANSACTION FOR HER. HE SAID THAT HE HAD HEARD THAT I HAD BEEN TO SEE MR. ALLEN ABOUT THIS CRIMINAL CASE AGAINST HIM. I TOLD HIM I HAD NOT.

*Handwritten notes:*  
1. 31st Street  
2. Hotel  
3. Mr. Allen  
4. Criminal Case  
5. I had not



0966

Statement of  
George W. Meadum,  
11, Chamber St.

0967

George W. McAdam makes the following statement:

I am a lawyer. About the 19<sup>th</sup> day of September, 1881, Eliza Porret, then a client of mine, called upon me at my office, No. 11 Chambers Street, with a summons at the suit of Jacob Hess and others, Board of Public Charities and Correction, and told me a sheriff was in charge of her place, under a judgment entered in a case; I made inquiries and found a judgment had been rendered in this suit for \$173.64, on the 12<sup>th</sup> day of September, 1881, in which suit the plaintiffs were represented by William H. Mundy as their attorney. I also found an execution had been issued to the Sheriff and the Sheriff was in charge of the defendant's place. I then advised the defendant to accompany me to Mr. Mundy's office and endeavor to get the judgment opened; we saw Mr. Mundy at his office and I made application to him to open the judgment, offering to pay his costs, but he refused to do this, stating that he would prefer to compromise the claim; being very busy at the time myself I advised the defendant that, with the cost of opening the judgment, together with the Sheriff's fees and her expenses of the trial, that the costs would amount to considerable and perhaps it would be better to settle.

We negotiated about a settlement, and finally Mr. Mundy said he must have \$100 to compromise the claim, which he was obliged to deposit to the credit of the city, and in addition to that he must have his costs. It was finally agreed to pay him \$100 for the purpose of depositing it to the credit of the City, \$25 costs to himself and one half of the Sheriff's fees, amounting to \$5. The judgment was thereupon vacated by consent and the action discontinued.



0968

Statement of  
Joseph Pilsan,  
62, Ridge St.

A call  
Please

THE TYPE  
FOR MYSELF BOBBEL. MONDAY SAID HE HAD NOT RECEIVED A CALL FOR CALLING  
HIM ABOUT IT. I HEARD HE HAD MONDAY SAY SOMETHING ABOUT CALLING THIS TYPE  
AND I WOULD LIKE TO HAVE SOME OF THE OTHERS I HEARD HE HAD  
MIGHT HAVE BEEN IN HIS OFFICE ONCE IN A WHILE. I WAS OBSOBERVED. I DON'T  
ED IT WOULD COME OFF AND BELIEVE ME OF IT. SINCE MONDAY WAS INDICATED I  
THAT IT WOULD COME ON IN HIS TURN AND NOT MINE. I TOLD HIM THAT I WISH  
HE SAID HE TWO DOLLARS EACH TIME TO ATTEND THE TRIAL. MONDAY TOLD ME

0969

JOSEPH PILSON, OF NO. 62 RIDGE STREET, NEW-YORK CITY, MAKES THE FOLLOWING STATEMENT:

MR. MUNDY SENT FOR ME ONE DAY TO COME UP TO HIS OFFICE, AND WHEN I WENT THERE HE WANTED TO KNOW IF CHARLES F. RILLINGS WOULD GO UP TO MADAM PORRET'S PLACE AND FIND OUT IF SHE WAS KEEPING A PLACE THAT WAS REPRESENTED TO HIM AS A DISORDERLY HOUSE, AND IF SHE WAS SELLING LIQUOR WITHOUT A LICENSE, AND I SAID ALL RIGHT, THAT I WOULD GO UP; HE SAID THE PEOPLE AROUND THERE WERE COMPLAINING ABOUT IT AND THAT THEY COULD DO NOTHING WITH HER; THAT NOBODY COULD GET THE EVIDENCE AGAINST HER. RILLINGS AND I WENT UP THERE AND BOUGHT LIQUOR IN THE NIGHT; THAT WAS IN THE MONTH OF APRIL LAST; THEN WE WENT AND REPORTED IT TO MR. MUNDY AND HE TOLD ME TO GO BEFORE THE GRAND JURY, OR AT LEAST HE TOLD ME TO MAKE A COMPLAINT IN THE ESSEX MARKET COURT. I DID MAKE A COMPLAINT. THE OFFICER WENT UP THERE AFTER HER AND SHE WAS HELD TO BAIL IN ONE HUNDRED DOLLARS, AND THEY HELD ME AS A WITNESS IN ONE HUNDRED DOLLARS BAIL; BOTH OF US PROCURED BAIL, AND THEN I APPEARED BEFORE THE GRAND JURY AND SHE WAS INDICTED, AND I GOT SOME HALF DOZEN SUBPOENAS AND CAME DOWN TO THE TRIAL BUT IT NEVER TOOK PLACE; IT WAS ALWAYS POSTPONED. I EVEN WENT TO MUNDY'S OFFICE AND TOLD HIM THAT THE POSTPONMENTS WERE ANNOYING TO ME; THAT I WAS WORKING AT MY TRADE AND THAT I WANTED TO KNOW WHEN IT WOULD COME OFF; HE TOLD ME IT WAS PUT OFF ON THE CALENDAR BUT HE DIDN'T KNOW FOR WHAT. I WENT DOWN TWO OR THREE TIMES AND ONE DAY I CAME DOWN AND IT WAS ON THE CALENDAR. I ASKED MUNDY ABOUT IT, AND HE TOLD ME TO GO AND ASK THE DISTRICT ATTORNEY WHEN IT WAS COMING ON. I CAME AND I THINK I SAW MR. ALLEN AND TALKED TO HIM ABOUT IT AND HE SAID THEY WOULD NOTIFY ME WHEN IT WOULD COME ON AGAIN. MUNDY NEVER SAID ANYTHING TO ME ABOUT STAYING AWAY; HE PAID ME TO GO UP THERE TO MAKE THE COMPLAINT; HE GAVE ME TWO DOLLARS; I CAME DOWN TO THE TRIAL SIX OR SEVEN TIMES; I WAS PAID EVERY TIME I CAME DOWN;



0970

HE PAID ME TWO DOLLARS EACH TIME TO ATTEND THE TRIAL.; MUNDY TOLD ME  
THAT IT WOULD COME ON IN ITS TURN AND NOT UNTIL; I TOLD HIM THAT I WISH-  
ED IT WOULD COME OFF AND RELIEVE ME OF IT. SINCE MUNDY WAS INDICTED I  
MIGHT HAVE BEEN IN HIS OFFICE ONCE IN A WHILE. I WAS SUBPOENAED. I DON'T  
KNOW WHAT THEY WANTED TO PROVE BY MR. SHAEFER, AS I NEVER TALKED WITH  
HIM ABOUT IT; I NEVER HEARD MUNDY SAY ANYTHING ABOUT SETTLING THIS CASE  
FOR MADAM PORRET. MUNDY SAID HE HAD NOT RECEIVED A CENT FOR SETTLING  
THE CASE.

*[Handwritten notes and signatures in the left margin, including "9/11/34" and "J. Edgar Hoover"]*

0971

Statement of  
Frank J. Middlebrook,  
295, Water St.



0972

FRANK S. MIDDLEBROOK, OF NO. 295 WATER STREET, IN THE CITY OF NEW-YORK,  
MAKES THE FOLLOWING STATEMENT:

AFTER PROCEEDINGS HAD BEEN COMMENCED  
IN THE MARINE COURT AGAINST MADAM PORRET, OF WHICH MUNDY HIMSELF TOLD  
ME, HE SENT ME UP TO HER PLACE TO GET HER TO ADMIT THAT SHE SOLD LIQUOR  
WITHOUT A LICENSE AND KEPT A DISORDERLY HOUSE. SHE ADMITTED SHE SOLD  
LIQUOR WITHOUT A LICENSE AND ALSO KEPT A DISORDERLY HOUSE. I ASKED HER  
A LEADING QUESTION AND SHE ADMITTED IT. I REPORTED THIS TO MUNDY AND  
HE SENT ME UP WITH A WRITTEN LETTER, EMBODYING ALL THE TESTIMONY I HAD  
GOT FROM HER, WHICH SHE SIGNED, AS BEING THE MEANS OF GETTING HER OUT OF  
THE SCRAPE. HE TOLD ME TO TELL HER THAT. THIS WAS SOMETIME IN SEPTEMBER,  
1881. THEN SOME DAYS AFTERWARDS HE TOLD ME TO TAKE UP TWELVE SUMMONSES  
AND SERVE THEM ON HER AT ALL HAZARDS. I WENT IN THERE AND TOLD HER, TO  
SHOW HER WHAT FEELING I HAD FOR HER AS A FRIEND, THAT I HAD HOOKED OUT  
OF HIS DESK TWELVE SUMMONSES; I SHOWED HER ONE; SHE SAW THE WHOLE OF  
THEM. "NOW", SAID I, "YOU KEEP THESE AND DON'T LET ANYBODY SEE THEM,  
NOR TELL ANYTHING ABOUT IT". HE HAD THEM ALL READY FOR HER AND HE  
TOLD ME I MUST HAVE THEM SERVED ON HER, AND HE SAID IF I DID IT IN THE  
REGULAR WAY SHE WOULD GET FRIGHTENED ABOUT IT AND WOULD GO TO HER LAW-  
YER. SHE TOOK THEM AND KEPT THEM, AND THE RESULT WAS THAT JUDGMENTS WERE  
TAKEN AGAINST HER BY DEFAULT. HE SAID "NOW, I WILL MAKE HER PAY HAND-  
SOMELY; I HAVE GOT HER JUST WHERE I WANT HER". THEN, AGAIN, AFTERWARDS  
I WENT UP TO SEE HER TO GET HER TO COME DOWN AND SETTLE, TO INDUCE HER  
TO COME DOWN TO HIS OFFICE TO SETTLE. I FOLLOWED HER TO THE BOWERY BANK,  
AND CALLED HER OUT AND TOLD HER THAT THE CASE WAS VERY BAD AGAINST HER  
AND THAT SHE HAD BETTER COME DOWN TO SEE MR. MUNDY.

