

0389

**BOX:**

495

**FOLDER:**

4517

**DESCRIPTION:**

McCann, Thomas

**DATE:**

09/30/92



4517

0390

**BOX:**

495

**FOLDER:**

4517

**DESCRIPTION:**

McElvaney, Briggs

**DATE:**

09/30/92



4517

POOR QUALITY ORIGINAL

0391

552  
# Box 1088

Counsel,  
R. Van Wagoner  
2233 1st Ave.

Filed 30 day of Sept 1892  
Pleads, *Not guilty*

THE PEOPLE

16  
3396 Hwy  
No. 1. *William B*  
Thomas Mc Cann  
and  
Briggs Mc Ewaney

Murder in the First Degree.  
(Section 183, Penal Code.)

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*James J. [Signature]*  
Foreman.

Part 3. Oct. 27/92  
No. 1 Tried & Convicted  
Manslaughter 1st deg.  
Part 3. *Emma [Signature]*  
No. 2. *Indict. dis. P.B.M.*

Witnesses:

I think this indictment  
as to Mc Ewaney should be  
dismissed. There is no  
evidence whatever of the  
slightest connection with the  
crime on his part.

APR 4. 1892

Wm. M. Dwyer

*Conf*  
I concur in a  
recommendation. There  
is no evidence as to  
N.E.E.  
P.B.M.

POOR QUALITY ORIGINAL

0392

Police Court 4 District.

City and County } ss.  
New York.

of No. 338 Court 47 Street, aged 25 years,  
occupation Painter being duly sworn, deposes and says,  
that on the 27 day of August 1892, at the City of New  
York, in the County of New York,

John L. Ball

Thomas M. Carr (now here) did wilfully and feloniously cut and stab one Richard Manushky on the abdomen with a knife which said M. Carr then saw then held in his hand and from which assault said Manushky has since died under the following circumstances to wit: At about 10. P. M., on the above date, deponent saw defendant and the deceased Manushky having an altercation in 47<sup>th</sup> Street between First and Second Avenue. That deponent saw the deceased strike defendant and then both the deceased and defendant seized hold of each other: that he then saw the deceased stagger back and deceased fell against deponent and deponent then and then upon investigation found deceased to be stabbed in the abdomen: and that as the deceased was staggering back he called out "Pete, Pete I'm cut". Therefore deponent prays that defendant may be dealt into as the law directs

Sworn to before me }  
this 28<sup>th</sup> day of August 1892 } John L. Ball

Charles N. Fairton  
Police Justice

POOR QUALITY ORIGINAL

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CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, V DISTRICT.

Edward F. Brett

of No. 23 Precinct Police Street, aged years,

occupation Police officer being duly sworn, deposes and says

that on the 28 day of August 1892

at the City of New York, in the County of New York he brought

Thomas McCann, the within named defendant, to Bellevue Hospital at about 3. Am, in order where defendant identified, if possible by the within named Manahudy. That when deponent reached said Hospital he found said Manahudy to have died from his wound

Edward F. Brett

Sworn to before me, this 28 day of August 1892 Charles W. Sainter Police Justice.

CITY AND COUNTY OF NEW YORK, } ss.

1877.

Peter Etnier

aged 26 years, occupation varnisher of No.

833 - 25th Avenue Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of John L. Ball

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

Sworn to before me, this 28 day of August 1892

Peter Etnier

Charles W. Sainter Police Justice.

POOR QUALITY ORIGINAL

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Sec. 198-200.

4

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Thomas M. Cavanaugh

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

Question. What is your name?

Answer. Thomas M. Cavanaugh

Question. How old are you?

Answer. 16 years

Question. Where were you born?

Answer. United States

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

Answer. 339 E. 47 St. 14 years

Question. What is your business or profession?

Answer. Hall-boy

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 M. Cavanaugh

Taken before me this day of August 1939 Charles J. ...

Police Justice.

POOR QUALITY ORIGINAL

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Committed for A.  
Aug. 29/92. 2 P.M.

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

332  
 130  
 Police Court... 4  
 District... 1085

THE PEOPLE, Etc.,  
 ON THE COMPLAINT OF  
 John A. Rice  
 338 E 47  
 Thomas M. Gwynn  
 Kings H. Straus  
 Offence... Homicide Murder

Date... August 28 1892  
 Magistrate... Smith  
 Precinct... 23  
 Office... Knott & Poppe

Witnesses:  
 John Sheehan  
 No. 338 E 47 Street  
 Adam Rensch  
 No. 325 East 47th Street  
 No. 1111  
 1892  
 DISTRICT ATTORNEY  
 OFFICE

Committed to answer the  
 to answer... W. J.

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 without bail ~~to be admitted to bail in the sum of~~ ~~Hundred Dollars~~ and be committed to the Warden and Keeper of the City Prison of the City of New York, ~~with~~ ~~1892~~

Dated... Aug 28 1892 Charles N. Luntz 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.

I.- The obligation to retreat does not arise at all in ordinary cases; but the assailed may stand his ground and repel the force by force, using no more force than necessary to accomplish the defense.

II.- In such cases: a. If the assault is manifestly felonious, - if it involves a known felony, such as rape, robbery, or murder, - the assailed is not obliged to retreat, but may kill the assailant instantly if the felony cannot be prevented by other means than retreating.

III.- The ancient doctrine as to the duty of a person assailed to retreat as far as he can before he is justified in repelling force by force has been greatly modified in this country, and has a much narrower application than formerly. The real question is: Did the defendant when assaulted believe, and have reason to believe, that the use of a deadly weapon was necessary to his own safety?

People vs Lyons N.Y. Crim Rep. vol. 6. P. 120) 121.

Runyan vs State 57 Ind. 80

IV.- To justify a homicide in self-defense the danger need not be actual if the accused acted on a reasonable appearance and belief of danger. This general proposition is supported by Murray v Commonwealth, 79 Pa. St. 311;

Roach v People, 77 Ill. 25;

Holloway v Commonwealth, 11 Bush (Ky.) 344;

Steinmeyer v People 95 Ill.383;  
Panton v People, 114 Id, 505;  
Jordan v State, 11 Tex. App.435;  
Smith v State, 15 Id.238.  
But see Eiland v State, 52 Ala. 322;  
Erwin v State, 43 Tex.236.

The surrounding circumstances, not the degree of force used in an assault, is the test of the right of self-defense.

Williams v Commonwealth 80 Ky.313.

In order to justify a homicide on the ground that it was committed in self-defence, it must appear that the defendant, at the time he caused the death of the deceased, was acting under a reasonable belief that he was in imminent danger of death or great bodily harm from deceased, and that it was necessary for him to strike the fatal blow or to perform such other act causing the death of deceased, in order to avoid the death or great bodily harm which was apparently imminent. This proposition is sustained by the weight of authority; but it has also been held that to excuse a homicide on the ground of self-defence the jury must be satisfied that the defendant killed the deceased when he was, in fact, in imminent danger of losing his life, or of suffering great bodily harm at the hands of the deceased.

And again, it has been decided, most favorably to defendant, that the existence of the reasonable apprehension of actual or apparent danger is to be considered, from

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the standpoint of the defendant at the time of the homicide, and not from the standpoint of the jury in the light of the facts proved.

The question, whether, under all the circumstances, there are grounds for a reasonable belief in the mind of the slayer that a necessity existed for taking the life of the other is one for the determination of the jury, in the solution of which the condition of both the parties at the time is a legitimate subject for consideration.

*Ency. of Law. Vol. 9. 593, 576, 577.*

**POOR QUALITY ORIGINAL**

0399

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

..... being duly sworn, says that he resides at No. .... Street, in the City of New York; that he is ..... years of age; that on the ..... day of ..... 18 ....., at Number ..... in the City of New York, he served the within ..... on the ..... by leaving a copy thereof with .....

Sworn to before me this  
day of ..... 189 }

*N. Y. Court of General Sessions*

*Shirley People*  
Plaintiff

against

*Thomas McLaughlin*  
Defendant

*J. J. Dief*

*J. J. Dief*  
McLAUGHLIN,  
Attorneys for

No. 280 BROADWAY, New York City

Due and timely service of cop of the  
within hereby admitted  
this day of 18  
Attorney.

To

POOR QUALITY  
ORIGINAL

0400

St. John the Evangelist's Rectory,  
351 East 55th Street.

Oct 23,

Hon. R. B. Marline

My dear Judge I  
take the liberty of writing  
in behalf of the boy  
Thomas McLean who  
comes up for trial before  
you tomorrow.

I can testify that  
until the present  
great trouble he bore  
a good name as I  
had opportunity of  
knowing.

The boy was a dutiful  
and faithful son

who labored to keep a  
little home with his  
widowed mother  
whose hope he was, and  
whose hope with your  
kindness he may still  
continue to be.

Trusting Judge Hartine  
that you will be as  
considerate and merciful  
as the circumstances  
permit I remain

Very respectfully yours

Jas. J. Flood

To Hon. Judge Hartine.

