

0593

BOX:

414

FOLDER:

3826

DESCRIPTION:

Mead, Richard

DATE:

10/23/90



3826

0594

Witnesses;

John Galt

My. April 9. 1891

Upon an investigation of the facts in this case and after having freely examined the particulars I have come to the conclusion that the defendant did not intend to commit the crime alleged against him and set forth in the within indictment. A withdrawal of indictment will be filed and get the papers as well as a full statement of any one explaining the matter fully. The interests of justice would not be advanced were the indictment returned and I therefore recommended that it be done. David M. Little

approved
Charles M. Rice
District Atty.

261 2011

Counsel,

Filed

day of

1890

Pleas,

THE PEOPLE

vs.

B

Richard Mead

Burglary in the second degree.

[Section 497, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little

Port 2 - April 9, 1891. Foreman.

On motion of District Attorney
Indictment Dismissed

0595

COMMERCIAL PUBLISHING CO.
1267 BROADWAY.

NEW YORK,

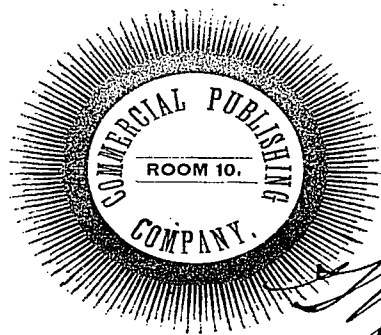
Jan. 3rd 1891

To whom it may concern

This is to certify
that I have known Mr. Richard Meade
for the last three or four years, and
during that time have always found
him to be an honest upright man,
capable, and diligent in his duties.

John Murdoch

0596



1267 BROADWAY, N.Y.

Mr. Richard Meade
Addressed

0597

OFFICE OF
A. A. MURPHY,
GENERAL PAINTER,
238 & 240 W. 50TH ST.

New York, *Sept 10th* 1891

To whom it may concern
the Bearer
Richard Neal, I have known this
past seven years (?) and have found
him always strictly honest and
upright in all dealings

Yours etc

A. A. Murphy

A. A. MURPHY,
GENERAL PAINTER,
238 & 240 West 50th Street,
NEW YORK.

City and County of New York.

Mar 16 Harrigan
being duly sworn deposes
and says that he is an
Officer of the Metropolitan
Police Department of the
City of New York. That on or
about the ~~20~~ 21st day of
August 1890 he arrested one
Richard Mead at the premises
No 790 Ninth Avenue New York City
Department was called in from
the sidewalk to make the
arrest, he found the said
Mead in the cellar of the
premises to all appearances
asleep and when aroused
he was intoxicated and at
the request of his complain-
ant he brought the prisoner
to the station house

Deponent further says that
acting under the instruction
of his superior officer, he
investigated the said Richard
Meads character and from
the information he has
learned that said Mead

0599

was employed every day
~~for~~ working for this time
 his employers giving
 him a good character,
 from all inquiry dependent
 has made he is satisfied
 that the said bread
 is an honest and
 hard working young
 man and would not
 be suspected of the
 offence he has been
 charged with.

Given to before me } Mark Harrigan
 this 2nd day of June 1899 }
 H. W. Anglin }
 County of ... }
 N.Y.C.

0600



David Welch Esq
Asst Dist Atty.
Dear Sir

N.Y. Feb 21/91.

Mr. Frank Geo W. Tyson is
interested in the Case of The People
vs. Mead any statements made to you by
him in reference to same may be re-
garded as reliable I have known Mr
Tyson for years and have no hesitancy in
recommending him to you favorably
Respectfully &c
Geo E. Best

0601



David Welsh Esq.

Introducing }
Mr. Geo. Lyon }

Personal

0602

PART I.

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Dora. Gotz
of No. 790 Ninth Ave -Street

WIT TO SEE THE
AS 10³⁰ o'clock A.M.

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of April 1897 at the hour of 10³⁰ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Richard Mead

Dated at the City of New York, the first Monday of April
in the year of our Lord 1897

DE LANCEY NICOI.L., District Attorney.

0603

790-7 am

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.

If ill when served, please send timely word to the District Attorney's Office.

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

Alma B. called
April 27/91
B. H.

City and County of New York, ss:

Samuel Nelson of No 66
North Avenue New York City
being duly Sworn deposes and
says That he is engaged in
the Liquor business at the
above address, that ^{he} has been
so engaged at said address
for the past 8 years, that
during the past eight years
except for a short interval he
has had in his employe
Richard Mead the former
charged with an attempt at
burglary at the premises No 790
North Avenue in this City -

That during the period
above named said Mead
has had entire charge of
this defendants business, the
handling, and care of defendants
money extending into sums
of Hundreds of Dollars, that
said Mead is at the present
time, and was when the alleged
offense occurred in the employ
of this defendant, that said Mead
has had the implicit confidence

with the honesty and veracity
and faithfulness of an em-
ployer to and employer,
the only fault deponent has
ever had to complain of said
Mead, was his inclination at
times (very rarely) to indulge
in liquor, during which time
said Mead seemed to lose
entire control of his actions,
notwithstanding which deponent
has never had occasion to
doubt the strict honesty
of said Mead, that said
Mead in his employment
~~as~~ with this deponent has
ample opportunity to use
the money of this deponent,
having entire control of such
matters, that ~~but~~ said
Mead's honesty has been
especially remarked by this
deponent and others with
whom he came in contact,
that previous to the present
unfortunate circumstance
there has not been the

slightest shadow of a
 suspicion ever rested upon
 said Mead, and knowing
 the character of said Mead
 as witnessed by deponent
 during the past eight years
 deponent has the utmost
 confidence in said Mead's
 honesty, and deponent will
 not believe that said
 Mead would knowingly
 be guilty of the act with
 which he stands charged
~~with~~ Deponent has seen
 Mead still in his employ
 and will still continue him
 so, trusting that his experience
 in the past will be a wholesome
 lesson with regard to his
 sobriety in the future,
 Given to Deponent
 this 12 day of February 1891 } Samuel Nelson
 Charles Martin
 Notary Public
 My Co (92-)

0607

*Affidavit of
Employers*

*of
Richard M. M.*

19
1900

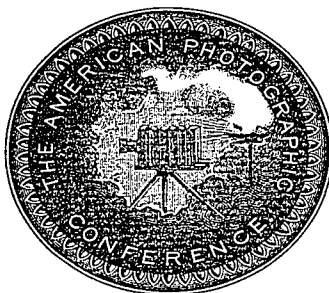
0608



T. J. BURTON, *Secretary.*
ADDRESS, 113 WEST 38TH STREET, NEW YORK.

0609

THE AMERICAN PHOTOGRAPHIC CONFERENCE.



SECRETARY'S OFFICE, 113 WEST 38TH STREET.

OFFICERS.

PRESIDENT,	- -	DR. ELY VAN DE WARKER, Syracuse Camera Club.
1st VICE-PRESIDENT,	- -	GEORGE BULLOCK, Cincinnati Camera Club.
2d VICE-PRESIDENT,	- -	DR. GEORGE L. PARMELE, Hartford Camera Club.
SECRETARY,	- -	T. J. BURTON, The Society of Amateur Photographers of New York.
TREASURER,	- -	W. H. DREW, Boston Camera Club.

New York, February 11th, 1891.

TO WHOM IT MAY CONCERN.

This is to certify that I have known Richard Mead for the past seven years to be an upright, honest and industrious young man, and from my business transactions with him during that time, I believe his character to be above reproach. I will personally come forward and verify this statement at any time, if necessary, or can be found at my residence, 650 Ninth Avenue, New York.

Respectfully yours,

Major S. Benthame

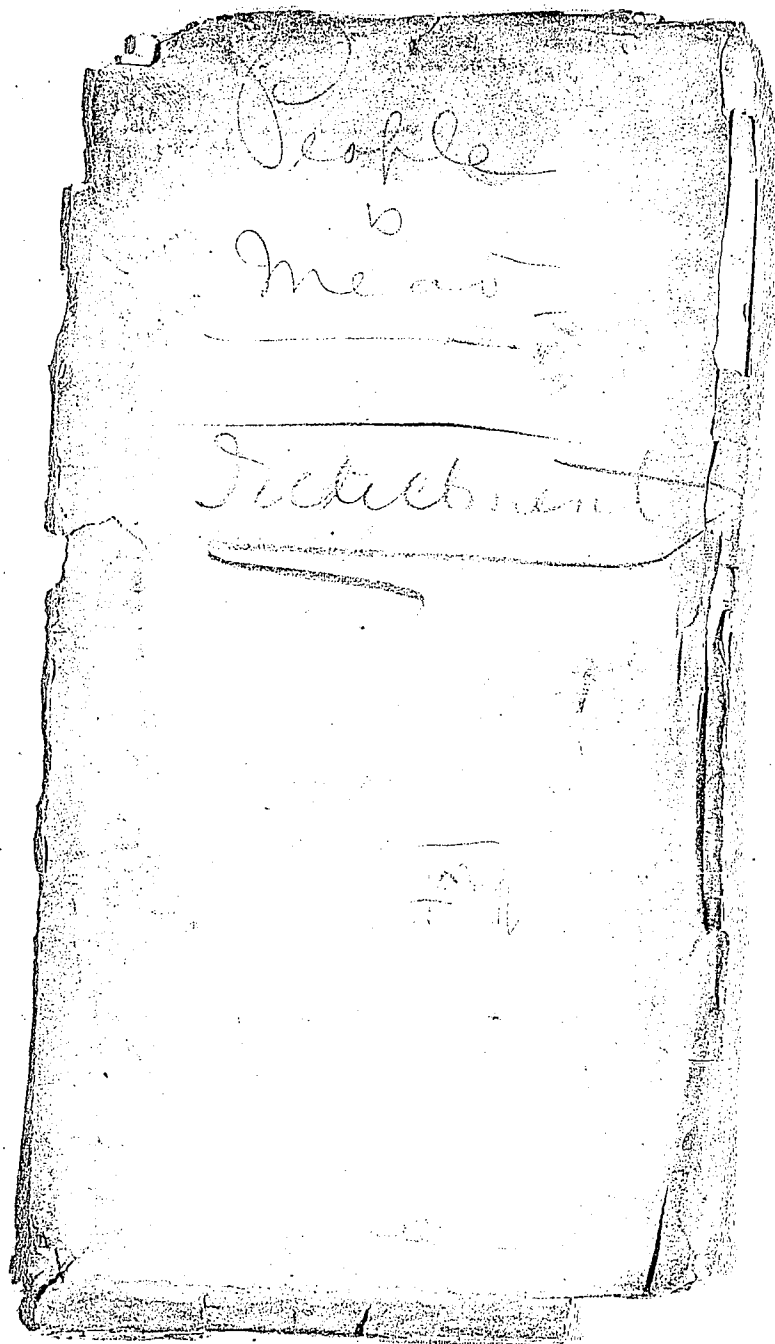
Dictated.

06 10

David Welch Esq
Asst Dist Atty
N.Y.C.

**POOR QUALITY
ORIGINAL**

0611



06 12

G. W. HAWKINS.

E. F. HAWKINS.

OFFICE OF
ASHUELOT BREWERY,

ESTABLISHED 1864.

343 & 345 West Forty-First Street.

C. P. HAWKINS' SONS.

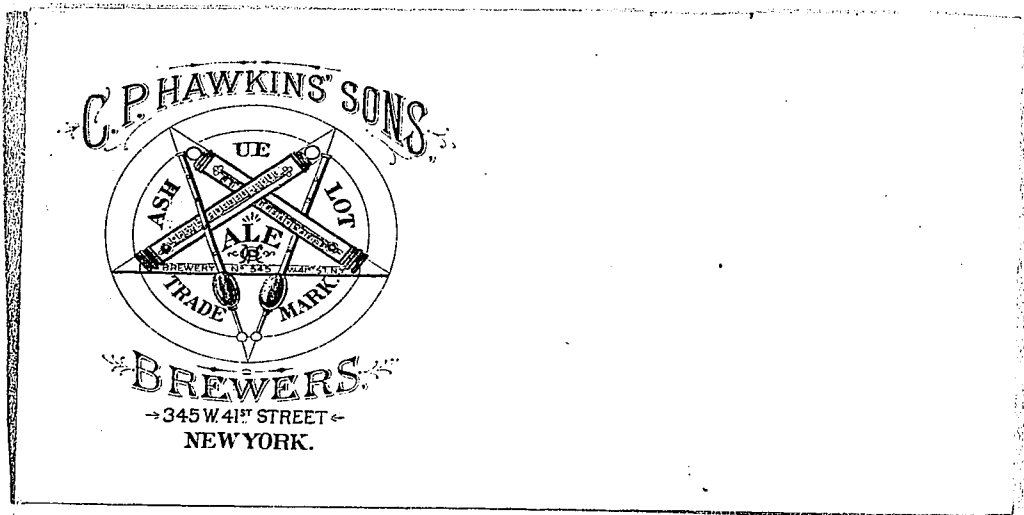
New York, Feb 10, 1881

To Whom this may concern

This is to certify
that we have known Mr. Richard
Ward for past five years
and have always found him
to be upright in all his
dealings and considered him
worthy of the highest confidence

Yours Truly
C. P. Hawkins Sons

06 13



06 15

OFFICE OF
STEINHARDT BROS & CO
 IMPORTERS & WHOLESALE
LIQUOR DEALERS
 313 & 315 BOWERY,
 NEW YORK.
 299 & 301 PATCHEN AVE. (COR HAUNCEY ST.)
 BROOKLYN, N.Y.
 TELEPHONE CALL: 91 BEDFORD, B'KLYN. TELEPHONE CALL: 496 SPRING, N.Y.

New York, FEB 17 1891

Mr. Asst. Dist. Atty. Davis

Dear Sir: I have been doing business with Mr. Samuel Nelson of No 42 + 9th Av. the past eight years. During that period I have naturally frequently come into contact with Richard Mead, accused of burglary. I have always known Mead to be an honest, capable and efficient Employer of Mr. Nelson who always spoke of him with praise. I was therefore considerably shocked when I heard of the trouble he got into some time ago.

Knowing the man as I do I will not believe that he was in his proper mind or that he had control of his faculties when the unfortunate act was done and I believe that justice would be amply satisfied at

06 16

OFFICE OF
STEINHARDT BROS & CO
 IMPORTERS & WHOLESALE
LIQUOR DEALERS
 299 & 301 PATCHEN AVE. (COR HAUNCEY ST.)
 BROOKLYN, N.Y.
 313 & 315 BOWERY,
 NEW YORK.
 TELEPHONE CALL: 91 BEDFORD, B'KLYN. TELEPHONE CALL: 496 SPRING, N.Y.

New York, _____ 189__

M

Dear Sir: His honorable discharge His
 past conduct and present behaviour
 are testimonials as to the truth of
 my assertions

Trusting that ^{metter} Richard Mead, will
 receive your favorable consideration

Yours

Yours Very Truly
 Henry Steinhardt
 of Steinhardt Bros & Co

06 17

-----X
The People on the Complaint of
Dora Goltze

Against
RICHARD MEAD

-----X
In this case I have given the matter and the papers submitted to me full consideration and investigation . It appears that Richard Mead while in a state of intoxication, it is charged, attempted an entrance into the apartments kept by the complainant at No. 790 9th Avenue on the 21st day of August 1890, and while attempting to enter the said premises was caught, arrested and arraigned, and was subsequently indicted by the Grand Jury upon the charge of burglary in the second degree.

The complainant now desires to withdraw her complaint against the defendant or rather to recommend leniency or clemency in his behalf and states as her reasons for so doing that she does not believe now that it was the intention of the defendant at the day and time aforesaid to commit a crime, but that his conduct is excusable for reasons set forth at length in her withdrawal statement filed with the papers and of date January 21, 1891. Irrespective of her statement to me and her written statement heretofore referred to, I have investigated the character of the accused, and I find that he bears a most excellent reputation. Amongst the papers will be found testimonial letters received from well known business men of the City of New York, setting forth the fact of the good character and repute of the

06 18

accused in every respect. There is also contained amongst the papers a communication from his employers with whom he has been connected for many years, in which they state that the accused had heretofore been intrusted with money in large and small amounts upon many occasions and had been trusted with responsible duties of ^{various} ~~various~~ natures and had always been found reliable, trustworthy and honest. The complainant believes that the defendant has been sufficiently punished, and from all the circumstances relating to the case I unhesitatingly give it as my opinion that the interests of justice would not be set at naught were the defendant discharged from custody. This is his first offense, and taking into consideration everything that has been said by those interested in his behalf and the documents on file with the papers, I recommend that clemency be given him, and that for the reasons heretofore fully set forth he be discharged.

All of which is respectfully submitted.

Dated, New York, April 8, 1891.

Dwight H. Welch
Assistant.

06 19

No. 48

48

THE PEOPLE OF THE STATE OF
NEW YORK

en rel
Nora Golzger

against

Richard Mead

Procurator General
of David W. Kelly

DE LANCEY NICOLL,
DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0620

Sec. 193-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Richard Mead 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. *Richard Mead*

Question. How old are you?

Answer. *38 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *416 West 52nd St. 2 years*

Question. What is your business or profession?

Answer. *Bar tender*

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*

Richard Mead

Taken before me this *21st*

day of *August* 189*6*

Charles W. Smith
Police Justice

0621

BAILED,
No. 1, by James McLean
Residence Worwood 116 St.
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court No. 4

District 1298

THE PEOPLE, ac.,
ON THE COMPLAINT OF

David Salter
790-947 Ave.
Charles Mead

Offence Burglary
Attempt Larceny

Dated Aug 21 1890

Jacobson Magistrate.

Thompson Officer.

Wm. Mark Thompson Precinct.

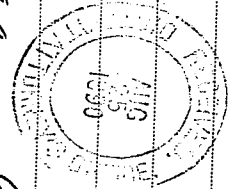
No. 22 Precinct. Street.

No. _____ Street.

No. _____ Street.

No. _____ to answer _____ Street.

Robert
Charles



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

defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty 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 Aug 21 1890 Charles McIntosh Police Justice.

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

Dated Aug 21 1890 Charles McIntosh 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 _____ 18 _____ Police Justice.

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Richard Meach

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. That the defendant Meach has been or patron of the saloon where the alleged offence took place for the past year, I have known him to all appearances to be an honest, respectable and industrious young man, and understood that he worked every day for his living, at times he indulged in liquor and was intoxicated at the time of the occurrence of which he stands charged. The defendant has frequently gone into the yard in the rear of the premises and I believe that his intention in going there on the occasion of his arrest was not to commit any wrong, but for the purpose of obtaining entrance to the saloon, the front door being locked at the time. I have made inquiries from my neighbors concerning the character of the defendant, and find his character

0623

you honestly take good, I know of no
 other charge having been made
 against the dependant, and deem-
 ing that he has been sufficiently
 punished for his undue use of
 liquor, I would renew my recom-
 mendations as above set forth.

Sworn to before me this {
 21st day of January 1891 }

John G. Galt

Wm. Laughlin
 County of Deeds
 -my at

0624

Police Court—4 District.City and County } ss.:
of New York, }Dora Goltze
of No. 790 Knich Avenue Street, aged 42 years,
occupation Keep house being duly sworndeposes and says, that the premises No. 790 Knich Avenue 22 nd Ward
in the City and County aforesaid the said being a tenement buildingthe rear apartments on the first floor of
and which was occupied by deponent as a living apartmentsand in which there was at the time ~~a~~ human beings by name Adolph, Anna, Dora
Louisa and Henry Goltze and deponentwere **BURGLARIOUSLY** entered by means of forcibly pushing open the
window leading from said apartments to the
rear yard and entering through the windowon the 21st day of August 1890 in the night time, and the
attempted to be
following property feloniously taken, stolen, and carried away, viz:Jewelry, money and wearing apparel
of the value of about Three hundred
dollarsthe property of deponent and her husband
and deponent further says, that she has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by
Richard Meadfor the reasons following, to wit: that at about the hour
of midnight deponent securely locked
fastened and closed the doors and
windows leading into said apartments
and said property was therein and
deponent retired to sleep with her
children above mentioned. Deponent
was attracted by a noise at one of the
windows and shortly thereafter heard

0625

a noise in the room and deponent got up and saw the defendant ~~in the room~~ leaning upon the sill and half of his body in the room attempting to open one of the drawers of a bureau in the room. Deponent recognized the defendant, having previously seen him and with the aid of Officer Mark Harrigan, found the defendant secreted in the cellar of said premises
 Sworn to before me }
 this 21st August, 1890 }

Donna Galt
 Charles W. Tarrinton
 Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
 guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars and he committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.
 Dated 1888
 Police Justice
 I have admitted the above named
 to bail to answer by the undertaking hereunto annexed.
 Dated 1888
 Police Justice
 There being no sufficient cause to believe the within named
 guilty of the offence within mentioned, I order he to be discharged.
 Dated 1888
 Police Justice

Police Court, District

THE PEOPLE, &c.,
 on the complaint of

vs.

1
2
3
4

Offence—BURGLARY

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses.

No. Street.

No. Street.

No. Street.

\$ to answer General Sessions.

0626

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Richard Mead

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

Richard Mead

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

The said *Richard Mead*,

late of the *Second* Ward of the City of New York, in the County of New York
aforesaid, on the *twenty first* day of *August*, in the year
of our Lord one thousand eight hundred and *ninety*, with force and arms, about the
hour of *twelve* o'clock in the *night* time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one *Adolph Gottsch*,

there situate, feloniously and burglariously did break into and enter, there being then and there
some human being, to wit: *one Dora Gottsch*,

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

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away;

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

John R. Parsons,

Attorney

0627

SECOND COUNT—

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

of the CRIME OF

LARCENY

committed as follows:

The said

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

of the goods, chattels and personal property of one,

in the dwelling house of the said

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

0628

THIRD COUNT--

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

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

The said

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

of the goods, chattels and personal property of one

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

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

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 R. FELLOWS,
District Attorney.

0629

BOX:

414

FOLDER:

3826

DESCRIPTION:

Meals, Michael

DATE:

10/30/90



3826

0630

Witnesses;

J. Rudy

333 F.J. Gallagher
by J.L. May
De Villiers

Counsel,

Filed

day of

18

Pleads,

30th Dec 1890
Not guilty

THE PEOPLE

vs.

19
54
Barber Spring St
Michael Ineals

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

JOHN R. FELLOWS,

Nov 23 1890 District Attorney.

A True Bill.

Audrey Little

Part 2 - December 10, 1890

Foreman.

Jury and Council of
Assault 2nd Degree

37m 9 noon 50. 00

12

0631

Police Court—2 District.

City and County { ss.:
of New York,

of No. 116 Gansevoort John Pendy Street, aged 28 years,

occupation Produce Business being duly sworn

deposes and says, that on the 29 day of August 1889 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Michael Meale, (now here) who

wilfully and maliciously cut

deponent on the head, and face,

with a Razor then and there

held in his hand, and

threatened to take deponent's

life.

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

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

Sworn to before me, this 2nd day of Sept 1889 } John Pendy

Deputy Police Justice.

0632

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,*Michael Mealo*

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

Question. What is your name?

Answer. *Michael Mealo*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Hat*

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

Answer. *57 Spring Street, 3 Months*

Question. What is your business or profession?

Answer. *Barber*

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 attacked me with
a Meapon, and I defended
myself*

*his
Michael Mealo
Mark*

Taken before me this
day of *April*
188*9*

So J. C. M. Justice
Police Justice.

0633

Police Court--- 1890
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Hardy
116
Richard Meale

Offence Assault
felony

BAILED.
No. 1, by *James Henderson*
Residence *54 Spring Street.*

No. 3, by
Residence
No. 4, by
Residence
Street.

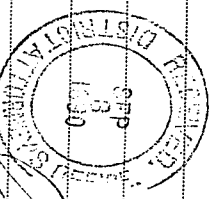
Dated *Sept 5 1890*
Magistrate.

W. J. Meale
Precinct Officer.

Witness

No. Street.

No. Street.



No. Street.
\$1000 to answer

Backed

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

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

Dated *Sept 5 1890* *Do J. Corbett* Police Justice.

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

Dated *Sept 5 1890* *Do J. Corbett* Police Justice.

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

Dated *18* *Do J. Corbett* Police Justice.

0634

Sec. 192.

2

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Daniel O'Reilly a Police Justice
of the City of New York, charging Michael Meole Defendant with
the offence of Assault

and he having been brought before said Justice for an examination of said charge, and it having been made
to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and
the hearing thereof having been adjourned.

We, Michael Meole Defendant of No. 54
Spring Street; by occupation a Barber
and Dominico Demario of No. 54 Spring
Street, by occupation a Liquor dealer Surety, hereby jointly and severally undertake
that the above named Michael Meole Defendant
shall personally appear before the said Justice, at the 2 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of five
Hundred Dollars.

Taken and acknowledged before me, this

day of

Sept

189

D. J. O'Reilly POLICE JUSTICE.

Michael + Meole
Dominico Di Marco

0635

2

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Michael Mevle

Undertaking to appear
during the Examination.

Taken the 1 day of Sept-1892

DAR

Justice.

Sincerely identified
by Frank Nicholas
Interpreter

Demetrius B. More

value of \$7.00 per acre
clear of all encumbrance

CITY AND COUNTY } ss.
OF NEW YORK, }
day of 1892
Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth
exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities,
and that his property consists of

Demetrius B. More
\$100
Hundred Dollars

also situated Mrs. S. S. Stone
St. 45 Broadway St. of the

0636

St Vincent Hosp
Aug 30/90

John. Hendley is
suffering from an
in used wound of
scalp.

His condition is not
dangerous

Harold Old New
Hampshire

0637

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, 2 DISTRICT.