0973

DISTRICT ATTORNEY'S OFFICE.

New York,

188

People  
vs  
Maunday }

I Prove Corruptness of the Officers  
by Mr. Parrott & Persons  
That she had not been

2 That Maunday had a  
knowledge of the Corruptness  
of the Officers  
Proven by Persons  
who went there to get the  
Ordinary by Corruptness  
with Persons & M.P.

3 She promised not to  
procure if money paid



0974

New York May 4<sup>th</sup> 84  
Judge Geldersloot  
Your Honor

I hope you will kindly pardon  
the liberty I take in addressing you  
these lines but I feel as if I must in  
some way try to acquaint you with  
the real facts which has caused me this  
anxiety & trouble. As I believe that if all  
the facts in my case had been properly  
& truthfully stated at my trial I would  
never have been found guilty.

There is no man in this city or in this  
world who can be found who could or  
would make an affidavit against  
me accepting that bad man William  
Monday & then men employed in his  
office. I have submitted to being  
blackmailed by Monday for over three  
years & have paid him many hundreds

of dollars until at last I found I could not submit longer to his exorbitant demands. In my distress I appealed to Capt. Williams & to my Council Mr. George McAdams & they both advised me not to give Munday another cent. I have done as they advised & the consequence is I am now in the stocks. I almost feel as if it would have been better for me to have continued to be blackmailed by Munday & his employees than it is to be compelled to suffer as I am now suffering.

Two years ago Munday was indicted for blackmailing the people & two of his men who were now in his office at 167 Broadway, Mr. Spang & another did swindle me out of one of my houses to the value of \$8800 & also swindled me out of a note for \$1000. They gave me in payment for my house some bogus stock of called European Medicine Co. such company never existed & I had them indicted for swindle. This happened

two years ago. Yet the indictments against them have never been tried. They have managed in some way to postpone their trial & now in order to prevent me from pushing my case against them they are doing all they can against me. Why does not the District Attorney look into the character of these men & punish them as they deserve.

I have stood their blackmail until it became unbearable. I could not go about the city to attend to my business unless I was followed by Munday or some of his men requesting me to give them money or they would harm me or arrest me. At one time I paid Munday (through my lawyer Mr. George Parliam) \$200 & he then agreed to let me alone yet in less than a week he was again following me up & asking for more. Only about two weeks ago two of Munday's men came to my house & tried to sell me an affidavit which they had made against me.



0976

by them. they said I could have it for  
\$850. and that if I would give them  
\$8200 they would get all the witnesses  
against me out of the way. they called  
on me twice for this purpose but I refused  
to accede to their demands & told them  
that they might go ahead as I was not  
doing any wrong & refused to be blackmailed  
any further by them.

If your Honor will kindly take  
the trouble to enquire in regard to me  
of Judge McAdams or Capt. Williams  
these gentlemen have known me for years  
& I could give the address of many gentlemen  
of this city who I am confident would  
say nothing disparaging of myself or  
my place of business.

Hoping that your honor will  
kindly look into my case & see that I  
am relieved from this distressing  
position. I am very respectfully  
Elizabeth Perret.

0977

Court of General Sessions.

-----x  
The People :  
- vs. - :  
Eliza Porret. :  
-----x

City and County of New-York, SS.:

Nathaniel W. Morehead, being duly sworn, deposes and says: That he resides at No. 780 Eighth Avenue, in the City of New-York; that in the latter part of October, 1883, he visited the premises No. 54 West 31st. street, in the City of New-York, occupied by the above named defendant, accompanied by six other gentlemen, who were not residents of the State of New-York and are not now in said State; that there deponent saw four girls exhibit themselves in a nude state and perform immoral and disgusting acts among themselves, known as the "Flee Act"; that deponent paid the sum of fifty five dollars to the said four girls for so exhibiting themselves; that deponent and his friends had two bottles of wine in said house, for which deponent paid the sum of ten dollars to the waiter called "John".

Sworn to before me, this :  
29<sup>th</sup> day of April, 1884. :

*John N. Greeman*  
Notary Public, N. Y. Co.

*N. W. Morehead*



Wm. J. Bennett

De la Cruz

*[Handwritten signature]*

1000

*Edwards*

[illegible]

0979

Court of General Sessions.

-----x :  
The People :  
- vs.- :  
Eliza Porret. :  
-----x

City and County of New-York, SS.:

John W. Childs, of No. 47 Warren street, in the City of New-York, being duly sworn, deposes and says:: That on two occasions during the month of March, 1884, he went to No. 54 West 31st. street, in the City of New-York, occupied by the above named defendant, in pursuit of his investigations on behalf of the Roosevelt Committee under the auspices of the Society for the Prevention of Crime; that while in said house deponent was solicited by the female inmates of the said place, of whom there were about eight or ten, to go upstairs for the purpose of having carnal intercourse, for which they wanted deponent to pay from one to two dollars for the room and from fifty cents to one dollar for themselves.

Sworn to before me, this :  
29' day of April, 1884. :

*Isaac Hollister 214*  
Notary Public, N. Y. Co.

*John W Childs*



0980

295. Water St

New York July 2/82

Dear Sir

If I can be of  
use to your Client Madame  
Perrot in the Mundy  
Case, you can judge of its  
importance by calling on  
me at the above no. I am  
Shipping Clerk & am very  
busy, so cannot leave the  
Store but am in all day.  
I have done work for  
Mundy off & on for 8 years  
& in his last "Hail" served  
several hundred summonses  
& know all about his doings.  
I served the Madame with  
12 summonses & got her to  
sign a letter committing herself  
to Mundy, & then her he  
swindled her out of money.

0981

as well as others, he has done  
me wrong & I should like  
the chance to be the man  
of shutting up such a  
disgraceful & harmful. I  
have besides some papers  
which will report all of his  
judgments.

As I don't know  
your name or address I send  
this to care of Madame  
Judge McAdam - Brother  
who her Lawyer

Yours Truly  
Frank L. Middlebrook  
care  
Bramhall. Tenn. 376  
295. 1st St



0982

Will Madam Plessy  
give this to her Lawyer  
immediately

0983

to  
John Mc Kenney  
General Attorney

Writ dismissed and  
prisoner remanded  
May 27. 1882

Wm. W. W.



0984

W. Reid Gould, Law Blank Publisher and Stationer, 188 Nassau St., N. Y.

The People of the State of New York, TO  
John Mc Ken District Attorney  
of the City & County of New York

CERTIORARI  
TO CERTIFY CAUSE OF  
DETENTION.

GREETING:

We Command you, That you certify fully and at large to certify me  
one of the Justices of the Supreme Court  
of the State of New York at the Chambers  
of the Court of Appeals at New York  
on May 27th 1882 at 10 O'clock A.M.  
the day and cause of the imprisonment of Mordchai  
Sovis together with all papers  
by you detained; as is said, by whatsoever name the said Mordchai

Sovis  
shall be called or charged; and have you then this writ.

Witness, Wm Charles Sproule  
the 26th day of May 1882

Charles F. Schampain  
Attorney.  
for petitioner  
293 Broadway  
N. Y. City

C. D. Sproule  
Clerk  
By the Court Wm H. Dwyer

0985

Hon. Secy,  
Supreme Court,

The People  
vs.

James Leary

Law Offices of

William H. Mundy,

No. 176 Broadway,

New York, April 15 1882

Hon. John M. McKim

Dear Sir

Repeated complaints have  
come to me of repeated violations  
of the Excise Law in this Reform  
Club who keeps a disordered house  
in Stanton Street - a bad place -  
without the pretence of a license  
either State or National.

The case has been held  
to trial - The papers are in your  
office. I beg your kindness to per-  
mitting the case to go before the  
Grand Jury on Monday if convenient.

As I have not the  
honour of a personal acquaintance  
I beg leave to refer you to His Honor  
Richard W. Taylor, or His Honor Judge  
Abraham Quinn.

Very Respectfully

W. H. Mundy



0486

STATE OF NEW YORK?

City and County of New York, ss:

William ZORNTLEIN, being duly sworn deposes and says: That he was looking after certain interests of Eliza Porret, in Wall Street, from May 1882 up to about the month of December 1882, the year in which William H. Mundy was arrested on the complaint of said Porret, and knows all about the history of the affair.

Mrs. Porret told deponent that the complaint was not true but that she consented to make it to get rid of the indictments then pending against her. She said that Mr. O'Byrne promised to have her indictments dismissed, and to protect her in case she was arrested for perjury.

She <sup>was</sup> always afraid when the case was on the Calendar. She said that Mr. O'Byrne told her not to admit that any prostitute ever came into her place, and a detective was at her place frequently urging her to "STICK". She said she paid the detective \$500.00. That she had only \$450.00 with her at the time, but that he would not take this sum, and made her ~~get~~ get the other \$50.00, as \$500.00 was the amount agreed upon. She said that Mr. O'Byrne told her that they did not care "for a hundred such indictments as hers", that MUNDY was the MAN they were after". She held out for some time before yielding. She said that she had to do it to get rid of her indictments.

Sworn to before me this  
1st day of May 1884.

*Henry C. Smith*  
*Notary Public*  
*City and County of N.Y.*

*William Zornstein*

0987

606 BM

Trial for

Counsel,

Filed 28 day of June 1882

Pleas

THE PEOPLE

Elizabeth Marquet

vs.