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CITY AND COUNTY OF NEW YORK } ss.

POLICE COURT, 4 DISTRICT.

John F. Tappin of No. 257 Precinct Street, aged years, occupation Police officer being duly sworn, deposes and says that on the 28 day of August 1892 at the City of New York, in the County of New York he arrested

Briggs M. Elvany (now here) on the information given deponent by Thomas McCann, the defendant in the homicide of one Richard Manshury who died from a stab wound received by said Manshury at the hands of said McCann; that McCann informed deponent that he received the knife with which the stabbing was done from the said M. Elvany. Wherefore deponent swears that said M. Elvany be held in accordance with the law. John F. Tappin

Sworn to before me, this 28 day of August 1892

Charles J. ... Police Justice

POOR QUALITY ORIGINAL

0403

Police Court, 4 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*vs.*  
Briggs M. Evans  
15- des. - 312 E. 44

AFFIDAVIT.

Dated August 28 1892

Tainter Magistrate.

Tappin Officer.

Witness.

Disposition

*Committed without bail  
for ~~30~~ Aug 29/92. CIV  
2 P.M.*

COURT OF GENERAL SESSIONS, PART III.

----- x  
: The People of the State of New York, :  
: against : Before  
: Thomas McCann, impleaded with : Hon. Randolph B. Martin  
: Briggs McElvaine. : and a jury.  
: :  
: :  
----- x

Indictment filed 1892.

Indicted for murder in the first degree.

New York, Oct. 24, 1892.

A P P E A R A N C E S:

For the People,

Asst. District-Atty. Vernon M. Davis

For the Defendant,

James W. McLaughlin, Esq.

The jurors were called, examined and sworn.

ADAM RAUCH, a witness for the People, sworn, testified:

I live at 325 East 47th. Street. I am a tailor. During the month of last August I lived in the same place, first floor, one flight up. My family consists of five children. My wife is dead. Margaret Hoffman, my sister, is my housekeeper. At nine o'clock on the night of the 27th. of last August I went out after a pint of beer to the corner store. I procured the beer and was on my way home when I was accosted by a lot of boys. I knew them by sight. The defendant was among them. They tried to get

2.

the pail out of my hand. They were making fun of my beer. They caught hold of the can by the handle and pulled it from me. The defendant got the can out of my hand and then threw it on the coal-box. I afterwards found it on the coal-box. When I picked up the can there was no beer in it. Eddie Bott came and got the can for me. I did not see anything of the quarrel between the defendant and the deceased.

Cross-examination:

None of the boys struck me on that night. The saloon is four doors away from the house I live in. All the boys attacked me when I came along and I cannot tell what anyone in particular did to me.

EDWARD BOTT, a witness for the people, sworn, testified:

The last witness is my uncle. I was in my home on the 27th. of last August. I had gone to bed. Mrs. Hoffman, my aunt, woke me up. I dressed myself and went downstairs. I saw McCann take hold of my uncle. He had his arms around him. He then took the pail of beer from him and threw it into the street. The other boys were standing round laughing and pulling at my uncle's coat. I got the can and gave it back to my uncle and he went up into the house. I saw McCann kick the can while it was in my uncle's hand. I had often seen the can in our house and had gone for beer with it. I did not see McCann strike my uncle at any time. He caught him by the throat. I

3.

didn't see any quarrel take place between McCann and any other person on that night.

HENRY RAUCH, a witness for the People, sworn, testified:

I live at 325 East 47th. Street. Adam Rauch is my father. On the 27th. of August last I was in bed asleep and my aunt woke me up and told me to go downstairs, that my father was in trouble with a crowd. I went downstairs and told him to come home. I saw McCann make a grab for the can which my uncle held in his hand. My uncle didn't want to let it go, but he got it away from him and threw it in the street. I do not know what took place after I left.

Cross-examination:

My father had hold of the can by the handle. The two of them were struggling together. I have not been talking to anybody about this case. I saw none of the difficulty between the deceased and the defendant.

MARGARET HOFFMAN, a witness for the people, sworn, testified:

I live at 325 East 47th. Street. Adam Rauch is my brother. On the night of the 27th. of August last I looked out of the window and saw some boys making trouble with Adam Rauch. I woke up the boys and sent them down to look after their uncle. While looking out of the window I saw a boy kick the can, but I do not know which boy it was. Soon after that Adam Rauch came upstairs in the house.

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Cross-examination:

I do not know Mateurski. I did not see him  
on that night. I saw none of the difficulty between the  
defendant and the deceased.

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JOHN L. BALL, a witness for the People, sworn, testified:

I live at 338 East 47th street. I am a painter.

I knew Maturski in his life time . I was in his company and in the company of Etner on the night of the 27th of August. We came down into the street about half past nine o'clock that night. While we were standing at the door our attention was called to a row across the street; some boys were folling with an old man who had a can in his hand. The three of us ran over to the crowd. As soon as we got over Matureski said "He is an old man, let him go upstairs". The defendant McCann said "What is it you you, is he anything to you". Matureski said "If you dont leave him alone I will strike you in the face, I will smash you in the eye". With that McCann kicked the can which was in the hand of the old man, and the beer spilled out on to the street. Then Matureski struck McCann, a side blow, a back hand blow; it hit McCann in the face; the blow staggered McCann; he got up and started towards Matureski; then Matureski struck McCann again with his fists; the blow struck him in the face; McCann dodged that blow and closed in on the deceased; the next thing I knew Matureski staggered back saying "Oh, Pete, I am cut". I did not see the second blow strike McCann; I think he dodged it. I did not see anything in McCann's hands at the time he approached the deceased. I did not see McElvaine. I caught Matureski as he was falling; I did not see where McCann went to. He disappeared. The wound which Matureski received was about at the top of his right hand pants pocket. I saw him put into the ambulance and taken away.

CROSS EXAMINATION:

I came across the street with Matureski and Etner. We went over to see what the trouble was . I saw McCann having holdof Rauch's arm. Matureski at once interfered and told him to let him go. He told him if he would not go he would smash him in the jaw. McCann was knocked back fully five feet by the first blow of Matureski. Matureski was a large powerful man and struck him, it seemed to me, with his full force. The second blow was dodged by McCann. There was an iron railing behind mMcCann at the time. McCann had said nothing but "Is he anything to you" before Matureski struck him in the face. Matureski was in fighting attitude at the time McCann recovered from the first blow. Etner and I were there but we took no part in the fight; we were friends of Matureski and had been playing cards with him all that evening. I am certain that the old man Rauch was near there at the time the first blow was struck. He was afterwards taken away by a little boy who came from the corner. The can was picked up. I am certain I saw McCann kick the can. I did not know the reputation fthe deceased in the neighborhood for peace and quietness. I did not know him to be a quarrelsome man. McCann staggered back after the first blow. I did not at any time sseea knife in mMcCann's hands.

5.

DR. FABRICIUS, a witness for the People, sworn, testified:

I am a physician. I examined the body of the deceased on its arrival at the hospital. I found a penetrating wound of the abdomen. The operation known as laparotomy was performed. I am not able to state what the cause of death of the deceased was.

Cross-examination:

There was no autopsy so far as I know. I have been a physician since the 28th. of March 1892. I am unable from the examination I made to tell what the cause of death was. The wound which I found would have caused death even if it was not operated upon. The House Surgeon had charge of the case.

PETER ETNER, a witness for the People, sworn, testified:

I live at 333 Second Avenue. I am a furniture varnisher. I am not working now. On the 27th. day of August 1892 I was in company with the deceased Richard Mateurski. I was up in his house 333 East 47th. Street about seven o'clock that night. I stayed with him until about ten. At that hour ~~people~~ <sup>people</sup> came ~~down~~ <sup>down</sup> stairs. We were going on a fishing party the next morning and he asked me to stay with him that night so that we could get up at four o'clock in the morning. We were standing at his door when our attention was attracted by a crowd of boys across the street. There was lots of noise going on. Ball,

6.

Mateurski and I went across the street. There were a lot of boys around this old man Rauch. One of them had hold of a can of beer. That was the defendant McCann. Mateurski told McCann: "Why don't you leave the old man alone? You ought to be ashamed of yourself. You ought to go home". Then McCann says: "It is none of your business. He is nothing to you". Then Mateurski said: "If you do not let him alone I will smack you in the jaw". With that McCann made a kick at this can and he struck the handle that he had in his right hand. Then Mateurski hit him with the back of his hand. McCann fell back, got right up and Mateurski made a second blow at him. At the second blow McCann came right in like that and struck Mateurski in the stomach. I do not know what he had in his hand. Mateurski said to me: "Pete, he cut me". He kind of fell back. Ball caught hold of him and I caught him also. I saw that he was cut and that there was blood coming from him. Then we took him across the street to the druggist's and we stayed there until the ambulance came. I do not recognize the doctor as having been there. I have been in the Elmira Reformatory but have my absolute release. I was sent there in 1883.