Stephen A. Guleski

of No. 9 Prescott Street, aged years,
occupation Police officer being duly sworn deposes and says,
that on the 29 day of August 188

at the City of New York, in the County of New York, I deposed to
arrested Michael Meole (nowhere)
upon the complaint of
one John Pender who
charged the said Meole with
wilfully and maliciously
cruelty and slapping him,
Pender in the head with a
Razor. Meole then and the
held in his hands causing such
injuries and as to cause his
Pender's confinement to the

Sworn to before me, this
of 188 } day

Police Justice.

0638

TORN PAGE

at Municipal Hospital
 When the defendant
 prays that said Meple
 be held to await the
 result of said injuries
 soon to be received
 30th day of Aug 1890 Stephen Gillespie
 John J. Wilson

Police Court, District,

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

AFRIDA VIT.

vs.
 Michael Mevel

Dated Aug 30 1890
 John J. Wilson
 Gillespie
 Police Justice
 Witness,

Disposition, \$500 bond for
 And to await result
 of injuries (Bailed
 24 Sep - 5/10 a M

0639

New York
December 1890

I have known Michael—
McCola for a great many
years and this is the first
time he is in trouble.

He has always
been a good sober man and
has always been honest and
has never done anything
dishonorable as long as I
have known him. I am
an labour at the White Star
dock pier 45. I am living
at 121 Christopher St

0640

Pasquale Nicola

Court of General Sessions

The People of the
State of New York
vs

Michael Imela

City of New York ss

Federico De Lorenzo

being duly sworn deposes and says.

That he is a broker carrying on business at No 121 Christopher Street in the City of New York that he is personally acquainted with the defendant above named for the past 4-years and superpersonally and intimately acquainted with him and from said knowledge and acquaintance he believes said defendant previous to the commission of the offence herein alleged to have been a peaceful honest sober and industrious man

Subscribed before me

This 11th day of December 1890

James J. [Signature]

Federico De Lorenzo

Court of General Sessions

The People of the State
of New York

Against
Michael Greola

City and County of New York

Angelo Fornaloro

being duly sworn deposes and
says that he is a ~~thorman~~ residing
at No 123 Christopher Street in
the City of New York

That he has known the defendant
above named for a period
of years last past and has
been intimately acquainted
with him during that time
and always found him, sober
industrious and peaceful

Sworn to before me

this 11th day of December, 1898

Frank H. Leach
Commissioner of deeds
-V- & C-

Angelo Fornaloro

0643

Court of General Sessions

The People vs.

agst

Michael Mesola

affendants

0644

**POOR QUALITY
ORIGINAL**

TORN PAGE

NEW YORK GENERAL SESSIONS.

The People

vs.

Michael Mealo.

) Before

) Hon. James Fitzgerald

) and a Jury.

Tried December 10th, 1890.

Indictment filed October 30th, 1890.

Indicted for Assault in the First Degree.

APPEARANCES:

Assistant District Attorney Bedford, for The People.

F. J. Gallagher, for the Defense.

J O H N P E N D Y, the complainant, testified that he lived at 400 West Street, and was in the produce business, at the Erie Railroad terminus at 23rd Street and 11th Avenue. He knew the defendant before August 29th, 1890, and had been accustomed to get shaved in his barber shop, for about two months before that date. The defendant's barber shop was on West Street, between Gansevoort and Horatio Streets. Between 7 and 8 o'clock on the evening of August 29th, 1890, he, the com-

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POOR QUALITY
ORIGINAL

TORN PAGE

2

plainant entered the barber shop of the defendant for the purpose of getting shaved. When he entered there were three farmers from Long Island who were either being shaved or waiting for their turn. He, the complainant, went to the back of the store to hang his hat up, and he heard the farmers run out, and when he turned around the defendant kicked him, the complainant, in the stomach, and slashed him with a razor on the left side of the forehead near the eyebrow. The defendant afterwards said that he was sorry that he did not kill him the complainant. He, the defendant, said this when he slammed the door behind him, the complainant. To his knowledge there was no ill feeling between the complainant and himself. As soon as the complainant was cut with the razor he ran out and the defendant slammed the door behind him. He, the complainant, found a police officer, and the police officer asked him what was the matter, and he told the police officer. Then he, the complainant, was taken to St. Vincent's Hospital in an ambulance, and 8 stitches were put into his wound. Several days after, he, the complainant got out on the street again. The defendant came up to him, and asked him not to prosecute him. This was on the corner of gansevoort Street. The defendant said that he was a friend of his, the complainant, and that the complainant must not swear against him, and he, the complainant, said that he would prosecute him.

**POOR QUALITY
ORIGINAL****TORN PAGE**

3

Under

Cross-Examination, the complainant testified that he left his home on August 29th, 1890, at about 7 o'clock in the morning, and went to Communipaw to ship a load of cabbage, and remained there until 2 o'clock home. He had 3 or 4 glasses of beer in the afternoon. He had his hair cut that afternoon, and had drank some beer in the shop with the defendant, then he told the defendant that he hadn't time at that time to be shaved, but would return later, and he did return in the evening. There was a woman named Miss Downey, as he was afterwards informed, sitting in the barber shop, when he went in in the evening. It was not a fact that he was under the influence of liquor at that time, and that he made an insulting remark to her. In the

Re-Direct Examination, the complainant testified that about two weeks before the day of the trial the defendant met him as he was coming to court through Bleecker Street. The defendant said that if he the complainant, prosecuted him, he, the defendant would do to him, the complainant, as his countrymen had done to Chief of Police Hennessy in New Orleans. The defendant asked him if he had read about that case, and he, the complainant, said that he had; and then the defendant said that if he prosecuted him, that he would do to him as his countrymen had done to Hennessy---that he would murder him,

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POOR QUALITY
ORIGINAL

TORN PAGE

4

the complainant, or his countrymen would.

OFFICER STEPHEN GILLESPIE, testified that he was attached to the 9th Precinct. The defendant's barber shop was at 529 West Street, between Gansevoort and Horatio Streets. He, the witness, ~~was on duty on the evening of August 29th, 1890,~~ and was in the neighbourhood of the defendant's barber shop between 8 and 9 o'clock. He, the witness, was informed that there was some trouble in the barber shop, and he ran down to it and saw the complainant standing on the sidewalk with his head leaning upon his hand and bleeding. He asked the complainant what was the matter, and he said that "Mike, the Barber," had cut him. He, the witness, saw that the complainant was badly injured, and he crapped for assistance, and when assistance came he sent for an ambulance and had the defendant taken to the Hospital. Then he, the witness, tried the door of the barber shop and found it was locked. He demanded that the door be opened several times, but it was not opened. He broke open the door and found that the barber shop was empty. A door leading from the barber shop into the engine room of the factory next door was open. He went through this door and upstairs in the factory and found the defendant and Miss Downey sitting on the roof. He told the defendant that he wanted him downstairs, and on the sidewalk. The defendant asked, "What for?" He, the witness, said, "For cutting the man with the razor "

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POOR QUALITY
ORIGINAL

TORN PAGE

5

The defendant said, "Well, if I hadn't cut him, he would have cut me." He, the witness, took the defendant downstairs, and the defendant inquired what had become of the complainant. And he, the witness, said that he had sent him to the Hospital. ~~The defendant asked if he was~~ he, the witness, said that he was, and then the defendant said that he wished he had killed him. He, the witness, examined the barber shop and found a couple of razors on the floor. There was no blood on either of the razors, when he found them. He found a broken razor in the prisoner's pocket, and found the blade belonging to the razor on the floor. The defendant said that he had cut the complainant in self-defense. Under

Cross-Examination, the witness testified that he found one whole razor on the floor and part of another---the blade of another on the floor.

For the Defense

M I C H A E L M E A L O, testified that he lived at 54 Spring Street, and had been a barber for about 10 years. On August 29th, 1890, he was the proprietor of the barber shop at 529 West Street. He knew the complainant by sight only. He saw him on August 29th, 1890. He knew the complainant only as a customer. He remembered the complainant coming in on that evening between 8 and 9 o'clock. There were 6 or 7 customers in the store, and Miss Downey was sitting there. She was sitt-

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POOR QUALITY
ORIGINAL

TORN PAGE

6

ing by the window. The complainant sat down by Miss Downey, and told her that he wanted to frig her, and Miss Downey began to cry, and told him, the defendant, that the complainant had insulted her. He, the defendant, said, "John, this is not the way to talk to a lady." ~~The complainant~~ call her a lady? She is only a bitch." He, the defendant, said, "If you want to talk that way you must go out of my shop." The complainant said that he would not go out for him, the defendant, or any one else. Then the complainant said, "If you want to take that lady's part, I will frig her and you too." He, the defendant, said, "No, John; you will not do that;" and he took the complainant by the arm, and the complainant kicked him, and he kicked the complainant, and the complainant turned to the shelf and caught up a razor and struck him upon the face with the razor---on the leftside of his face. He, the defendant, then took up his razor, believing that the defendant would strike him again, and the complainant did strike at him again, and he struck the barber's chair with the razor and broke the razor, and then he, the defendant, cut the complainant with his own razor, believing that the complainant intended to take his life. After the complainant got out of the Hospital, the complainant came into his, the defendant's barber shop and offered to settle the prosecution for \$200. He, the defendant, closed the door and locked it after

0650

POOR QUALITY
ORIGINAL

TORN PAGE

7

the complainant ran out, because he was afraid that the complainant would come back with a gang and he, the defendant, went into the engine room of the factory with Miss Downey and went up to the roof to get out of the way of the gang. He, the defendant, did not tell the officer after his arrest that he was sorry that he had not killed the complainant. All that he said to the officer was that the complainant wanted to hit him with a razor and that the complainant did hit him in the face with a razor and he cut the complainant because the complainant wanted to kill him. Under

Cross-Examination, the defendant also denied that he threatened that if the complainant prosecuted him, that his countrymen would murder the complainant as some of his countrymen had murdered Chief of Police Hennessy at New Orleans.

L I Z Z I E D O W N E Y, testified that she lived at 182 Allen Street. She was in the defendant's barber shop on the night of August 29th, 1890. She was waiting for the defendant to go home with her, and the complainant came in and sat down beside her, and made the insulting remark to her that the defendant had testified to, and then she complained to the defendant and he interfered in her behalf and tried to make the complainant leave the shop and the complainant kicked the defendant and attacked him with a razor. The complainant was intoxicated. Under

**POOR QUALITY
ORIGINAL**

TORN PAGE

0651

8

Cross-Examination, the witness testified that she was not a prostitute, and was not known to the police as a prostitute. Her sister-in-law's sister was the defendant's wife. She was not living with the defendant as his mistress. She was a bookkeeper by profession.

CALCEDONE DELGASE, testified that he was a barber by trade, and was employed by the defendant. He was engaged in shaving a customer when the complainant entered and he saw the complainant sit down by Miss Downey. He, the witness, could not understand English, and he could not understand, therefore, what the complainant said to Miss Downey, but he saw Miss Downey crying, and then heard her say something to the defendant. At that point he, the witness, finished shaving the customer that he was attending to, and went home.

OFFICER GILLESPIE, being re-called in rebuttal, testified that on the night in question the complainant did not appear to be intoxicated. He, the witness, smelled no liquor upon his breath. He saw the defendant's face, and there was no mark upon it. The defendant did not call his attention to a cut or scratch on his face.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Michael Meals

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

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

The said

Michael Meals

late of the City of New York, in the County of New York aforesaid, on the
twenty ninth day of *August* in the year of our Lord
one thousand eight hundred and *ninety*, with force and arms, at the City and
County aforesaid, in and upon the body of one *John Pandy*
in the Peace of the said People then and there being, feloniously did make an assault
and *him* the said *John Pandy*
with a certain *razor*

which the said

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

with intent

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

SECOND COUNT—

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

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

The said

Michael Meals

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said *John Pandy* in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and *him* the said
with a certain *razor*

which the said

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

John R. Fellows
District Attorney

0653

THIRD COUNT—

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

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

The said

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

with a certain

which the said

in right hand then and there had and held, in and upon the
of the said

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said

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 R. FELLOWS,

District Attorney.

0654

BOX:

414

FOLDER:

3826

DESCRIPTION:

Meehan, Thomas

DATE:

10/02/90



3826

0655

Witnesses;

Geo. D. Wright
Thos. Beaman

#286 *John F. Walsh*
Steward Building

Counsel,
Filed *2* day of *Oct* 18*90*
Pleads, *Guilty* 3

THE PEOPLE

vs.

Thomas Incehn

W
2nd Jury
Part

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

Oct 10/90
Pleads Assault 2nd deg
A True Bill. *SP 2 1/2 cts.*

W. M. Haynes
Foreman.

Part I

Oct 8

Oct 10/90

0656

Police Court—3—District.

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

of No. 6 Columbia Street, aged 18 years,
occupation Conductor being duly sworn
deposes and says, that on the 14th day of September 1887 at the City of New
York, in the County of New York,

he was violently and feloniously ~~ASSAULTED~~ and BEATEN by
Thomas McEhane (number?)
in the following manner to wit:
Deponent was in charge of a Street
Car on Madison Street as a conductor.
Deponent asked the defendant to pay
his fare which defendant refused
to do. Deponent stopped said car whereupon
defendant struck deponent and then
took the car hook from the driver
Thomas Beacon and struck at the
said Beacon and did throw said
car hook at deponent. Defendant
then broke the windows of said car
with said car hook. Deponent then
called the arrest of defendant by
Officer Turner who in attempting to
arrest defendant struck said officer
with his clenched hand and did
kick said officer on the face

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

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

Sworn to before me, this 14th day }
of September 1887, } George D. Wright

[Signature]
Police Justice.

0657

Sec. 193-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas McKean 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 McKean

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

New York

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

Answer.

298 Henry Street 2 years

Question. What is your business or profession?

Answer.

Printer

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
Thomas McKean*

Taken before me this
day of *September* 188*8*

14

188

Police Justice.

0659

TORN PAGE

MEEHAN'S MANIA.

HE TAKES POSSESSION OF A CAR AND BEATS THE
CONDUCTOR AND DRIVER.

Thomas Meehan, alias "Skinner," of No. 331 Madison street, was arrested yesterday by Patrolman James Turner, of the Madison street station, for committing a murderous assault with a car hook upon George D. Wright, a conductor, and Thomas Deacon, a driver, on the Madison street railroad.

Conductor Wright told Justice Hogan in the Essex Market Police Court, when Meehan was arraigned on the charge of felonious assault, that the prisoner had boarded his car, No. 13, at the Scannell street crossing at eight o'clock, and when asked for his fare had become violent. The conductor called upon the driver for assistance, when Meehan struck both of them with his fists, and seizing the car hook aimed a vicious blow at Deacon which missed his head. The hook was bent almost double by the force of the blow, which fell upon the iron railing.

After this Meehan smashed all the windows in the car, and held possession of it until Policeman Turner arrested him.

Meehan has a mania for whipping policemen and has been sent to Blackwell's island for nine months for assaulting a patrolman. He has also been arrested for burglary. He was committed for examination to-day.

Samuel Sept. 14/1905

Thomas Speckham

295 Henry St.

Arrested by Officer Quinn of 7th Precinct for Assault
in 1885. 9 Months.

Arrested by Officer Felix O'Neil of 33rd Precinct
for Assault. 6 Months.

Arrested by Officer W^m Swine now in 31st Precinct for
Malicious Mischief. Convicted. 1888.

Arrested by Officer Kuntz of 12th Precinct for Burglary.
Acquitted

Arrested by Officer George A. Hees W^m 1596 of 12th Precinct
for Disorderly Conduct. 10 Days 1889.

Arrested by Officer George A. Hees W^m 1596 of 12th Precinct
February 16th 1890. for Assault & Burglary. Jury disagreed
11 to 1.

Arrested by Roundman Dugan of 13th Precinct for
Assault. 5 Months. Penitentiary

Arrested by Officer Fahy of 7th Precinct for stealing
Horse Blankets. 6 Months. Penitentiary

Arrested by Officer O'Neil of 12th Precinct for Dis-
orderly Conduct in July 1890. 1 Month.

0661

Record

Thomas Meehan

0662

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 Meehan

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

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

The said

Thomas Meehan
late of the City of New York, in the County of New York aforesaid, on the
fourteenth day of *September* in the year of our Lord
one thousand eight hundred and *ninety*, with force and arms, at the City and
County aforesaid, in and upon the body of one *George D. Wright*
in the Peace of the said People then and there being, feloniously did make an assault
and *him* the said *George D. Wright*
with a certain *car hook*

which the said

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

with intent

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

SECOND COUNT—

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

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

The said

Thomas Meehan
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said *George D. Wright* in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and *him* the said
with a certain *George D. Wright*
car hook

which the said

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

John R. Bellows
District Attorney

THIRD COUNT—

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

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

The said

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

which the said

in right hand then and there had and held, in and upon the
of the said

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said

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 R. FELLOYS,

District Attorney.

0664

BOX:

414

FOLDER:

3826

DESCRIPTION:

Meier, Henry

DATE:

10/06/90



3826

0665

2

Witnesses;

Counsel,

Filed

day of

18

Pleads

6th day of Oct 18 90
Guilty

THE PEOPLE

vs.

Henry Meier

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

Ch. Brown
Hamilton

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little

Foreman.

Oct 7/90
Pleading 1st day
S.P. 2 1/2 yrs.

0666

Police Court 2 District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Daniel Lynch
 of No. 211 West 21 Street, aged 25 years,
 occupation Bricklayer being duly sworn
 deposes and says, that on the 23 day of September 1888 at the City of New

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

Two Commutation Meal Tickets
of the value of six dollars and
a gold ring of the value of
seven dollars, all amounting
to the value of Thirteen dollars

(\$ 13 00)
1.00

the property of

Deponent

Sworn to before me, this
 of _____ day
 1888

Police Justice.

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 Henry Meier, (now here) and
William Doe, not yet arrested while
acting in concert with each other,
from the following facts to wit:
that deponent was asleep on the
stairs of premises No 304 West 21
Street, about the hour of 4 A.M.
of the aforesaid date,

And that said Tickets were in
the outside pocket of a vest then
and there worn on the person of
deponent, and that said ring was
on the little finger of deponents
right hand.

And that deponent is informed

0667

by Harry Hogan of No 216 west 17
 Street that he found said tickets
 in the possession of defendant
 (Meier) about the hour of 3. a.m. of the
 25th day of September at No 145
 A^{ve} Avenue

And that said defendant
 (Meier) admitted and confessed to defendant
 in presence of Officer John Barry
 of the 16 Precinct Police that he
 had taken stolen and carried
 away said property (viz meal tickets)

27

Daniel Lynch

September 27
 John Hogan

0668

CITY AND COUNTY {
OF NEW YORK, } ss.

aged 27 years, occupation Trailer of No. 216 W 17 Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Samuel Lynch
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 27 day of Sept 1889 H.H. Hogan D.

John Korman
Police Justice.

0669

CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation _____ of No. _____

16. Precinct _____

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of _____

Daniel Lynch

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this _____ day of _____ 1888

Sept 27 1888

John Carey

John Hoffman
Police Justice.

0670

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

Henry Meier

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

Germany

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

Answer.

No Home

Question. What is your business or profession?

Answer.

Varnisher

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 admit taking the tickets
but do not know anything
about the ring
his
Henry Meier
(mark)*

Taken before me this

day of *September* 1935

1935

Police Justice.

0671

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

Police Court--- 2 District.

1482

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Sykes
Henry Meric

Offense
Larceny
from Person

Dated September 27 1890

Magistrate.

Officer.

Preclud.

Witnesses

No. _____ Street.

No. _____ Street.



No. _____ Street.

\$ 1000 TO ANSWER

Alfred G. Brown

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

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 September 27 18890 John J. [Signature] 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.

0672

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Meier

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

Henry Meier
of the CRIME OF GRAND LARCENY in the *first* degree committed as follows:

The said

Henry Meier

late of the City of New York, in the County of New York aforesaid, on the *twenty-third*
day of *September* in the year of our Lord one thousand eight hundred and
ninety, in the *night* - time of the said day, at the City and County
aforesaid, with force and arms,

*one finger-ring of the
value of seven dollars, and two
pieces of paper of the value
of ten cents each piece*

of the goods, chattels and personal property of one *Daniel Lynch*
on the person of the said *Daniel Lynch*
then and there being found, from the person of the said *Daniel Lynch*
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 R. Fellows,
District Attorney -

SECOND COUNT—

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

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

The said

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

of the goods, chattels and personal property of one

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

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

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 R. FELLOWS,
District Attorney.

0674

BOX:

414

FOLDER:

3826

DESCRIPTION:

Memmer, John

DATE:

10/27/90



3826

291

Witnesses

J. J. Soregan
E. G. Linn

Counsel,
Filed, day of Oct 1890
Pleads,

THE PEOPLE,
vs.

John J. Memmer

ADULTERATED MILK.

(Chap. 183. Laws of 1885, Section 1, as amended
by Chap. 577, Laws of 1886, Section 1; Section 186,
Sanitary Code, and Section 575 of the N. Y. City
Consolidation Act of 1882.)

Went to the Court of Special
Sessions for trial, by request
of the Defendant.

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Andrew Little

Foreman.

[Handwritten signature and scribbles]

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

John J. Memmer

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

(Chap. 183, Laws of 1885, § 1, as amended by Chap. 577, Laws of 1890, § 1.)

The said

John J. Memmer

late of the City of New York, in the County of New York aforesaid, on the
second day of *April* in the year of our Lord
one thousand eight hundred and ~~eighty~~ *ninety*, at the City and County aforesaid,
did unlawfully expose for sale three quarts of unclean, impure, unhealthy, adulterated
and unwholesome milk (the same not being skimmed milk produced in the said County),
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.

0677

SECOND COUNT:

(§ 160, Sanitary Code

And the Grand Jury aforesaid, by this indictment, further accuse the said
John J. Memmer
of the CRIME OF VIOLATING THE SANITARY CODE OF THE BOARD OF HEALTH OF THE
HEALTH DEPARTMENT OF THE CITY OF NEW YORK, committed as follows:

The said *John J. Memmer*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully keep, have and offer for sale, three quarts of milk which had been and was then and there watered, adulterated, reduced and changed by the addition of water and other substances to the Grand Jury aforesaid unknown, and by the removal of cream, against and in violation of the Sanitary Code of the Board of Health of the Health Department of the City of New York, duly adopted and declared as such at a meeting of the said Board of Health, held in said city on the second day of June, 1873, as amended in accordance with law, and particularly in violation of a certain ordinance thereof, to wit: the one hundred and eighty-sixth section of said code, which is as follows, that is to say:

"No milk which has been watered, adulterated, reduced or changed in any respect by the addition of water or other substance, or by the removal of cream, shall be brought into, held, kept, or offered for sale at any place in the City of New York; nor shall any one keep, have or offer for sale in the said city any such milk."

Which said section and ordinance above set forth was, by a certain resolution, duly passed and adopted by the said Board of Health and by said Health Department, at a meeting thereof duly held in said city on the twenty-third day of February, 1876, added to and made a part of the said Sanitary Code aforesaid, and adopted and declared to form a portion thereof, pursuant to the authority and power conferred by law upon the said Board, and which said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in the said city, to wit: in the issues of such newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876, and which said Sanitary Code so amended and altered was then and there, at the time of the committing of the offense hereinabove alleged, in full force and operation, and was by law declared to be binding and in force in said city, and which said section and ordinance above set forth was then and there in full force and virtue, having been in nowise altered, amended or annulled by said Board of Health, 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 R. FELLOWS,

District Attorney.

0678

BOX:

414

FOLDER:

3826

DESCRIPTION:

Mendel, Benjamin

DATE:

10/02/90



3826

0679

Witnesses;

Wm. Beck

Counsel

Filed

day of

Pleads,

THE PEOPLE

19
94 *vs.* *Benjamin Mendel*

Grand Larceny Second degree
[Sections 528, 531, 332, Penal Code]

JOHN R. FELLOWS, I

Oct 27 - 1890 - District Attorney.

A True Bill.

Aaron Little

Foreman.

Part III October 27/90

Pleads - Petit Larceny

Pen 9 mos
R.B.H.

0680

Police Court—4th District.

Affidavit—Larceny.

City and County } ss.
of New York,

Moses Beck

of No. 126 Attorney Street, aged 33 years,
occupation Button Hole maker being duly sworn
deposes and says, that on the 10th day of October 1890 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property, viz:

Two Coats and Eleven Vests
all of the value of Thirty-four⁰⁰/₁₀₀
Dollars — (\$34.⁰⁰/₁₀₀)

the property of Jerkowski and Ernst, and of
Raphael Neiman and all in deponent's
charge and custody

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 Benjamin Mendel (now here)
from the fact that said property
was in the tailor shop in premises
No. 126 Attorney Street and at about
the hour of 6.30 P.M. October 10th 1890
and on the following morning
when deponent came to said
premises deponent missed said
property, and deponent is informed
by Officer Peter J. Lawlor of the 18th Precinct
Police, that he Lawlor arrested said
defendant in East 26th Street on the
said, found part of the said property
in his, defendant's possession, which
deponent identifies as being the same which had
been taken, stolen and carried away as aforesaid.
Moses Beck

Sworn to before me this
10th day of
October 1890
at New York
City
Minot
Police Justice.

0681

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 33 years, occupation Peter J. Lawlor
Police Officer of No. the 18th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Moses Beck
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12
day of October 1889 } - Peter J. Lawlor

W. J. Mahoney
Police Justice.

0682

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *Benjamin Mendel*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *No 94 Rivington Street & about 2 years*

Question. What is your business or profession?

Answer. *Laborer*Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?Answer. *I am guilty Benjamin Mendel.*

Taken before me this

day of

*October**1890*

Police Justice.

0683

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

Police Court--- 4th District. 1558

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

James Black

126 as attorney for

James W. Wadsworth

Offence

Larceny
 Felony

Dated

Oct 12

1890

Wm. J. McMahon

Magistrate.