Indictment for Disorderly House

James C. Collins,

John J. Keane,

District Attorney.

A True Bill.

Foreman.

Bailed by

Joseph Hanner

107 Haasler

NEW YORK  
COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK



0988

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

THE PEOPLE OF THE STATE OF  
NEW YORK,

against

*Elizabeth Meriquet*

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

*Elizabeth Meriquet*

of the crime of

*keeping and maintaining a disorderly house*

committed as follows:

The said

*Elizabeth Meriquet*

late of the *eight* Ward of the City of New York, in the County of  
New York, on the *first* day of *May* in the year of our  
Lord one thousand eight hundred and eighty *two* and on divers other days  
and times, between that day and the day of the taking of this Inquisition, at the City  
and Ward, and in the County aforesaid, did keep and maintain, and yet continue to  
keep and maintain, a certain common, ill-governed and disorderly house, and in  
*her* said house, for *her* own lucre and gain, certain persons, as  
well men as women, of evil name and fame, and of dishonest conversation, to frequent  
and come together, then and on the said other days and times, there unlawfully and  
wilfully did cause and procure, and the said men and women, in *her*  
said house, at unlawful times, as well in the night as in the day, then and on the said  
other days and times, there to be and remain, drinking, tippling, gambling, rioting,  
disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully,  
did permit, and yet continues to permit, to the great damage and common nuisance of  
the People of the said Ward, there inhabiting and residing, and of all the people there  
passing, to the evil example of all others in the like case offending, and against the  
peace of the People of the State of New York, and their dignity.

~~DANIEL C. ROLLINS,~~

~~BENJ. K. PHELPS,~~

*John McKeon*  
District Attorney.

0989

DISTRICT ATTORNEY'S OFFICE,

New York,

188

Will I take  
personal property  
in this case?

R. J. Murphy

Yes  
JB



0990

N. Y. General Sessions of the Peace

THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Elizabeth Meriquet*  
*160 West 1st St*  
*Brooklyn*

*\$500 Bail*

*O'Byrne*

Bench Warrant for Misdemeanor.

Issued

*June 28th* 188*5*

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

0991

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 28 day of June  
1882, in the Court of General Sessions of the Peace, of the County of  
New York, charging Elizabeth Meriquet  
with the crime of Keeping disorderly house

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

City of New York, the 28 day of June 188 2

By order of the Court,

[Signature] Clerk.



0992

Monday

Mr. J. L. Middlebrook  
at 295 Water

0993

*Call*  
DISTRICT ATTORNEY'S OFFICE,

*New York,*

188

Call for letter sent by  
Monday - per J. S. Meddall  
to Mr. Cornwell for her to sign  
and which was set to Monday  
about Oct. 81

Prove it was never on  
the calendar: but once



0994

being confessedly Keepers of places  
of ill-repute, as Deponent is informed  
and believes. William H. Murray

Sworn to before me  
this 30<sup>th</sup> day of June 1882.

D. Parker  
Notary Public  
City of New York,

Attest

W. H. Murray

30<sup>th</sup> June 1882

Ask Pelling  
of the cases in  
Cincinnati

0995

Verdict of General Sessions

The People

against

William H. Mundy

City & County of  
New York ss:

William H. Mundy being  
duly sworn deposes & says.

That he is the defendant  
herein. That he has worked de-  
ligently and in perfect good faith  
to be ready for trial today.

That he has been confined  
in the Tombs for (6) six days last  
past and has had no opportunity  
to see or talk with any of his  
witnesses save his office boy.

That one witness, Charles  
F. Pellings, who was with the  
complainant against Eliza Corbett  
and purchased the liquor at her  
place, is in Cincinnati, Ohio, and  
deponent cannot therefore procure  
him. He sent a Postal Card  
from Cincinnati to deponent



which Card is in Deponents' Cell.

Deponent expects to Prove by him, not only that Deponent directed him always to appear and testify against said Eliza Porrett, but actually paid him for appearing, the charge against Deponent being that Deponent withheld such evidence, as Deponent is informed and believes.

Besides another witness who is material to Deponents' defense, James C. de la Mare, an attorney and Counsellor at Law, is actually engaged trying a Cause before Judge Larremore in the Supreme Court. Deponent expects to Prove by him that the money paid by Mrs Porrett was on account of the purchase of real Estate for her, on her Promise to reform her Place and to aid in breaking up other Places of ill-repute in the neighborhood.

Another witness James ~~Snitch~~ Wanger, was subpoenaed by a boy,

Deponent not knowing that he was too young to serve the subpoena. He is not present in Court.

Deponent proposes to prove by him that said Eliza Porrett said that deponent never asked her for a dollar for or on account of any Excise matter and that nobody ever asked her for him.

Furthermore deponent desires time, now that he has bail ready, to prepare his case for trial.

Deponent has been physically unwell and so depressed by reason of his confinement in the Tombs, that he has not been in condition to prepare his case and has not seen his witnesses, except his office boy before today. Deponent most solemnly assures the Court that there is not foundation in fact for the charge against him, but that is afraid of perjured testimony, the witnesses against him



0998

being confessedly Keepers of Places  
of ill-repute, as Defendant is informed  
and believes. William H. H. H.

Sworn to before me  
this 30<sup>th</sup> day of June 1882.

W. H. H.  
Notary Public  
City of New York,

W. H. H.

W. H. H.

30<sup>th</sup> June 1882

and Release  
of the same in  
the Court

0999

Statement of  
Wm. Gaudin.

Sept 28 7  
Nov 17 1874  
Wm.

I COULD NOT CONTROL HER.

THE BEAT ESTIMATE FOR HER. I TOLD HER THAT I WOULD DO MY BEST. BUT THAT

WHEN SHE SHOULD SAY THAT SHE SAID HIM ON THE PRESENCE OF DISCHARGE

AND HE WOULD. BUT THAT I SHOULD INSIST THAT WHEN SHE SHOULD BE CALLED



1000

WILLIAM ZORNTLEIN MAKES THE FOLLOWING STATEMENT:

MRS. PORRET TOLD ME THAT SHE WANTED TO SELL OUT HER BUSINESS IN 31ST. STREET BECAUSE SHE COULD NOT AFFORD TO FEED MUNDY ANY LONGER; THAT WAS, I BELIEVE, THE THIRD WEEK IN APRIL, 1882. I BOUGHT HER PLACE ON THE 26<sup>th</sup> OF APRIL, IF I REMEMBER CORRECTLY, BUT NEVER TOOK THE MANAGEMENT OF IT MYSELF; I LEFT IT IN HER HANDS AS I HAD CONFIDENCE IN HER AND SHE WAS NOT READY TO LEAVE ON ACCOUNT OF HER BUSINESS AFFAIRS. SHE WAS ARRESTED ON OR ABOUT THE FIRST OF MAY, 1882, AND WHEN I CAME THERE THE SAME DAY SHE TOLD ME OF IT. THE NEXT MORNING I CAME DOWN HERE WITH HER; BEING A PROPERTY HOLDER IN THE CITY I GAVE BONDS FOR HER APPEARANCE; I GOT AN ORDER FROM THE DISTRICT ATTORNEY'S OFFICE TO DRAW THE MONEY SHE HAD PREVIOUSLY DEPOSITED IN THE CITY MARSHAL'S OFFICE; I WENT WITH HER TO MR. MUNDY'S OFFICE; THAT IS THE FIRST TIME THAT I EVER SAW HIM, AND SHE INFORMED HIM THEN THAT I HAD BOUGHT THE PLACE FROM HER. IN CONVERSATION WE SPOKE OF THE INDIOTMENT AGAINST HER AND HE SAID THAT HE COULD KEEP THE WITNESSES AWAY FROM APPEARING IN COURT. SHORTLY BEFORE WE LEFT SHE REQUESTED ME TO GIVE HER FIFTY DOLLARS, BUT THAT WAS OUTSIDE, IN THE HALL, AND SHE WENT IN AGAIN AND I STOOD IN ONE ROOM AND SHE WENT IN HIS PRIVATE OFFICE, BUT THE DOOR WAS OPEN AND I LOOKED THROUGH THE CRACK AND I SAW HER HAND HIM FIFTY DOLLARS; I DON'T KNOW WHAT FOR. THE SAME EVENING, WHILE I WAS UP IN 54 WEST 31ST., HIS OFFICE BOY CAME THERE AND INFORMED MRS. PORRET THAT MR. MUNDY WAS MUCH DISAPPOINTED, HE EXPECTED MORE MONEY. THE BOY THEN SAID HE WANTED TWO HUNDRED DOLLARS; THAT HE HAD LARGE EXPENSES KEEPING THESE MEN. MRS. PORRET TOLD HIM SHE COULD NOT COME; SHE WANTED TO SEE ME. THE FIRST TIME I SAW MUNDY AFTER THAT WAS IN HIS HOUSE. ON ACCOUNT OF MRS. PORRET NOT GOING TO SEE HIM HE WAS MUCH EXCITED; HE SAID HE THOUGHT THERE WAS SOMETHING GOING ON AGAINST HIM; THAT HE COULD NOT MAKE OUT WHY SHE HAD NOT COME TO SEE HIM, AND THAT SHE MIGHT BE BEFORE THE GRAND JURY, FOR



1001

ALL HE KNEW, BUT THAT I SHOULD INSIST THAT WHEN SHE SHOULD BE CALLED  
UPON THAT SHE SHOULD SAY THAT SHE PAID HIM ON THE PRETENCE OF PURCHAS-  
ING REAL ESTATE FOR HER. I TOLD HIM THAT I WOULD DO MY BEST, BUT THAT  
I COULD NOT CONTROL HER.