Cross-examination:

I was examined by Mr. Davis in his office before I went on the witness-stand. I knew Mateurski about four or five months before he was killed. He was quite a large sized man compared with the defendant. I had been up in his rooms all that evening playing cards

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with him. We were preparing to go fishing on the following day and I intended to stay with him all night. I heard Mateurski say to the defendant McCann that he would smack him in the eye if he did not let the old man alone. The deceased Mateurski struck the first blow. He struck McCann twice before McCann struck him. I did not see McCann strike any blow until he stabbed the deceased. As soon as McCann struck him the deceased staggered back and was caught by Pall. I never knew that Mateurski had been convicted of assault. I was convicted of grand larceny in the second degree in this court and committed to the Elmira Reformatory. I was let out on parol and I afterwards received my absolute release.

EDWARD F. BRETT, a witness for the People, sworn, testified:

I am a police officer attached to the 23d. Precinct. I know the defendant McCann and I know McElvaine. On the night of the 27th. of August last I was at the Station House. I was sent out by the Captain on this case. I saw the defendant McCann coming out of his house 339 East 47th. Street about three o'clock in the morning. Officer and Tappin, Officer Doyle were coming out with him. They had arrested him up in the house. I says: "Is this the boy McCann?" and Tappin says "Yes. This is McCann". I says: "We had better go down to Bellevue Hospital with him now and have this man identify him". When we got to the hospital Mateurski was dead. On his way down to the hospital

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Officer Tappin told McCann he had better tell the truth about this thing because if he did not it would be all the worse for himself. He said: "Whatever you tell will be used against you. You had better tell the whole truth". Then McCann said that a young boy named Riggsy McElvaine had a quarrel with Adam Rauch and this Richard Mateurski came from across the way and said: "Why don't you let the old man alone? Let him alone or I will punch you in the eye". With that Mateurski hit him in the side of the head, knocked his hat off and he fell down. When he got up Mateurski struck him again and it was at that time that McElvaine gave him the knife and he struck at Mateurski and ran away. I am positive he said that it was McElvaine that had the trouble with the old man Rauch. One of the officers asked McCann what he had done with the knife and he said he threw it away at 48th. Street and First Avenue; that he threw it into the street. We went down on 48th. Street and First Avenue and we waited there until day-break. We examined the whole place around there thoroughly but we never found the knife.

Cross-examination:

The deceased was a much taller and larger man than the defendant. The conversations that we had with the defendant were had while he was under arrest. Officer Tappin told McCann he was accused of stabbing Mateurski and told him he had better tell the whole truth. It was after he said that that McCann made the statement.

9.

JOHN F. TAPPIN, a witness for the People, sworn, testified:

I belong in the 23d. Precinct. I was not in that precinct on the 27th. of August last. Officer Brett and I were detailed by the Captain to go out and find McCann. We went around the neighborhood but could not find him. We went up in his house and found him there in bed. We asked him if he was Thomas McCann. He said he was. We told him what we wanted him for. We then took him to Bellevue Hospital, but Mateurski was dead. He told us on the way that he and McElvaine had trouble with Adam Rauch when Mateurski came over and struck him twice in the face; that then McElvaine handed him a knife with which he stabbed Mateurski and ran away. We asked him what he did with the knife and he told us he threw it in the gutter at 43th. Street and First Avenue. We went there and searched but could not find the knife.

Cross-examination:

We were not in uniform at the time we had this conversation with the defendant.

THOMAS H. DOYLE, a witness for the People, sworn, testified:

I am attached to the 23d. Precinct. I accompanied Officer Tappin to the house of the defendant McCann on the night of the 27th. of August last. We found McCann in bed and arrested him. On the way to the hospital we told him he had better tell the truth and he told the story as narrated by the other officers. In the Station House

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we also told him he had better tell the truth about the matter. He said that there was a little row; that this man Rauch had some trouble with a boy by the name of McElvaine; that Mateurski, the deceased, came across the street and told him to leave the old man alone. He also told him he would smash him in the eye if he did not leave the old man alone. Then Mateurski struck him twice in the face and when he was about to strike him the third time McElvaine handed him the knife and he used it to defend himself.

Cross-examination:

He made no resistance at the time we arrested him. When he found out that Mateurski was dead he expressed sorrow.

Mr. Davis then read the autopsy to the jury which states: "On the left side of the abdomen is a wound four and a half inches in length, horizontal in direction, the centre being four and a half inches above the outer extremity and one and a half inches above the crest of the ilium. This wound penetrates the abdominal cavity by an opening two inches in length. There is a small wound in the small intestines".

Mr. Davis calls the following witnesses and has them sworn without asking them any ques-

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tions.

THOMAS EDWARDS and JOHN SHEEHAN.

D E F E N S E .

MARIA HAUGHTON, a witness for the defendant, sworn, testified:

I live at 329 East 47th. Street. I keep a grocery store at that number. On the night of the 27th. of August there was a row in front of my store. I saw the deceased come across the street and knock the defendant down. The defendant was close in against an iron railing which is in front of my store at the time he was knocked down. The defendant then got up and was again knocked down by this large man. He was much taller than the defendant and looked as if he weighed much more. That is all I saw of the occurrence.

Cross-examination:

I know this boy McCann for some time. His reputation in the neighborhood for peace and quietness is good. I have seen him around the neighborhood for a good many years.

JOHN SHEEHAN, a witness for the defendant, sworn, testified:

I live at 338 East 47th. Street. I was a witness before the Coroner. I have not been called for the People. On the 27th. of August I saw Adam Rauch holding a can of beer over McCann's head and talking loud in German. Next I saw a little boy come and grab his uncle

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by the arm and walk him up as far as Mrs. Haughton's coal-box. Then I saw Mateurski and his friends come running across the street. Mateurski says to McCann: "Why don't you leave that old man alone?" McCann says: "Why, is he anything to you?" Then Mateurski says: "Shut up or I will give you a punch in the nose." Then McCann says: "Give me a punch in the nose". Then he punched him with his right and then he hit him again with his left. I think he hit him full in the mouth. He punched him twice. I saw McCann stagger back and when he got on his feet again he punched the deceased and ran away. I saw the deceased fall back into the arms of one of his friends. I did not see McCann after that. I heard the deceased say: "I am stabbed". I don't know how McCann got away.

Cross-examination:

I was in Mrs. McCann's house on Saturday morning last and stayed with her for about fifteen minutes. I have talked with her about this case. Thomas Edwards has also been in Mrs. McCann's house. McCann did not strike the deceased until he had been struck twice. I was walking down the street in company with several other boys at the time we saw this disturbance. I was not one of the boys that was annoying the old man Rauch. I have known McCann for two or three years and have played baseball with him on different occasions. I testified before the Coroner and I gave the testimony which is in the record here. I have known McElvaine about three years. I never associated with him. The testimony which I have given here

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is the truth. To the best of my recollection I gave the same testimony when I was a witness before the Coroner.

THOMAS EDWARDS, a witness for the defendant, sworn, testified:

I was subpoenaed by the People and have been in attendance here for two days. On the 27th. of August I came down the Avenue with John Sheehan. I met McCann in front of a liquor store. I saw Adam Rauch walk down into the liquor store. McCann says to us: "Let us have some fun with the old man. Take the beer off him and see what he says". When he came out McCann snatched the beer out of his hand and spilled it in the street. Then the nephew of the old man came and took him away. Mateurski came across the street and said: "Why don't you leave the old man alone?" McCann says: "I ain't doing anything to him." With that he hit McCann a punch. McCann staggered and fell right back. McCann got up again and the deceased again struck him full in the face. McCann fell back against the railing. As soon as McCann got up I saw the deceased have another blow directed at him. McCann made a punch like this towards the deceased and then ran away. I did not see anything in McCann's hand at the time he struck the deceased. I saw him running away from the crowd, but I didn't watch in which direction he went.

Cross-examination:

I am employed on the New York Herald as an office-boy. I am positive I saw Rauch go into the liquor store and heard McCann say: "Let us have some fun with the

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old man."

MARY ANN HENRY of 338 East 47th. Street, MARY KERNS of 924 First Avenue, JAMES CARROLL of 887 Second Avenue, THOMAS ROACH of 311 East 52nd. Street all testified to the good character of the defendant.