John J. Sanborn

Officer.

18

Precinct.

Witness

Call Officer

Street.

Marion Fisher

Street.

No. 131 West 5th St.

Street.

Raphael Newman

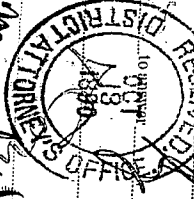
Street.

No. 426 Broadway

Street.

103 West 5th St.

Street.



James Wadsworth
 94 Kingston St.

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

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 Oct 12 1890 Wm. J. McMahon Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0684

Address, Box 172.

Banking House of GILMAN, SON & Co.,

No. 62 CEDAR STREET,

New-York, Oct. 27th 1880

This is to certify that a boy by the name of Benj^m Mendel
formerly employed with the Cyclostyle Copying Press Co, Courtland
St, found a few years ago one of our business collection-books &
returned it to us for which highest adⁿ we rewarded him.
Gilman Son & Co

0689

Dr. R. Berlinger.

174 Delancey Street,

OFFICE HOURS:

8 TO 9 A. M.
1 TO 2 P. M.
6 TO 7 P. M.

New York, Oct. 24 1890

This is to certify that
Per. Macaulay has been in
my service for about
one year to my full
satisfaction.

Rob. Berlinger, M.D.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Benjamin Mendel

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

Benjamin Mendel

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

The said

Benjamin Mendel

late of the City of New York, in the County of New York aforesaid, on the *eleventh*
day of *October* in the year of our Lord one thousand eight hundred and *ninety*.
_____, at the City and County aforesaid, with force and arms,

*two coats of the value of six
dollars each and eleven vests
of the value of two dollars each*

of the goods, chattels and personal property of one

Marcus Jerkowski

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

SECOND COUNT—

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

Benjamin Mendel
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

Benjamin Mendel

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

two coats of the value of six dollars each and eleven vests of the value of two dollars each

of the goods, chattels and personal property of one

Marcus Jerkowski

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

Marcus Jerkowski

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

Benjamin Mendel

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 R. FELLOWS,
District Attorney.

0688

BOX:

414

FOLDER:

3826

DESCRIPTION:

Mendel, Ivan

DATE:

10/07/90



3826

0689

Witnesses;

Counsel,

Filed

day of

18

Pleads,

THE PEOPLE

vs.

Ivan Mendel

Forgery in the Second Degree,
(Sections 511 and 521, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little

Foreman.

23 Oct. 10 1890

Pleads Guilty - 1st count

Elmira Ref. R.B.M.

Police Court, 2nd District.

City and County } ss.
of New York,

of No. 61 Broadway Street, aged 25 years,
occupation Clerk being duly sworn, deposes and says,
that on the 24th day of September 1890, at the City of New
York, in the County of New York,

Alfred A. Friedlander

Isaac Mendel now known
did feloniously make forged counterfeits
and utter as true the hereto
annexed check and letter with
same purporting to be drawn by
M. J. Truckee payable at
the National Park Bank to the
order of Messrs. L. B. Richards
& Company the sum of one
thousand two hundred dollars,
That on said day said
defendant came to place of
business of said L. B. Richards
& Company and presented
the aforesaid order and
check for payment.

Witnesses now on record
by Morris J. Truckee that the
signature to said check and
order are counterfeits and
were not made by him or
authorized by him to make
by any other person, that
said signature is an imitation
and wholly to deceive.

Defendant herefore charges
that said defendant did make
said false and fraudulent
instruments with the intent
to cheat and defraud.

Sworn to before me this } Alfred A. Friedlander
26 day of Sept 1890 }
John J. [Signature] }
[Signature] }
[Signature]

0691

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 50 years, occupation Mechanic of No. 176 William Street, being duly sworn deposes and

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

Sworn to before me, this 26 day of Sept 1889 M. J. Rucker

John J. Hoffman
Police Justice.

0692

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Ivan Mendel 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. Ivan Mendel

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. Germany

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

Answer. 340 6th Street since 6th August

Question. What is your business or profession?

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

Answer. I am guilty of having forged
the signature of Mr. Drucker but
I desire in a future day to make
a explanation in writing for this act
James H. H. H. H.

Taken before me this

21

day of September 1880

John H. H. H. H. Police Justice.

0693

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

Police Court--- 21480
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles A. Hurd
vs. Edward
Mendel

Offence Forgery

Dated Sept 26 1899

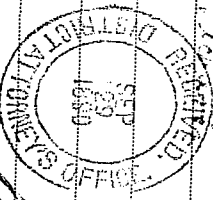
Magistrate
McGowan

Officer

Witnesses
176

No. _____
Street

No. _____
Street



No. _____
Street

Carver

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

defendant

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

Dated Sept 26 1899 Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0694

214 & 216 BROADWAY.

NO. 4391

NEW YORK September 23rd 1887

THE NATIONAL PARK BANK
OF NEW YORK.

PAY TO THE ORDER OF Messrs C. D. Partridge & Co

One thousand and two hundred DOLLARS.

\$ 1200

Wm. Hucker

Banks in & Branch 2 Liberty St. N.Y.

0695

M. J. DRUCKER,
176 William Street.

New York, September 23, 1895,

Major E. B. Richardson & Co.
City.

Dear Sir:

Please find enclosed
check of National Bank. Wash.
for \$1200 for which amount
please give to the board of
War. Dept. a bill of exchange
for the U. S. Treasury to be used
and the rest in gold or silver
yours truly
M. J. Drucker

Enc. No. \$750.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Ivan Mendel

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

Ivan Mendel
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

Ivan Mendel

late of the City of New York, in the County of New York aforesaid, on the
twenty-fourth day of *September* in the year of our Lord
one thousand eight hundred and *ninety*, with force and arms, at the City and
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly
act and assist in the forging a certain instrument and writing, *to wit: an*
order for the payment of money
of the kind called bank cheques
which said forged *bank cheque*
is as follows, that is to say:

No. 4391 New York, September 23rd 1890.
The National Park Bank
of New York
Pay to the order of Messrs C. B. Richard & Co.
One thousand and two hundred ⁰⁰/₁₀₀ Dollars.
\$1200.⁰⁰/₁₀₀ M. J. Drucker

with intent to defraud, 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

Ivan Mendel
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

Ivan Mendel

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, *to wit:*
an order for the payment of money
of the kind called bank cheques,
which said forged bank cheque
is as follows, that is to say:

No. 4391 New York Septemb. 23rd 1890

The National Park Bank
of New York

Pay to the order of Messrs C. D. Richards & Co.
One thousand and two hundred ⁰⁰/₁₀₀ Dollars

\$1200.⁰⁰/₁₀₀

M. J. Drucker

with intent to defraud

the said

Ivan Mendel

then and there well knowing the same to be
forged, 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 R. FELLOWS,

District Attorney.

0698

BOX:

414

FOLDER:

3826

DESCRIPTION:

Monahan, James

DATE:

10/14/90



3826

0699

Witnesses;

E. J. Knight
M. J. H. H. H.
W. J. H. H. H.

46

Counsel,

Filed

14th day of Oct

1890

Pleads,

THE PEOPLE

vs.

35

James Monahan

I

Grand Larceny second degree,
[Sections 538, 539, Penal Code].

JOHN R. FELLOWS,

District Attorney.

30 Oct-1890. N.M.S.

A True Bill.

Andrew Little

Part III October Foreman.

Pleads guilty. G. L. 2 & seq.

S. P. 2 yrs & 4 mo.

Nov 7/90 P.B.H.

Sentence deferred until case of Monte W. Abrahamson & Samuel F. Smith are disposed of

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 Monahan

The Grand Jury of the City and County of New York, by this indictment, accuse *James Monahan* —

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

The said *James Monahan*,

late of the City of New York, in the County of New York aforesaid, on the *third* day of *October* in the year of our Lord one thousand eight hundred and *nineteen*, at the City and County aforesaid, with force and arms,

two hundred pairs of infants shoes
of the value of forty five cents
each pair,

of the goods, chattels and personal property of one *Charles E. Knapp*,

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

SECOND COUNT—

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

James Monahan —

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *James Monahan*,

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

Two hundred pairs of infants' shoes of the value of forty five cents each pair,

of the goods, chattels and personal property of one *Charles E. Knapp*,

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

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

James Monahan —

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 R. FELLOWS,
District Attorney.

0702

BOX:

414

FOLDER:

3826

DESCRIPTION:

Montague, Lizzie B.

DATE:

10/09/90



3826

0703

Witnesses;

Wm. A. Boerier

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

Lizzie B. Montague

Grand Larceny degree,
[Sections 528, 531, 532, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Quonva Little

Sept. 15/90 Foreman.

Spied & Accepted

0704

Police Court—H District.

Affidavit—Larceny.

City and County }
of New York, } 55.

of No. 111 East 46th Street, aged 34 years,
 occupation Boarding House being duly sworn
 deposes and says, that on the 15 day of April 1894 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the day time, the following property, viz:

One black silk dress of the
value of thirty dollars (\$30.00)

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 Lizzie Montague (somewhere)

from the fact that defendant
 was in deponent's employ at the
 above address as cook and was
 discharged from deponent's em-
 ploy on said date, that imme-
 diately after defendant left said
 premises she missed said property.

That deponent did not again
 see defendant until today when
 she caused defendant's arrest
 with said dress worn upon her person
 as a part of her bodily clothing,
 which deponent fully and positively
 identifies as her property.

Mary A. Berrien

Sworn to before me, this 20 day
 of October 1894
A. J. Matthews
 Police Justice.

0705

Sec. 198—200.

H District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Lizzie Montague being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is *h^{er}* right to make a statement in relation to the charge against *h^{er}*; that the statement is designed to enable *h^{er}* if *she* see fit to answer the charge and explain the facts alleged against *h^{er}* that *she* is at liberty to waive making a statement, and that *h^{er}* waiver cannot be used against *h^{er}* on the trial.

Question. What is your name?

Answer. *Lizzie Montague*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *No 247 East 45th St. 7 months*

Question. What is your business or profession?

Answer. *Dressmaker*

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**Lizzie B Montague*

Taken before me this

day of *Oct* 1890*Wm. J. Justice*
Police Justice.

0706

BAILED.

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

46
Police Court

District 1514

THE PEOPLE, &c.,

ON THE COMPLAINT OF

May Robinson
res. 111 East 46
Josiah McLaughlin

Offence

Larceny (felony)

Dated

Oct 2 1890

by

W. M. Adams

Magistrate.

James

Officer.

No. 3, by

23

Precinct.

Residence

Street.

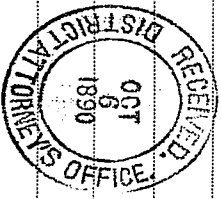
No. 4, by

No.

Street.

Residence

Street.



No.

Street.

\$

1000

to insure

1000 line 4 Oct 4 1890

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *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 *Oct 2 1890* *A. T. McMahon* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Lizzie B. Montague

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

Lizzie B. Montague

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

The said

Lizzie B. Montague

late of the City of New York, in the County of New York aforesaid, on the *fifteenth*
day of *April* in the year of our Lord one thousand eight hundred and *ninety*,
, at the City and County aforesaid, with force and arms,

*one dress of the value of
thirty dollars*

of the goods, chattels and personal property of one

Mary A. Devine

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

0708

SECOND COUNT—

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

Lizzie B. Montague
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

Lizzie B. Montague
late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

*one dress of the value of
thirty dollars*

of the goods, chattels and personal property of one

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

Mary A. Berrien
unlawfully and unjustly, did feloniously receive and have; the said

Lizzie B. Montague
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 R. FELLOWS,
District Attorney.

0709

BOX:

414

FOLDER:

3826

DESCRIPTION:

Moore, John

DATE:

10/01/90



3826

0710

BOX:

414

FOLDER:

3826

DESCRIPTION:

Cooney, Michael

DATE:

10/01/90



3826

0711

Witnesses;

Eliza Davis

#279 *N.C.*
287 Bway

Counsel,

Filed

day of

1890

Pleads,

Arguently

vs. THE PEOPLE

vs.

John Moore

and

Michael Cooney

JO
vs. N. 39

JOHN R. FELLOWS,

District Attorney.

Oct 9 1890. *MD*

R A P E
(Sections 278 and 218, Penal Code.)

A TRUE BILL.

M. Kaynes.
Foreman.

P. 3. Oct 9 1890

Both plead N. 3 dy
Both Pen 1 yr.

R.B.M.

0712

Police Court— 2 District.

City and County {
of New York, ss.:

Eliza Davis

of No. 545 West 39 Street, aged 34 years,
occupation House Keeper being duly sworn
deposes and says, that on the 24 day of September 1880 at the City of New
York, in the County of New York,

She was violently and feloniously ASSAULTED and BEATEN by

John Moore (now here) and Michael Conroy
not arrested, who in company of each
other came to deponent's premises between the
hours of 2 & 3 o'clock in the morning of said
day. When said John Moore seized
violently hold of deponent and threw
deponent on a bed, that deponent shouted
when said Conroy pointed a Revolver
at deponent saying to deponent you
damn those if you don't finish up
I blow your brain out.
That people residing in said premises
answered deponent's alarm when said
defendants left said room.
Deponent further says that said
assault was committed

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

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

Sworn to before me, this 25 day
of September 1880.

Eliza Davis

John J. Corman Police Justice.

0713

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

Eliza Davis

of No. *545 West 39* Street, being duly sworn, deposes and says,
that *Michael Coony* (now present) is the person of the name of
Michael Coony mentioned in deponent's affidavit of the *25*
day of *September* 188*0* hereunto annexed.

Sworn to before me, this *27*
day of *September* 188*0* }

Eliza Davis

John Homan POLICE JUSTICE.

0714

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Michael Conroy

Question. How old are you?

Answer. 50 years

Question. Where were you born?

Answer. Ireland

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

Answer. 5-45 West 39 Street 5 Weeks

Question. What is your business or profession?

Answer. Car driver

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

Answer. I am not guilty

Michael Conroy

Taken before me this

day of September

1887

John J. McNamee

Police Justice.

0715

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

John Moore 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. *John Moore*

Question. How old are you?

Answer. *38 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *533 West 42 Street 2 years*

Question. What is your business or profession?

Answer. *Car driver*

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

Answer. *I am not guilty*

John Moore

Taken before me this

25

day of *September* 188*9*

John J. McManis

Police Justice.

0716

Sec. 151.

Police Court, 2 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Eliza Davis
of No. 545 West 30th Street, that on the 24 day of September
1892 at the City of New York, in the County of New York,

she was violently Assaulted and Beaten by Michael Conroy

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

These are Therefore, in the name of the PEOPLE of the State of York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring her
forthwith before me, at the 2 DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 25 day of September 1892
John H. [Signature] POLICE JUSTICE.

Police Court, 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Eliza Davis

Michael Rooney

Warrant A & B.

Dated, Sept 25 1880

Herman Magistrate.

Bell Officer.

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

Bell Officer.

Dated, 188

This Warrant may be executed on Sunday or at night.

John Herman Police Justice.

having been brought before me under this Warrant, is committed for examination to the WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice.

The within-named

11th Ave. 50. Mr. Herman M. M. 545 - M. 88. Street

0718

\$2000 bail for 34
9th Sept 1890

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

Police Court... 2 District.
1479

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Eliza Davis
345 St. W-39
John Moore
John West Company

Offence Assault
felony

Dated Sept. 25 1890

John Magistrate.
Officer.

Witnesses _____ Precinct.

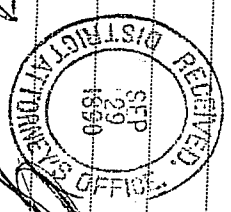
No. _____ Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.

Wm



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

Defendants

Guilty thereof, I order that / he / be held to answer the same and / they be admitted to bail in the sum of Twenty four Hundred Dollars, Each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated Sept 29 1890 John Police Justice.

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

Dated _____ 18 _____ 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 _____ 18 _____ Police Justice.

0719

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 Moore and
Michael Rooney*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse *John Moore and Michael
Rooney of the crime of attempting to commit*
of the CRIME OF RAPE, committed as follows:

The said *John Moore and
Michael Rooney, both* late of the City of New York, in the County of New York aforesaid, on the
Twenty-fourth day of *September*, in the year of our Lord one thousand
eight hundred and eighty *ninety*, at the City and County aforesaid, with
force and arms, in and upon a certain female not *his wife*, to wit: one *Eliza
Davis*, then and there being, wilfully and,
feloniously did make an assault, and her the said *Eliza Davis*,
then and there, by force and with violence to her the said *Eliza
Davis*, against her will and without her consent, did wilfully
and feloniously ravish and carnally know, against the form of the Statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further

accuse the said *John Moore and Michael Rooney*
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *John Moore and
Michael Rooney, both* late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
female not *his wife*, to wit: her the said *Eliza Davis*, then
and there being, wilfully and feloniously did make another assault, with intent her the
said *Eliza Davis*, against her will and without her consent, by
force and violence, to then and there wilfully and feloniously ravish and carnally know,
against the form of the Statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *John Moore and Michael Cooney*
of the crime of attempting to commit
of the CRIME OF RAPE, committed as follows:

The said

late of the City and County aforesaid, afterwards, to wit: On the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
the wife of William D. Davis,
female not his wife, to wit: her the said *Eliza Davis*, then
and there being, wilfully and feloniously did make another assault, and an act of sexual
intercourse with her the said *Eliza Davis,*
attempt to
then and there wilfully and feloniously did commit and perpetrate, against the will of the
said *Eliza Davis,* and without her consent; 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.

FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *John Moore and Michael Cooney*
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *John Moore and Michael Cooney, Defendants*
late of the City and County aforesaid, afterwards, to wit: On the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
the wife of William D. Davis,
female not his wife, to wit: her the said *Eliza Davis*, then
and there being, wilfully and feloniously did make another assault, with intent, an
act of sexual intercourse with her the said *Eliza Davis,*
against her will and without her consent then and there wilfully and feloniously to commit
and perpetrate, 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 R. FELLOWS, District Attorney

~~Court of General Sessions of the Peace~~

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

~~THE PEOPLE OF THE STATE OF NEW YORK,~~
against

Fifth Court. -

And THE GRAND JURY ~~OF THE CITY AND COUNTY OF NEW YORK~~, by this indictment, accuse

further accuse the said John Moore by Michael Rooney

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

The said *John Moore by Michael Rooney*

late of the City and County of New York, on the *Twentyfourth* day of *September*, in the year of our Lord one thousand eight hundred and eighty *nine*, with force and arms, at the City and County aforesaid, in and upon one

Eliza Davis, -

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said *John Moore and Michael Rooney,*

with a certain *revolver then and there charged and loaded with gunpowder and lead,* which *they* the said *John Moore and Michael Rooney* in *their* right hands then and there had and held, the same being then and there a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm, *scare and* against the said *Eliza Davis,* then and there feloniously did wilfully and wrongfully strike, beat, *bruise and wound,* ~~present, with intent to shoot off and discharge the same,~~ 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 R. Kellogg
Attorney

SECOND COUNT—

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

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

The said

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

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said

the said

with a certain

which

the said

in

right hand then and there had held, in and upon the
of the said

then and there feloniously did wilfully and wrongfully strike, beat
bruise and wound, and did then and there and by the means aforesaid, feloniously,
wilfully and wrongfully inflict grievous bodily harm upon the said

to the great damage of the said

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 R. FELLOWS,

District Attorney.

0723

BOX:

414

FOLDER:

3826

DESCRIPTION:

Moran, Nettie

DATE:

10/16/90



3826

0724

BOX:

414

FOLDER:

3826

DESCRIPTION:

McCarthy, Edward

DATE:

10/16/90



3826

Witnesses;

Isaac Peizel

Officer Lohel

Thomas Bankert

The evidence against defendant
McCarthy is not sufficient to
convict. I therefore recommend
his discharge upon his own
recognizance —

Oct 21/90

Vernon M. Davis
Asst. J.

Counsel,

Filed

day of

1890

Pleads,

THE PEOPLE

vs.

Nettie Moran

and

Edward Mc Carthy

Grand Larceny, Second degree.
[Sections 538, 539 — Penal Code].

JOHN R. FELLOWS,

District Attorney.

On recom. of Dist Att. left
McCarthy discharged on his own
recog. P.B.H.

A True Bill.

Andrew Little

Foreman.

Oct 21, 1890
#1 Pleads At. & L. 2 dy
Ten yr.
P.B. Oct. 24, 1890 P.B.H.

0726

Police Court— District.

Affidavit—Larceny.

City and County }
of New York, } ss.

3rd
 of No. 159 Orchard Street, aged 36 years,
 occupation Jewellery peddler being duly sworn
 deposes and says, that on the 7th day of Oct 1897 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the night time, the following property, viz:

A diamond ring of the value of one hundred and
 sixty five dollars
 a gold watch of the value of twenty five dollars
 and good and lawful money
 of the United States of the value of
 fifty dollars
 all of the aggregate
 amount and value of

Two hundred and five ⁰⁰/₁₀₀ 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 Nettie Moran and Edward
 McCarthy (both now here) who acted
 in concert with each other, for the
 reasons following, to wit:

Deponent says, — on the night of
 October 7th 1897 he was walking along Second
 Avenue, at about half past ten, when
 he was approached at the corner of E.
 11th Street, by said defendant Nettie
 Moran, who engaged deponent in con-
 versation and solicited deponent for the
 purpose of prostitution.

Deponent further says — he agreed
 to said Nettie Moran's proposal, and
 accompanied her to Room #7, on the

Sworn to before me, this
 15th day of
 1897
 Police Justice.

second floor of the premises 220 Chrysler St. and disrobing, placed his garments containing said property on a table in said room.

Deponent further says - said table was screened from deponent's vision, by the height of the bedstead in which he had sojourned with said Nettie Moran, and also by a curtain, which screened a door opening directly to where said table stood containing said garments, and deponent noticed that said curtain also partially screened said table.

Deponent further says - before disrobing in the manner aforesaid, he paid said Nettie Moran a dollar which he took from a pocket-book containing \$15. - in one compartment thereof and in another compartment was the sum of \$4. - from which sum he gave the said Nettie Moran, said dollar.

Deponent further says - after completing his relations with ^{her} defendant Nettie Moran in said room, and after both had again clothed themselves, deponent and said Nettie Moran, went again together to the street, but halted at the corner of Stanton and Chrysler Streets.

Deponent further says - he then placed his hands in the pocket of his pants and missed said ring and watch therefrom, and subsequently missed said fifteen dollars, three dollars remaining in his pocket-book, he having had all of said property ^{of said Nettie Moran} before meeting

Deponent further says - he sought after said Nettie Moran, and watched for her from 11 P.M. until 3 A.M. in the neighborhood of aforesaid premises.

Deponent further says - he requested aid from friends, and secured the assistance of Joseph Fried of 194 Second Street.

Deponent further says - while watching for said Nettie Moran, he was arrested.

by said defendant Edward McCarthy, who at different times attempted to engage deponent in conversation, once asking him (deponent) the time, (deponent having another watch in his possession), and at another time urging deponent to accompany him, said Edward McCarthy to a saloon.

Deponent further says - while he and said Joseph Fried were watching, they could not see said Nettie Moran, but said Edward McCarthy was continually around.

Deponent further says - at about 3 am he saw said Nettie Moran approaching, and declared to said Joseph Fried that that was the woman who had been his companion, in the manner aforesaid.

Deponent further says, - said Joseph Fried attempted to address said Nettie Moran, when said Edward McCarthy appeared, pushed said Joseph Fried aside, and demanded that deponent and said Joseph Fried go away, coupling said demand with ^{threats} ~~utter~~.

Deponent further says - he then reported said occurrences at the 11th Precinct Police station ^{hours}, and on the 8th of Oct, caused the arrest of defendants by Officer Diedrich Daxel of the 11th Precinct, who arrested defendants together in said room ⁷ in said premises. Said officer gaining admittance by threat of bursting in the door leading to said room, admittance having been refused. Deponent further says, -

he identified defendants in the presence of said Officer Bondal, as being the man and woman who had accosted him the night previous in the manner aforesaid, and identified the room, as being the identical room in which he had sojourned with said netter man.

Wherefore, defendant charges defendants with acting in concert with each other, and taking, stealing, and carrying away said property from his possession.

Sworn to before me
this 9th day of Sept 1891

Ezra Pizel

[Signature]

Police Justice.

0730

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Fried
Blessman
aged 23 years, occupation _____ of No. 194 Second Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Isaac Rigel
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

1887

9th *Fried Co.*
W. H. Hagan
Police Justice.

0731

CITY AND COUNTY }
OF NEW YORK, } ss.

Diedrich Dunkel

aged _____ years, occupation *Officer* of No. _____

11th Ave

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Isaac Ryzel*

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this *9th* day of *Oct* 188*9* } *Diedrich W. Dunkel*

[Signature]
Police Justice.

0732

Sec. 192-200.

3- District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *Nettie Moran*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *220 Chrystie St - 6 weeks*

Question. What is your business or profession?

Answer. *Dressmaker*

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.*
Nettie Moran

Taken before me this
day of *Dec* 188*9*

Police Justice.

0733

Sec. 198-200.

3-

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Edward M. Carthy being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is *h's* 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 *h's* waiver cannot be used against *him* on the trial.

Question. What is your name?

Answer.

Edward M. Carthy

Question. How old are you?

Answer.

27 years

Question. Where were you born?

Answer.

United States

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

Answer.

Putnam House — 1 yr

Question. What is your business or profession?

Answer.

Frame gold

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.
Edward M. Carthy

Taken before me this
day of

1884

Police Justice.

0734

Ex Oct 11th 9³⁰ A.M. 11-228
1559
Police Court... 3 - District.