*John  
D. Jones  
Jr.*

*John  
D. Jones  
Jr.*



1002

**BOX:**

70

**FOLDER:**

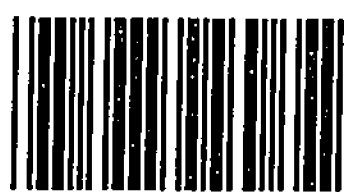
785

**DESCRIPTION:**

Murphy, John

**DATE:**

06/06/82



785



JOHN MCKEON, DISTRICT ATTORNEY  
OF THE COUNTY OF LOS ANGELES, CALIFORNIA  
vs.  
JOHN MCKEON, DISTRICT ATTORNEY  
OF THE COUNTY OF LOS ANGELES, CALIFORNIA  
vs.  
JOHN MCKEON, DISTRICT ATTORNEY  
OF THE COUNTY OF LOS ANGELES, CALIFORNIA

Filed 6 day of June 1882  
Pleads for guilty (1)

THE PEOPLE  
vs.  
John Murphy  
District Attorney  
JOHN MCKEON,  
District Attorney  
vs.  
JOHN MCKEON,  
District Attorney

A TRUE BILL  
John Murphy  
District Attorney  
vs.  
JOHN MCKEON,  
District Attorney

Mr. McKenna  
has been hauled  
out of the steam  
boiler - See  
the in the  
June 13, 1882

I have moved from  
the old place  
to the new one  
June 13, 1882

John Murphy  
District Attorney  
vs.  
JOHN MCKEON,  
District Attorney



1004

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

THE PEOPLE OF THE STATE OF  
NEW YORK,

*John Murphy* <sup>against</sup>

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

*John Murphy*

of the crime of Robbery in the first degree,

committed as follows.

The said

*John Murphy*

late of the First Ward of the City of New York, in the County of New York, aforesaid,  
on the *first* 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, in and upon one *Jacob Olsen*  
in the peace of the said People then and there being, feloniously did make an assault and

*of the forty five Coins of the United States of America  
of the kind known as Silver Dollars of the  
Value of one dollar each Ninety Silver Coins  
of the United States of America of the kind  
known as half dollars of the Value of fifty  
Cents each one hundred and eighty Silver Coins  
of the United States of America of the kind known  
as Quarter Dollars of the Value of twenty five  
Cents each*

of the goods, chattels and personal property of the said

*Jacob Olsen*

from the person of said

*Jacob Olsen*

and against

the will and by violence to the person of the said

*Jacob Olsen*

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

JOHN McKEON, District Attorney.

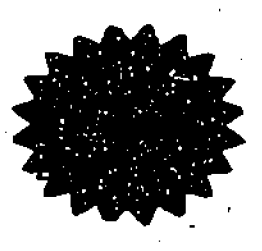


1005

State of New York,  
CITY AND COUNTY OF NEW YORK, } ss.

I, John Sullivan the surety mentioned  
in the renewed undertaking to answer, do hereby authorize and empower any  
Policeman of the City of New York, or \_\_\_\_\_  
or either of them, in my name, place, and stead, to take, seize, and  
surrender the said John Murphy, (in the said  
undertaking held as defendant,) to the Court wherein he is bound to  
appear for trial, or deliver him to the custody of the authorities of said city  
and county, in my execution as surety therein. I have seen a prisoner  
now in the City Prison by the name of William Halliday  
whom I recognize as the said John Murphy Sam. Surety for  
Dated 22 1882

John Sullivan Surety.



New York Supreme Court.

FIRST DEPARTMENT.

THE PEOPLE, &c  
ON THE COMPLAINT OF

against

John Murphy  
vs. William Halliday

Recognition to answer on Certio-  
rari from lower Sessions.

Taken the 22 day of August 1882

Approved as to form and sufficiency.

Dated 22 1882

Wm. H. Byrne  
Clerk of the Court

Wm. H. Byrne  
day of Aug 1882

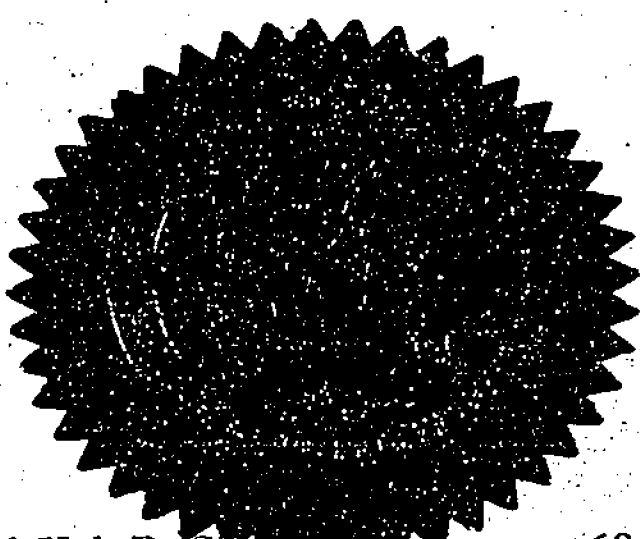


1006

I, JOHN SPARKS, Clerk of the Court of General Sessions of the Peace, and of the Court of Oyer and Terminer held in and for the City and County of New York, each being a Court of Record and having a Common Seal, do hereby certify that the annexed is a copy of

*Recognition to answer*

now on file in the Clerk's Office, and that the same has been compared by me with the original, and is a correct transcript therefrom and of the whole of such original



GIVEN UNDER my hand and attested by the seal of the said Court this *twenty third* day of *October* in the year of our Lord one thousand eight hundred and eighty *two*,

*[Signature]*

1007

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

Be it Remembered, that on the

Twenty fifth day of August in the year of our  
 Lord 1882 John Murphy  
 of No. 201 Madison Street, in the City of  
 New York, Principal, and

John O'Sullivan  
 Occupation, Sailor

of No. 131 White Street in said City,  
 Surety, personally came before the undersigned, one of the Justices of the Supreme Court of the  
 State of New York, and severally acknowledged themselves indebted to the People of the State  
 of New York, that is to say, the said John Murphy  
 Principal, in  
 the sum of Ten Hundred Dollars  
 and the said John O'Sullivan Surety, in the  
 sum of Ten Hundred Dollars,  
 good and lawful money of the United States, to be levied and made of their respective  
 goods and chattels, lands and tenements, to the use of said People, if default shall be made in  
 the condition following, viz.:

Whereas, the said John Murphy  
 was on the 10 day of August 1882 duly  
 convicted at a Court of Special Sessions of the Peace, held in  
 and for the City and County of New York, of

and was sentenced to the State prison for ~~four years~~ and to pay a fine of  
~~four hundred dollars~~ and, whereas, a writ of Habeas Corpus, with a Stay of Pro-  
 ceedings, was been allowed by a Justice of the Supreme Court, removing said conviction and  
 sentence to the General Term of the Supreme Court of the First Department of said State of  
 New York, that the same may be reviewed by the said Court

Now, Therefore, the condition of this Recognizance is such, that if the above-named  
 John Murphy Principal, shall personally appear at the  
 next term of the Court of General Sessions of the Peace, held in and for said City and  
 County of New York, and at any subsequent term of said Court, and also shall appear  
 personally at the next and each subsequent General Term of the Supreme Court of said First  
 Department, and abide and obey every order, remittitur, decree and judgment which said  
 Supreme Court shall make, in the premises, and not depart without leave, then this Recogni-  
 zance to be void; otherwise to be and remain in full force, power and virtue.

Taken and acknowledged before me  
 the day and year first aforesaid.

J. S. Potter  
 Justice Supreme Court.

John Murphy Principal. TS  
 John O'Sullivan Surety. TS



1008

Complaint Bailed by  
Edward M. Mader  
115 White St

BAILED,  
No. 1 by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

48<sup>th</sup> 1<sup>st</sup> District 15

THE PEOPLE v. John Edward Mader  
OFFICE COMPLAINT OR  
1<sup>st</sup> John Murphy  
2<sup>nd</sup> \_\_\_\_\_  
3<sup>rd</sup> \_\_\_\_\_  
4<sup>th</sup> \_\_\_\_\_  
5<sup>th</sup> \_\_\_\_\_  
6<sup>th</sup> \_\_\_\_\_  
7<sup>th</sup> \_\_\_\_\_  
8<sup>th</sup> \_\_\_\_\_  
Offence, Robbery

Dated June 2<sup>nd</sup> 188 2

Magistrate  
John Edward Mader  
27<sup>th</sup> Street, Clerk.

Witnessed by  
John Edward Mader  
27<sup>th</sup> Street

No. 1 John Edward Mader  
Street, Police Justice

No. 2 John Edward Mader  
to answer, 1882  
Street, Police Attorney

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 Murphy

guilty thereof, I order that he be held to answer the same and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail. legally discharged

Dated May 2<sup>nd</sup> 188 2 John Edward Mader 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.

1009

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

District Police Court.

*John Murphy* 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 *him*; that the statement is designed to enable h *him* if he see fit to answer the charge and explain the facts alleged against h *him* that he is at liberty to waive making a statement, and that h *is* waiver cannot be used against h *him* on the trial.

Question What is your name?

Answer.

*John Murphy*

Question. How old are you?

Answer.

*Sixteen years 9 mos*

Question. Where were you born?

Answer.

*West St. New York City*

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

Answer.

*145 Water St. Six months*

Question. What is your business or profession?

Answer.

*I do nothing*

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

Answer.

*I am not guilty*

*John Murphy*

Taken before me this

*21*

day of

*June*

188

*Charles H. Jackson*

Police Justice



10 10

City and County of New York

William Flynn, an officer of Police attached to the 1st Precinct District, being duly sworn says - that he has heard and read the foregoing affidavit of Jacob Olsen and that the same is true of elements on knowledge.