THOMAS McCANN, the defendant, sworn, testified:

I live at 339 East 47th. Street with my mother. My occupation is hall-boy in the Victoria Flats, 58th. Street and Seventh Avenue. I am the main support of my mother. I have been arrested for playing ball on Sunday once but was discharged. On the night in question I was standing on the corner of 47th. Street with a few more boys. This old gentleman Mr. Rauch came along to get some beer. He had a kettle with him and McElvaine was standing at the end of the railing. Rauch staggered up against McElvaine when he came out of the saloon and then Rauch began to scold him. The old man talked very loudly in German which we did not understand. We told him to go home. He didn't go home. He stayed there for a minute. I tried to get him to go home, but he would not. A lot of the boys got round him and began fooling with him. A little boy then came up and took him home. Just after he had left the crowd this man Mateurski came across and asked me why I didn't leave the old man alone. I said: "What is it to you? We ain't touching the old man. We are only

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telling him to go home." He said to me: "If you don't leave him alone I will punch you in the eye". I says: "Do it", and with that he hauled off and he struck me full in the face. He knocked me up against a railing that was there. I got up again and I put my hands in front of my face to get away. Then Mateurski hit me again and I fell down a second time. I was in close quarters, being right up against an iron railing. I could not retreat. When I got up the second time I pulled the knife out of my pocket and opened it and I stabbed him in the stomach in order to get away. I could not get away from him in any other way, as he was a large man and his two friends were right beside him. I had no difficulty in getting away after I stabbed Mateurski. I did not intend to kill him, and did this act in self-defense. When I got away I went to the corner of 43th. Street and First Avenue and threw the knife away. I had no reason for throwing the knife away, only I did not own it and did not want to have it with me. At the time I threw it away I did not know that I had stabbed the man. I told the officers exactly where I had thrown the knife away.

Cross-examination:

I borrowed the knife from McElvaine some days before this fight occurred. I expected to return it to him. The reason I threw the knife away was because it did not belong to me. That is the only reason I can give. I didn't throw it away because I had stabbed the man. I had no difficulty whatever with Mr. Rauch on that evening.

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There was an alleyway there near me, but I could not get into it as the railing was between me and the alleyway. I ran towards Second Avenue after I stabbed the deceased. When I came back on my way home I saw a crowd outside of the drug store and saw the ambulance coming. I did not stop to inquire what was the matter. I carried the knife in my hand for nearly a block after I did this stabbing. I ran for about half a block and then I stopped. No one was pursuing me. I do not know why it was that I went as far as 48th. Street and First Avenue. I was excited and confused. I am telling the truth when I say that I threw the knife away at 48th. Street and First Avenue. There are car-tracks there and I threw it between the car-tracks. The knife did not belong to me. I cannot describe the knife any more than to say it was a small knife with two blades and a horn handle. McElvaine had loaned it to me just two or three days before this occurrence. I was not curious to find out what was the matter when I saw the ambulance coming. I did not suspect that it was coming to take away the man whom I had stabbed. I saw the witnesses Edwards and Sheehan on the stand. They were there on the night in question. I had a conversation with them. I had only seen Mateurski about twice before the night he was killed. I had never seen the old man Rauch before that night and had never annoyed him. I was in bed at the time the officers came to my house. When they questioned me about this matter I told them all that I knew about it. I

**POOR QUALITY  
ORIGINAL**

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17.

told them where I had thrown the knife and from whom I got it. I did not tell them that McElvaine gave me the knife at the time of the stabbing. What I told them was that the knife was the property of McElvaine and that I had had it for several days before.

The jury returned a verdict of guilty of manslaughter in the first degree.

**POOR QUALITY  
ORIGINAL**

0423

Indictment filed 1892

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

THOMAS McCANN, impleaded  
with Briggs McElvaine.

Abstract of testimony on  
trial, New York, October  
24th 1892.

POOR QUALITY ORIGINAL

0424

Mr. Macdonna.

PHILLIPS & MOWER, 82 NASSAU ST., N. Y.

STENOGRAPHER'S MINUTES.

Report of General Sessions  
Part 3.

The People.

BEFORE

Hon. James Fitzgerald

Henry Young & Frank  
Van Alstyne.

and a Jury.

Sept. 30<sup>th</sup> 1892.

WITNESSES.

Direct. Cross. Re-Direct. Re-Cross.

WITNESSES.	Direct.	Cross.	Re-Direct.	Re-Cross.
Joseph B. Allen,	1	14	—	53
Emmanuel Myers,	23	26		
George Hotzel,	29	30		
James Morris,	30	—		
Albert C. Loring,	35	—		
Frank Van Alstyne	36	40		
Henry Young,	43	47		
Henry Handeman,	52			

Peter M. Longhini,  
Stenographer.

COURT OF GENERAL SESSIONS,

PART III.

-----x  
The People : Before  
against : Hon. James Fitzgerald  
Henry Young and Frank Van Alstyne. : and a Jury.  
-----x

Indictment filed September 16th, 1892.

Indicted for Robbery in the First Degree.

New York, September 30, 1892.

APPEARANCES.

For the People, Assistant District Attorney  
Gunning S. Bedford.

For the Defendant, Mr. John Fennell.

J O S E P H B. A L L E N, a witness called on behalf of the  
People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Bedford:

Q Where did you live on the 25th of March? A. 154 East Hous-  
ton Street.

Q In this city? A. Yes, sir.

Q On March 25th, in the evening, did you meet these prisoners

**POOR QUALITY  
ORIGINAL**

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or see them? A. Yes, sir.

Q Which is Henry Young? A. The man on the left.

Q And this is Van Alstyne? A. Yes, sir.

Q Did you know them before March 25th? A. Yes, sir.

Q Where did you meet them on March 25th, and at what time?

A. I met them in Hirschhorn's, corner of First Street and Second Avenue, at about 10 o'clock.

Q That is a saloon? A. Yes, sir.

Q 10 o'clock at night? A. Yes, sir.

Q Who were with the prisoners at the time you met them, were they together or was there a third party with them? A. We were sitting in a box, drinking beer.

Q Were they together? A. Yes, sir, they were alone together.

Q They were alone together? A. There were a couple of girls with them.

Q A couple of girls with them? A. Yes, sir.

Q Where did you first lay eyes on them, when they were in the box or in the saloon? A. I laid eyes on them in the saloon. I went into the box they were in with them.

Q Were the girls in the box at the time you three went in?

A. Yes, sir.

Q There were five of you in the box? A. Yes, sir.

Q What took place with the two girls and the three of you in that box at 10 o'clock at night? A. We had three or four

**POOR QUALITY  
ORIGINAL**

0427

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drinks.

- Q. That is a treat for five of you? A. Yes, sir.
- Q. After you had a treat four or five times for the five of you, what then took place? A. I went home and they insisted upon going with me.
- Q. You went home and they insisted on going with you? A. Yes, sir.
- Q. They insisted upon going with you? A. Yes, sir.
- Q. What did you do, leave the saloon? A. Yes, sir.
- Q. Who went with you? A. Van Alstyne and Young.
- Q. How far did they accompany you? A. As far as Houston St. and the corner of Second Avenue. They fell back and chinned to themselves and came up again to me.
- Q. They walked how many blocks with you? A. Only one block.
- Q. Then they left you? A. Yes, sir.
- Q. You went away with them? A. Yes, sir.
- Q. Then they joined you? A. Yes, sir.
- Q. Was that in the street before you went to No. 154 Houston Street? A. Yes, sir.
- Q. How far did you walk with them, if at all? A. I walked with them to Eldridge Street, just abreast of Eldridge Street 154 is.
- Q. You walked to 154? A. Yes, sir, Houston Street.
- Q. Then what did you do? A. They wanted to open the door for

**POOR QUALITY  
ORIGINAL**

0428

4

me but I would not have it.

Q Then what took place? A. I opened my own door and when I pulled my overcoat off I had to work my shoulder on account of my hand being sore and in a sling.

Q You had to work off your coat? A. Yes, sir, to bring the right shoulder over as I haven't the use of my hand.

Q Where were you when you were arranging to get your keys?

A. I was standing in the hallway.

Q Where were they? A. They were out on the stoop.

Q Out on the stoop? A. Yes, sir.

Q Did you finally get your keys? A. Yes, sir.

Q What did you do with your keys when you got them? A. I intended to go into the room.

Q To do what? A. I intended to go into my room.

Q Where was your room, on the first floor? A. Yes, sir.

Q The first floor in the hall? A. Yes, sir.

Q You were in the act of going into your room? A. Yes, sir.

Q The hall door was open? A. Yes, sir.

Q Did you leave it open on purpose? A. Yes, sir, so that I could see.

Q Now, while you had your coat off and your keys in your hand, in the act of going into your room what occurred? A. I was struck across here (indicating) with I don't know what -- the sleeve of my coat was off and with my hand I grabbed some-

thing.

- Q You were cut across here? A. Yes, sir, on the neck.
- Q The neck? A. Yes, sir.
- Q That is on the left side of the neck? A. Yes, sir.
- Q With what? A. I judge it was a piece of iron.
- Q Some hard substance? A. Yes, sir.
- Q Who struck you? A. I could not swear who struck me.
- Q Who was in the hall at the time? A. I seen Young and Van Alstyne. Van Alstyne says, "Give me the key of your room and I will open your door."
- Q Young was there? A. Yes, sir.
- Q Just after that somebody struck you a blow with a hard substance? A. Yes, sir.
- Q Where you were standing was there light from the street? A. Yes, sir.
- Q Who was in that hall at the time he said, "Give me your keys and I will open your door", and at the same time you got a crack over here -- who was in that hall beside yourself? A. Henry Young and Van Alstyne.
- Q Who else? A. I don't know; there was another party in there.
- Q Anybody else? A. No, sir, I could not swear to anybody else.