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

THE PEOPLE, &c.,
ON THE COMPLAINT OF
James Street
159-Grand St
Alfred McLean
Edward McQuitty
Grand Jurors

Dated Oct 9th 1890
J. E. Ryan
Magistrate.
Friedrich Nord
Officer.

Witnesses
Paul O'Brien
No. 194 Grand St.
194 Grand St.

No. 218
J. E. Ryan
District Attorney
OFFICE
1890
1890

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 _____

W. E. McQuitty
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of two hundred Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
Dated Oct 11th 1890 J. E. Ryan Police Justice

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

Dated _____ 18 _____ 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 _____ 18 _____ Police Justice.

OF THE CITY AND COUNTY OF NEW YORK.

Nettie Moran and
Edward Mc Carthy

accuse
Hettie Moran and Edward McCarthy
 of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
 as follows :

The said Nettie Moran and Edward Mc Carthy, both

late of the City of New York, in the County of New York aforesaid, on the *seventh*
day of *October* in the year of our Lord one thousand eight hundred and *ninety*,
 , at the City and County aforesaid, with force and arms,

one finger-ring of the value of
one hundred and sixty-five dollars,
one watch of the value of twenty-
five dollars, and the sum of
fifteen dollars in money, lawful
money of the United States and
of the value of fifteen dollars,

of the goods, chattels and personal property of one

f one *Eizel Peizel*

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

John R. Fellows,
District Attorney

SECOND COUNT—

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

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

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

of the goods, chattels and personal property of one

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

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

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 R. FELLOWS,
District Attorney.

0737

BOX:

414

FOLDER:

3826

DESCRIPTION:

Moran, James

DATE:

10/23/90



3826

0738

Witnesses :

P. Morris

Wm. Casey

Counsel,

Filed

Pleads,

238 Rudy

23 Oct 90

Not guilty

THE PEOPLE

vs. 24
53 and near
at the main

James Moran

Robbery, first degree.
[Sections 224 and 228, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Audrey Little

Foreman.

Part III October 31/90

Ind and convicted -

Robbery 2 1 deg -

S. P. 6 yrs 8 11 mos 17

Nov 17/90

R.B.H.

250 ✓
 190.

THE PEOPLE
 vs.
 JAMES MORAN.

COURT OF GENERAL SESSIONS, PART IIX.
 BEFORE JUDGE MARTINE.

Thursday, October 30, 1890.

Asst. Dist. Atty. Davis for the People.

Mr. McLaughlin for the Defendant.

Indictment for robbery in the first degree.

A Jury was empannelled and sworn.

Patrick McKenna sworn and examined by Mr. Davis:

Q. Mr. McKenna, where do you live? A. No. 835 Third Ave.

Q. What is your business? A. Night watchman.

Q. Whereabouts do you watch? A. 113th St. and the East River.

By the Court. Q. Where do you say you live? A. 835 Third Ave.

By Mr. Davis. Q. On the 25th of August 1890, did you see this defendant? A. Yes sir.

Q. Where were you when you first saw him? A. I was in the saloon corner of 27th Street and Seventh Avenue.

Q. What time was it? A. About four o'clock in the morning.

Q. Did you go to that saloon alone or with somebody else?

A. I went with Thomas Ware.

Q. You and he went in there together? A. Yes sir.

Q. Was this Defendant in the saloon when you went in?

A. Yes sir.

Q. Go back a little bit and tell us where you met Thomas

Ware, what time it was? A. I met him on 27th Street near 8th Avenue.

By the Court. Q. On the street? A. Yes sir.

By Mr. Davis. Q. 27th St. near 8th Ave.? A. Yes sir, about the

corner and we went down to this saloon --- he asked me ---

Q. Did you know Ware before that time? A. No sir, I never seen him before.

Q. Who spoke first? A. Ware.

Q. What did he say to you? A. There was a girl spoke to me on the corner, it was a colored girl. What makes you talk to them colored people? he says? There was a colored girl walking past and she spoke to me.

Counsel: I object.

By the Court. Q. A colored girl was talking to you? A. Yes, Ware came up and said, "what made you talk to them people, they will rob you. She says, "if he goes with you you will soon rob him."

Q. You went with Ware to the saloon? A. Yes sir, he asked me for twenty cents, that he was dry and wanted a drink and was on a drunk. I told him I had no money first.

Q. You had not seen this man at that time? A. No, I had not seen him until I went in.

Q. What time was it you met Ware? A. About four o'clock in the morning.

Q. Who first spoke of going to the saloon? A. Ware.

Q. Did you go with him? A. Yes sir.

Q. Where did you go? A. 27th St. and 7th Avenue, to the corner store.

Q. This was about four o'clock in the morning? A. Yes sir, about four.

Q. When you got in there who was in the store?

A. There was seven or eight of these men.

By the Court. Q. There were seven or eight beside the bar-tender?

A. Yes sir.

By Mr. Davis. Q. Who were they? A. That man and the rest of the prisoners.

By the Court. Q. Moran this man was one? A. Yes sir, he was one.

By Mr. Davis. Q. Do you know anybody else who was there?

A. Yes sir.

Q. Who? A. The rest of the prisoners.

By the Court. Q. Do you know their names, have you since learned their names? A. I do not mind their names.

By Mr. Davis. Q. Do you see any of them in Court who were there?

A. Yes sir, there was Morrissey and Connor was there.

Q. Thomas J. Connor, William Lynch, Patrick Morris, Ford, John W. O'Brien and Michael Coogan, were they there?

A. Yes sir, they were all there.

Q. That makes eight including the defendant? A. Yes sir.

Q. Anybody else? A. Not that I mind of.

Q. Well now, when you went in there who spoke first of all these people that were in there and what was said?

A. When I gave him the twenty cents ----

By the Court. Q. Where did you give him the twenty cents, in the saloon or outside? A. Outside, he took me in. At first I would not go with him but I went in.

Q. What happened when you got in? A. Ware introduced them all to me.

By Mr. Davis. Q. What did he say? A. He said these were all friends of his.

Q. Did he mention any of them by name?

A. No sir.

Q. How did you know what persons he had reference to?

A. I seen them all standing at the bar, they were all standing

at the bar. Ware asked me what I would have? So I said I would have a glass of sarsaparilla; he had a glass of beer and the rest had all beer only one fellow had whiskey.

- Q. Did Moran stand at the bar? A. Yes sir, Moran had a drink too.
- Q. Did he have a drink? A. Yes sir.
- Q. You cannot be mistaken about that, this is the man?
- A. No sir, not a bit. that is the man.
- Q. Well, who paid for these drinks? A. I paid for them forty-five cents.
- Q. Where did you get the money? A. I had it in my pocket.
- Q. You took it out of your pocket? A. Yes, I had some small change in this vest pocket.
- Q. Did you have any other property? A. I had a watch and twelve dollars.
- Q. Where was this pocket, the right hand fob pocket of your trousers? A. Yes sir.
- Q. What kind of a watch was it? A. It was a silver watch.
- Q. Was it going, did it keep time? A. Yes sir.
- Q. How much was it worth, a couple of dollars? A. Yes sir, more than that.
- Q. Five dollars? A. Yes sir. worth more, I could not tell you how much it was worth.
- Q. It was not worth forty dollars? A. Oh no sir, it was not.
- Q. What kind of a chain was it? A. It was a brass chain.
- Q. Were the chain and the watch worth ten dollars together?
- A. Yes sir.

Q. Now McKenna, you say that your watch was in your pocket and the chain was on the watch and both together were worth ten dollars, is that right? A. Yes sir.

Q. You said also that you had some money in your right hand vest pocket? A. Yes sir, some small change.

Q. How much money had you in your left hand vest pocket, small change? A. I could not swear how much, I might have about seventy-five or eighty cents in it.

Q. How much did you have in your pocket? A. I had twelve dollars.

Q. In what shape? A. A ten dollar bill and a two dollar bill.

Q. Did you take it out while you were in the saloon?

A. Yes sir, I took it out and after the drink was over I turned to go out.

Q. You say now that you treated and you paid for it and the change you had in your left hand vest pocket? A. Yes sir.

Q. After the drinking what was done, what took place after that? A. I turned around from the bar for to go out and I caught one of them with their hands sticking in my pocket.

By the Court. Q. Both hands? A. No, only one hand sticking in the pocket where I had the watch and money.

Q. Who was it do you know? A. I think it was Lynch.

Q. Which pocket? A. The fob pocket of the pants.

By Mr. Davis. Q. After you paid for your drink and put the spare change in your vest pocket did you immediately turn to go out of the saloon? A. Yes sir.

Q. Up to that time had you taken out those bills?

A. No sir.

Q. As you turned you say you felt somebody's hand in your pocket? A. Yes sir.

Q. Which pocket? A. The fob pocket here of my pants, where the watch was, I had the watch and the money, the ten dollar bill and the two dollar bill.

Q. Did you have the ten dollar bill and the two dollar bill in the same pocket with the watch? A. Yes sir, right together.

Q. Was the chain hanging out? A. No, I had it secured in.

By Mr. Davis. Q. You felt somebody's hand in your pocket where your watch and money was? A. Yes sir.

Q. What did you do when you felt it? A. I pushed them back with my two hands.

Q. Who was it that you pushed back? A. I think it was Lynch.

By the Court. Q. You said them, do you mean more than one?

A. Yes sir, they were all standing up against me, I pushed them all back from me the best I could.

By Mr. Davis. Q. Do you know whose hand it was was in your pocket?

A. Lynch.

Q. Are you sure it was Lynch or do you only think it was Lynch? A. No, I am sure it was Lynch.

Q. What did you do then? A. I made for to get out of the saloon, the door was locked and I could not get out.

Q. Which door did you go to? A. On the side door.

Q. That was locked, was it? A. Yes sir.

Q. What next did you do after that? A. I put back in the saloon, I could not get out ----

Q. You were in the saloon? A. I was but I was going out and the door was locked, I went and tried the door to pull

it to go out.

Q. You went forth to the side door, didn't you?

A. Yes sir.

Q. That was locked? A. That was locked, I could not go out.

Q. What did you do then? A. I had to go back to the bar and they were pulling me.

Q. Who were pulling at you? A. I could not tell when I was running.

Q. Did you see this man there, the Defendant?

A. Yes sir, I saw him at the door while I was striving to get out.

Q. You went to the side door, did you and you found it locked

A. Yes sir.

Q. Was anybody at the side door? A. Yes, there was two men at the side door.

Q. Do you know their names? A. I forget their names.

Q. Did you see them in Court on the last trial? A. Yes sir.

Q. Do you know what was done with them? A. I could not say

Q. Was this man one of them (the defendant), one of them who was at the door? A. No sir, he was the next man that kept me, he was behind me at the door.

Q. Was that man at the side door when you went there to go out? A. Yes sir.

Q. What did he do while you were trying to get out?

A. I could not tell, I seen him at the door, he was standing up on his feet at my back.

Q. Behind you then? A. Yes sir, behind.

Q. Who was closest to the door? A. I was closest to the door near the two men that was there.

- Q. Don't you understand my question, I asked you when you got to the side door was anybody at the side door?
- A. Yes sir, there was two.
- Q. Who were they? A. I forget their names.
- Q. Was this man one of them? A. No, he was behind me.
- Q. He was not standing near the door? A. No, he was behind me as I was going to the door.
- Q. When you got to the door did these two men standing there do anything to you? A. Yes sir, they hit me and kicked me.
- Q. Where did they hit you? A. I got a box there (pointing to the forehead.)
- Q. You got a punch in the forehead? A. Yes sir.
- Q. Now up to that time had you seen Moran behind you?
- A. Yes sir, I seen him while they were all at the door behind me.
- Q. This was before you got struck? A. Yes sir, at the time.
- Q. Just about the time? A. Yes sir.
- Q. Where were you kicked? A. I got a kick here in the leg.
- Q. Did you see who did that? A. I think it was O'Brien did that.
- Q. And all those blows were inflicted upon you while you were near this side door? A. Yes sir.
- Q. And this man Moran was behind you? A. Yes sir.
- Q. How many others were behind you? A. There were six of them behind me and two in front of me at the door.
- Q. How far did you have to go from the bar where this defendant was standing in order to get to the door where you were kicked, how many feet about? A. Just about as far as it is over to where he is sitting from me.

By the Court. Q. Was the Defendant standing at the bar? A. He was at the bar, he had a drink that time.

Q. When you started to go out did he follow you? A. Yes sir, he followed me out to the door.

Q. He did not remain standing at the bar? A. No.

By Mr. Davis. Q. I ask you how far he had to walk from the bar where this Defendant was standing drinking in order to get to the door, now do you understand my question?

A. Yes sir.

Q. You remember where the Defendant was standing when you treated him and when he drank? A. Yes sir.

Q. You were standing near the same place? A. No, I was up further, he was at the middle of the bar.

Q. You were all at the bar, were you not? A. Yes sir.

Q. How far was it from the place where the Defendant was standing to this side door where you were struck?

A. About six feet to the side door, it may be more, I can't swear to the certain length it was.

Q. About how far can you measure it here now? A. About this length, just about that from me over. (Illustrating)

Q. Between the bar and the door? A. Yes sir, to the door.

Q. Was the door behind you as you stood facing the bar?

A. Yes sir, it was not right behind me, I was farther up than the door.

Q. Was this side door opposite the bar? A. Yes sir.

Q. The entrance to this saloon is on what street.

A. 27th Street.

Q. I mean the front entrance? A. The front entrance is on Seventh Avenue.

Q. The side entrance is on 27th St.? A. Yes sir.

Q. As you enter on which hand is the bar, right or left hand, does it run along the side? A. It was in on the side door, the front door was not open ---- the same as that was the side door and here was the bar. (Illustrating.)

Q. You know where the front door was? A. Yes sir.

Q. On which hand would the bar be as you enter, right or left. A. It would be to the left.

By the Court. Q. Which corner was it? A. The uptown side, the east side of the Avenue, I never was in it only the once.

Q. Do you know whether it is the uptown or down town side?

A. I am not sure which.

Q. If you know, was the main entrance, the front door in the middle? and a window on each side? A. Yes sir.

Q. Was the bar towards the street or toward the wall?

A. The bar was toward the street.

By Mr. Davis. Q. Was the bar on the same side that the side entrance was? A. Yes sir, the bar was facing the side entrance.

Q. Do you know what the east side is and the west side of the avenue is? A. Yes sir.

By the Court. Q. Was the saloon on the side toward 8th, 7th or 6th Avenue, the side toward the North or East River?

A. I forget the corner that it was on now.

By Mr. Davis. Q. The entrance is on Seventh Avenue, is it?

A. Yes sir.

Q. And as you enter this side door on 27th Street I think you said the bar was nearly opposite the side entrance?

A. Yes sir.

Q. Go back to the distance between the bar and the side door, what was that distance? A. It might be about six, eight or ten feet.

By the Court. Q. In your eye measure it, as far as that railing?

A. Yes sir, about from this railing to that.

Foreman: Eight feet I should think.

By Mr. Davis. Q. When you went to leave these parties after somebody had put his hand in your pocket, you went toward that side of the door opposite the bar? A. Yes sir.

Q. How many steps had you taken before you were struck?

A. I could not tell how many.

Q. Can you give us an idea? A. No sir, I cannot give you an idea how many steps I took.

Q. You do not know whether you took five or forty?

A. I did not take forty.

Q. About how many? A. I might have ten, six or seven, I could not say how many.

Q. Did you walk or run? A. I walked two steps and then I ran out and when I ran to the door there was two men.

Q. Did you see these two men go to the door or were they there when you first laid eyes on them? A. They were there when I got to the door, they were there before me.

Q. You did not see them go to the door? A. No sir.

Q. As you walked across to them did you hear any noise behind you from those others? A. Yes sir.

Q. A noise of what? A. When I looked over my shoulder I seen them following me to the door.

Q. Was this Defendant one of those? A. Yes sir.

Q. Then you were struck you say? A. Yes sir.

Q. By one of the men standing at the door? A. Yes sir.

Q. Do you know whether you were kicked by one of those men at the door or by the one who was behind you? A. One of the men at the door.

Q. What became of you when you were struck? A. I was knocked down.

Q. You were knocked down on the floor inside of the saloon?

A. Yes sir, in at the hall door, a little area like.

Q. Did you get out of the door? A. No, I did not get out, I had to go back into the saloon, I could not get out on the side door.

By the Court. Q. Is there a box surrounding that side door?

A. Yes sir.

Q. Like that box in the corner? A. Yes sir, and another door here that was not in the store.

By Mr. Davis. Q. You had to go through two doors to get in?

A. Yes sir.

Q. When you were struck did you get between the outer door and the inner door? A. Yes sir.

Q. And those two men, where were they standing? A. Standing at the outer door.

Q. Was it light or dark? A. Kind of light.

Q. Was that what they call a family entrance, do you know what that is? A. Yes sir.

Q. When you fell were you inside of the saloon?

A. Yes sir.

Q. When you were struck did you go back into the saloon?

A. Yes sir.

Q. And it was in the saloon where you fell? A. Yes sir.

Q. When you got in the saloon where was this Defendant?

A. He was standing right beside me when I got up.

Q. He was standing right beside you when you got up?

A. Yes sir.

Q. What did he do? A. He done nothing there that I seen.

By the Court. Q. Nothing at that time? A. NO.

By Mr. Davis. Q. McKenna, go on slowly and tell us what took place from that? A. When I was - ---

By the Court. Q. You went back to the bar? A. Yes sir.

Q. Did you stand there? A. Yes sir.

Q. Did you get more drink? A. No sir.

Q. What next happened? A. I stood at the bar until I could get a show for going out. They wanted to weigh me.

Q. Who wanted to weigh you? A. One bet a dollar to see --

Q. Who bet, do you recollect? A. I think it was Lynch and Morris.

Q. Lynch offered to bet Morris? A. Yes sir.

Q. What did he say? A. He bet a dollar that I was heavier than he was.

Q. What process did they go through to get at your weight, if any? A. They wanted to get me on their back.

Q. Did they do anything to that end? A. Yes sir, they wanted to pull me on it.

Q. Did they get hold of you? A. Yes sir.

Q. Who got hold of you? A. Lynch, around the body.

Q. Get hold of this man as Lynch got hold of you, he was behind you? A. He caught me this way. (Illustrating.)

First they wanted to take me this way by the two hands, they wanted to pull me that way on their back, I would not let them, they pulled my hands up over the shoulder.

By Mr. Q. Who pulled you up? A. That man the Defendant had hold of my hand, he was pulling my hand up.

Q. Show us how the Defendant put his hands on you?

A. He caught it this way to get up on the other man's shoulder.

Q. What did you say? A. I would not let them.

Q. Did you have your money at this time? A. Yes sir, it was at the door the money was taken from me when I made the second time to get up.

Q. Did you have your money at this time? A. Yes sir.

Q. Did they try to weigh you after they had kicked you and after they had punched you at the door? A. Before that they wanted to weight me, I had my money the whole time, at that time I would not let them, it was at the door when I made to get up the last time that my money was taken from me.

Q. Do you remember when you were struck between the eyes at the door? A. Yes sir.

Q. I want to know whether they had tried to weigh you before that or after? A. Before that they went to weigh me.

By the Court. Q. Were they weighing you all the evening?

A. No sir.

Q. How long were you in that saloon altogether? A. Half an hour.

Q. How many times were you weighed? A. They never asked to weigh me only the once and I would not let them.

By Mr. Davis. Q. You said you went in there with this man Ware, do you remember that? A. Yes sir.

Q. And he borrowed some money of you? A. Yes sir.

Q. And he introduced you to all these people in the saloon?

A. Yes sir.

Q. Are you listening to me? A. Yes sir.

Q. They all came up to the bar? A. Yes sir.

Q. Was that done as soon as you got in? A. Yes sir.

- Q. Was anything else done before that? A. NO.
- Q. Nothing at all? A. Nothing.
- Q. You are all at the bar drinking and you paid for the drink?
- A. Yes sir.
- Q. Was anything else done before you paid for the drinks?
- A. No sir.
- Q. After you paid for the drinks what was the very next thing done? A. I turned to go out.
- Q. You turned to go out? A. Yes sir.
- Q. Up to that time had anything else occurred except what you have told us? A. No sir.
- Q. Any weighing, nothing said about weighing? A. No sir.
- Q. You turned to go out of which door? A. On the side door.
- Q. What was the very next thing that took place?
- A. Whenever I turned for to go out I caught a man with his hand in my fob pocket where the watch and money was.
- Q. That was the very next thing? A. That was the very next thing.
- Q. You are sure? A. Yes sir.
- Q. Was any money taken from you then, was anything said at that time that the man put his hand in your pocket? A. Yes sir.
- Q. What was said? A. That was the time that the weighing started.
- Q. Right there was the time the weighing started when this man's hand was in your pocket? A. Yes sir.
- Q. What did you do with his hand? A. I pushed him back.
- Q. What did you say? A. My God are you going to rob me, I said.
- Q. Then when you said that after pushing them back did anybody say anything to you? A. Yes sir, that is the time

that they bet.

- Q. What did they say, tell us what was said, just imagine the scene occurring again. A. They bet then that ---
- Q. Who bet? A. Lynch that Morris was heavier than me.
- Q. Who made the bet? A. One of them pulled out a dollar and said ----
- Q. Do you know who it was? A. I think it was Lynch.
- Q. He pulled out a dollar did he? A. Yes sir.
- Q. What did he say? A. I will bet a dollar that this man is heavier than the other man and the other said, I will bet you he aint.
- Q. Do you know who that other man was? A. I think it was Morris.
- Q. Where was this man, the Defendant, when that bet was going on? A. He was standing right beside me.
- Q. Standing right beside you? A. Yes sir.
- Q. Was he doing anything? A. No, not at that time.
- Q. Did he say anything at that time? A. No.
- Q. Did you say anything when they offered to make the bet?
- A. No sir.
- Q. Did you do anything? A. No sir, I never spoke.
- Q. Did you stand still or run? A. I stood with my elbow resting on the bar watching them.
- Q. Was the bet made or did anybody take the bet?
- A. No sir.
- Q. What was the very next thing that was done?
- A. They went to get me on their back and lift me up.
- Q. Tell us how? A. That man, the defendant, had hold of my hand.
- Q. Was he the first one that took hold of you? A. No sir.

Q. Who was the first one who took hold of you? A. Lynch.

Q. What did he do to you, the first one that took hold of you?

A. The way I was showing you with that man.

Q. Did he take you around your waist as if to get you on his hip? A. Yes sir.

Q. Well, did he get you there? A. NO.

Q. Did anybody help him? A. Yes sir.

Q. Who helped him to try to get you up? A. Morris did.

Q. What did he do to you? A. They did not get doing nothing to me after I pushed them back from me.

Q. They did not lift you? A. NO.

By the Court. Q. It was only an attempt? A. Yes sir.

By Mr. Davis. Q. You pushed them away? A. Yes sir.

Q. This fellow who had hold of you around the waist you pushed back? A. Yes sir.

Q. What did you say to him, anything? A. I told them they would not weigh me or do nothing with me.

Q. What was the very next that was done? A. They lifted my hand up to get me on their shoulder.

Q. Who got hold of you? A. This man got hold of me to lift me on the other man's shoulder.

Q. Which hand did he get hold of? A. The right hand.

Q. Did he touch your left hand? A. No.

Q. What did he do with your right hand? A. He lifted it on the other man's shoulders.

By the Court. Q. Lynch? A. Yes sir.

By Mr. Davis. Q. What else was done right there, tell us the very next thing? A. I got away from them again.

Q. You pulled away from them, did you? A. Yes sir, and stood at the bar.

Q. You went back to the bar? A. Yes sir, and stood there.

Q. Then what was the very next thing that was done?

A. The next thing whenever I got a show I took my money out of my pocket, out of this pocket and I held it this way in my hand in my coat pocket.

Q. While you stood at the bar? A. Yes sir.

By the Court. Q. You took your money from your fob pocket and held it in your hand in the coat pocket? A. Yes sir.

By Mr. Davis. Q. Did anybody see you? A. I did not see anybody look at me, I had the money and watch and chain all in my hand holding it in my hand.

Q. After you done that what was the very next thing that was done? A. They wanted me to go out, I said I would not go out until the front door was opened.

Q. What did they say to you? A. They told me to go home now.

Q. What did they say, tell us what they said? A. This Ware said, "come, let us go home now." I said, "I will not go home until that front door is open when I cannot get out on the side door, I am not going out to endanger my life.

Q. Who spoke next? A. Ware said, "you need not be afraid for nothing will happen you while I am here." So I stood there, I pushed him away, I told him I wanted to have nothing to do with him, I said, "get away from about me." So they all scattered from me then, they all went from me that time and whenever I seen that I could get to the door I made a long spring for the door.

Q. You made a spring, you ran for the door? A. Yes sir, the same men that was at the door the first time was at it that time.

By the Court. Q. You found the same two men at the door that were

there before? A. Yessir.

By Mr. Davis. Q. Then what did they do to you? A. The watch and money was taken from me.

Q. Tell us how it was done?

By the Court. Q. You made a spring for the door and there were two men behind you? A. Yes sir.

Q. Some behind and some in front gathered around you? A. Yes.

Q. What happened to you? A. I was hit then.

Q. Struck where, you were struck again in the face or on the forehead? A. Yes sir.

Q. By whom if you know? A. O'Brien.

Q. Struck by O'Brien? A. Yes sir, this is the first striking.

Q. We want you to get down to the second, you jumped from the bar to get up the second time? A. Yes sir, that was the time I was struck in the face and kicked right here above the eyes.

Q. You were only struck once? A. Yes, they were back three or four times, it is the one striking.

By Mr. Davis. Q. If I understand it this is the first time that you went to the door, this is the first time that you went to the door, is it? A. No, this is the last time I went to the door that I was struck and the money taken; I was struck at the door and knocked down.

By the Court. Q. How many times were you struck altogether?