Deponent further says - that from the time deponent saw the defendant John Murphy, now here, who said Olsen as described in said affidavit, deponent never lost sight of said defendant nor was further from said defendant than seventeen feet until deponent caught and apprehended him.

Sworn to before me this  
2<sup>d</sup> day of June 1882

William Flynn  
Sergeant Police Justice

1011

People, by 2

Ex - 10/82

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

Police Court--First District.

*Jacob Olsen, a sailor*  
*having no home and now*  
*in House of Detention*, being duly sworn, deposes  
and says, that on the *14<sup>th</sup>* day of *June* 18*82*

at the *14<sup>th</sup>* Ward of the City of New York, in the  
County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
ponent, by force and violence, without his consent and against his will, the following property viz:

*Forty-five dollars in gold and*  
*lawful money of the United*  
*States, Consisting of Silver Coins*

of the value of *Forty-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 force and violence as aforesaid, by

*John Murphy, New York, and*  
*three other men whose names*  
*are unknown to deponent, from*  
*the fact that about the year*  
*of 1882 on the night of the*  
*day aforesaid deponent was in*  
*Hester Street near Elizabeth*  
*Street and said money was*  
*taken and put up in a hand-*  
*kerchief which was then in*  
*the left pocket of the pantaloons*  
*then worn upon deponent's person.*  
*That deponent was drunk at*

*Hugh Gardner*



10 12

The time and has not a  
distinct remembrance of all  
that occurred, but deponent  
is now here informed by officer  
William J. Ryan, here present,  
that he said officer then and  
there saw said defendant and  
three other men seize said  
deponent and while  
deponent was so forcibly  
held the said defendant  
inserted his hands into  
deponent's said pocket and  
stole therefrom the money  
aforesaid and the said officer  
further informs deponent that  
he heard the sound of the  
silver coins falling and  
ringing on the flags of the  
side walk as it was taken  
out of said pocket, all of which  
deponent believes to be true.  
Given to before me this  
2<sup>d</sup> day of June 1882

J. O'Brien

High Sheriff  
County of Victoria



10 13

GENERAL SESSIONS COURT, PART I

6/15/82  
w/ [signature]

The People

vs.

John Murphy.



NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Jacob Platen*

*John Murphy*

Taken the 6 day of June 1882

Filed 6 day of June 1882

Approved as to form and sufficiency.

Dated 6 day of June 1882

*J. R. Fellows*

*Asst. District Attorney.*

1014

10 15

## RECOGNIZANCE TO TESTIFY.

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

**Be it Remembered,**

that on the 21<sup>st</sup> day of June in the year of our  
 Lord, 1887 Jacob Olsen Principal,  
 of No. 3 Henry Street, in the City of  
 New York,  
 and Edward Maher Surety,  
 of No. 118 White Street in said City,

personally came before the undersigned, of  
 the City of New York, and acknowledged themselves to owe to the People of  
 the State of New York, that is to say, the said  
Jacob Olsen Principal, in  
 the sum of three Hundred Dollars,  
 and the said Edward Maher Surety in  
 the sum of three Hundred Dollars,  
 separately, of good and lawful money of the State of New York, to be levied and  
 made of their respective goods and chattels, lands and tenements, to the use of said  
 People, if default shall be made in the condition following, viz:

The condition of the above recognizance is such, that if the  
 above named Jacob Olsen  
 shall personally be and appear at the \_\_\_\_\_ term of Court of General Sessions  
 of the Peace, held in and for the said City and County of New York, to give  
 evidence on behalf of said People against \_\_\_\_\_

with John Murphy who stands charged  
Robbery

as well to the Grand  
 Jury of the said Court, as to the Petit Jury; and also in like manner personally  
 appear at any subsequent term of said Court, to which the proceedings in the premises  
 may be continued, or to any Court where the defendant above-named may be called  
 for trial; and do not depart the said Court, without leave, then this recognizance to  
 be void and of no effect, otherwise to remain in full force.

J. Olsen Principal.  
Edward Maher Surety.

Taken and acknowledged before me, }  
 the day and year first aforesaid

Rufus B. Lawing  
 City Judge



10 16

And we, the undersigned principal and surety in the annexed recognizance, do hereby stipulate, Agree and Consent, That in case said recognizance shall be forfeited, that a copy of the order of the Court forfeiting the same, together with this recognizance, be filed in the Office of the Clerk of the City and County of New York, and that judgment may be entered for the several sums set forth in said recognizance, and that execution issue forthwith thereon according to law.

Witness

J. Roberts

J. Olsen

Principal.

Edward Maher

Surety.

1017

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

} Edward Maher  
of No. 118 White Street, the Surety named in the annexed Recognizance, being  
duly sworn, deposes and says that he owns, in his own right, real estate in the city  
of New York consisting of two houses and  
two lots Nos 106 & 108 Reade Street

and that the same is of the value of not less than one hundred thousand  
Dollars, and is subject to no incumbrance except a mortgage of sixty  
thousand dollars held by John Whitmore  
and a person whose name I forget

and that he owns personal estate in  
and that its value is not less than  
that it consists of

Dollars

~~and that it is subject to no incumbrance except~~

and that the amount of his debts and liabilities of every kind, absolute and conditional, does  
not exceed five hundred Dollars, and that there are no unsatisfied  
judgments or executions against him, and that he is under no recognizance except

and that he is worth, in good property, not less than  
Dollars, over and above all debts, liabilities and lawful claims against him, and all liens,  
incumbrances, and lawful claims upon his property.

Sworn to before me, this 6<sup>th</sup> day  
of June 1882  
Rufus B. Loring,  
City Judge

Edward Maher Surety.



N. Y. General Sessions of the Peace.

THE PEOPLE OF THE STATE OF  
NEW YORK

*Jacob Olsen*

Principal in the sum of \$ 300

and *Edward Maher*

Surety in the sum of \$ 300

Dated

*July 19*

1882

*testify*

Recognition to ~~answer~~ and copy order for failing the same.

Filed

day of

1887

CLERK



10 19

At a Court of General Sessions of the Peace,

Held in and for the City and County of New York,  
at the City Hall of the said City, on *Wednesday*  
the *nineteenth* day of *July* in the year of  
our Lord one thousand eight hundred and ~~seventy~~ *eighty two*

Present

The Honorable *Rufus B. Cowing* } Justice  
City Judge of the City of New York. } of the  
Sessions.

THE PEOPLE OF THE  
STATE OF NEW YORK,

vs.

*John Murphy*

On Indictment for Robbery in the first  
degree. (filed June 6, 1882.)

*Jacob Olsen* a witness in behalf of the people  
against said *John Murphy*

~~The Defendant~~ not appearing, and *Edward Maher*  
his surety not bringing him forth to answer to this Indictment, pursuant to  
the condition of their recognizance. *testify* On motion of the District Attorney,

It is Ordered by the Court, that the said Recognizance be and the  
same is hereby forfeited. And it is further Ordered, that the said  
Recognizance, together with a certified copy of this Order, be filed in the  
office of the Clerk of the City and County of New York, and that  
Judgment be entered thereon, according to law, against the said *Jacob*

*Olsen* the  
witness ~~Defendant~~ above named, and the said *Edward Maher*  
his surety, for the several sums set forth in  
said Recognizance.

A true Extract from the Minutes.

*J. Sparks*

CLERK.



The People : Court of General Sessions, Part I.  
vs. : Before, Judge Gowing.  
John Murphy. : August 16, 1882.

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The People : Court of General Sessions, Part I.  
 vs. : Before, Judge Cowing.  
 John Murphy. : Wednesday, August, 16, 1882.

Indictment for Robbery in the First Degree.

Asst. Dist. Atty. O'Byrne for the People.  
 Mr. Oliver, for the Defendant.

Mr. O'Byrne: I desire to put in evidence a bond given for the appearance of Jacob Olsen who was a witness in this case and detained in the House of Detention.

Counsel: I object to any such bond being put in evidence.

Mr. O'Byrne: A bond signed by Olsen as principal and Edward Maher as security, and subsequently proceedings were had upon the bond of said Maher and I believe the money collected upon it.

Counsel: I do not see what this bond has got to do with this case in this proceeding. I do not know why it is offered; there is no testimony yet in this case. The bond is simply offered for what?

The Court: I did not hear your opening to the Jury.

Mr. O'Byrne: He is charged with robbery.

The Court. Not with stealing this bond.

Mr. O'Byrne: No, sir, certainly not. Jacob Olsen was the complainant, a sailor; he was committed to the House of Detention in the month of June. Very shortly after his commitment, one Maher, went security for Olsen and he was released and Olsen disappeared. The case was upon the



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calendar several times. Maher was security for Olsen asked for an adjournment, saying he might find him. I first of all offered the bond in evidence to show that there was such a person in the House of Detention and how he got out of the House of Detention and then to follow it up by the proof of Officer Flynn to show that the people made effort to secure the witness. Under the Eighth Section of the Code I intend to offer in evidence the testimony or the deposition of Olsen before Magistrate Gardiner.

Counsel: I object to that course of procedure.

Mr. O'Byrne: I will read the 8th Section of the Code entitled the Rights of Defendants in Criminal Actions. I am compelled to show that we have used due diligence.

The Court: There are two classes of depositions that may be introduced. My first impression was from hearing the Section read that all the conditions referred to one particular class of witnesses. There are two kinds of depositions that may be read when certain conditions are complied with. One is that, taken before the Magistrate where the accused has the opportunity to cross-examine the witnesses and then there is another when it is taken under Section 219 of the Code where he cannot give security. The character of the deposition which the District Attorney is seeking to introduce, the kind of deposition set forth in the second part of that Section--- that is the deposition taken under Sections 219 and 220--- he could not get it in because it appears now the witness did give security. There is nothing before the Court now only in a general way at present. Swear the witness.

W I L L I A M F L Y N N sworn.