**POOR QUALITY  
ORIGINAL**

0430

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- Q After you received this blow what then immediately took place, if anything? A. I wheeled right away; they did not knock me out; the door was pulled to and my hand ----
- Q Who pulled the door to? A. I don't know who.
- Q The door was pulled to, where was the third party and Van Alstyne and Young when the door was pulled to -- outside?
- A. When the door was pulled to my hand was inside of the door and they fired the door open like that (indicating) and struck me in the head; that was the second rap.
- Q They pushed the door open and struck you? A. Yes, sir.
- Q Who did this? A. I could not swear who it was.
- Q Who came in immediately after the door was open and struck you on the head? A. Van Alstyne was right behind me, and said, "Give me your key and I will open the door for you."
- Q Then you were struck? A. Yes, sir.
- Q While the door was being shut and the door was being open and struck you where was Young and Van Alstyne. Were they still in the hall? A. No, sir, they were outside.
- Q Did they come into the hall again? A. No, sir.
- Q What took place after they struck you? A. After I was struck by the door I opened the door.
- Q What were you struck with? A. The door. They shut the door and opened it again right in my face.
- Q What did they do to you after you were struck with the hard

**POOR QUALITY  
ORIGINAL**

0431

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substance. Did you have any money about you? A. I had \$490. in the right hand pocket.

Q After they struck you what did they do; did they run off or take hold of you or what did they do? A. I felt one's hands in my pocket and the other had me by the throat.

Q One had you by the throat and the other put his hands in your pocket? A. Yes, sir.

Q Who were in the hallway at that particular time? Who had his hand -- which man had you by the throat and which one had his hand in your pocket? A. I could not swear which one had me by the throat.

Q Who was in the hallway besides yourself at the time one had you by the throat and the other put his hand in your pocket? At the time that you were held by the throat and at the time that another had his hand in your pocket, do you know whose hands they were, what person's were they? A. I could not tell.

Q You don't know whose hands they were? A. No, sir.

Q Was there a light there? A. No, sir, the light was out in the hall.

Q Was there a light in your room? A. No, sir.

Q No light in your room? A. No, sir.

Q You opened the hall door with your key, didn't you? A. Yes, sir.

**POOR QUALITY  
ORIGINAL**

0432

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- Q At the hall door Van Alstyne and Young were there? A. Yes, sir.
- Q Then you went into the hall? A. Yes, sir.
- Q Did they follow you in? A. Yes, sir.
- Q Could you see them in the hall? A. Yes, sir.
- Q By what light? A. I could see, there was light enough from the street.
- Q When this struggle took place at the door of your room, didn't you have the same light? A. No, sir.
- Q How was that? A. It was darker in the back of the hall.
- Q You said, if I remember your evidence, that Van Alstyne said to give him the key and he would open the door for you?  
A. Yes, sir.
- Q How do you know he said it? Did you see him? A. I knew his voice.
- Q You recognized his voice? A. Yes, sir.
- Q You recognized that statement from your remembrance of his voice? A. Yes, sir.
- Q Now, this third person you speak of. Did you see him at any time at all? A. I think I seen him once.
- Q Did you see a particular person; did you see a third man at any time? A. I think I saw a third man.
- Q When you were in that hallway and this thing was going on, do you remember seeing a third man? A. No, sir, I would not

perjure myself to say that I did.

Q How about Young--how do you know Young was there? A.

Well, he was with me; didn't I see him

Q In the hall where this thing was going on you recognized Van Alstyne from his voice; how did you recognize him?

A. I recognized the two of them; I saw the two of them.

Q By sight or voice? A. By sight.

Q You saw them back in the hallway? A. Yes sir.

Q Then you had a light back there? A. I couldn't tell them from the light shining from the street.

Q Back to the room door? A. Yes sir.

Q These two men that had hold of you in the manner you have described, who were these two men? A. Van Alstyne and Young.

Q You don't recollect which had you by the neck and which put his hand in your pocket? A. No sir.

Q They were the two men who were there? A. Yes sir.

Q Nobody else was in the hall at the time you were being robbed except the two persons? A. Not as I know of.

Q The two had hold of you? A. Yes sir.

Q You don't know which had you by the throat or which was robbing you of four hundred and ninety dollars? A. No sir.

- Q You had four hundred and ninety dollars in your pocket?  
A. Yes sir.
- Q What did these men do to you while holding you? A. I had  
four hundred and ninety dollars. Two one hundred dollar  
bills, five fifties and two twenties, rolled in a roll in  
this pocket.
- Q What became of it? A. They took it away from me.
- Q What did they do after they had got the four hundred and  
ninety dollars? A. I seen Young and another one going  
down Eldridge Street; I seen Young and I chased Young to  
Chrystie Street.
- Q You chased Young? A. Yes sir.
- Q Which way did the other one go? A. Down towards Stanton  
Street.
- Q What did they do after this thing occurred--you followed  
them then? A. Yes sir.
- Q You chased them? A. Yes sir.
- Q When this thing was being done to you what did you do; when  
you were being seized in that manner what did you do  
yourself? A. I done all I could for to save my hand  
and for to avoid them taking the money.
- Q You struggled? A. Yes sir.
- Q Did you make an outcry? A. No sir.

**POOR QUALITY  
ORIGINAL**

0435

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- Q How long did the occurrence take, the whole thing? A. It didn't take but about a minute.
- Q After that struggle was over what did these two men do?  
A. I was so close to them when I got to the door, when I found my hand at the door.
- Q Did they start to go home? A. Yes sir.
- Q Did you follow them? A. I followed Young--  
Q Where did you see Young? A. The last I saw of Young--  
Q After the struggle in the hallway, where was the first place? A. I don't know whether it was Young <sup>and</sup> Van Alstyne that was at the door when I went to open it.
- Q Somebody was at the door? A. Yes sir, front door.
- Q Was there a party at the door outside or inside the door?  
A. The party was outside and I was inside.
- Q All you know is that somebody was holding the door and you were trying to get it open? A. Yes sir, they didn't have time before I grabbed them.
- Q You think somebody held the door against you? A. Yes sir.
- Q Did you struggle to pull the door open? A. Yes sir.
- Q When you got the door open did you go out? A. Yes sir.
- Q Did you see anybody when you went out? A. I saw a party running down Eldridge Street.
- Q You saw a man running down Eldridge Street? A. Yes sir.
- Q Did you follow him? A. No sir, I followed Young.

**POOR QUALITY  
ORIGINAL**

0436

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- Q Did you see Young? A. Yes sir.
- Q How far was he from the door when ~~he~~ you saw him first?  
A. He was about four doors away from me.
- Q What was he doing? A. Running as hard as he could.
- Q Did you follow him? A. Yes sir.
- Q How far? A. To Peterson's, corner of Chrystie Street.
- Q Did you catch him? A. No sir.
- Q You lost sight of him? A. Yes sir.
- Q You did not catch him? A. No sir.
- Q When next did you see these two men after that time?  
A. I ain't seen him since.
- Q What I want to know is how long after that time before you saw them?  
A. I didn't see him until I had him arrested three weeks ago.
- Q He was arrested three weeks ago? A. Yes sir.
- Q That was the first time you saw him? A. I might have seen him, but I never took any notice of him in the saloon.
- Q What was the first time you saw him to know him? What was it--did you see him up to the time you saw him under arrest?  
A. I can't say whether I seen him or whether I did not; I could not swear to it.
- Q You saw him anyhow after his arrest three weeks ago?  
A. Yes sir.

- Q When next did you see Young after that night? A. I never seen him until I found him in that saloon.
- Q When was that? A. Last Sunday a week ago.
- Q You saw Young in a saloon? A. Yes sir.
- Q What did you say to him when you saw him? A. I said nothing to him when I saw him.
- Q Did you make a charge against Young? A. Yes sir.
- Q Charged him with robbing you of this money? A. Yes sir.
- Q What did Young say when you said that? A. He was asleep.
- Q In the station house when you made the charge against him of robbery he was asleep? A. N<sup>o</sup> sir.
- Q What did he say when you charged him with stealing \$490 from you; do you remember what he said? A. He said he didn't take it; that is all.
- Q You saw Van Alstyne under arrest, didn't you? A. Yes sir.
- Q Did you make a charge against him of robbery? A. Yes sir.
- Q Now, what did Van Alstyne say when you charged him with stealing your money? A. I don't remember what he said; whether he said anything or not.
- Q Did you ever see your money since? A. No sir; I have been offered something back.

(Stricken out.)

Q Are you positively sure that the two men who were in that hallway, one of them clutching you by the throat and the other rifling your pockets of \$490, were the two men now on trial? A. Yes sir.