A. I was struck once in the face and kicked in the belly and kicked in the thigh.

Q. That is the time you were knocked down? A. Yes sir, that is the time the money was taken.

Q. You got up after that, didn't you? A. Yes sir.

Q. You went back to the bar? A. No sir, I went out then;
the door was open for me and then I went out.

By Mr. Davis. Q. Do you remember that you said these people all
separated from you after they tried to weigh you? A. Yes.

Q. You took your money out of your pocket and put it in here
and held fast to it with your watch? A. Yes sir.

Q. They separated around the saloon, do you remember that?
A. Yes sir.

Q. That was after they tried to weigh you? A. Yes sir.

Q. Then you made a spring for the door when you saw you had a
chance? A. Yes sir.

Q. I want to know whether that was the first time you tried to
get up or the second time? A. That is the second time.

Q. That was the second time? A. Yes sir.

Q. Now the first time the same two men were there? A. Yes sir.

Q. Now this second time that you went to the door you were
struck? A. Yes sir.

Q. You were not struck the first time you went to the door?
A. No sir.

Q. But you were prevented from going out by those two men?
A. Yes sir.

Q. I am speaking of the first time, when you say the first
time that you could not go out you came back to the bar?
A. Yes sir.

Q. It was after that this weighing took place? A. Yes sir.

Q. But you had not yet been struck by anybody? A. No.

Q. It was only when you went to the door the second time to
spring out that you were struck, is that right? A. Yes sir.

Q. Twice you went to the door? A. Yes sir.

- Q. The second time you went there you were struck? A. Yes sir.
- Q. You went to the same door both times? A. Yes sir.
- Q. Now let us go further, when you got to the door the second time and was struck did you have hold of your money and your watch? A. Yes sir, I had at that time, I took my hand out of my pocket and I hit one of them a box, and the watch and money was in my pocket then.
- Q. You hit back in other words? A. Yes sir.
- Q. Whom did you hit? A. I hit O'Brien.
- Q. And where was this man then, the Defendant? A. He was standing right behind me at the door too.
- Q. Were they all around you? A. Yes sir, they were all around me at the door.
- Q. And then you struck out, did you? A. Yes sir.
- Q. How many of them did you hit? A. I hit one.
- Q. Then after you did that what was done while you were there in the midst of them? A. As soon as I hit him I got my hand in my pocket again.
- Q. What did you put your hand in your pocket again for? A. To mind my watch and money, my watch and money was gone just at that time.
- Q. Your watch and money were gone? A. Yes sir.
- Q. Did you know who took it? A. No sir..
- Q. Did you feel anybody touch your pocket? A. NO.
- Q. It was gone? A. Yes sir, no one could -----
- By the Court. Q. Never mind that, tell us what happened, you do not know which one took it? A. No sir.
- By Mr. Davis. Q. Then what did you do when you found your money was gone? A. The door was opened for me.
- By the Court. Q. Which door? A. The side door.

By Mr. Davis. Q. What did you do? A. I got out.

Q. Where did you go? A. To the 20th St. station house.

Q. And made your complaint there? A. Yes sir.

Q. After you made your complaint what did you do?

A. Officer Maloney came back with me and arrested four of them at the bar and the rest of them escaped.

Q. Was this man one of the four arrested? A. No sir, not at that time.

Q. He was not there at that time? A. No sir.

By the Court. Q. Have you told all that this man did that you recollect? A. Yes sir.

Q. Did he strike you at any time? A. No sir.

Q. Did he say anything to you at any time? A. NO.

Q. Or you to him? A. No sir, I never spoke to him.

Q. Didn't he have hold of you except the time he lifted you up? A. No sir.

Q. Did he take hold of you at any other time? A. No sir, he was always behind me.

By Mr. Davis. Q. When did you next see this man after that, the Defendant? A. In Jefferson Market sitting in the seat

Q. He was sitting in a seat then? A. Yes sir.

Q. And what were you doing there? A. I went up to see if I could identify him.

By the Court. Q. To see if you could identify whom? A. This man here. (Pointing to the defendant.)

Q. You went there for the purpose of identifying him, you heard he was there? A. Yes sir, I was told that there was a man arrested and I went up at once.

By Mr. Davis. Q. When was it you went there to see this man, the defendant? A. I forget the day of the month, it was in

September about the 24th or 25th of September I seen him.

Q. About how long after the night in which you were in the saloon?
A. About a month after.

Q. You went to the Police Court, did you?
A. Yes sir.

Q. Did you identify this man?
A. Yes sir, I identified him in Jefferson Market.

Q. Where was he?
A. He was sitting in a seat among a lot the same as if he was sitting here in them seats.

Q. A lot of people around him?
A. Yes sir.

Q. About how many?
A. There was about four or five sitting in the seats and he was sitting beside another man in the seat.

By the Court. Q. There was not as many there as here?
A. No sir, only half as many.

By Mr. Davis. Q. There was the seats there and he was there (illustrating), did you pick him out?
A. Yes sir.

Q. Tell us what you did?
A. I was put into a back room and a man was put into a seat and whenever he was in the seat I was called out to see if I could pick him out; I opened the gate and I walked out and I looked on both sides of me and I seen him and I told the officer that that was one of the men.

Q. You then saw him for the first time after the night you were in the saloon while he was sitting in the seat?
A. Yes sir.

Q. You are sure this is the man who was there?
A. Yes sir, I am certain of it.

CROSS EXAMINED by Counsel.

Q. What is your business, McKenna?
A. Watchman.

Q. Where do you reside?
A. No 835 Third Avenue.

Q. For whom do you work?
A. For the National Ice Company.

Q. How long have you worked for them? A. About three years or over.

Q. Where is this saloon in question? A. 27th St. and Seventh Avenue.

Q. What corner is it? A. The southwest, I guess.

Q. On the last trial you said it was the northeast corner, didn't you? A. I said I forgot the corner it was on that I was in, I was in it only once and I suppose I never will again either.

The Court: I do not believe you will for it is closed now.

Witness: It is a good job.

By Counsel. Q. What time did you leave your residence on Sunday morning? A. About nine o'clock.

Q. You worked all the night before? A. Yes sir.

Q. As a night watchman? A. Yes sir.

Q. Where did you first go to after leaving your home?

A. I went over to the west side to go on an excursion.

Q. What excursion was it? A. It was the County Monahan.

Q. And you went out on that excursion, did you? A. Yes sir.

Q. At nine o'clock in the morning? A. I didn't go out at nine, it was eleven or after before it started.

Q. And where did that excursion go to? A. Bay Cliff.

Q. And you remained there all day, is that right? A. Yes sir, we did not land, it was too late, we never got a landing, we were on the boat the whole day.

Q. What time did you return to the city? A. I could not rightly say, it might be about twelve o'clock.

Q. Twelve o'clock at night? A. Yes sir, eleven, I could not rightly say, I could not keep no account of the time.

Q. What did you do after landing? A. I left a couple of

friends of mine at home.

Q. You went from the excursion with a couple of friends of yours? A. Yes sir.

Q. Where did you go to? A. I went to 43rd Street with them.

Q. And what avenue? A. Right off Seventh Avenue.

Q. How long did you remain there with them? A. Well, I could not rightly say.

Q. Half an hour? A. Well, I may.

Q. About what time did you leave? A. I could not tell, I did not look at the time.

Q. One o'clock? A. It might be, I have not looked at the time, I was keeping no account of the time.

Q. Where did you go next after that? A. I went over to the west side to a friend of mine there, I was leaving friends of mine home that was on the excursion.

Q. You went from there west? A. Yes sir, to 28th St.

Q. 28th Street and what avenue? A. Between 10th and 11th.

Q. When did you arrive there? A. I did not look at the time.

Q. You could not tell exactly? A. NO.

Q. Was it later than one o'clock? A. I could not tell you.

By the Court. Q. Give as near an estimate as you can? A. Yes sir, it was.

By Counsel. Q. Did you drink anything while on this barge?

A. Yes sir.

Q. What was it? A. Sarsaparilla, ginger ale or soda water that is all.

Q. And when you went home with these friends to 43rd Street and remained there did you have anything to drink there?

A. No sir.

By the Court. Q. Had you drank at all? A. No sir.

Q. Had not drank liquor of any kind? A. NO.

By Counsel. Q. You do not drink anything? A. Yes sir, I drink
a glass of sherry once in a while in the morning.

Q. Did you drink any sherry this day? A. No sir.

Q. You made a visit to friends on 28th Street? A. Yes sir.

Q. They were not on an excursion? A. No sir.

Q. You were just making a social call? A. Yes sir, I went
off to go to see them.

Q. About one o'clock in the morning? A. Yes, about that.

Q. Did you wake them up? A. Yes.

Q. How long did you remain there? A. I might have re-
mained about half an hour or an hour, I could not rightly
say.

By the Court. Q. They were in bed when you got there? A. Yes sir.

Q. Were they relatives of yours? A. Yes, I boarded with
them.

By Counsel. Q. That was the relationship? A. Yes, the rela-
tionship, I boarded with them for over a year.

By the Court. Q. Any blood connection? A. O no sir, no blood
connection.

By Counsel. Q. How long did you remain there did you say?

A. I could not tell you, I did not look at the time.

Q. Half an hour? A. Yes sir, it might be more.

Q. Nothing to drink there? A. No sir.

Q. Not a thing, not even sarsaparilla? A. I tell you I
drank nothing at all in there.

Q. What did you do on leaving there? A. The husband came
up to the avenue with me, we stood talking a while on the

avenue, then he went home and I started for home too.

By the Court. Q. Where did he leave you? A. At 9th Avenue and 28th Street.

Q. You then went on alone? A. Yes sir.

By Counsel. Q. Where did you go after leaving them, I mean what direction? A. I went on over to the east side.

Q. How far did you go east from 28th Street and Ninth Avenue?

A. Over to Eighth Avenue.

Q. Then next what did you do? A. I turned down 8th Avenue to 27th Street.

Q. Down to 27th Street, is that right? A. Yes sir.

Q. When you left your friend between 10th and 11th Avenues, where did you intend to go? A. I intended to go home.

Q. What way were you going to take to go home? A. I was going to walk over and then I changed my mind that I would go and take the 23rd Street car across.

By the Court. Q. If you were going to the 23rd Street cars why did not you continue on 23rd Street down to 8th Avenue instead of turning 28th Street? A. It was at this time at that corner that Ware spoke to me.

Q. You say you did not know him? A. No sir.

Q. But you stopped before that, you were in conversation with this colored woman? A. She asked me to treat her.

Q. It was around the corner she spoke to you? A. Yes sir.

By Counsel. Q. Did not you meet Ware on 27th Street between 7th and 8th Avenues? A. Yes sir, right at the corner there.

Q. Can't you tell us what time it was when you reached 27th Street and 7th Avenue? A. About four o'clock, it might be a few minutes before it or a few minutes after, I can't judge.

Q. Before you entered the saloon you had met the colored woman?

A. Yes.

Q. Then you met Ware? A. Yes sir, Ware came up just at the time.

Q. You had some conversation with Ware? A. Yes sir.

Q. And then you went into the liquor saloon? A. Yes.

Q. Prior to that you had loaned Ware twenty or twenty-five cents? A. Twenty-five cents, I had not twenty cents on me and I gave him twenty-five.

Q. What was the first thing that occurred when you got into this saloon? A. I went right to the bar, and had a drink.

Q. And who else? A. Then eight, all took a drink right at the time.

Q. And you drank what? A. Sarsaparilla.

Q. How much did the drinks amount to? A. Forty-five cents.

Q. Did Ware pay for the drinks? A. No sir, he kept the quarter and I had to pay.

Q. You paid for the drinks? A. Yes sir.

Q. "Who served the drinks? A. A colored fellow.

By the Court.

Q. Have you seen that colored man since? A. Yes sir.

Q. Did you see him in Court on the last trial? A. Yes sir.

Q. Do you know his name? A. I am not sure but I think his name was Jackson.

By Counsel. Q. Frank Jackson -- how long were you in the saloon before the colored woman came in? A. About a couple of minutes or ten, I could not say what length it was.

Q. It was before the colored woman came in that you had your drinks? A. Yes sir.

By the Court. Q. Is that the same colored woman that you met on the street? A. Yes sir, maybe about five minutes.

Q. Did she have a drink with you there too? A. No sir.

By Counsel. Q. How long did you stand at the bar? A. I might stand about five minutes or ten.

By the Court. Q. Altogether how long were you standing at the bar? A. About half an hour or so.

By Counsel. Q. After all the other men had drinks what next occurred? A. They all had the drinks there at that time.

Q. After they were all through drinking, what next occurred? A. I turned off to go out.

Q. You turned to go out? A. Yes, I turned from the bar.

Q. You did not run? A. No sir.

Q. You turned from the bar to walk out? A. Yes.

Q. No as you turned what occurred? A. I caught the man with his hand in my pocket.

By the Court. Q. That was Lynch? A. Yes sir.

By Counsel. Q. Taking your watch and money from you? A. Yes sir, the money.

The Counsel: Officer, will you allow Lynch and Morris both to come into Court?

The two men came into court.

By Counsel. Q. Now which one of those men was it that tried to put his hand in your pocket? A. That man. (Pointing.)

Q. That man here? A. Yes sir, that is Lynch.

By the Court. Q. That is the man you say put his hand in your pocket? A. Yes sir.

By Counsel. Q. Are you sure this was the man? A. Lynch was the man.

Q. What did the other man do? A. He was catching me behind the back.

The Court: What is his name?

Counsel: Morris.

By Mr. Davis. Q. In what way was it he caught you behind the back?

A. This way. (Showing.)

By the Court. Q. At what period of time, after you found the man with his hand in your pocket? A. Yes sir.

By Mr. Davis. Q. Do you know what his name is? A. Morris.

By Counsel. Q. Was it just after you left your glass down that you caught Morris with his hand in your watch pocket?

A. Yes sir, just right at that time, I just turned around like this and as soon as I turned around I caught the man's hand in my pocket.

Q. And you say now that Lynch at the same time had hold of you by the back? A. No, I said Lynch had his hand in my pocket.

The Court: Morris took him by the back immediately afterwards.

Witness: That is what I said.

By the Court. Q. I have it on my minutes Morris is the man that caught me by the back right after that, is that right?

A. Yes sir.

By Counsel. Q. Right after that Morris took you by the back, is that right. A. Yes sir.

By the Court. Q. What do you mean, by your coat collar, did he seize your coat or what? A. Yes sir, my coat for to lift me up.

Q. That is when you were down, was it? A. Yes sir.

By Counsel. Q. Now what did Lynch do? A. I pushed him back from me.

Q. I do not want to know what you did, I want to know what Lynch did when you say that he caught you and tried to get your watch and money out of your fob pocket; tell me

exactly what did he do? A. I found him with his hand in my pocket catching my watch and money when I turned around and seen him.

By the Court. Q. Did he get his hands on it? A. He did not get it, he had his hands on it, he never pulled it out of my pocket.

By Counsel. Q. If on the prior trial you said that nobody was in contact with you at that time except Lynch, were you mistaken? A. Nosir, I said that was the time they went to left me right after --- that was all the man was in contact with me at that time, Lynch, at the time that the hand was in my pocket.

Q. It was sometime after that Morris took hold of you?

A. Yes, it might be a minute or two after.

Q. I asked you on the prior trial: "Q. Was anybody else there at that time? A. Ware was on this side of me at the bar." Now come down to the betting of the dollar, who offered to bet you a dollar? A. Lynch.

Q. That was after the effort to extract money from your pocket? A. Yes sir.

Q. What did Morris say to that? A. He said I was not as heavy as him and the other man said I was.

Q. Then they made the effort to lift you up? A. Yes sir.

Q. Who caught hold of you? A. Lynch.

B Q. After recess.

By Counsel. Q. You are speaking now of when they were trying to weigh you, is that right? A. Yes sir.

Q. Is your memory better to-day than on the last trial a month ago? A. I do not know, it is near like the same I guess.

Q. If you said on the other trial that the three men who were weighing you and holding you were behind you and you did not see them, which is correct, what you testified to to-day or at the former trial? A. I say that Morris was behind me and Lynch was lifting me.

Q. I will read you from the stenographer's minutes: "Q. You turned to go out? A. Yes sir., just as I left down my glass I turned to go out, as I turned I caught the fellow with his hand in my watch pocket taking the watch from me.

By the Court. Q. That was Lynch? A. Yes sir. Q. What pocket do you mean when you say your watch pocket? A. The pants pocket here. (Indicating the fob on the right side.)

By Mr. McLaughlin. Q. He did not take it? A. No sir, he did not get it at that time but he had it in his fingers I found him pulling it up. Q. Was anybody else there at the time? A. Ware was on this side of me. Q. At the bar? A. Yes sir. Q. When you shifted your money Lynch was the only one who was actually in contact with you at that time?

A. Yes sir, that was all at that time. Q. Then what occurred next? A. I said, are you going to rob me and Ware said, 'no, no one will meddle with you while I am here.'

Q. Then you went out? A. Then they began to bet who was the heaviest and wanted to get me out among them. Q. No, don't give us any conclusion, I want to know what was done or said? A. Then they put their hands in their pockets and pulled out a dollar and he said, I will bet you that dollar. Q. Well, who took out his dollar? A. I could not tell which one did that, they were all standing around at me at the time. By the Court. Q. One pulled out a dollar and offered to do what? A. To bet that dollar with the other man that I was heavier than him.

By Mr. McLaughlin. Q. Then what? A. Then they came for to catch me and lift me. Q. Then they caught hold of you and lifted you up? A. Yes sir, for to get me on their back. Q. Well, they caught hold of you and lifted you up? A. Yes sir. By the Court. Q. Tell who caught hold of you? ALI could not say which, they all did. Q. How many of them? A. Well, there was three at me at that time holding me. Q. Well, what did they do? A. Well, they held me up and I pushed them, they held me up to weigh me.

Q. Did they catch you by the waist or by the feet? A. No sir, by the shoulders and waist. Q. They lifted you up, is that it? A. Yes sir. Q. You cannot say who it was that was lifting you at the time? A. No sir, I cannot say that for they were behind my back. Q. Well, you are perfectly satisfied that they were lifting you? A. No sir, because I pushed them away and I said I did not want to have anything to do with them." I ask you if the testimony I have read to you is correct or the testimony which you have given to-day, which is correct?

A. I do not think there is much change in either of them.
By the Court.

Q. You think they are both correct do you? A. Yes sir.

By Counsel. Q. You think they are both correct? A. Yes sir, I do not think there is much difference in the two.

Q. What occurred after they weighed you? A. They let me go when I pushed them away.

Q. You left them did you? A. Yes sir.

Q. You pushed them away? A. Yes sir.

Q. What did you do next? A. I stood at the bar.

Q. You went back to the bar? A. Yes sir.

Q. That was the end of the bar near the ice-box? A. The

33 end of the bar next to the front door.

By the Court. Q. That would be the end of the bar nearest or furthest from the side door? A. Yes sir, furthest, nearer the 7th Avenue door.

By Counsel. Q. You went to the end of the bar furthest from the side door? A. It is the side next 7th Avenue.

Q. Then you went towards the side door after that did you?

A. Yes sir.

Q. Did you get out of the first door leading into the saloon, I mean the little swinging door, did you get through that?

A. Yes sir.

Q. You got between that partition and the outer door, is that right? A. Yes sir.

Q. While in that partition there you were struck? A. I pulled the door that time for to get back to open the outside door where it was locked.

Q. You tried to open the outer door? A. Yes sir.

Q. Going out into the family entrance? A. Going out on to the street.

Q. And who met you there? A. I forget his name.

Q. Ford and O'Brien, is that right? A. Yes sir.

Q. Where was the Defendant at that time? A. He was standing behind me just at that little door.

By the Court. Q. Inside the door, at the door? A. Yes sir.

By Counsel. Q. Inside the saloon? A. Yes sir.

By the Court. Q. In the saloon in this little room? A. In this little room he was turning when I turned to run back, I pulled the door to get out when I seen them all out there, the two men at the door.

By the Court. Q. When you turned to run back was he standing in the doorway? A. No, he came right from the bar.

Q. Ahead of you? A. Behind me.

By Counsel. Q. But he was standing in the saloon, was he not, when you passed in the saloon? A. He was standing in the door next the outer door, inside of that little door I said.

By the Court. Q. In the saloon proper or in that little room?

A. In that little room.

Q. He had passed over the threshold into that little apartment? A. Yes sir.

By Counsel. Q. When you turned you saw him, was that it? A. Yes.

Q. You did not see him do anything active in the matter?

A. No sir.

Q. He did not have hold of you? A. NO.

By the Court. Q. You say the defendant did not hold you unless at the time when he put his hands on you to weigh you?

A. Yes sir.

By Counsel. Q. During the whole time from beginning to end?

A. Not that I seen him until that one time.

By the Court. Q. One of the defendants came with this defendant and struck you, is that right? A. Yes sir.

By Counsel. Q. That was the time they lifted you to weigh you? just at the time you left the bar? A. Yes sir, at the bar.

Q. You had your money and property when you left to go through this swinging door? A. Yes sir.

Q. And you got out into the passgaeway towards the door? when you met O'Brien and Ford? A. Yes sir, standing at the outer door, and these others were all behind me standing all around me in that little room in the passage at that outer door.

By the Court. Q. All gathered around you while you were in that little room? A. Yes sir.

By Counsel. Q. Then you went out of the side door, did you?

A. That was the time I was hit, that I got the punch in the face.

Q. You were struck, did you fall toward the inside or into that partition place? A. Into the partition place.

Q. You fell in there? A. Yes sir.

Q. You did not fall in the store? A. No.

Q. You fell inside the little partition? A. Yes sir.

The Court: Is it an apartment?

Counsel: It is like a hallway leading from the outer door.

By the Court. Q. Was it in that hallway, call it that that you fell down? A. Yes sir.

Q. Or was it in the saloon itself? A. In that I fell by the store.

Q. What do you mean by that? A. When I fell I fell in like,

Q. Across the threshold into the store? A. Yes sir.

By Counsel. Q. And I understood you to say when you fell into the store the Defendant was behind you, I mean you said that on your direct examination. A. I said he was standing behind me when I went to pull the door when these two men was behind me at that door.

Q. At the inner door? A. Yes sir.

Q. It was just before you went out that you lost your money? A. Yes sir.

Q. When you put your money in your pocket and drew off to hit O'Brien and these other men? A. Yes sir, that I lost the money.

By the Court. Q. You had the money in your hand? A. Yes sir.

Q. You had the money in your hand from the time you removed it from the fob pocket until the time you let go of it to strike O'Brien, is that right? A. That is right.

Q. You held on to it with your hand in your coat pocket until that time? A. Yes sir, until that time.

Q. Then you let go of it? A. Then I let go of it.

Q. When you put your hand to the pocket again your money was gone? A. Yes sir.

Q. You do not know who took it? A. I do not know.

Q. You know you lost it at that time? A. Yes sir.

Q. Where was the defendant at the time you discovered the loss of the money? A. He was standing behind me about a foot or two feet.

By Counsel. Q. But he did not put his hand on you that you know of, as far as you know? A. No, I did not see him.

Q. Then where did you go after you got out in the street? A. I went to the 20th Street station house.

Q. Immediately, right away? A. Yes sir.

By the Court. Q. Did you know where it was before you got there, the location? A. No, I asked a man where it was.

Q. On the street? A. Yes, your Honor.

By Counsel. Q. And there you obtained an officer? A. Yes sir.

Q. And you came back to the saloon? A. Yes sir.

Q. And there caused the arrest of Lynch, Morris, O'Connor and Ware, is that right? A. Yes sir, that is right.

Q. And you identified each one of them? A. Yes sir.

Q. As being parties who were concerned in the robbery of you, is that right? A. Yes sir, that is right.

Q. Was there anybody else in the saloon when you returned with the officer? A. Yes sir.

Q. Who? A. There was more persons went out just as we went in.

Q. You don't know how many? A. No, I don't know how many, I seen two of them going out.

Q. Who were they? A. I seen O'Brien and Ford, they went out just as we went in.

Q. How about Coogan? A. Coogan was out.

Q. Then the four defendants were taken to the station house?
A. Yes sir.

Q. Where did you go to next? A. I went to Jefferson Market.
By the Court. Q. Where did you go after you left the saloon, home?
A. No sir.

Q. Where did you go? A. Right to Jefferson Market.
By Counsel. Q. You went right to Jefferson Market, did you?
A. Yes sir.

Q. And appeared against Ware, Connor and those four?
A. Yes sir.

Q. When did you next go to the 16th precinct? A. I went a day or two after.

Q. What took you there, how did you come to go there?

A. I got word that there was two more prisoners arrested.

Q. How was that communicated to you? A. I got a note saying that there was two prisoners arrested.

Q. And when you went to the station house did you have any conversation with Mr. Carey? A. No sir.

Q. No conversation of any kind? A. No.

Q. When you entered the station house who did you first converse with? A. The sergeant at the desk or the man at the desk.

Q. And then you were placed in a room back of the sergeant's room, is that right? A. Yes sir.

Q. You were in that room a considerable while, were you?

A. Yes sir, a little while.

Q. While there the window of that room was open, was it not?

A. Yes sir, a little while.

Q. And that looked out into another room? A. Yes sir.

Q. Soon after that did Mr. Carey go into that little room?

A. Yes sir, he came in and said there was two prisoners for to identify if I knew them.

Q. Then he put the window down? A. Yes.

Q. Then you were brought out, were you? A. Yes sir, they were brought out and put in a row and then I was called out.

Q. Did you identify Coogan and O'Brien at that time?

A. Yes sir, I identified Coogan to the best of my opinion.

Q. But you did identify him? A. I done it to the best of my opinion and said he was like the man.

Q. You were not positive on the last trial in regard to the identification of Coogan? A. No sir.

Q. Were you present on the second trial of Coogan in Part II on the second day? A. Yes sir.

By the Court. Q. You were present every day? A. Yes sir.