Counsel: This Section is very general in its term.

The Court: We had better go on with the case until the point really comes up.

Counsel: The bond is the only thing offered in evidence, I object to it.

Mr. O'Byrne: I offer the bond in evidence. It is the first step to show we had him in the House of Detention. There must be the evidence shown of diligence on the part of the people.

The Court: I will allow the bond in evidence provided you identify it.

It was marked People's Exhibit No. 1.

H E N R Y W E L S H sworn.

Counsel: I take exception right here to the examination of this witness another witness having been sworn already and not being examined.

The Court: Yes, note an exception.

Q. (By Mr. O'Byrne:) Is that the recognizance of Maher for Henry Olsen?

Objected to as too general.

Q Is that a recognizance to testify?

A It is, sir.

Q Who is the principal?

A The principal is John Murphy; it is a recognizance to testify.

Q Who is the principal in the bond to testify?

A Jacob Olsen is the principal to testify.



Q Who is the security?

A Edward Maher, executed before Judge Cowing the 6th of June and filed in our office the same day.

Q You are one of the clerks of this Court?

A The Third Deputy Clerk of this Court.

Q What proceedings were had upon that bond?

Objected to as immaterial. Objection overruled.

Exception.

A This bond was ordered forfeited on July 19.

Q (By the Court). That is Judge Cowing's signature?

A That is Judge Cowing's Signature.

Counsel: I object to the offer of this bond.

The Court: The District Attorney has not got through yet.

Counsel: I object to its being offered in evidence.

The Court: Wait till the District Attorney does offer it.

By Mr. O'Byrne:

Q Are you familiar with the signature of J. R. Fellows, one of the Assistant District Attorneys?

A Yes, sir, I am.

Counsel: That is objected to.

The Court: Objected overruled.

Counsel: Note an exception.

Q (By Mr. O'Byrne) Is that his signature to that bond?

A That is his signature.

Mr. O'Byrne: I now offer the bond in evidence.

Counsel: I object on the ground that the name is not given of the Judge in the first part of the bond.

Q Mr. Welsh, are you familiar with the signature of Mr. Roberts

A Yes, sir.

Q Is that his signature?

Objected to. Objection overruled. Exception.

A That is the signature of Mr. Roberts, the private secretary of the District Attorney.

Mr. O'Byrne read the bond.

W I L L I A M F L Y N N recalled by Mr. O'Byrne.

Q What is your name?

A William Flynn.

Q Are you a Police Officer?

A Yes, sir.

Q Were you the officer who arrested one John Murphy, who is charged with the robbery?

A Yes, sir.

Q Is this the man you arrested?

A Yes, sir.

Q Do you know the name of the complainant?

A John Olsen.

Q What became of him after he made the complaint?

A He was taken to the House of Detention by myself and turned into the keeper there the Sargeant in command.

Q In consequence of directions from the District Attorney have you sought Olsen?

Objected to.

A Yes, sir.

Q What did you do in relation to Olsen in consequence of directions from the District Attorney to bring him to Court and testify?

Objected to. Objection overruled. Exception.



A I was instructed by Detective Reiley to go to the House of Detention to find out about the Complainant. I went there and I found he was bailed out--- had been taken away from there on the 6th of June. I then went to Oliver Street where the complainant told me that he was stopping the night before he made the complaint in the Tombs. I could not find out anything at all about him.

Counsel: I object to any testimony taken while this man was under bail.

Q When have you made inquiries about him?

A Last Saturday.

Q Were you able to find him?

A No, sir.

Q What was the character of the search that you made for him?

A I went to work there where he informed me that he was stopping in Oliver street.

Q What was the information you obtained there?

A I could not find out anybody that knowed him only one lady and she stated that he was not there in two years.

Q Have you been able to find him as a witness?

A No, sir.

Counsel: Objected to.

Q Well you have been unable to find him anyhow?

A Yes, sir.

Counsel: Objected to.

The Court: Objection overruled.

Q (By Mr. O'Byrne) Have you been able to find him to bring him to Court here?

A No, sir.



Cross Examined:

Q You say you went to Oliver street on Saturday last?

A Yes, sir.

Q To-day is Wednesday?

A Yes, sir.

Q Did you go there since?

A No, sir.

Q Do you know whether this man gave his address when he gave his bond to appear in this court as Henry Street?

A No, sir.

Q Did you inquire at No. 3 Henry St.?

A No, sir.

Q Did you make any other inquiry at Oliver street but the one you have testified to?

A No, sir.

Q At any other time?

A No, sir.

Q And that was last Saturday?

A Yes, sir.

Counsel: I ask that all that testimony be stricken out for the reason that it has not been shown by this witness that any due diligence was exercised to obtain this complaint.

By the Court:

Q Did you inquire after Olsen on more than one occasion?

A Friday I got orders from Detective Reilly to go to this place.

Q Did you inquire for him on more than one occasion?

A No, sir.



Q You did nothing further to find him except to go to the place?

A That is all, where he informed me; that is the only place I could go to.

Counsel: The Court will see that the address given on the bond is different. Due diligence has not been shown by this witness on the part of the people and they cannot introduce Justice Gardiner.

The Court: I will allow the Judge to be examined.

Counsel: The question of due diligence will come up afterwards.

H U G H G A R D I N E R sworn and examined testifies:

By Mr. O'Byrne:

Q I suppose I may ask if you are a Police Justice of this city without objection?

A Yes, sir.

Q Were you holding court in the First Police District of this city upon the 1st day of June in this city?

A Yes, sir.

Q In what capacity as Police Justice?

A Police Justice, Presiding Magistrate.

Q Will you take these papers and look at them, you can refresh your memory from these and tell me if one John Murphy who is now the prisoner at the bar was brought before you upon the charge of robbery?

Objected to. Objection overruled. Exception.



A X Yes, sir, I know the man, I recollect him quite well.

Q Was the prisoner present at the time that Jacob Olsen---  
did you see Jacob Olsen sign that deposition?

A Yes, sir.

Q Was he the complainant?

A Yes, sir.

Q Was the prisoner present at the time the deposition was  
made?

A Yes, sir.

Q Did he cross-examine the witness?

A I do not recollect; he had the opportunity if he chose.

Q He had the opportunity to do it?

A Yes, sir and was told of his rights.

Q Told of his rights and had the opportunity?

A Yes, sir.

Q Then having been told of his rights and having had the op-  
portunity to cross-examine he did not exercise it?

A I am not sure, I think not but I am not positive as to that.

Q But he had the opportunity?

A He had the opportunity if he wished.

Cross-Examined:

Q Mr. Justice Gardiner, in whose handwriting are those depos-  
itions?

A One of the clerks.

Q Which one?

A I think that is Mr. Powers' but I am not sure.

Q Now do you remember, Judge, whether the answers written  
here on the statement were taken here by Mr. Powers?

A No, I think they were taken by Mr. Goodwin.

Q Do you know whether these answers were taken by Mr. Goodwin



before the case came up to you for examination?

A I cannot answer that positively. Before the case is disposed of of course these questions and answers are put. preliminary  
The ~~RRXXXXXX~~ examination is taken before there is any action taken on the complaint and he is then warned not to answer unless he pleases.

Q Now, Judge Gardiner, do you know whether those questions that were in the preliminary examination, to wit, this statement: John Murphy 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 sees 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--- can you tell me now according to your memory whether that statement was made before the prisoner was arraigned before you on a formal charge of robbery?

A Yes, sir.

Q It was made before.

A Yes, sir.

Mr O'Byrne: I propose to read the deposition of Jacob Olsen: Counsel. I object on the ground that it seems from the statement of Justice Gardiner that the prisoner was required before going before Justice Gardiner, without having been informed of his rights by Justice Gardiner but obliged to make his statement before the clerk without Justice Gardiner having given him any direction to take the examina-



tion. It appears that he went before the clerk and made his statement there.

The Court: This preliminary examination means whatever transpired before the Magistrate.

Justice Gardiner: The clerk is along side of me, the defendant is present and I say to the clerk, "take the preliminary examination", and he reads the heading of the paper and I hear the questions and answers as they are made. That is the way that was done in this case.

By the Court:

Q Under your directions?

A Under my directions.

By Mr. O'Byrne: I offer the deposition.

The Court: Any further objection to it?

Counsel: I do not see why it is proper to admit it.

Q Did you sign this?

A Yes, sir.

Q That is your signature? And did Olsen sign it in your presence?

A Yes, sir, I swore him.

The Court: I will allow it in evidence.

Counsel: Note my objection.

Mr. O'Byrne read the statement of Jacob Olsen, marked People's Exhibit 2.

Counsel: I object on the ground that there is nothing in the complaint.



W I L L I A M F L Y N N recalled by Mr. O' Byrne.

Q Officer Flynn you have been sworn I believe already?

A Yes, sir.

Q Do you know the defendant, John Murphy?

A Yes, sir.

Q Do you recollect the night of the 2d of June, was it the 2d of June?

A The 1st of June.

Q Did you see John Murphy upon that night?

A Yes, sir.

Q Where did you see him?

A Corner of Hester and Elizabeth Streets, on the N. E. corner

Q What did you see him do?

A I saw him and three other boys go up to this man and one grabbed him around the neck.

Q What was the man's name?

A Jacob Olsen.

Q What did he do?

A One put his arm round his, Olsen's, neck and the other two grabbed him by the arm and the smallest one went down in his pocket and I waited until I heard the money drop on the side walk; I chased after them and never lost sight of him

Q Was the prisoner one of the three?

A Yes, sir.

Q What did you see him do?

A I saw him have hold of his arm.

Q Was that the Jacob Olsen who appeared the next day in Court before Judge Gardiner?

A Yes, sir.



Q And that you brought to the House of Detention?

A Yes, sir.