CROSS EXAMINATION BY MR. FENNELL:

- Q Have you told us the entire truth respecting this transaction? A. Yes sir.
- Q Have you concealed from the Court and jury any fact which you think material? A. No sir.
- Q Now, were there two or three men in that hallway? A. There were two men I will swear to now, but whether there was a third one or not--I think there was a third one, but I could not swear to it.
- Q You never saw enough of a third man to identify him? A. No sir.
- Q When did you first tell the story of this robbery to any one? A. On the 26th day of March.
- Q The day succeeding the robbery? A. Yes sir.
- Q To whom did you tell the story? A. To Brown the first thing.
- Q Who is Brown? A. No. 153 East Houston Street.
- Q A saloonkeeper? A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0439

15

Q To whom else did you tell the story of this robbery?

A. I told it at the station house.

Q When? A. On the 26th.

Q Of March? A. Yes sir.

Q To whom did you tell the story then? A. Sergeant  
O'Hagan.

Q Do you know a man named Grundeman? A. Yes sir.

Q Is that the young man? A. Yes sir.

Q When did you accuse him of committing this robbery? A.  
I accused him at the time.

Q How many days after the robbery did you have this young  
man arrested, charging him with committing this robbery?  
A. When he came home from Florida.

Q When was that? A. I couldn't tell when he came home;  
the first time I seen him.

Q About when was it after the robbery? A. I suppose it  
is six months.

Q Six months after? A. Yes sir.

Q Did you cause the arrest of this man upon your own identi-  
fication? A. Yes sir.

Q What police officer made the arrest? A. Officer Morris.

Q Did you tell Officer Morris that Grundeman had robbed you?  
A. Yes sir, I told him Young too.

**POOR QUALITY  
ORIGINAL**

0440

16

- Q Did you tell him that Grundeman did? A. Yes sir.
- Q Did you tell him a word about Van Alstyne? A. No sir, I did not.
- Q You did not? A. No sir.
- Q About six months after this robbery you told Morris that Grundeman and Young had robbed you? A. I did not tell him the third party, I told him the two of them.
- Q Is that right? A. Yes sir.
- Q Did you give the names of these two men, Grundeman and Young? A. Yes sir.
- Q You didn't mention Van Alstyne's name? A. No sir.
- Q When did you first accuse Van Alstyne of this robbery? A. I accused him all along, but I could put my hands on him whenever I wanted him.
- Q Was that the reason that you concealed the facts in regard to the robbery by Van Alstyne from the police authorities? A. Yes sir, so as to get Young.
- Q Did you appear in the police court against Grundeman? A. Yes sir.
- Q And Grundeman was discharged? A. Yes sir, I told him I would not take an affidavit that he was the man.
- Q Were you with the officer when he made the arrest of Grundeman? A. No sir.

- Q Did you give Grundeman's name or merely a description?  
A. I gave his name.
- Q Did you know him before the robbery? A. Yes sir.
- Q How long had you known Grundeman before the robbery?  
A. I know him a couple of years.
- Q How long had you known Mr. Van Alstyne before the robbery?  
A. About a year.
- Q How long had you known Mr. Young before the robbery? A.  
About ten months.
- Q You knew these three men perfectly well and knew one from  
another? A. Yes sir.
- Q You knew where they lived? A. Yes sir.
- Q You knew their names? A. Yes sir.
- Q You were in this saloon on the corner of First Street and  
Second Avenue? A. Yes sir.
- Q Until how late at night? A. I should judge about half  
past eleven; it might have been later; I could not swear to  
that.
- Q How much later might it have been? A. I could not say.
- Q Might it have been as late as one or two o'clock in the  
morning? A. No sir, the saloon was wide open.
- Q Therefore, you think it was before one o'clock? A. Yes  
sir.

**POOR QUALITY  
ORIGINAL**

0442

18

Q How many drinks did you take in that saloon? A. About three or four.

Q What did you drink? A. Rhein <sup>and</sup> seltzer.

Q How many drinks did you have before you went to that saloon? A. I suppose I had two or three.

Q Can you tell me? A. I couldn't swear to it, no sir.

Q Where had you been that day; had you been working? A. No sir.

Q Where had you been? A. I had been home.

Q All day? A. Yes sir.

Q Were you out of work at that time? A. I could not work.

Q On account of your disabled hand? A. Yes sir.

Q When did you leave home that night? A. About eight o'clock.

Q In the evening? A. Yes sir.

Q Did you have money in a savings bank at that time? A. No sir.

Q Did you have a savings bank account? A. No sir.

Q Never? A. No sir.

Q Where did you receive the \$490 you say you had? A. I received it from my brother. I sold a piece of property.

Q What is his name? A. Edmund W. Allen.

**POOR QUALITY  
ORIGINAL**

0443

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- Q Is he in court? A. No sir.
- Q When you left the saloon you say they went with you? A.  
Yes sir.
- Q Young and Van Alstyne? A. Yes sir.
- Q Did you know that they were going with you? A. Not  
until we got outside I didn't know they were going with me.
- Q After you left the building and were on the way home did  
you know that they were going in your company? A. Yes  
sir.
- Q And you got to your hallway door? A. Yes sir.
- Q Did you go up the stoop, or is that even with the street?  
A. No sir, it is about four steps.
- Q Did they walk up the steps with you? A. No sir.
- Q You were alone on the steps? A. Yes sir.
- Q You opened the hallway door? A. Yes sir.
- Q And went right into the hallway? A. No sir.
- Q Did you leave the door open? A. Yes sir.
- Q Is there a spring to the door? A. No sir.
- Q How did the hall door open, just throwing it back?  
A. Yes sir.
- Q That door was open during all the time that you were in the  
hallway? A. Yes sir.
- Q How many people live in that house, Mr. Allen? A.

I could not say.

Q There are some people living in the house? A. I believe it is a double house; I could not say how many people live there.

Q They use one common hallway? A. Yes sir.

Q You say in your affidavit made in the police court that at about half past eleven o'clock deponent (meaning yourself) parted with said Young and Van Alstyne and went home. Deponent went into the hallway, and that suddenly said Young and Van Alstyne appeared. Now, you knew these men were with you down to the time you reached your house? A. Yes sir.

Q With whom were you living in this house, 154 East Houston Street? A. I was all alone at the time.

Q Are you married? A. Yes sir.

Q Where are you living now? A. I live up in the House of Detention.

Q Aside from that residence, which is merely since yesterday I believe, where do you live? A. I live in 119 Allen Street.

Q You were living there? A. Yes sir.

Q Up to the day you were taken to the House of Detention? A. I was stopping at Charles Brown's, 153 East Houston

Street.

Q Was your wife stopping there? A. No sir.

Q Is the woman with whom you were stopping at 154 East Houston Street your wife? A. I never was married to her, but I have lived with her for four years.

Q Is she your wife or not? A. She holds me as her husband; that is all I know.

Q Who were the two women in the saloon? A. I don't know sir.

Q I mean on the night of this robbery? A. I don't know sir.

Q Did they come with you? A. No sir.

Q Were they in the place when you came? A. Yes sir.

Q Did you treat them? A. Yes sir.

Q You say when you again reached the street after being struck in the hall you saw a man run down towards Crystie Street? A. Yes sir.

Q You saw another man run towards where? A. Towards Stanton Street.

Q Through Eldridge Street? A. Yes sir.

Q You say that man was Mr. Young? A. No sir, Mr. Young ran towards Second ~~xxxx~~ Avenue.

Q You cannot identify the man that went through Eldridge Street? A. No sir, not positively.

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Q Did you see this man running from the stoop, of your house?

A. Only Young and this one party that ran down.

Q These two men? A. Yes sir.

Q Now, Van Alstyne and Young were in your hallway; why don't you know who the second man running was? A. Well, I got kind of turned up in the head when I got that door in my face.

Q You are sure that the one man who was running was Young?

A. Yes sir.

Q Of the other man you are not sure? A. No sir.

Q How far did you chase this man who was running towards Second Avenue? A. I chased him up to the corner of Second Avenue, Peterson's saloon.

Q Second Avenue and what street? A. Second Avenue and Houston Street.

Q Did you then give up the chase and go home? A. Yes sir.

Q Did you go to bed? A. Yes sir.

Q Then you told no one the story of the robbery that night?

A. No sir.

Q When did you get out of bed the next day? A. About eight o'clock in the morning.

Q Where did you go then? A. I went over to Brown's 153 East Houston Street.

- Q What did you do there? A. I told Brown.
- Q How long did you stay at Brown's? A. I stayed there until Joseph Little came there.
- Q How long did you stay in Brown's? A. I suppose I stayed in there an hour.
- Q Did you drink while there? A. Yes sir, I had a couple of drinks.
- Q Where did you go after you left Brown's? A. I went around to Stanton Street.
- Q How long did you stay there? A. I stayed there until eleven o'clock.
- Q In the morning? A. Yes sir.
- Q Was that a beer saloon? A. Yes sir.
- Q Did you drink there? A. Yes sir, I had a glass of beer.
- Q After drinking in Stanton Street where did you go at eleven o'clock? A. I went to the station house.
- Q What time did you reach the station house? A. Half past eleven I should think.