By Counsel. Q. Do you remember when the colored man was called to the stand, the second day was he not? A. No, it was only one day.

Q. Was it all in one day? A. Yes sir.

The Court: I think it was one day. the 24th the case commenced.

By Counsel. Q. You were there on the second day after you and the colored man had testified, were you not? A. Yes sir.

Q. You were there on the second day? A. Yes sir.

Q. When you went up to Part II. where did you go to, did you go into the room? A. Yes sir.

- Q. Did you take your seat on the bench up there? A. Yes sir, the same as I sat here.
- Q. And you indicated about where you were, I mean on the first, second, or third bench? A. Yes sir, on the second I guess, I could not say.
- Q. Toward the passageway? A. Yes sir, the second or third I just forget now, I can't just tell.
- Q. Were you towards the passageway? A. I was sitting in the middle.
- Q. Do you remember Mr. Carey coming in on that second day with the defendant? A. No sir, I did not see that man.
- Q. Did you see Mr. Carey come in on the second day?
A. No, I did not see him -- yes, I seen him coming into that door.
- Q. Did he come in with this Defendant? A. No sir, not in here as I see him.
- Q. Not into this room, I mean into the room upstairs?
A. He did not take him in where I seen him .
- Q. Did not he have this man when he came in the door, pushing him? A. No sir, not that I seen.
- Q. Did he not sit him down in a seat over there just in that position? (Pointing.) A. That was not here.
- Q. Up in Part II. A. I never seen him in Part II.
- Q. You never saw that? A. Not that I seen, I remember the first place I seen him was in Jefferson Market.
- Q. Had he been there would you not remember it? A. I might.
- The Court: As matter of fact I know that this man was in court, I do not know where he was, I do not know that I saw him, but I had information from the District Attorney that this man was there.

By Counsel. Q. Did not you see Carey and the defendant occupy two seats in the same position as this in Part II?

A. No sir, I paid no attention to him at all.

Q. Did you notice ~~him~~^{me} on that morning when I came into the Court? A. Yes sir, I seen you walk in.

Q. Did you notice me go from the position I was in over to speak to somebody? A. No, if you ran about many a place speaking to people, I did not see it.

Q. Did you see the Defendant taken by Carey back through the audience to the box? A. No sir, I never passed no remarks on him until I seen him in Jefferson Market.

Q. Did you see the Defendant Moran taken through the audience up to the box? A. No.

By the Court. Q. Did you see Moran at all in Court that morning that you remember? A. No sir, not that I can remember.

Q. With or without Carey you have no recollection of seeing him? A. No sir.

By Counsel. Q. When you left the court-room and went out did you see those officers (pointing to two officers) in Part II, in the corridor on that day? A. Yes sir, I seen one of them come in and walk out again.

Q. Did you remain in the corridor of Part II. after you had left the room? A. No sir, I stood outside.

Q. Did you stand outside? A. Yes sir.

By the Court. Q. In the hall you mean? A. Yes sir; you passed me going out too.

Q. Who passed you, Mr. McLaughlin? A. Yes sir.

By Counsel. Q. Were you in conversation with either one of these officers or Carey at that time? A. No sir.

Q. Did you hear any remark of Carey or either one of these

officers in regard to Moran as he went down stairs shackled,

A. No sir, I never heard his name mentioned until I heard his name in Jefferson Market nor never seen the man until I seen him there.

By the Court. Q. After Jefferson Market when you were down here on the previous trial, on the trial of Coogan, did you see him on the hallway on that morning, the last day, were you down the day the case was disposed of? A. NO.

Q. Did you hear any remark made on that day by anyone of these officers? A. No sir, not a word.

Q. Where did you go to after you had left the building?

A. I went to Jefferson Market.

Q. Did you go right to Jefferson Market. A. Yes sir, I went up there, this man was to be in the market.

Q. Who did you go up with? A. I went up on the cars, that officer showed me the way up to it that went out.

By the Court. Q. Did he go with you on the same car? A. Yes sir but I got off and he went on home.

Q. You rode up together and got off the car and the officer went on home? A. Yes sir.

By Counsel. Q. Carey was it? A. No sir.

Q. One of these other officers? A. Yes sir.

Q. And then you went direct to Jefferson Market? A. Yes sir, stopped round about awhile -- two o'clock was the time to be there, I was there before it and stopped round there

Q. Did you see Carey go in with the Defendant? A. No sir. saw the defendant

Q. You never ~~was~~ in Carey's company at all until you picked him out in those seats? A. Never.

Q. You say most positively now that you never drank a drop during that whole night? A. I say I drank no whiskey.

Q. Nothing but sarasparilla? A. Sarsaparilla.

Q. And sherry the morning before? A. Yes sir.

By Mr. Davis. Q. What became of the colored woman who went into the saloon with you? A. I do not know sir, she went out she did not come in with me.

By the Court. Q. How long did she stay in there? A. I could not tell how long she stayed in.

Q. Did you observe her going out? A. No sir, I did not see her going out.

Q. How long did you observe her in there? A. I seen her coming in and having a drink and going right out.

Q. Did she go up to the bar? A. Yes sir, she had some fellow with her.

Q. Did she and that person go out? A. I did not see the persons go out together, I could not tell, I seen her go out.

By Mr. Davis. Q. How long were you in the saloon altogether?

A. It might be about half an hour or a little over, I could not rightly tell.

Q. Did you know any of these people, this defendant and others before you came to the saloon? A. I never seen them.

By the Court. Q. Were you ever in that saloon? A. Never and would not be only I was taken in.

Q. Where was the bar-tender? A. He was sitting behind the bar on a chair, with his head down this way. (Illustrating

Q. Who served the drink? A. It was a colored fellow served the drink, the bar-tender was sitting on a chair.

Q. What was this colored man doing? A. He was assisting him attending bar, the regular bar-tender as I supposed was sitting with his hands on his knees.

Q. The bar-tender continued in that attitude you described?

A. He stayed there the whole of the time.

Q. Jackson was attending to the business of the place serving drinks when you called for them? A. Yes sir.

Q. How many drinks were called for by your party?

A. There was none called for only the drink I paid for.

Q. What was Jackson doing? A. Jackson was serving the drinks.

Q. When all this matter was going on he stood behind the bar?

A. Yes sir, he stood behind the bar.

Q. Did he say anything? A. No sir.

By a Juror. Q. Was it simply skylarking or was it rough?

A. It was rough.

Q. Rough pushing? A. Yes sir.

By Mr. Davis. Q. You got a blow between the eyes, didn't you?

A. Yes sir.

Q. How many blows did you receive altogether? A. I received three, a punch in the face and between the eyes.

Q. Did you get any other? A. I got a kick in the thigh and I got another kick in the belly.

Q. Did they all occur at the same time? A. Yes sir.

Q. Was that at or about the time you lost your money?

A. Yes sir.

Q. Up to that time no one had struck you? A. No one had struck me, that was the time the watch and money went.

Q. You told us you fell on the floor? A. Yes sir, I fell on my side.

Q. All the way down? A. Yes sir.

Q. Did you at once recover yourself and get up?

A. Yes sir, whenever I got up I hit the fellow that hit me and put my hand in the pocket and the money was gone.

Q. While you were on the floor how near were they to you, were they close to you? A. Yes sir.

Q. Did you feel the six catch hold of you? A. No sir.

Q. Where were you kicked, in the side or leg? A. I was kicked in the left leg.

Q. In which pocket was this money? A. It was in my fob pocket here on the right hand side.

Q. On which side of your body did you fall? A. I fell on the left side.

Q. And the money was in the pocket? A. In the right hand side of my coat pocket.

Q. Was that the side that was uppermost? A. Yes sir, that was the side that was uppermost.

By Mr. Davis. Q. Was this colored woman the same one you spoke with on the street? A. Yes sir.

By a Juror. Q. Where was she when this fight took place, did she go out before you? A. She was away.

Q. As soon as you went in there you had a drink? A. Yes sir.

Q. And the fight began right away? A. Yes sir; she came in and took a drink and her and the other fellow went out.

By the Court Q. As soon as you entered you had a drink?

A. Yes sir.

Q. How soon after you had the drink was the fight?

A. Right after we had the drink the fight commenced-- the colored woman came in and had a drink at the bar.

Q. How soon after you came in? A. About five minutes.

Q. How soon after you came in did the fight commence?

A. Five or ten minutes.

Q. She had gone five or ten minutes when the fight began?

A. Yes sir.

- Q. What do you call the beginning of the fight? A. That was the taking of the watch and the lifting me up.
- Q. Did the fight last twenty minutes? A. Yes sir, not altogether, sometimes I would be let loose and other times they would be round me.
- Q. Do you include the wieghing in what you call the fight? A. Yes sir, it belonged to it.
- Q. How long a time was it from the time you were struck until you got out of the saloon? A. About a minute.
- Q. You were struck, you fell, you got up and missed your property and went out, is that it? A. Yes sir, the door was open-ed for me then.
- Q. Who opened it, can you tell? ... I could not tell.
- Q. Did the bar-tender open it? A. No sir.
- By a Juror. Q. Was this preliminary skylarking or pushing done with roughness? A. It was done with roughness.
- By the Court. Q. This operation didn't hurt you? A. No sir.
- Q. You were not roughly handled at that time? A. No sir.
- Q. Did you consider it was rough treatment you were receiving at their hands? A. Yes sir.
- Q. In what respect? A. It was very rough for many people to go around one strange man in a saloon.
- Q. In what did the roughness consist? they did not push or hustle you in any way at that time? A. No sir.
- Q. There was no roughness until you were struck? A. When I was going for the door they caught me by the tail and pulled me back.
- Q. That was not rough was it, what did they say? A. I could not tell what they said, they were talking to themselves.
- Q. Did they ask you not to go or make a suggestion to stay

longer? A. No sir, they never made no suggestion at all

Q. Simply caught hold of you and they caught hold of you
enough to pull you back? A. Yes sir.

Q. Who did that? A. I think it was Connor.

By a Juror. Q. How did the door get locked and the people all
standing around you? A. It was two of these fellows,
I might mention their names.

By the Court. Q. Ford and O'Brien? A. Yes sir, those two
fellows always came for the door, no matter how quick I
might be for the door they would be sure to be there before me.

Q. Who was with the colored woman? A. He was a colored man.

Q. How near were they to you when you were drinking?

A. They were as far I suppose as from this down to that
door, they were down at the lower end and I was at this end.

By the Foreman. Q. While you were having your drink they came in
and had their drink and went out? A. Yes sir.

By Mr. Davis. Q. Did you see them when they came in? A. No sir,
I did not see them until they were at the bar.

Q. Did you see them go out? A. Yes, I saw them walk to the
door.

Q. To the side door? A. Yes sir.

Q. What were you doing when you saw them walking to the side
door? A. I was standing at the bar.

Q. What were those other people doing? A. They were the
same as me at the bar.

Q. Had you had your drink yet? A. Yes sir, I had my drink
at that time.

Q. Then it was before the hallooing began that they left the
place? A. Yes sir.

Q. And they left through this door where you say Ford and
O'Brien were standing when you went out? A. Yes sir.

Q. And they left before you went to that door first? A. Oyes.

By Counsel. Q. You say that when you got up after falling the defendant was standing near you inside the door, is that correct? A. Yes sir, that is correct.

Q. I will read from the testimony of the last trial: "Q. And the man next to him, where was he standing? A. He was in opposit me standing inside the door. Q. And where was Morris the young man standing, alongside of him again? A. Yes sire, he was just at my side wherever I got up. Q. And Lynch, the man with his hand in his side here, where was he? A. They were all there." Did you so testify on the first trial? A. Yes sir, and I done the same now too.

By a Juror. Q. When you fell you fell on your left side?

A. Yes sir.

Q. Did you see anybody, did you recognize anybody bending over you? A. I did not recognize anybody, I was in too big a hurry to get up.

Q. Was the Defendant there? A. Yes sir, when I got up I seen him standing right beside me.

Q. When you got to your feet did you make for the door? A. Yes sir, I hit O'Brien and as soon as I put my hand in my pocket the money was gone.

Q. Was the door locked after you? A. My hat was inside, I missed my money inside before I went out.

Q. Did you make any attempt to go back? A. Yes sir, my hat was inside, I went into the store and got my hat and went to the station house.

Q. Did they molset you when you went in to get your hat? A. No sir, I walked, it was lying at the swing door, they were standing in the middle of the store.

By the Foreman. Q. Did you have that same coat on? A. Yes sir.

Q. That is the hip pocket you speak of? A. There is the pocket and there is where I had the money and watch.

By Counsel. Q. Is that your signature? (Showing witness a paper.)

A. Yes sir, that is my name.

Q. You signed that in the Police Court when this defendant was arraigned there is that right, and swore to it?

A. Yes sir.

Counsel: I will read from the complaint: "Police Court, 2nd District, City and County of New York S.S.

Patrick McKenna of 835 Third Avenue aged thirty years; occupation nightwatchman, being duly sworn deposes and says: that on the 25th day of September, 1890 at the City of New York in the County of New York, deponent fully identifies James Moran now here as one of the other persons charged with robbery in the complaint made by deponent on August 25, 1890, hereto annexed and was one of the persons who lifted the deponent. Deponent is informed by Patrick Morris, one of said defendants, that said Moran is the person who searched deponent's vest pockets. Deponent believing said information to be true charges that said Moran did steal deponent's property from the person by force and violence as stated in deponent's complaint of the 25th of August, 1890."

Did this man try to take your property from your pocket? A. I did not say that, I said that it was Lynch put his hand in my pocket --- no, Lynch did not take it, I did not say so.

By the Court. Q. The witness says that Morris informed him so, you believed it, is that all you say? A. Yes sir.

By Counsel. Q. Do you believe this man put his hand in your pocket?

A. I believe some one did. Lynch did not take the money at that time, I had the money after it.

PATRICK MORRIS sworn and examined by Mr. Davis.

Q. Where do you live, Morris? A. No. 255 West 27th St.

Q. What is your business? A. Carpet layer.

Q. You were charged with the commission or with being a party to this robbery of McKenna, were you not, and indicted and subsequently discharged? A. Yes sir.

Q. Were you in that saloon on the night in question when McKenna was there? A. Yes sir.

Q. Did you see this defendant there? A. Yes sir.

Q. Were you there when McKenna came in? A. Yes sir.

Q. Was the defendant there when McKenna came in? A. Yes sir.

Q. Did you come in before the Defendant or after him?

A. I could not say.

Q. What time did you go there to the saloon? A. Half past twelve.

Q. And did you stay on there until you saw McKenna there?

A. Yes sir.

By the Court. Q. About what time was it? A. It was around half past three or so.

By Mr. Davis. Q. The complainant came in? A. Yes sir.

Q. Do you recollect when the defendant came in? A. No sir, I do not.

By the Court. Q. Before or after the complainant? A. I could not say.

Q. You cannot say whether Moran came in --- was Moran there when the complainant came in? A. Yes sir.

Q. Then he must have been there before him? A. Yes sir.

By Mr. Davis. Q. Will you tell us what took place there?

A. All as I know is while Coogan and Ford held McKenna this man (the Defendant) I saw his hands in his vest pocket (the complainant's), I did not see him taking anything.

Q. You saw McKenna come in? A. Yes sir.

Q. What did McKenna do when he came in? A. Him and Mr. Ware went up to the bar and ordered some drinks.

Q. Who drank? A. All I seen was Mr. Ware and Mr. McKenna.

Q. Did you drink anything? A. No sir, I did not drink with them at all.

Q. Did any of the others drink? A. I could not say.

Q. What did you see after that, after you saw the drinking, describe everything that took place from the time McKenna came in that you saw? A. McKenna made a break away from them while going out to the door.

Q. What happened to cause him to make a break, can't you begin at the beginning and tell us everything you saw, just what each one did as far as you can recollect? A. All I seen was this man with his hands in his vest pocket.

Q. You saw McKenna drink something and Ware drink something? A. Yes sir.

Q. Who else was there? A. Ford, Coogan, O'Brien, Lynch, Connor and a colored waiter and the bar-tender was asleep and some woman in the box.

Q. Was this man there, the defendant? A. Yes, he was there.

Q. Did you see these people do anything to McKenna?

A. I seen Ford hitting him, striking him in the face.

Q. Was that the first thing you saw? A. Yes sir, then all rushed at him and pushed him down.

By the Court. Q. Where was he when Ford struck him? A. He was standing right alongside the bar.

By Mr. Davis. Q. Ford stood alongside the bar and he struck McKenna in the face? A. Yes sir.

By the Court. Q. Did you see the weighing process going through with? A. No sir, I did not.

By Mr. Davis. Q. Were you there all the time? A. Yes sir..

Q. You did not see anything of that? A. No sir, not the weighing.

By the Court. Q. Anything said about weight there? A. Not as I know of.

By Mr. Davis. Q. Was the first thing you observed Ford striking McKenna in the face? A. That is the first thing I saw.

Q. Where was McKenna standing then? A. He was standing at the bar alongside of Mr. Ware.

By the Court. Q. What was said at the time? A. I could not say

By Mr. Davis. Q. After Ford struck him in the face what was done?

A. They all grabbed and pushed him down towards where I was and stood him up against the box and Ford, Coogan, O'Brien and this Moran -----

Q. Grabbed hold of McKenna? A. Yes sir, grabbed hold of him.

Q. And dragged him where? A. Pushed him down towards me and stood him up against the box as you com in the side entrance --- it is a private office where people go in.

Q. What is it used for? A. A drinking place.

Q. How near to the side door is that? A. I guess about four feet.

- Q. They stood him up against that, did they. A. Yes.
- Q. Tell us what each man did? A. Ford and Coogan held him and this man the defendant I saw his hands in McKenna's vest pocket.
- Q. Did you notice which pocket it was? A. No sir, I could not tell.
- Q. Then what was done? A. Then McKenna made a break away from them and he was fumbled out of the door.
- Q. What was the fumbling? A. A kind of a muss.
- Q. And that lasted to the door, the side door, did it?
- A. Yes sir, until he got in the street, I don't know where he went then.
- Q. What did this fumbling consist of, who were the fumlbers?
- A. Four men and McKenna.
- Q. Was McKenna fumbling the four men? A. He was trying to get out away from them.
- Q. He was trying to get away from these four men? A. Yes sir.
- Q. And these four men were doing what? A. They had hold of him, I guess they were going to lick him.
- By the Court. Q. Did they strike blows? A. I did not see blows, pushing like that (illustrating).
- By Mr. Davis. Q. Pushing them how, just gently and lightly?
- A. I could not say how they pushed him out, that is all I know.
- Q. Did they use any force? A. No, I did not see any force the door was shut after.
- Q. Between the side of the box and the doorway you said they fumbled further to the door? A. Yes sir.
- Q. Now describe to us what was done, whether it was done gently as if it were a polite invitation to walk out, or

whether he was bounced out? A. He was trying to go out.
 By the Court. Q. Were they trying to hold him in? A. I could not
 say that they were holding him, they were pushing him out.

By Mr. Davis. Q. And he was willing to go out apparently?

A. Yes sir, he was willing.

Q. Was this man, the defendant, one of those trying to put
 him out? A. Yes sir.

Q. You saw his hands upon him? A. Yes sir.

Q. In order to get out of that door you have to go into a
 swinging door first; then there is a hallway or box and
 another door into the street, is that right? A. Yes sir.

Q. Did you see how McKenna got out? did he go through the
 swinging door? A. It was open, it was held back.

Q. It did not swing to and fro but it was open? A. Yes sir.

Q. How far out did they come, did you see? A. I could not
 tell, I did not see.

Q. Did you see McKenna knocked down? A. No sir, I did not.

Q. What did you do when you saw him go out? A. I stood
 where I was right at the end of the bar.

Q. How long did you stand there? A. I stood there I guess
 about an hour or so.

Q. About an hour afterwards? A. Yes sir.

Q. You were there when the policeman came back, you were ar-
 rested? A. I was arrested.

Q. Who disappeared from that place before the officer came
 back? A. Them four men, Coogan, Ford, O'Brien and
 Moran.

Q. Were those the four men who fumbled him out? A. Yes sir.

Q. Did they come back after they did that? A. Only O'Brien
 came back, that is all I saw.

Q. How long did he stay? A. He was there until McKenna and the officer came.

Q. O'Brien was there? A. Yes sir.

Q. Was that all you saw of it? A. Yes sir, that is all.

By the Court. Q. How long was McKenna in there, how long did you notice him in there? A. I guess he was in there about half an hour.

Q. You were there all the time McKenna was there? A. Yes sir, I was there from twelve o'clock until the time I was arrested, a little after five.

CROSS EXAMINED.

By Counsel. Q. Here is the end of that bar, Morris was there, was the complainant as near as that to the end of the bar?

(Illustrating.) A. No sir.

Q. Where was he? A. He was up away from me as far as that man sitting there (pointing).

Q. Up in the middle of the bar or towards the front? A. Up to the middle of the bar.

Q. While he was standing there what did you see the defendant Moran do? A. Moran rushed at him as soon as Ford hit him and they all ran at him while Ford and Coogan held him he had his hands in his vest pocket.

Q. Which pocket? A. I could not say which; I seen his hands moving like that in either one of the vest pockets.

By the Court. Q. You say McKenna was standing at the time against the partition, the box? A. Against the box.

By Mr. Davis. Q. Had he been struck up to that time? A. Yes, he was struck before and then he pushed him down.

Q. Did you see McKenna strike anybody? A. No sir, I did not.

By Counsel. Q. Did you see the defendant's hands in both vests

pockets? A. I could not say which of them it was was in the vest.

Q. Prior to that who hit him? A. Ford.

Q. Tell me did you see this man come in the saloon? A. No sir, I did not.

Q. Did you see Ware come in the saloon? A. Yes sir.

Q. Did he come in the same time the complainant did?

A. Yes sir, the two of them together.

Q. Did you all drink? A. No sir, I did not drink.

Q. You did not drink at all? A. Not with him, no sir.

Q. You were arrested charged by this man the complainant, with having something to do with this larceny, were you not?

A. Yes sir.

Q. And confined sometime in the Tombs on this charge?

A. Yes sir.

Q. You were discharged from Part II? A. Yes sir.

Q. Immediately after you say that this defendant was fumbling with the pockets, what occurred? A. McKenna made a rush to the door.

Q. McKenna walked from the middle of the bar over towards the side door? A. No sir, he was pushed down towards my right alongside the box, up against the box, down towards where I was standing.

Q. You were standing where? A. At the end of the bar.

Q. Near the ice chest, that is simply near the entrance?

A. Yes sir.

Q. Then he made a rush over to the side door, did he?

A. No sir, he was at the box at the side door when Ford and Coogan held him and this man I saw facing him.

Q. But this did not occur up against the bar? A. No sir,

it occurred up against the box, Ford struck him when he was at the bar.

Q. But this fumbling that you speak of occurred up against the box? A. No, as you were going out of the door.

By the Court. Q. Where was he pushed from? A. He was pushed from the bar.

Q. From the middle or further end of the bar? A. The middle of the bar.

Q. Out toward the door, is that it? A. Yes sir.

By Counselor. Q. That was before he touched his vest at all?

A. No, when he pushed him down Ford and Coogan held him up against the box and this man was at his vest against the box.

Q. He passed out where the swinging door is, is that right?

A. The swinging door was open.

Q. And he passed out? A. He made a rush out and they all rushed out.

Q. Coogan and Ford stopped him there? A. I could not say.

Q. You do not know who did? A. No sir.

Q. You do not know whether he was knocked down there or not?

A. No sir. I do not.

Q. But you are certain you were not in there? A. I was in the store.

Q. You were not in this passageway where McKenna, Ford and these other people were? A. No sir.

Q. You are positive of that? A. Yes sir.

Q. If this complainant says you were there in the passageway he is mistaken when he lost the money out of the side pocket? A. Yes, he is mistaken.

Q. You had nothing to do with the taking of this money out of

- his pocket in this passageway? A. No sir, I did not.
- Q. Did you have anything to do with the weighing affair that took place before that? A. No sir, I did not see the weighing.
- Q. You did not take a dollar bill out of your pocket and make a bet with him in regard to weighing? A. No, I did not have a dollar.
- Q. You are Morris? A. Yes sir.
- Q. Do you remember Lynch being there? A. Yes sir.
- Q. Did he while McKenna was at the bar try to take any property from his vest?, or any part of his person?
A. I did not see it.
- Q. You would have seen it if it had occurred? A. I did not see it.
- Q. Did you see everything that did occur in regard to McKenna there? A. Everything I saw I spoke it to-day here a few minutes ago.
- Q. You saw McKenna come up against the bar, did you not, from outside? A. Yes sir.
- Q. And take the drinks, is that right? A. Yes sir, take the drinks.
- Q. You saw him press down to where you were standing at the counter, press over towards the box? A. That is the time Ford hit him, I saw all that.
- Q. You saw him press over towards the waiting room up against it? A. Yes sir, up against the box.
- Q. You saw him go out into this passageway? A. He was fumbled out, I did not see the weighing or any betting.
- Q. You were in there all the time McKenna was there?
A. Yes sir.