Q How much money was taken in the presence of this defendant as being lost or taken from him?

A He first said he was intoxicated, he said \$60 to me and then in Court he swore to \$45.

Cross-Examined:

Q You say he first stated it was \$60?

A Yes, sir.

Q That is when he was drunk?

A Yes, sir.

Q And then he stated it was \$45?

A Yes, sir, \$45.

Q Did you show him any of this money?

A No, sir, I did not get any?

Q He did not identify any of it?

A No, sir.

Q You arrested him on the spot?

A Yes, sir after the chase.

Q Now did you examine this complainant Olsen to see if he had any money on him at all?

A Yes, sir.

Q You did?

A Yes, sir.

Q Do you know before he was examined, before he was attacked whether he had any money with him or not?

A No, sir, I do not.

Q And after he was attacked did you search him?

A After he was taken to headquarters I did.



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Q When was that?

A That moment after I arrested Murphy, I fetched Murphy right back to where he stood and after he was standing in the middle of the street I had Murphy by the collar and he was intoxicated.

Q Was that the same day?

A The same night.

Q What time of night was it?

A About 9 o'clock.

Q What time did it happen?

A I could not exactly state the exact time, about 9 oclock.

Q Along about that about the same time?

A Yes, sir.

Q You say you then examined the complainant?

A After he was taken to headquarters.

Q What did you find on him?

A I did not find anything; his money was all gone; he said it was rolled up in his handkerchief, he said he had it tied up in a handkerchief.

Q He told you that he was drinking?

A Yes, sir and he told Inspector Murray too.

Q Where did he say he had it?

A In his pants' pocket.

Q According to what was read it was the vest pocket?

A I do not know what was read, he said his pants talking to me

Q Which side did he say?

A The left side, I think.

Q And then he said he was robbed of \$60?

A Yes, sir.



Q It was the left pocket of the pantaloons?

A Yes, sir.

Q Did you ask him the reason for his change of mind about the amount?

A Well he said he spent a good deal of money round through the stores and that he paid a week's lodgings in Oliver street. That is the reason I went there to find him.

Q And you did not see any money?

A No, sir.

Q And none of it was identified?

A No, sir.

Q You have got simply the statement of this drunken man that he had money?

A I saw what fell out in the walk, I had to run and leave it.

Q Was it taken out of a book?

A No, sir it was taken out of his pocket, I saw the hand in the pocket.

Q Well then it was not wrapped up in a handkerchief?

A He said it was, I could not tell that. His statement was that it was wrapped up in a pocket handkerchief.

Q But you did not find any wrapped up in a handkerchief?

A No, sir.

Q In which pocket did you find the handkerchief?

A I did not find any handkerchief; he said they took the handkerchief and money and all.

Q Did you pick up any coin?

A No, sir.

Q You say you saw it drop?

A Yes, sir, but I was running after the prisoner at the time.

Q D



Q You did not pick any up?

A No, sir, but I asked him, Olsen, if he picked it up?

Q Was not he too drunk to know anything?

A Yes, sir, he said he did not pick up any of it.

The Case for the Defense.

Counsel: I call your Honor's attention to this fact, I do not think there is sufficient to go to the jury, I do not see that there is any crime made out. The elements of the crime have not been developed; there is no identification of the money.

The Court: The officer says that he saw the accused and two others with this man and saw the hand in his pocket and heard the money rattle down on the sidewalk.

Counsel: I move to strike out the evidence already in except the testimony of the officer. No due diligence has been used to get this prosecuting witness. The bond shows that this man lives at No. 3 Henry street and no inquiry was made there about him.

The Court: That is a matter in the discretion of the Court. I will allow my ruling to stand with reference to that question; I will take a recess of half an hour.

After Recess.

Counsel: This case is practically closed. The testimony is all in and it simply remains for me as counsel for this defendant to point out to you some of the salient facts and ideas and principles and then the case will be entirely in your hands.



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Peoples' Exhibit No.2.

STATE OF NEW YORK, :  
: ss:  
City and County of New York. :

Police Court, First District.

J A C O B O L S E N, a sailor, having no home and now in the House of Detention, being duly sworn, deposes and says: That on the first day of June, 1982 at the 14th 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, namely--- \$45 in good and lawful money of the United States, consisting of silver coin of the value of \$45 ~~that~~ the property of the deponent, and that this deponent had probably cause to suspect and does suspect that the said property was feloniously taken and carried away by force and violence as aforesaid, by John Murphy, now here and three other men whose names are unknown to the deponent, from the fact that about the hour of 9 o'clock on the night of the day aforesaid deponent was in Hester Street near Elizabeth St., and said money was rolled and tied up in a handkerchief which was then in the left pocket of the pantaloons then worn upon deponent's person. That deponent was drunk at the time and has not a distinct remembrance of all that occurred, but deponent is now here informed by officer William Flynn here present, that the said officer then and there saw said defendant and three other men seize hold of



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deponent and while deponent was so forcibly held the said defendant inserted his hands into deponent's side pocket and stole therefrom the money aforesaid, and the said officer further informs deponent that he heard the sound of silver coins falling and ringing on the flags of the sidewalk as it was taken out of said pocket, all of which deponent believes to be true.

Sworn to before me this : J. Olsen.

2d day of June, 1882 :  
Hugh Gardiner,  
Police Justice.



## THE JUDGE'S CHARGE.

The Judge charged the Jury as follows:

Gentlemen of the Jury: This young man is charged with robbery in the first degree. Some question of law have been raised during the trial of the cause with which you have nothing to do. It is your duty to hear the evidence that is admitted; the Court is responsible for the character of the evidence admitted; it is for you to receive it and give it due consideration and say whether it is true or not and what effect should be given to it. The accused has not come upon the stand and given evidence in his own behalf. As I said to you before during the term, and I now remind you that that circumstance must not be allowed by you to prejudice his case in your minds. You must not allow that to have any weight operating against him. The people are bound to make out a clear case, to satisfy you beyond any fair and reasonable doubts of his guilt before he can be properly convicted. It remains for you to say whether the evidence to which you have listened will justify you in convicting the prisoner of the offence charged. The deposition of Olsen, the complainant, taken before the Magistrate has been read, in which he says, he was robbed of money by the accused and two others, and the officer has stated that he saw the accused and two others seize the complainant -- saw the hand of some of them in the pocket of the complainant and heard the money rattle upon the sidewalk, and that he pursued and arrested the defendant. I believe that is the testimony.



Mr. O'BYRNE: Yes, sir.

(The Court continuing.) It matters not whose hand was in the pocket of the complainant so long as the three persons were there and there was a concert of action on their part to rob him of his money. If the defendant was there participating in feloniously taking the money, then he is guilty of some offence. And if violence was used and it was taken against the will of the complainant by force, then the evidence will justify you in convicting the accused of the offence charged, which is robbery. If you still believe that the money was taken from the person of the complainant but there was an absence of force and violence, then your verdict should be only larceny upon the person. He is entitled to the benefit of every fair and reasonable doubt. Your verdict may be guilty as charged in the indictment, guilty of larceny from the person, guilty of petty larceny, or not guilty.

COUNSEL: I ask your honor to charge the Jury that they can find a verdict of assault and battery if they believe there was no money taken.

THE COURT: Yes. The case is now with you.

FOREMAN: We find him guilty of petty larceny from the person.

COUNSEL: I move the Court in arrest of judgment in this case.

THE COURT: Do you want him remanded?

COUNSEL: Yes, sir, Your Honor will see that it is necessary to do so.

THE COURT: Remand him till Friday morning.

COUNSEL: Very well.

John Murphy was placed at the Bar for sentence.

Mr. Oliver: I have a motion to make in arrest of judgment if the Court please in this case of John Murphy-- I have a motion to make in arrest of judgment on the whole case. This being the first case under which any proceeding has been had according to the subdivision of Section 8 of the new Code of Criminal Procedure, and that particular Section having been in operation since the first day of September, 1881, and attention to it having been called for the first time, and that to a certain extent to the surprise of defendant's Counsel and without notice, it would be well for us to look at it a little more carefully, and see whether the judgment pronounced by the Court in the admission of the evidence will be still maintained or whether the interpretation of the words of the Section might not convey to the Court the impression that the judgment at that time was erroneous and may be reversed even by the Court at present sitting in review of its own proceedings. Section first reads: "Rights of defendants in Criminal Actions"

The Court: I remember the language perfectly well of the Section.

Mr. Oliver: I call attention in the first place to the word witness. Throughout this whole Code of Criminal Procedure the word witness means a witness on behalf of the prosecutor or on behalf of the defendant. I maintain also that due diligence was not shown in the production of this witness. The prisoner is prejudiced by the introduction of the bond and by the statement made by the officer that this man told him he lost the money.



Mr. O' Byrne: If your Honor desires to hear me I am prepared to answer.

The Court: If there is a question here it ought to be passed upon by a higher Court. I am thoroughly convinced of this man's guilt and he certainly does not suffer any prejudice. There was enough evidence outside of this deposition to convict him. Perhaps there might be some technical objection to the conviction, so that I do not know a better opportunity to have the question passed upon than you have now. I do not think there is any ground for a new trial. I think myself the evidence as to diligence is rather light, but that is for the Court to determine, it is discretionary with the Court. I think that more diligence might have been used -- some further effort might have been made to obtain this man. He did not go to the residence for instance that he had given, where the bond was executed. An effort was made to find him and he is not here.

His Honor reserved his decision.

Friday August 18, 1882.

John Murphy was placed at the Bar for sentence.

Mr. Oliver: So many matters have arisen in relation to the jurisdiction of the case in the absence of the prosecuting witness I do not think that the Court ought to exercise its discretion against the prisoner. I think all his rights ought to be preserved. The enforcement of the Code in this case ought to be taken as a obsolete law.