EMANUEL MEYERS, a witness called on behalf of the People, being duly sworn, testified as follows.

DIRECT EXAMINATION BY Mr. BEDFORD:

- Q What precinct do you belong to? A. The Fourteenth.

Q This alleged robbery is said to have been committed on the night of March 25th; when was that alleged robbery brought to your official notice? A. About the 11th of September.

Q You didn't hear of it before? A. Yes sir, I heard of it.

Q It happened on the night of the 25th of March? A. Yes sir, I heard of it the next day.

Q You heard of it the next day, March 26th? A. Yes sir.

Q And in pursuance of certain instructions you received, what did you do? A. I went out looking for these men.

Q You started to look for these men? A. Yes sir.

Q Which two men were you looking for? Which two men did you start to look for? Whom were you instructed to arrest?

(Question objected to; ruled out.)

Q Who made this complaint? A. Joseph B. Allen.

Q On the complaint of Joseph B. Allen, made on the 26th of March, what did you do in consequence of it. When did you hear of this complaint of Allen? A. On the next day the 26th of March.

By the Court: Q. When did you first hear of this trouble?

A. On the 26th of March.

Q Did you speak with any person of it? A. Yes sir.

Q Did any one speak with you? A. Yes sir.

- Q Who was that person? A. Detective O'Hagan.
- Q Did you do anything--not what you said, Officer, but did you go any place or do anything in consequence of your talk with O'Hagan? A. Not until the 12th of September.
- Q You did something? A. Yes sir, I did something.
- Q On the 12th of September what did you do? A. I arrested Young and Van Alstyne.
- Q Where did you arrest Young? A. In the saloon corner of First Street and First Avenue.
- Q Did you tell him what you arrested him for? A. Yes sir, I says to him, "You are charged with robbing this man Allen of \$490." I says, "Where have you been all this time since the 25th of March," and he says "I went to Florida." I said, "What were you doing there?" He said "I was working there."
- Q Who said that? A. Young. I says, "What did you do with that money?" and he says "I didn't take the money." I says "How did you go to Florida," and he says, "Don't you think I had a couple of dollars to go to Florida with."
- Q Anything more? A. So I took him to the station house and locked him up and went in pursuit of Van Alstyne.
- Q Did you arrest him? A. Yes sir, on the same day.
- Q Where? A. In his room, 132 First Street.

Q What did you say to him? A. He says, "What is this?"  
I says, "You are charged with robbing Joseph B. Allen of  
\$490 last March on the 25th," and he says, "Well, I did not  
rob him." I says, "Well, he has charged you with robbing  
him," and he says, "I know he says I robbed him, but  
I hadn't anything to do with it."

Q Van Alstyne says that? A. Yes sir.

CROSS EXAMINATION BY MR. FENNEL:

Q Didn't Van Alstyne tell you he knew Allen was robbed be-  
cause Allen had told him so? A. He said he had heard of  
the robbery on the 25th of March last.

Q And he didn't tell you he told him about it? A. He did  
not.

Q He told you Allen told him of it? A. He said he heard  
it from Allen in the saloon where he was working.

Q Did he say when he had heard that from Allen? A. The  
next day after he was robbed.

Q How long do you know Mr. Van Alstyne? A. I know him for  
quite some time from seeing him around the precinct; I  
don't know him personally.

Q Did you see him during the past six months while on duty  
in the precinct? A. Yes sir.

Q How often, about? A. Every day or two or three days.

Q Did you see him near Hirschhorn's place where he was working? A. I saw him on that corner, yes sir.

Q Was he conducting himself during the past <sup>six</sup> ~~ten~~ months since the 25th of March as he had been theretofore? A. Yes sir. We did not want to arrest him until we got the other.

(Stricken out.)

Q He was conducting himself after March 25th down to the time of his arrest as he had been before March 25th?

A. I never knew him before March 25th.

Q He was about there between March 25th and September 12th?

A. Yes sir.

By the Court: Q. Van Alstyne said that he heard that this man was robbed? A. Yes sir.

Q He told you that he had heard it from the complainant?

A. Yes sir. I asked him "Where did you hear it from?" and he said "From Allen."

Q The next day? A. Yes sir.

By a Juror:

Q Were you instructed by the detective or Sergeant to watch Van Alstyne?

(Objected to; question ruled out.)

By Mr Fennell:

Q Did this complainant tell you anything about Grundeman taking part in this assault? A. He never mentioned Grundeman's name; he mentioned Young and Van Alstyne, and a man named Little.

Q He never told you anything about Grundeman taking part in this robbery? A. No sir.

THE PEOPLE REST.

Mr. Fennell: I move to dismiss on behalf of Van Alstyne on the ground that there is not sufficient evidence to hold him under the indictment. The People have not made out a case, which standing by itself is free from all reasonable doubt.

Motion denied; exception.

Mr. Fennell: I make the same motion on behalf of the defendant Young.

Same ruling; exception.

G E O R G E H A T Z E L, a witness called on behalf of the defendants, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. FENNEL:

- Q What is your business? A. City Marshal.
- Q How long have you been a City Marshal? A. Seventeen years.
- Q Continuously? A. Yes sir.
- Q You are attached to the court located at the corner of Second Avenue and First Street in this City? A. Yes sir.
- Q The court house building is directly opposite the saloon spoken of by the witnesses in this case? A. Yes sir.
- Q Do you know Frank Van Alstyne? A. Yes sir.
- Q How long have you known him? A. About twelve years.
- Q During the past six months have you seen Frank Van Alstyne? A. Yes sir, I saw him most every day.
- Q Where have you seen him? A. Corner of Second Avenue and First Street.
- Q At or near Hirschhorn's saloon? A. Yes sir.
- Q Have you seen him in the saloon? A. I have, yes sir, seen him in the saloon and around the court.
- Q Has he since March 25th been conducting himself as he had been theretofore in respect to his appearance? A. Yes sir.

Q You have known him for twelve years? A. Yes sir.

Q And he has been in your employ at times? A. Yes sir.

Q For how long? ~~For~~ A Well, he has been in my employ for about nine or ten years.

Q Do you know his reputation? A. Yes sir.

Q What is it for honesty? A. Good.

By Mr. Bedford:

Q In what employment was he? A. When we would have on dispossess proceedings he used to help along.

Q Is he a deputy? A. No sir, but he goes out on executions.

Q He is one of your deputies? A. One of my assistants.

JAMES MORRIS, called on behalf of the defendants, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. FENNELL:

Q How long have you been attached to the Police Department of this city? A. Seven years the first of next March.

Q To what precinct have you been attached since March of this year? A. The Fourteenth.

Q The station house being located at the corner of First Avenue and Fifth Street? A. Yes sir.

Q About four or five blocks from the place of this robbery?

A. Yes sir.

Q That is, five blocks north of Houston Street where the robbery is alleged to have taken place? A. Yes sir.

Q The house No. 154 East Houston Street is right near First Avenue? A. Just a little west but about the middle of the block; a little up from First Avenue towards Second.

Q Opposite Eldridge Street? A. Yes sir.

Q Allen Street runs into First Avenue? A. Yes sir.

Q That is a block just east of Eldridge Street? A. Yes sir.

Q Do you know Van Alstyne, one of the prisoners? A. Yes, I know him by the name of Frank.

Q How long have you know him? A. About four years I think I have seen him around there all the time.

Q Have you seen him since March 25th? A. Yes sir.

Q Where have you seen him? A. Corner of First Street and Second Avenue, I would be on post there.

Q That is Mr. Hirschhorn's saloon? A. Yes sir.

Q At that corner? A. Yes sir, I seen him there and I seen him at the court house some times.

Q How frequently have you seen him since March 25th? A. Two or three times a week; every other evening generally when I am on post up there.

Q Do you know the complainant, Mr. Allen? A. Yes sir.

When did you meet him for the first time? A. I iknew  
Allen I guess for two or three years.

Q You know him for two or three years? A. Yes sir, now and  
again sometimes.

Q Do you know this man Young? A. Yes sir.

Q How long have you known him? A. I used to see him hang-  
ing around there for a couple of years.

Q Do you know that Mr. Allen knew that you knew Van Alstyne  
and Young? A. Yes sir, he knew that I knew that I saw  
them in company with him many times.

Q When did Allen first speak to you about this ~~Alkxxxxxxx~~  
alleged robbery? A few days after it happened a detect-  
ive spoke to me first. He asked me if I knew Grundeman  
and Young. I said Yes. Then he told me if I seen them  
to arrest them. He asked me if I knew Allen and I said  
yes. He told me that they had robbed him. When I met  
Allen I asked him and he said yes, and that they had robbed  
him of so much money.

Q That they robbed him of so much money? A. Yes sir.

Q Were any names mentioned? A. Grundeman and Young, and t  
that both of them went away and they didn't return for  
five  
about ~~six~~ months, when they came back.

Q I understand you to say that the names of Grundeman and

Young had been given to you before you saw the complainant?