- Q. You did not see any weighing? A. No sir, I did not.
- Q. You made no bet in regard to weighing? A. No sir, I did not.
- Q. Did you see Lynch put his hand in the pocket of this complainant? A. No sir.
- Q. Or make an effort to take something from it? A. No sir, I did not.
- Q. Or from the fob pocket? A. No sir I did not.
- Q. You did not have hold of him by the back when that was done or any time immediately afterwards? A. No sir.
- Q. Were you in Part II, of the Court of General Sessions, when the defendant was taken into the box? A. Yes sir.
- Q. When next did you see Officer Carey? A. In Jefferson Market.
- Q. When next after this man came into the box? A. Up in Jefferson Market.
- Q. Did anybody come to you at the box in regard to this case after this defendant was taken back to the box? A. No sir.
- Q. Nor at the Tombs? A. No sir..
- Q. You were not brought down from upstairs to have a conversation with Officer Carey? A. No sir.
- Q. Nor any other officer? A. No sir.
- Q. Who brought you from the Tombs to Jefferson Market? A. I do not know the officer's name.
- Q. It was not Officer Carey? A. No sir.
- Q. Was it one of these two officers that were in here to-day? A. No sir.
- Q. Did you have any conversation with Carey at all in regard to anything you have testified to? A. No sir, I did not.

By Mr. Davis. Q. What were you doing all the time that McKenna was

in here down to the time that he was struck by Ford, what were you doing personally? A. I was at the end of the bar drinking a glass of lager.

Q. Who was standing there with you? A. Nobody but myself.

By the Court. Q. You had not any money? A. I had five cents, that is all.

By Mr. Davis. Q. How far away in feet were you from where McKenna stood? A. About from me to you.

Q. Eight or ten feet away? A. I guess about that.

Q. Could you hear all the conversation going on between McKenna and these other people? A. I did not pay any attention to it.

Q. Do you mean to say that nothing was said by them about weighing or you did not hear what was said? A. I did not hear it.

Q. Do you mean to say that nothing was done by McKenna in the way of putting their hands on him? A. Ford went to hit him and shoved him up against the box, that is all I saw.

Q. Where did Ford hit him? A. In the face.

Q. Hard or how? A. He hit him a pretty good blow I guess.

Q. That knocked him towards you, did it? A. It staggered him a little.

Q. Did you see him stagger? A. Yes sir.

Q. He did not fall at that time? A. No sir.

Q. Who was it that held him against the box? A. Coogan and Ford.

Q. And this man the Defendant, was fumbling around his pockets? A. Yes sir.

Q. After that had been done they fumbled to the door?

A. McKenna moved away and they fumbled going out of the door.

By the Court. Q. Are you sure Ford struck him? A. Yes sir.

Q. Suppose another witness had testified that it was O'Brien what would you say to that? A. I say Ford hit him.

Q. You still say you saw Ford hit him? A. Yes sir.

By Counsel. Q. But you yourself had not anything to do with this at all? A. No sir.

Q. And did not assist the Defendant or help in any way to deprive this man of his property? A. No sir.

By a Juror. Q. Did you know all the people in that saloon?

A. I did not know the colored people, the colored woman.

Q. I mean the parties connected outside of the colored people.

(No answer.)

By Mr. Davis. Q. O'Brien, Coogan, Ware, Lynch and Connor?

A. Yes sir.

By a Juror. Q. You had been with them all that night, had not you been talking with them? A. No sir, I never associated with them.

By the Court. Q. You were there till twelve o'clock? A. Yes sir, I was locked out and I went up there.

By the Foreman. Q. How did you know them, did you meet them there before? A. No sir --- O yes sir.

By the Court. Q. Had you gone often to that saloon? A. That is about the fifth time I was in the place.

By the Foreman. Q. Had you seen them there before? A. Yes sir.

Q. Seen the defendant there before? A. No sir, I did not see the defendant.

By Mr. Davis. Q. This man Moran? A. Yes sir.

By the Foreman. Q. You have seen him there before? A. Yes sir.

By Mr. Davis. Q. Did you ever see McConna there before? A. No sir, I did not.

By a Juror. Q. You say yourself and these men were in the habit of being in there together? A. Not with me.

By the Court. Q. How many times had you seen them about? A. About three times.

Q. Nearly all of them? A. Yes sir.

By Mr. Davis. Q. You do not belong to their party or their crowd? A. No sir.

Q. You simply know them? A. Yes sir.

By a Juror. Q. How long have you lived in 27th Street? A. I was born there.

By the Court. Q. How old are you? A. I am twenty-two.

By the Foreman. Q. How long have you known Ford? A. Only since he came out, I never spoke to him.

Q. How long ago was that? A. A year or so.

Q. What do you mean by "came out"?

Objected to. Objection overruled. Exception.

A. Came out of prison, that is all I know.

Q. Ever since Ford came out? A. Yes sir.

By the Court. Q. How long have you known this defendant?

A. I never spoke to that man in my life, I only seen him three or four times.

Q. How long had you known him by sight then? A. I guess about two or three months or so.

Q. How frequently had you seen this defendant in that saloon? A. About two or three times.

Q. Do you know where he lived? A. No sir, I do not.

Counsel: I ask your Honor to strike out the question and answer that I objected to and to charge the Jury to disregard the

question and answer of the witness in regard to Ford.

The Court: How can it harm this defendant, why should I strike it out? You make a motion without giving any reason -- maybe you may give me a reason that will convince me.

Counsel: It may affect this jury in the consideration of this case.

The Court: I shall charge them that it should not. One man might be a thief and be convicted, but they are to take this man upon his merits. It may be a person might associate in a place of that kind with some who may be convicts and others may be men of good character up to that time. It does not necessarily follow that this man was a man of bad character, I do not know anything about his character.

Counsel: Note an exception.

By Mr. Davis. Q. Have you ever been convicted of any crime?

A. No sir, I was arrested twice and was fined five dollars, or five days.

Q. You got five days sentence? A. Yes sir, my brother paid the fine.

Q. For what? A. I was on 8th Avenue one day, me and three or four others, I was small then.

By the Court. Q. How old were you? A. About fifteen or sixteen, I was going along 8th Avenue corner of 20th or 21st Sts. and in the middle of the block we stole some coffee beans out of a tea store, I ran with them and was arrested.

Q. You got five days or five dollars fine for that?

A. Five dollars fine.

By the Foreman. Q. Ford is your friend in this case? A. No sir, he is not.

By Mr. Davis. Q. Do you know where Ford lives?

A. He lives 231 West 27th Street.

Q. Is he an associate of yours? A. No sir.

Q. Have you ever been in his house? A. No sir.

By a Juror. Q. Are you working now? A. Yes sir.

Q. Who do you work for? A. I work for Mrs. Temple, Union
Steam Carpet Works.

By the Court. Q. Where is that place? A. The office is 38 East
19th Street.

Q. And the place of business where? A. Right next door to
where I live, 227 West 27th Street.

Q. What do you work at? A. Carpet layer, I work in the
shop with my brother.

By a Juror. Q. When you were brought to the station house you were
accused of this crime of robbing this man? A. Yes sir.

Q. Did you give the names of the people to the officers who
participated in that crime or were you in the room at the
time? A. No sir.

Q. Did not you know who was in the room? A. Yes sir.

Q. You were asked by the sergeant who were with you at the
time? A. No sir.

Q. You were not asked at all in the station house? A. No sir.

By Mr. Davis. Q. Who were with you at the time you were arrested?

A. There was Lynch, Connor, Ware.

Q. Were you asked anything about Ford, Morris, O'Brien and
Coogan? A. No sir, I was not asked.

Q. Were you asked by the sergeant or by anybody else there?
A. No sir.

Q. Did you volunteer any information about it? A. No sir.

Q. Did you at any time while you were arrested state who was
there? A. To Mr. Carey.

Q. You told him? A. I told him.

Q. When did you tell him, was it before or after you went before the Sergeant? A. It was when I was in Jefferson Market.

Q. In the Police Court? A. Yes sir.

Q. Who did you tell him was there? A. I told him the right parties was Ford, O'Brien, Coogan and Moran.

Q. You told him Moran then? A. Yes sir.

By the Foreman. Q. Do you know Ware? A. Yes sir.

Q. How long have you known him? A. I went to school with him I guess about fifteen years or so..

By the Court. Q. Was he with that party? A. Yes sir.

By Mr. Davis. Q. Do you know Connor? A. Yes sir.

Q. How long? A. About ten years.

By the Court. Q. You went there to see your friends? A. No sir, I went in there, I was locked out and I had no place to go so I went up there, I did not like to wake the people up in the house to come down and let me in.

Q. Did you go up there to sleep that night or to sit up? A. No sir, I stayed up, I was going to work in the morning.

Q. What time did you go to work? A. Seven o'clock.

Q. You went to the saloon about twelve? A. Yes sir.

By a Juror. Q. How did you know McKenna was robbed? A. Only what I seen.

Q. Did you see anybody rob him? A. I saw Moran fussing with his vest while Coogan and Ford held him.

By another Juror. Q. Will you tell me which of these men it is if any that you have only seen two or three times, one of them you have known ten years and another you have known fifteen and another you went to school with? A. Ware I know

fifteen years.

Q. Did you say anything to Ware when you came inthere with him? A. No sir, I did not.

Q. You say McKenna was robbed, how do you know he was robbed?
A. When Ford hit him this man here and O'Brien and Coogan shoved him down towards me up against this box and Ford and Coogan held him while I seen that man fussing with his vest.

By the Court. Q. What did O'Brien and Coogan do? A. O'Brien jumped back and held the door.

Q. What did Coogan do? A. Coogan held him with Ford.

Q. Coogan and Ford held him, O'Brien went to the door and this man went through his pockets? A. Yes sir.

Q. How many pockets did you see him touch? A. I could not see him.

Q. Describe the motion to the jury exactly what you saw him do? A. That is the way I seen him (illustrating).

Q. With the two hands or with one? A. With the two hands like that.

By a Juror. Q. McKenna had run out, did you remain in the saloon?

A. Yes sir, in the same place.

Q. Four of them afterwards went out? A. McKenna and those four went out.

Q. Moran was one of those who went out? A. Yes sir.

By the Foreman. Q. Did you see him come back? A. No sir, I did not.

By another Juror. Q. Did you hear any conversation amongst these men as to anything that had taken place in the fight or in the robbery? A. No sir.

Q. Nothing was referred to at all? A. No sir.

Q. You continued your stand at the bar the same as before the robbery without alluding to it in any manner, shape or form.

A. No sir, I was standing at the end of the bar in the same place.

Q. No conversation was had with you and the bar-keeper or you and the others regarding this matter? A. No sir, the bar-tender was asleep.

Q. Did he wake up during this fight? A. He got up and looked, that is all I seen.

By the Court Q. Did the colored man do anything? A. No sir, he did not.

By a Juror. Q. Did you make any attempt to stop the robbery?

A. No sir, I did not.

By Counsel. Q. Will you illustrate on me what the Defendant did?

A. While Coogan and Ford held him -----

By the Court. Q. You put Mr. McLoughlin in the position the Defendant was up against the wall? A. Coogan and Ford held his arm, I seen him go like that (illustrating) I did not see him doing anything.

By Counsel. Q. And that is all you saw him do? A. Yes sir.

By an Juror. Q. Did not you see his hand in his pocket? A. I seen them going like, I could not say -----

By Counsel. Q. And that is all you saw him do? A. Yes sir.

By a Juror. Q. Who told you that McKenna was robbed? A. When I was arrested I was put down as one of them.

By Mr. Davis. Q. Do you know Lynch? A. I know him from being around there.

Q. How long have you known him? A. Four years I guess.

By a Juror. Q. Do you associate with him outside the bar?

A. Yes, I do.

Q. Where was he that day? A. He was up at the front of the box, he was working there that night.

Q. Where was he when McKenna was struck? A. He was up at the front of the box.

By another Juror. Q. How long have you known the defendant Mr. Moran? A. Mr. Moran I guess three or four months, I never spoke to the man in my life.

By Counsel. Q. Did you see Moran prior to this affair, you knew Moran prior to this affair, how long do you know him?

A. Three months.

Q. By sight only? A. Yes sir.

JOHN CAREY sworn and examined.

By Mr. Davis. Q. What precinct, Officer? A. The 16th.

Q. Did you arrest this defendant? A. I did not.

Q. Did you see him after he was arrested? A. Yes sir.

Q. Where? A. The 16th precinct station house.

Q. Who brought him in? A. I was informed Officer Madden brought him in.

Q. You do not know who brought him in? A. No sir.

Q. Then you saw him? A. Yes sir.

Q. Did you take charge of him? A. Yes sir.

Q. What did you do with him? A. I brought him to this Court the next morning.

Q. Did you have any conversation with him concerning this transaction? A. I first took him to the Police Court and from there he was remanded to my custody and I brought him to this Court.

- Q. State what it was? A. He asked me what he was arrested for and I told him he was arrested charged with being implicated in the robbery of McKenna.
- Q. What did he say to that? A. He said he was not guilty.
- Q. Did you have anything further to say to him or he to you?
A. He said that he was in bed that night at the time that this occurred. I asked him if he could prove it? He said yes. I asked him how? He said that he bid the officer on post good night that night, the night of this alleged robbery about one o'clock and went home and went to bed. I asked him if the officer went with him and he said no.
- Q. Did he state the name of the officer? A. No sir.
- Q. Did he say anything else? A. Nothing except that he said he was not guilty of this charge.
- Q. Were you present at the time he was identified by McKenna?
A. Yes sir.
- Q. State how that was done and where and when. A. On the afternoon of the day of his arrest he was placed among the spectators in Jefferson Market Court sitting in a seat with his hat off.
- Q. Anybody else have a hat on? A. There was nobody had a hat on, all had their hats off, Judge Gorman was on the bench, and he went out among the spectators and picked him out.
- Q. Who did? A. The complainant McKenna.
- Q. Did you bring the defendant there? A. Yes sir.
- Q. Did you tell him where to sit? A. No sir, I did not, I told him to go out and sit where he pleased.

Q. You told him to go out and sit where he pleased?

A. Yes sir.

Q. Was the complainant anywhere around when you told him that?

A. He was in one of the examination rooms.

Q. He was not present when you brought the defendant there?

A. No sir.

Q. Or when you told the Defendant to take a seat and when the defendant took a seat McKenna was not there?

A. He was not in the court-room.

Q. He was in some other room, was he?

A. Some other room.

Q. What did the defendant say, when McKenna picked him out?

A. He said that he was innocent of this charge.

CROSS EXAMINED.

By Counsel. Q. Officer Carey, were you present in the station house when Coogan and O'Brien were identified?

A. I was.

Q. You brought these two men Coogan and O'Brien from the cell below, did you not?

A. Yes sir ---- no, Coogan and O'Brien was not there together I do not think.

Q. Coogan and Ford?

A. Yes sir, Coogan and Ford.

Q. You took them up from the cells below to the office floor, is that right?

A. Yes sir.

Q. You took them back to the passageway to the rear office?

A. To the sitting-room.

Q. The rear sitting-room ---- in the meantime the complainant was in your little room?

A. Yes sir.

Q. Does the window open and look out on that passageway?

A. There is a window there which can be opened.

Q. Was it open on that day in question?

A. I think it was.

Q. You did not shut it?

A. Now I come to think it was open and I did shut it to the best of my recollection.

Q. After these two men had passed through to the back room?

A. I do not remember now.

Q. You are not certain in regard to it? A. I am not certain.

Q. On the second day of the trial in Part II, you brought the defendant into Part II of this Court? A. Yes sir.

Q. Shackled to you? A. No.

Q. Did you have him handcuffed to you as you came to court?

A. Not handcuffed to me.

Q. Explain how he was? A. I could not tell whether he was handcuffed going to Jefferson Market.

Q. I mean as you came into this Court? A. I remember he was handcuffed at one time and I had the nippers on him at another.

By the Court. Q. There is a difference between what you call handcuffs and nippers? A. Yes sir, handcuffs are the irons.

Q. What do you call nippers? A. Nippers is twice with a couple of little sticks on them seven inches long.

By Counsel. Q. Did you have cuffs on him? A. The cuffs were on at one time, I could not tell you which.

Q. That is connected by a chain to the second cuff? A. Yes.

Q. The cuff was on this arm and you had the other cuff in your hand? A. Yes sir, at one time.

Q. Did you so have him when you took him into Part II of the Court of General Sessions? A. I think not.

Q. Do you remember taking him into the Court of General Sessions and sitting down prior to the meeting of the Court about in this position in two seats (illustrating)?

A. I remember taking him into the other room.

Q. You took him in there to see Mr. Goff? A. NO.

By the Court. Q. What do you mean by the other room?

A. The waiting-room on the other side.

Q. What do you call the wait-room of Part II ? A. A little room on the other side where witnesses stay.

Q. Across the hall? A. Yes sir, there is where I took him in.

By Counsel. Q. Don't you remember having him in a seat that corresponded to Part II ---- that he sat over against the railing? A. I might have.

Q. Do you remember me coming over and speaking to him and asking why he was there? A. I do not remember, I might have.

Q. You do not remember that? A. I do not at present.

Q. Did not you have the shackles on him? A. I do not know, I do not remember all those trifling things.

Q. Do you know whether McKenna was in the court-room at that time, did not you bring him into the body of the court, I mean within the railing? A. I brought him into the body of the court and then I was ordered to put him in the box and did so.

Q. But prior to Mr. Goff reaching the court-room didn't you have him seated in one of those chairs? A. I might have.

Q. You wont say you did not? A. I wont, I brought him in, I don't know what transpired.

Q. Do you know whether McKenna was in the court-room?

A. To the best of my knowledge he was not, I will explain myself about that if you will allow me.

Q. You can tell whether he was or not, can you? A. I can tell to the best of my knowledge he was not.

Q. You took him from wherever you did have him in the court, didn't you, and took him back to the box? A. I did.

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Q. He then had the shackles on, didn't he? A. That I could not say, I do not remember where I took the handcuffs off him.

Q. Don't you remember the shackles being on in the box and putting him into it? A. I do not remember, I do not know, I think I might have left them in the room outside.

JAMES F. MADDEN sworn and examined.

By Mr. ^{Davis} ~~Geoff~~ Q. What is your full name? A. James F. Madden.

Q. What precinct? A. 16th.

Q. Did you arrest Moran, the defendant? A. Yes sir.

Q. And where? A. In a liquor store, 24th St. and 7th Ave.

Q. Whose liquor store? A. McEvoy, I think that is the name of the party.

Q. Do you remember about when you arrested him? A. The latter part of September as near as I can recollect, while the trial was in progress.

Q. While the trial of the others was in progress? A. Yes sir.

By the Court. Q. Was it the day before that? A. I could not say, your Honor.

By Mr Davis. Q. What time of day was it you arrested him?

A. It was about half past twelve o'clock in the night.

Q. What was he doing? A. He was in this liquor store talking to another man, in 24th Street and 7th Avenue.

Q. What did you say to him when you arrested him?

A. I beckoned to him and told him to come outside, that I wanted him.

Q. Did he come outside? A. Yes sir.

Q. When you got outside what did you say? A. I told him I

was going to arrest him.

Q. Tell us now all that was said right there?? A. I says to him, "now you have got yourself in a nice box, haven't you," I went to him a week before that, I heard a great deal of conversation, that he had gone around the avenue ---

Objected to.

The Court: I will keep the conversation out -- the fact that he heard a conversation I wont keep out.

Counsel: That I don't object to.

By Mr. Davis. Q. You had heard a conversation? A. Yes sir..

By the Court. Q. You said, "now you have got yourself in a nice scrape", is that it? A. Yes sir, something like that.

By Mr. Davis. Q. You had seen him a week before, then you went on to say you heard a conversation. A. A week before that I went to him, I got him in this same liquor store, I brought him outside, I asked him what he knew about this case, what talk he was having, going around and trying to intimidate the people that went down there to tell the truth.

By the Court. Q. You asked him this, did you? A. Yes sir.

By Mr. Davis. Q. Try to get exactly what was said, this was a week before his arrest? A. As near as I can remember.

Q. You went to him a week before and you had a certain conversation with him? A. Yes sir.

Q. You may not be able to remember the exact words but tell us the substance? A. I remomber very near it.

By the Court. Q. Go on and tell us? A. I says, "what do you know about that robbery case in 27th Street and 7th Ave.?" He says, "I don't know anything at all about it." I said, "it seems you have been going around saying, "you will

stamp fellows out and hit them a crack in the head that will send them asleep if they appear as a witness against Ford, Coogan and O'Brien." I says, "if you know anything about it I will bring you down to the District Attorney's office and give you a chance to tell what you know down there." He denied at that time that he knowed anything at all about it.

Q. What did he say, do you recollect? A. He says, "I don't want to get into no scrape, I don't know anything about it, them fellows are in a hole and let them stay in it, they did not help me when I was in a hole."

Q. Then what else was said? A. Then Officer Maloney had a conversation with him.

Q. In your presence? A. Part of the time in my presence, I did not hear the whole of it.

By the Court. Q. Tell us what you heard? A. It was about the same thing that Officer Maloney said to him that I did --- you have been going around here talking; I told him then myself, "you can't knock nobody out around here that wants to come down and tell the truth"; I says, "if I hear any more of this talk I will take you down there and give you a chance to tell all you know."

Q. Have you stated all that you can recollect? A. Yes sir.

Q. Were any names to whom he had spoken mentioned in the conversation with him? A. No sir, I did not mention no names.

Q. Did he mention any names? A. No sir, he wanted to know who it was and I would not tell him.

Q. Then what did you do with him? A. I let him go then.

Q. And then you arrested him a week after? A. About a week after as near as I can recollect an order came up from the District Attorney's office.

Q. Did you have the same conversation then when you arrested him? A. Yes sir.

Q. What was it? A. I told him, "you see what your company got you into, you have been going down there and visiting these people in the Tombs;" he admitted that he had.

Q. What did he say? A. He said, "yes, I have been down there once," I think he said.

Q. What else was said? A. That is about all that I can remember on the way to the station house. When I had him in the station house I says, "you are arrested for the same thing and on the way going to the station house I told him that.

Q. Did he say anything then? A. No sir, he said he was innocent. I said O'Brien said that the night we went after him, he pleaded guilty after all.

Q. You said that to the defendant? A. I said that to McCann, I did not know him by any other name.

By the Court. Q. When you say McCann you mean this man?

A. Yes sir, that man there.

Q. You knew him as McCann? A. Yes sir, he did not have them whiskers on.

By Mr. Davis. Q. When you got to the station house was anything said? A. No sir, I turned him over then to Detective Carey.

Q. Did you have anything to do with him afterwards?

A. No sir.

CROSS EXAMINED by Counsel.

- Q. You turned him over to the tender mercies of Detective Carey? A. I turned him over to the sergeant that had the desk that night for Detective Carey.
- Q. You arrested him for Detective Carey didn't you this second time? A. Yes sir.
- Q. On his direction? A. Yes sir, the ward detective.
- Q. This conversation that you have spoken of in the first instance occurred how long before the day of the arrest? A. As near as I can recollect I guess about a week.
- Q. You saw Moran a great many times between that time and the day you arrested him? A. No sir, I never saw him once.
- Q. You did not see him at all? A. No sir, from the time I had the conversation with him till I arrested him I never saw him.
- Q. How long have you been on the police force? A. Fifteen years next July.
- Q. How long have you been connected with the 16th precinct? A. All that time except about one year.
- Q. Detail? A. No sir.
- Q. How long have you been detailed? A. Going on two years there this last time.
- Q. Your name I did not catch? A. James F. Madden.

DANIEL J. MALONEY sworn and examined.

- By Mr. Davis. Q. What precinct are you attached to? A. The 16th precinct.
- Q. Officer Maloney, do you know this defendant? A. Yes sir.

Q. How long have you known him? A. About two years.

Q. Do you remember the time when he was arrested here upon this charge? A. Yes sir.

Q. Did you see him within a week prior to his arrest?

A. Yes sir, about a week.

Q. Did you have any conversation with him? A. Yes sir.

Q. Will you state what it was? A. I met him on the corner of 24th Street and Seventh Avenue and I asked him ----

By the Court. Q. Was anybody with you? A. Yes sir, Officer Madden. I asked him what he knew about this case 27th St. and 7th Avenue, what he had so much to say about it for, if he had anything to say about it why the proper place was for him to come down here and explain it. He said he did not have anything to say about it. I told him he had, several people said he did. He said, no. I told him he had better not say any more about it, he had better mind his own business, if he had anything to say about it to come down to Court; that is all I had to say to him.

Q. Did you have any conversation subsequently? A. No sir.

CROSS EXAMINED by Counsel.

Q. You met him? and when you did meet him was Officer Madden with you? A. Yes sir.

Q. You were both together at that time? A. Yes sir, both together.

Q. You have heard all the conversation that took place between this defendant and Madden, did you not? A. Yes sir.

Q. Is what you have stated here all that occurred?

A. That is all that occurred.

Q. Nothing more than that? A. No sir.

Q. No further conversation of any kind? A. No sir, not at that time.

By the Court. Q. Did you hear Madden say anything? A. Madden stated about the same thing that I did.

Q. Did you hear any words from Madden to this defendant as to what he was charged with having said about it? A. Yes sir, he told him. about the same as I have stated.

Q. Did you hear anything said about interfering and intimidating? A. Yes, he said he was interfering with a man named Connors, he said he had heard he stopped Connors several times on 7th Avenue and said if he would appear as a witness against him down here he was liable to get his head carried off.

Q. That is what Madden said to him on that occasion? A. Yes sir.

By Counsel. Q. You are sure that Madden said to the defendant it was O'Connor? A. Yes sir, Connors.

Q. That O'Connor was the man that he was talking to? A. No, this man Madden was talking about that night.

Q. He was talking to him about some conversation that he had with Connors, is that right? A. Yes sir.

Q. He named the man? A. Yes sir, he said Connors for one and he said others, he did not mention their names.

Q. He did not refuse to tell him who it was? A. No sir.

Q. Officer, you remember the second day of the trial in Part II, do you not? A. I was not in there at all, I remember the trial.

Q. You were outside? A. Yes sir, I was outside.

Q. You were out in the hall? A. Yes sir.

Q. Do you remember Officer Carey coming on that morning with the defendant? A. Yes sir, I was out in the hall, I saw him.