The Court: I feel that I ought to deny the motion that has been made. It seems to me there is a fair question in reference to the constitutionality of this provision of the

Code, but I do not see any other question in the case of any particular consequence.

Mr. Oliver: Until after your Honor makes a final disposition of it I will reserve my application to your Honor. The Foreman told me that he would recommend the prisoner to mercy.

Mr. O'Byrne: If your Honor is about to impose sentence I would like to be heard.

The Court: I want the man to have every chance to have these questions settled.

Mr. Oliver: I ask that your Honor having denied my motion to arrest the judgment in this case that your Honor grant a certificate to the Supreme Court that there are questions that have arisen in the Court of this trial that need to be passed upon by the Supreme Court and that they are questions of grave doubt.

The Court: I cannot put it as strong as that.

Mr. Oliver: I mean the ordinary certificate of grave doubt as to the legality of the conviction.

The Court: I think I had better impose sentence.

Mr. Oliver: I have been speaking to the Foreman of the Jury. I make the statement to the Court that he has said to me that he was willing and that he had no doubts that the balance of the Jury were willing to recommend this man to mercy. More than that I have nothing to say at this stage of the proceedings.

Mr. O'Byrne: This was a clear case of robbery in the first degree, but on account of the youth of the prisoner I actually interpose the quality of mercy with the Jury and ask them



only to convict him of larceny from the person. Being so young I did not like to have a verdict go against him that would compel your Honor to send him to the State Prison for ten years.

The Court: Four years in the State Prison at hard labor is the sentence of the Court.

Mr. Oliver: If your Honor will grant me the certificate of a stay that will enable me to apply to the Supreme Court for a stay.

The Court: Yes, Sir.

Mr. O'Byrne: Yes, we will give you as long as you want.

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**BOX:**

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**FOLDER:**

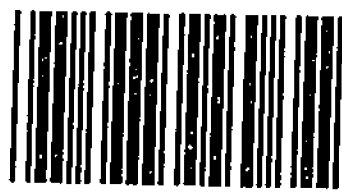
785

**DESCRIPTION:**

Murphy, Thomas

**DATE:**

06/08/82



785



Sub  
Alfred W. Clegg  
60 West 1st

Counsel,

Filed 8 day of June, 1882

Pleads Not guilty

THE PEOPLE

vs.  
Thomas Murphy  
160 West 1st

INDICTMENT.  
LARCENY FROM THE PERSON.

JOHN McKEON,

District Attorney.

A True Bill.

John J. Sparrow Foreman.

June 14/82

True & Reported.

Wm. J. Shueck  
N. 103 year. 16

WITNESSES:

1046

1047

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 Murphy

The Grand Jury of the City and County of New York, by this indictment, accuse  
Thomas Murphy  
of the CRIME OF LARCENY from the person

committed as follows:

The said Thomas Murphy

late of the First Ward of the City of New York, in the County of New York, afore-  
said, on the thirtieth day of May 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 Pocket book of the value  
of one dollar one silver coin of the United  
States of America of the kind known as  
quarter dollars of the value of twenty  
five Cents and three coins of the United  
States of America of the kind known as  
Cents of the value of one Cent each

of the goods, chattels and personal property of one Kate Murta  
on the person of the said Kate Murta then and there being found,  
from the person of the said Kate Murta 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.



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BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Sec. 208, 209, 210 & 211.

Police Court No. 4 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1 *Kate Mearns*  
*310 E. 2*  
2 *Thomas Murphy*  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Offence, *Larceny from person*

Dated *June 1<sup>st</sup>* 188*2*

*Ottoburn* Magistrate.

*J. J. J. J. J.* Officer.

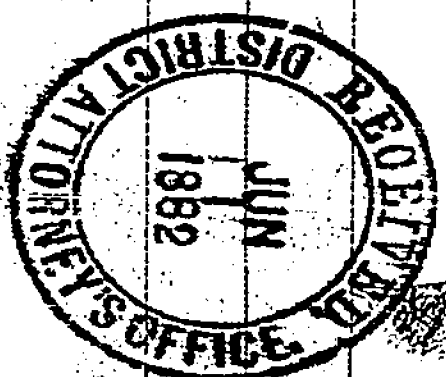
Clerk.

Witnesses *Alfred B. Mearns*

No. *310* Street, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_

No. \_\_\_\_\_ Street, \_\_\_\_\_



*Please 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 *Thomas Murphy*

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

Dated *June 1* 188*2*

*McKen Ottoburn* 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.

1049

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

DISTRICT POLICE COURT.

*Thomas Murphy* 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.

Taken before me, this

day of *May* 188*8*

*Thomas Murphy*

*Mercutio* Police Justice.



1050

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss

of No. 340 East 28 Street, aged 17 years

being duly sworn, deposes and says, that on the 30 day of May 1888

at the Daytime City of New York,

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

of deponent, and from her possession

the following property, viz:

One Pocket Book containing a 25 Cent  
Series of all of the value of \$3.30  
Good and lawful money of the United States

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 Murphy (Groom)  
from the fact that deponent is  
informed by one Alfred B. MacKay  
that he saw the accused Murphy  
put his hand in a pocket of the  
dress then worn on the person of this  
deponent and immediately thereafter  
missed her pocket book

Kate Musta

Sworn before me this  
day of June  
1888  
Police Justice

1051

City and County  
New York

Alfred B. MacLay of Number  
250 West 57th Street being duly sworn, deposes and  
says that on the 29<sup>th</sup> day of May 1882, at New York he saw  
one Thomas Murphy (who here) place his  
hand in a pocket of a dress then worn  
by one Kate Murta of Number  
310 East 28 Street

Alfred B. MacLay

Subscribed before me

this 1<sup>st</sup> June 1882

Michael J. O'Brien Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT - Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

Disposition



1052

Testimony in the case  
of  
Thomas Murphy  
filed June 1882

The People vs. Thomas Murphy (Court of General Sessions. Part I)  
 Before Judge Leaning, June 14, 1882  
 Indictment for petty larceny from the  
 person. Kate Murta sworn and examined. I  
 am a student in the Normal School  
 and live in East Twenty Eighth St., on the  
 30<sup>th</sup> of May I lost a pocket book I left the  
 house about half past ten to see the pro-  
 cession. I went over to Madison Avenue  
 Park, that was Decoration day. On Fifth  
 Ave. opposite the Grand stand between  
 23<sup>d</sup> and 24<sup>th</sup> Sts. I was knuged by a little  
 boy and my friend who was with me  
 was knuged too, and this little boy after  
 a while took hold of my friend's arm  
 and said, "your sister's pocket was robbed."  
 I put my hand right in my pocket and  
 it was gone. I had my pocket book when  
 I left the house, it contained 30 cents. I  
 got the pocket book back, it was sent to  
 the Normal School on Friday morning. I  
 did not see the prisoner and know no-  
 thing about him. Cross Examined. There  
 were a number of people on Fifth Ave.  
 The little boy who called my attention to  
 the loss of the pocket book is in Court  
 The prisoner was going in an opposite  
 direction when the boy called my



attention to the loss. I turned around and caught hold of his collar right away; he did not turn around to look at me as he walked away. I said, "Give me my pocket book, you took it out of my pocket." I did not hear him say anything in reply. Four gentlemen came up and took him in about a minute; he was not searched until he was brought to the station house. I could not see whether he dropped anything or not because there was too many people around. I did not hear him say to me, "I have not got your pocket book." The four gentlemen said to the prisoner, "Give us the pocket book and we will let you go." He said, "I have not got any" and resisted; he wanted to get off. No police man had hold of him; we could not find any; he was searched in the station house. While he was being held by the four men nobody spoke to him. Alfred B. Maclay sworn and examined. I was out looking at the soldiers on Decoration Day. I saw the prisoner with his hand in the pocket of the little girl who was on the stand. I knipped her but she did not understand it. Then I told her sister and she overheard me and then

He turned his back and went away.  
Cross Examined: I only guessed that the girl who was with the complainant was her sister. There was a great crowd of men and women looking at the soldiers. I saw the prisoner when he put the hand in her pocket. I was behind and then I was on one side, I walked over. I did not see him when he took his hand out. I saw his hand in the pocket. I saw it move; the pocket was exposed. I saw the lining of the pocket. I did not see him take anything out of the pocket. I did not see any pocket book in her pocket at that time. James F. Goldrick sworn and examined. I did not arrest the prisoner; he was brought to the station house by some citizens. I know nothing of the facts. Cross Examined. I searched him and did not find anything. The prisoner denied to me that he had ~~taken~~ it and said she was mistaken. Kate Murta recalled. Did your money come back in the pocket book? Yes sir. Thomas Murphy, sworn and examined in his own behalf testified. I am a laborer, I live at 160 Spring St. I am single, I was in Fifth Avenue on the



30<sup>th</sup> of May. Decoration day. I was there taking a walk, looking at the soldiers and following them down. I am dressed just as I am now. That lady who was up here she came after me and said, "Give me that pocket book." I said, "What pocket book? I have no pocket book." With that four men got hold of me. I said, "it is a mistake." "We will soon see." "Search me now and see." "Well, come on," and they dragged me right down to the station, and the officer who is here met them on the way. He took me in. He said, "Have you got the pocket book?" I said, "I am innocent of the charge." He searched me. I had not my hand in the girl's pocket and I was never charged with stealing anything. Cross Examined. I have been in this country seven years. I was born in England. I have been working around in different places. I have worked for John Healey farming in Conn. I hoed potatoes and cut corn with a hook. I have been doing carting work and digging cellars. Mr. Finn and the deputy Warden know of my being in the traps three months ago for being drunk. The jury rendered a verdict of guilty and the prisoner was remanded for sentence.

1058

**END OF  
BOX**