- Q. He was shackled to Detective Carey, was he not?
A. I believe he was, yes sir.
- Q. And entered the court room by the side door? A. Yes sir.
- Q. You say you were not in the court-room at any time?
A. I was in there before the trial went on.
- Q. I mean after Carey came in with Moran? A. No sir.
- Q. So you do not know where he was seated in the court-room?
A. No sir, I do not.
- Q. Were you out in the passageway when Moran went down stairs to the van? A. Yes sir.
- Q. Was Officer Madden there at that time? A. I believe he was --- no, Madden was not there.
- Q. Was Carey there? A. Carey was there, Madden was not down there at all.
- Q. Do you remember the complainant McKenna? A. Yes sir, he was down there.
- Q. He was near you and Carey was there? A. Not when he went out, I did not see him here, he was sitting in court somewheres.
- Q. You are positive he was not there? A. No sir, he was not standing near me I am positive.
- Q. If he says so he was mistaken? A. If he says he was standing near me he is mistaken.
- Q. You were both together? A. No sir, Carey was not near me at all.
- Q. Did you have any conversation with Carey or Carey with you when this man went down towards the van? A. No sir, Carey walked out of the court-room and took him down stairs
- Q. What I am talking about is after he came to the court-room, wasn't it upstairs and didn't he go into the box?

A. No, I did not have no conversation with him.

Q. Do I understand you to say that Carey took him out back again? A. No, I do not know whether Carey took him back again or not, I know he went out about the same time that Carey went out, I am not positive whether Carey took him out or not.

THOMAS J. O'CONNOR sworn and examined.

By Mr. Davis. Q. Where do you live, O'Connor? A. 221 West 29th Street.

Q. What do you work at? A. I perform for anybody at all, travel all around.

By the Court. Q. In what line do you perform? A. Sing and dance.

By Mr. Davis. Q. Sing and dance is it? A. Yes sir.

Q. Do you remember seeing the complainant Patrick McKenna on the 28th of August early in the morning in this saloon on the corner of 27th Street and 7th Avenue? A. Yes sir.

Q. Was this defendant Moran there? A. I did not see him.

Q. You did not see him? A. No sir.

Q. Do you remember seeing Moran after that, the Sunday evening after? A. Yes sir, on a Sunday evening.

Q. Where? A. 24th Street and 7th Avenue.

Q. That was how many days after the time you saw McKenna in the saloon? A. Monday morning we were arrested and then the following Sunday night.

Q. About a week after? A. Yes sir.

By the Court. Q. You were the bail were you not? A. Yes sir.

By Mr. Davis. Q. Did you have any conversation with Moran about this affair? A. No sir.

Q. Did you have any talk with him? A. Not with him, I had with some people that was with him.

Q. Some people who were with him? A. Yes sir.

Q. Who were they? A. One of them is dead now, his name is John Duffy.

By Counsel. Q. This Defendant was not present when you had the conversation with Duffy? A. Yes sir.

By Mr. Davis. Q. He was present? A. Yes sir.

Q. How near was he to you when you had the conversation with Duffy? A. About two or three feet.

Q. In what tone of voice did Duffy speak? A. A very sickly voice, you could not hardly hear him.

By the Court. Q. Was Moran as near to Duffy as you were? A. Yes sir.

By Mr. Davis. Q. Did you hear what Duffy said? A. Yes sir.

Q. What was the conversation? A. He told him that if he came here to testify ----

Objected to.

By the Court. Q. Duffy said this in Moran's presence? A. Yes sir.

Q. Duffy said if he came here to testify ----

Counsel: It relates, your Honor, to what has been testified to by these two last officers, it relates to a distinct and different thing, it has not anything to do with this case-- anyhow I object.

Mr. Davis: Anything said in the presence of the defendant is proper.

The Court: Objection overruled.

By the Court. Q. Duffy said in the presence of the defendant what?

A. If I tell on the stand, testify against any one of the prisoners including Mr. Moran ----

Q. Did he say, "including Moran"? A. Yes sir, that they
daylights
would knock my ~~lights~~, -- to put it in a different way.

By Mr. Davis. Q. How did they put it? A. They would knock my
daylights
damn ~~lights~~ out.

Q. What did you say to that? A. I told them I was not
afraid of them.

Q. Did Moran say anything? A. No sir, he did not.

Q. Did he stay there all the time during this conversation?
A. No sir, he walked on.

By the Court. Q. Moran made no threats? A. No sir.

By Mr. Davis. Q. Moran did not say anything? A. No sir.

Q. Now did you see Moran after that day? A. No sir, that
is the last I saw of him until I saw him here in the court-
room.

Counsel: Now I ask your Honor to strike from this record and di-
rect this jury to disregard in toto what was said by this
man Duffy in the presence of this defendant.

The Court: I will hear you Mr. Davis. Of course the defendant
is here and he can deny it, the question is as to its rel-
evancy if it did happen.

Mr. Davis: Anything that will show the Defendant's interest in
this charge against him --- anything that will show that he
is making efforts to keep witnesses from testifying against
him would be admissible in this trial. Here was Moran
and Duffy together talking with this man who was a witness
and Duffy says that if this man comes down here and sits in
this witness chair and testifies not only against the others
but Moran, this defendant, that they will knock his day-
lights out. Moran is there and does not say anything,
giving his adherence and also his consent to the statement.

of Duffy and his silence shows that he was interested in what Duffy said and that he also endorsed what he said.

The Court: Only so far as consent is by silence.

Mr. Davis: That is sufficient consent. Here Duffy makes a threat in Moran's behalf in the presence of Moran, relating to this charge and Moran does not say anything.

Counsel: The only reason for this rule, if your Honor please, is that the conversation must be such as the party charged should deny and if he does not do so it is admissible.

The Court: I will call your attention to the words of the witness, "including Moran", that Duffy then used.

(To the witness.) Q. Do you say so now? A. Yes sir.

The Court: The words "including Moran" have not they a tendency to show that Moran was concerned in the commission of the offence and what was done in that saloon at that time? I will admit it. Objection overruled. Exception.

The motion is denied. You renew it in the form of a motion, the motion to strike out is denied. Exception.

CROSS EXAMINED by Counsel.

Q. You are not afraid of Carey, are you? A. No sir.

Q. This defendant was not in that saloon, was he? A. I did not see him.

By the Court. Q. You were there all the time? A. Yes sir.

Q. From what time until when? A. From a quarter to two until we were arrested, half past six in the morning.

By Counsel. Q. You would have seen him if he had been there?

A. He was in the same box.

Q. You knew when these facts took place with the man, didn't you, the robbery? A. Yes sir.

Q. Was he in that saloon then? A. No sir, I did not see him.

Q. And if he had been there you would have seen him?

A. Certainly.

The Court: That don't follow, if he had been there he would have seen him, he might have shut his eyes, he might not be telling the truth, the question is, did he see him.

By Counsel. Q. Did you see him? A. No sir, I did not.

Q. O'Connor, you were present in Jefferson Market on the first arraignment of this defendant, were you not? A. Yes sir.

Q. Carey sent you up? A. Yes sir.

Q. Sent you up with a negro? A. Yes sir.

Q. Both went up together? A. Yes sir.

Q. Do you remember Carey talking to you just at the foot of the stand when you got up before the judge? A. I do, yes sir.

Q. And I came down to you as he was talking to you?

A. Yes sir.

Q. Was he at that time trying to prevent you from testifying for this defendant? A. No sir, he only asked me was that the gentleman.

By the Court. Q. What? A. If I could recognize the man as the man being in the place?

By Counsel. Q. Do you know a man of the name of Rogan? A. Yes sir.

Q. Was not Rogan the other man, the fourth man? A. That is the man I am pretty certain.

Q. Wasn't he the man that was with these three other man in that saloon around McKenna? A. Yes sir.

Q. He was the one that was aiding and assisting him, was he not? A. Yes sir.

Q. It was upon information that you gave Carey that Ford, Coogan and O'Brien were arrested? A. Yes sir.

Q. You gave him the information? A. I did.

Q. You gave him the information in regard to Rogan, didn't you? A. I did, certainly.

Q. You did not say a word about Moran, did you? A. I did not see him doing anything.

Q. He was not the fourth man, was he? A. No sir, he was not.

Q. Do you know where Ware was? A. I do not, no sir.

By the Court. Q. Did you see him that night? A. Ware, yes sir.

By Counsel. Q. Do you know where he lives? A. Yes sir.

Q. Where does he live? A. 245 West 30th Street.

By Mr. Davis. Q. O'Connor, did you take any other part in this affair in the saloon? A. No sir, none whatsoever.

Q. Did you see it all from beginning to end? A. Yes sir, I did.

Q. What did you see done to McKenna? A. Well sir, he came in that saloon with this Mr. Ware and he walked over to the bar to have a drink and the colored lady came over and slapped him on the shoulder with her hand, McKenna the complainant, and said, "you are my man, I want you to come home with me", and he said, "I don't want to have nothing to do with her." So all those people was in there, Mr. Ford, O'Brien, Coogan and this fourth man Rogan, myself, Mr. Ware, Mr. Lynch, Morris and two or three other people which I can't remember who they were now. So this Mr. Ware said, "this is a friend of mine, O'Connor, Mr. McKenna," I shook hands with him and said, "I am pleased to meet you, will you have a drink?" He said, "yes, I will take a glass of lager; we had three glasses of lager.

By the Court. Q. Did McKenna drink any lager? A. Yes, with me he did; this Rogan, the man I have reference to, walked over to Mr. McKenna and says, "I think I can guess your

weight." McKenna said, "I don't want to have nothing at all to do with you." He said, "I will bet you weigh one hundred and eighty-five pounds"; Ford walked over and say, "I will bet he weighs one hundred and sixty"; then Mr. O'Brien says, "I will bet he weighs one hundred and eight"; they got the man so excited that he gave in to be weighed, what they called wieghing; this Mr Rogan took him on his back and while he was on Mr. Rogan's back Mr. Coogan put his hand in his right pocket, his outside coat pocket, and whatever he took out I can't tell, I did not see it.

By the Court. Q. Did you see him have anything in his hand?

A. No sir, he put his hand in his pocket, right side coat pocket, O'Brien put his hand in his watch pocket and Ford laid him on top of his back, laid him on top of Rogans back and the man was struggling to get off, McKenna, and when he did get off he kind of staggered a little bit and immediately Ford hit him and knocked him down; he ran over and they caught him at the partition side of the room and Mr. Coogan put his hand in his right pants pocket again.

So the man was trying to struggle to get away from them and he fell and he got up and crawled out the best way he could. Coogan, Ford and O'Brien followed him out and Rogan held the door on the inside; that is all I saw.

By Mr. Davis. Q. Where was Ware, was he there also? A. Yes sir.

Q. How long have you known Ware? A. About seven or eight years.

Q. Lynch was there and you were there? A. Yes sir.

Q. Of course you tried to stop them from robbing this man?

A. No sir, I did not go near him either to help him or to have anything to do with the robbery.

- Q. You certainly did, didn't you? A. I did not, I did not put my hand near him.
- Q. Did not you try to help him? A. No sir, because I knew the people whose hands he was in, I did not want to take no chances.
- Q. After it was done you went to the police station and told the police? A. No sir.
- Q. You did not even do that? A. No sir.
- Q. You went out to look for a policeman, didn't you? A. No sir.
- Q. Where was Morris when all this was going on? A. He was standing at the end of the bar, the lower end.
- Q. Did he take a hand in it? A. No sir, he did not.
- Q. Ware, O'Connor, Lynch and Morris had nothing to do with it? A. No sir.
- Q. There were Ford, O'Brien and Coogan who did? A. Ford, O'Brien and Coogan,
- Q. And a young man that you call Rogan? A. Yes sir.
- Q. You say it was not this man, the defendant? A. No sir, I did not see that gentleman.
- Q. You are sure there were four who helped to rob him? A. Yes sir.

- By the Court. Q. How long have you known Rogan? A. I only know him from coming in that night, I know his name.
- Q. How long have you known Morris? A. I know Morris about ten or twelve years.
- Q. Do you know whether he is acquainted with Rogan? A. No sir, I do not think he is, he might be.
- Q. So far as you know you have no knowledge on the subject whether he is acquainted with him or not? A. I would

not say positively.

By Mr. Davis. Q. Did you say how long you have known Moran?

A. I did not know Moran at all, the first time I ever saw him was that Sunday evening.

By the Court. Q. Do you know anybody who was in that saloon that night who knows Rogan?

A. The three people that were sentenced know him well I guess and the prisoner knows him.

By Mr. Davis. Q. Where do you live O'Connor? A. 221 West 29th.

Q. How long have you lived there? A. About nine or ten months.

The Court: Rogan is a new character on the scene.

Counsel: Yes sir.

By Mr. Davis. Q. Did you testify on the other trial? A. No sir, I did not get no chance.

Q. You say you mentioned this name of Rogan to Carey?

A. I did, yes sir.

Q. And to the other officers, Madden and Maloney?

A. Yes sir.

Q. To all three of them? A. I am pretty sure I did.

Q. Don't you know whether you did or not? A. I know I mentioned it to Mr. Carey.

Q. Did you mention it to Madden? A. I would not say positively whether I did or not.

Q. Did you mention it to Maloney? A. Yes sir.

By Counsel. Q. Coogan, O'Brien and the other man were not arrested until you gave the information? A. No sir, they were not.

Q. Ware, Lynch, Morris and yourself were discharged by his Honor, Judge Martine?

A. Yes sir.

By the Court. Q. When did you first hear Moran's name in connection with this case? A. That Sunday evening when I was going down Seventh Avenue.

Q. That is the first time you ever heard any mention of Moran?

A. Yes sir.

Q. Did you make any response to the suggestion when they used the words, "including Moran"? A. I did not say nothing.

Q. You said nothing? A. I said nothing.

Q. Were not you surprised to hear Moran's name mentioned?

A. Indeed I was, I wanted to get away, I thought they were going to kill me.

Q. Were you afraid? A. There was too many, there was six.

Q. Were you afraid? A. I was not afraid, not much.

Q. You were able to take care of yourself? A. I think so.

Q. As matter of fact, you were not afraid, were you?

A. No, I was a little worked up.

Q. You told them you were not afraid? A. I did.

Q. You say you were surprised to hear Moran's name mentioned?

A. Yes sir.

Q. Did you express any surprise? A. No sir.

Q. As matter of fact you were surprised? A. Yes sir.

Q. And yet you never gave any expression to it or indicated it in any way? A. No, not in any shape or manner.

Q. You knew Moran was not there? A. I am positive.

Q. You heard somebody make a suggestion that he was in some way implicated in this crime? A. Yes sir.

Q. You never indicated to anybody until Carey that you knew anything about Rogan, only to Counsel? A. No sir.

Counsel: I have had repeated conversations with him.

The Court: I suppose so, it is your duty.

Counsel: I never asked the witness about Rogan.

By the Court. Q. When did you first tell anybody about Rogan?

A. The first day I was arrested.

Q. Who arrested you? A. Detective Maloney.

Q. Who did you tell? A. I told Mr. Maloney in the station house.

Q. A minute ago you said that you did not tell Maloney?

A. I never saw the defendant Mackin, that is the name he went by, until that Sunday night.

Q. Do you know he is here under the name of Moran? A. I saw it on the subpoena.

Q. You never heard him called Moran? A. No sir.

Q. When did you hear him called Mackin? A. That Sunday evening, Mackin is the name I always knew him to go by.

Q. What was it Duffy said? A. First he said, "is this the man you were looking for?" I said, "no, I am looking for nobody, I am going about my business." He says, "if you go on that stand to testify against any of them people, I will knock your damned daylights out."

Q. Did he say including Moran or Mackin? A. Yes sir, Mackin.

Q. Did he say both? A. No sir..

Q. Which did he say, Moran or Mackin? A. He said Mackin.

Q. Tell the Jury again what he said? A. He told me if I went on the stand to testify against any of the prisoners, including Mackin, he would knock my damn daylights out.

Counsel: This is taken all under objection.

The Court: Yes.

By Mr. Davis. Q. Mackin was not arrested and had not been indicted charged with the crime then? A. No sir.

Q. And Duffy spoke to you of Mackin, your testifying against Mackin? A. Yes sir.

Q. You told Duffy then and there that Mackin was not there, didn't you? A. No sir.

Q. You knew Mackin had not been there? A. I knew he was not there.

Q. You did not tell Duffy that you did not intend to testify against Mackin? A. The man had not been arrested at that time.

By the Court. Q. When did you first see Mackin? A. On the following Sunday night, I was out on bail, I was arrested Monday and got out Thursday.

Q. Is that the night you refer to? A. Yes sir, that is the first night I ever saw him.

Q. How do you know that that person there was Mackin or Moran he was talking to? A. He pointed him out to me, I never saw this man until that night.

Q. You never had any conversation with him? A. No sir.

By Counsel. Q. He never threatened you? A. No, he never did.

Q. This man Duffy is his name who threatened you? A. Yes sir.

Q. He is dead since? A. Him and two other men threatened me

Q. He, Duffy, died of consumption? A. Yes sir.

By the Court. Q. When you say he and two others died you mean two others were there? A. The proprietor of the saloon also.

By Counsel. Q. He, Duffy, was not very much under the influence of liquor when he was talking to you about this thing?

A. I do not think he was, I do not think he was drinking anything that time.

By Mr. Davis. Q. Did this conversation occur in the street or in the saloon? A. Outside of the saloon, the corner

of 24th Street and 7th Avenue.

By a Juror. Q. When Duffy mentioned the name of Mackin or Moran did you know who he alluded to?

By the Court. Q. He pointed him out? A. Yes sir, he says, "are you looking for Mackin?" I says, "I am not lookig for anybody, I am going about my business."

By Counsel. Q. Who was the member of your family that went around with Carey, will you give me his name? A. I have not got nobody only two sisters and a mother.

Q. Do you know who it was that went around to cause the arrest of Ford, Coogan and O'Brien? A. Yes sir, I know.

Q. What is his name? A. Mr. Morris's brother is one of them.

Q. What is his first name? A. Tommy.

Q. Do you know where he lives? A. I think it is 257.

By the Court. Q. Does he live where Morris is? A. No sir, he is married, he lives around 28th Street, his brother is there, he can tell you.

By Counsel. Q. Where does the brother live? A. I do not know the number, he lives in 28th Street between 7th and 8th Avenue.

Q. Did you go around at the instance of anybody to find this man Rogan? A. I did, yes sir.

Q. After your discharge? A. No sir, when I was out on bail.

Q. You were out on bail, were you? A. Yes sir.

Q. Did you help in the search for these three men?

A. I was in prison when they were arrested.

Q. Did you help Carey? A. No sir, I was with myself, nobody else.

Q. Hunting for the fourth man? A. Yes sir, I was all alone.

Q. You say you went all alone looking for Rogan? A. Yes sir.

By Counsel. Q. Did you do that by advice of Mr. Carey? A. No sir, I done it of my own free will.

By the Court. Q. Did you tell anybody? A. No sir, I did not, I was charged with the crime and he was, and I was looking for him.

By Counsel. Q. You thought it was your duty to look up a guilty party? A. Yes sir.

By the Court. Q. Do you know Rogan? A. No sir, I never saw him until that night.

Q. Describe him? A. He is about my size, he is very delicate and he has got a small black moustache, he is about five feet ten or eleven, something like that.

Q. As slender as you? A. Yes sir.

Q. As tall as you? A. Yes, about my size.

The Court: Let the defendant stand up. It is manifest that man is not as tall as this man. Is that your case, Mr. Davis?

Mr. Davis: That is all, your Honor.

The Court: The people rest.

D

2

PATRICK McKENNA recalled by Counsel for the Defendant.

Q. Do you remember the other trial, Mr McKenna? A. Yes sir.

Q. You said nothing about the weighing affair in the last trial until I cross-examined you, did you? A. Yes sir, I did.

Q. You first told me of it, you did not on the direct examination by Mr. Goff, you said nothing about being weighed?

A. I told you about the weighing.

The Court: Imrecollect some evidence, it was brought out by you on cross examination, I say that to this Jury now.

By Counsel. Q. I want to call your attention to some evidence you gave on the last trial. "Re-direct Examination by Mr.

Goff. Q. Now could you tell the Jury to the best of your recollection, the man that said, "how heavy are you or what do you weigh? A. I am not sure whether it was Morris

or not. Q. Then you are not sure of any of the Defendants who it was that said that, how heavy you were and wanted you to weigh? A. I am not sure but I think it was him)in-

dicating.) Q. Morris? A. Yes sir. By the Court. Q. Who took out the dollar? A. It was that other fellow here, I

forget his name. By Mr. Goff. Q. Of course it is hard, there are so many defendants, I will have them brought out again for identification, bring in O'Connor also, now you

see all these men there, now can you identify any of the men there, can you identify any of the seven men before you now as the man that pulled out the dollar and said,

"I will bet you a dollar that you do not weigh as heavy as some other person? A. Yes sir, that man standing with his hand on his side. Q. That is Lynch? A. Yes sir.

Q. That is the man? A. Yes sir. Q. And is that the man that you identified in your examination to-day, as the man that put his fingers in your fob pocket while standing at the bar? By the Court. Q. Which is the man that put his hand in your pocket? A. Lynch. Q. Well, point him out? A. That other man I think. By Mr. McLaughlin. Q. That second man?

A. Yes sir. MR. Goff: One moment. By the Court. Q. Now point out the man that put his hand into your pocket? A. It was Lynch put his hand in my pocket. Q. Which man do you mean? A. This man standing here. Q. The man with his hat in his hand? A. Yes sir. By Mr. Goff. Q. That is the man? A. Yes sir. By the Court. Q. Now which is the man that took out the dollar and offered to bet? A. It was the same man. By Mr. Goff. Q. That is the man that he identified this morning, Lynch. What did he say when he took out that dollar? A. He offered to bet me a dollar that I was not heavier than a man standing next to him." Now, is that all correct?

A. Yes sir.

Q. Now prior to your testifying ^{did} ~~that~~ Mr. Carey tell anything to you about this weighing process? A. No sir.

Q. Did he tell you anything about it at all? A. No sir.

Q. Did not explain to you how it was done or anything else?

A. No sir.

Q. He did not tell you how to testify in the matter? A. No sir.

Counsel: Do you rest, Mr. Davis?

Mr. Davis: Yes.

Counsel: I rest.

The Court: The Defendant rests --- have you anything in rebuttal, Mr. District Attorney?

0035

Testimony in
the case of
James M. Moran

Filed Oct.
1890.

0836

Police Court, 2 District.

City and County } ss.
of New York,

of No. 835 3rd Avenue Street, aged 30 years,
 occupation *night watchman* being duly sworn, deposes and says,
 that on the 25th day of *September* 1890, at the City of New
 York, in the County of New York, *deponent fully identifies*

James Moran (and here) as one of the
 other persons charged with Robbery in
 the Complaint made by deponent on
 August 25 1890 (*hereto annexed*) and who is
 one of the persons who *testify* deponent.
 Deponent is informed by Patrick Morris
 one of said defendants that said
 Moran is the person who searched
 deponent's West pockets

Deponent believing said information to
 be true charges that said Moran
 did with said other defendants steal
 deponent's property from his person
 by force and violence as stated
 in deponent's Complaint of said 25th
 day of August 1890.

Sworn to before me this } Patrick McKenna
 25 day of September 1890 }

John J. Morris
 Police Justice

Grand Jury Room.

PEOPLE

vs.

James Moran

Memo:

Thomas G. Ware and six
others including the witness
Morris were indicted
for this robbery by the
September Grand Jury.

On Sept 25, three of
them pleaded guilty &
were sentenced to five
years imprisonment.

The other four
(including Morris) were
at the same time
discharged.

Wm. B. Lindsay

0838

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 27 years, occupation Carpet Layer of No.

255 West 27 Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Patrick McHenry
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 25 day of September 1880 } Patrick Moran

John Florman
Police Justice.

0039

Sec. 198-200.

2nd District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

James Moran 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. *James Moran*

Question. How old are you?

Answer. *53 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *258 7 Avenue 3 months*

Question. What is your business or profession?

Answer. *Patelman*

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

Answer. *I am not guilty*

James Moran
Moran

Taken before me this

day of

1937

Police Justice.

0040

8/500 bail for
J. M. Sawyer
/90

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

Handwritten signatures and initials.

by order 1480
Police Court... 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Police William
835 3 Ave
John Brown
Offence Robbery

Dated Sept 25 1890

Magistrate
C. C. Coney
Officer
16 Precinct

Witnesses, Catherine Morris

No. 255 West 27th Street

No. 1111 Broadway Street

No. 1111 Broadway Street

No. 1111 Broadway Street

Handwritten signatures and initials.

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

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

Dated Sept 27 1890 Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

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 Moran

The Grand Jury of the City and County of New York, by this indictment,
accuse *James Moran* —

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

The said *James Moran*,

late of the City of New York, in the County of New York aforesaid, on the ~~Twenty~~
eight day of *August*, in the year of our Lord one thousand eight
hundred and ~~eighty-ninety~~, in the ~~first~~ time of the said day, at the City and
County aforesaid, with force and arms, in and upon one *Patricia McNamee*,
in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of ten dollars,
and the sum of twelve dollars in
money, lawful money of the United
States of America and of the value
of twelve dollars, —

of the goods, chattels and personal property of the said *Patricia McNamee*,
from the person of the said *Patricia McNamee*, against the will,
and by violence to the person of the said *Patricia McNamee*,
then and there violently and feloniously did rob, steal, take and carry away, *the said*
James Moran being then and there
aided by three accomplices actually present,
to wit: John Ford, John W. O'Brien
and Michael Roogan. —

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 R. Fellows,
District Attorney

0042

SECOND COUNT.—

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

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

The said

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

of the goods, chattels and personal property of

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

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

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 R. FELLOWS,
District Attorney.