A. Yes sir.

Q Then when you saw the complainant you repeated the names to him, and asked him whether they had robbed him and he said yes? A. Yes sir.

Q What else did he say, Officer? A. We were looking to arrest him and he went away with Grundeman and when he came back I saw Grundeman and arrested him, and I went looking for the complainant. I caught him. He came ~~xxxxxxx~~ to the station house and identified Grundeman as one of the parties who robbed him. The next day when I brought him to court, and Young the other man who was arrested and went away-- that was about the middle of last month.

Q You arrested Grundeman? A. Yes sir.

Q Did you confront the complainant with Grundeman? A. Yes sir.

Q In the station house -- what did he say? A. He positively identified him in the station house; that he was one of the men who put his hand in his pocket.

Q Who robbed him? A. Yes sir.

Q Is that right? A. Yes sir.

Q You said something about the police court the next day?

A. The next morning he did not appear in court.

Q Who? M A. The complainant.

Q After he was positively identified by the complainant Grundeman was held over night? A. Yes sir.

Q And taken to court the next morning? A. Yes sir.

Q Up to that time did you hear ~~xxxx~~ of Van Alstyne in this case from the complainant? A. No sir, I told you how I heard about him.

Q Up to that time had the complainant mentioned Van Alstyne name? A. No sir, not until coming from court that afternoon in Grundeman's presence.

Q What was the first time? A. Yes sir.

By the Court:

Q You said you knew Allen, the complainant? A. Yes sir.

Q You knew Van Alstyne, the defendant? A. Yes sir.

Q And you had frequently seen them together? A. Yes sir, for some years back.

Q You have seen them together during some years? A. Yes sir.

Q Since March last have you seen them together? A. No sir, I haven't seen them together, but he usen't to go to the saloon any more.

Q You haven't seen them together since March? A. No sir.

ALBERT C. LOREY, a witness called on behalf of the defendants, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. FENNELL:

Q Where do you reside? A. No. 53 East Third Street.

Q You are a brother-in-law of the defendant Van Alstyne?

A. Yes sir.

Q You married his sister? A. Yes sir.

Q How long have you known him? A. About fourteen years.

Q Have you seen him during the past four months? A.

Yes sir.

Q How often? A. Every day.

Q Every day? A. Yes sir.

Q In the neighborhood of First Street and Second Avenue?

A. Yes sir.

Q How frequently did you see him in that neighborhood?

A. I saw him about every day. I saw him positively every day.

Q Every day with the exception of two short trips he took,

I believe, to his family? A. Yes sir, I met him then out in Jersey when he was there.

Q Where in New Jersey? A. In Rutherford Park, New Jersey.

Q He went and came back on the same day? A. Yes sir, he

went to see his parents.

Q And you met him there? A. Yes sir.

Q You know he returned the same day? A. Yes sir, I do.

F R A N K V A N A L S T Y N E, one of the defendants, being called and sworn, testified as follows:

DIRECT EXAMINATION BY MR. FENNELL:

Q How old are you? A. Thirty-four.

Q How long have you lived in the city of New York? A. Ever since I was born.

Q Do you know the complainant Allen? A. Yes sir.

Q How long have you known him? A. About a year.

Q Do you know Young about the same time? A. Yes sir, about the same time.

Q I will ask you, do you remember the evening of the 26th of March the day of the robbery? A. Yes sir.

Q On the 26th of March did you see the complainant? A. Yes sir, at the place where I was working in First Street and Second Avenue.

Q Officer Meyer states that the complainant told him that he had told you ~~that~~ of the robbery on the day following the robbery, is that so? A. Yes sir.

Q Where did you tell you? A. Right at 19 Second Avenue.

Q That was the day after the robbery alleged robbery? A.

Yes sir, he came in the store about half past four in the afternoon, or between the hours of four and five as near as I can recollect. He comes in there and says "Frank, will you have something to drink?" I says, "I don't mind."

Q Was he addressing you? A. Yes sir, he was addressing me. We had a drink together and he says; "I am in trouble" I says "What is the matter now, Joe?" and he said "I was robbed." I says "By whom?" He says, "I don't know because I was too drunk to know who robbed me." He didn't mention the men at all.

Q Did he mention the name of any person having robbed him?

A. No sir, he didn't mention the name of nobody.

Q Did you see him the night before? A. Yes sir.

Q Where did you see him? A. The night of the robbery you mean?

Q He told you on March 26th he was in trouble and had been robbed. He didn't know by whom? A. Yes sir, the night before I seen him with two women and a man; I don't know the man.

Q Do you know the women or the man? A. No sir.

Q Did he come into this saloon with these women and the man?

A. Yes sir.

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Q Where did they go in the saloon? A. They stood right at the bar, drinking Rhein wine.

Q How long did they stay? A. As near as my recollection goes about half an hour.

Q They went out together? A. Yes sir.

Q Did you stay in the place? A. Yes sir.

Q Did you leave the place that night until you quit working?  
A. No sir.

Q What time did you commence work? A. Five o'clock.

Q At about five o'clock? A. Yes sir.

Q Was that your regular time for starting work? A. Regular time, yes sir.

Q That week? A. Yes sir.

Q When did you leave the work? A. One o'clock in the evening.

Q Did you then go home? A. Yessir.

Q Where did you live at that time? A. No. 36 First Street.

Q Have you lived there ever since? A. Yes sir.

Q Did you leave the city at any time since March 25th?

A. Only to go and see my parents in Rutherford, New Jersey. I would go away in the morning and come back the same evening.

Q How many times did you make those visits since March 25th?

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A. About twice a month to see the folks.

Q When did you first hear of the charge made against you that you had robbed him? A. The night that I was arrested the 11th of September I was arrested in my own house, taken out of bed.

Q And when the complainant was treating these women and this man was he showing any money? A. No sir.

Q You didn't see any money? A. No sir, I did not.

Q Were you drinking with him? A. No sir.

Q Was Young drinking with him? A. No sir.

Q Was Young there? A. No sir.

Q Do you know this Grundeman? A. I know the gentleman, yes sir.

Q Did you see him that night? A. No sir, I did not.

Q Had you been at Allen's house before this robbery?  
A. Yes sir, I had been to his house.

Q How many times? A. Once.

Q On his invitation? A. Yes sir, I accompanied him on account of him saying his wife was sick.

Q Did Allen come into Hirschhorn's place after he told you he was robbed? A. He had been there a half a dozen times to my knowledge and bought drinks, went out and came back again, and he never made no remarks.

Q Did the complainant Allen see Young in that place after the robbery? A. Yes sir.

Q Did you see them together? A. Yes sir.

Q What were they doing together? A. He ordered him up to have a drink, and he never made no remarks in regard to the matter.

Q He treated Young how many times? A. I should say a dozen times.

CROSS EXAMINATION BY MR. BEDFORD:

Q Allen says he went into that saloon and that two women and you and Young sat at a ~~table~~ round table and had three or four treats; is that so? A. No sir.

Q It is not so? A. No sir.

Q Did you sit at the table at all? A. No sir.

Q He says that when he got up to go you and Young wanted to accompany him? A. No sir.

Q He said he didn't want you to go with him but you went to the door; is that so? A. No sir.

Q Did you and Young go into that hallway and one of you caught him by the throat and the other rifled his pockets of \$490? A. No sir.

Q In other words you deny ~~that~~ what he has asserted in regard to your being concerned in the robbery? A. Yes sir.

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- Q. Were you ever arrested before? A. Only for violating the excise law.
- Q. While working for a saloon keeper? A. Yes sir.
- Q. You say that after this robbery you have seen Allen Treating your Young in ~~the~~ saloon? A. Yes sir.
- Q. How often? A. I should say about--I cannot exactly recollect how many times; I should say three or four times.
- Q. When was the first time? A. I should say about two months ago.
- Q. How often about? A. I could not recollect that.
- Q. Now, once more I ask you, and this is as true as everything else you have said, that since the 25th of March, that is the night of the alleged robbery, you tell ~~us~~ his Honor and this jury that you had seen Allen frequently treating Young? A. Yes sir.
- Q. The man who is now on trial? A. Yes sir.
- Q. In your saloon? A. Yes sir.
- Q. What did they talk about? A. They had nothing to talk about to my knowledge.
- Q. Didn't you see him treat Young before the 25th of March and not after? A. I have seen him treating Young before, certainly.
- Q. And after, too? A. Yes sir.

Q After the robbery? A. Yes sir.

By a Juror:

Q Are there other bartenders in this saloon besides yourself?

A. The proprietor and myself.

Q Were there any others tending bar that night when he was there? A. Yes sir.

Q How many persons were in the room besides yourself? A. Mr. Hirschhorn himself.

Q He is on duty at night? A. Yes sir, we have it a week about, one week nights and one week days.

Q You are on one week nights and one week days? A. Yes sir.

Q Did you serve the drinks? A. Yes sir.

Q Was there any one there to carry the drinks from the bar to the table? A. I am the one that does that when there is a crowd there, and I go behind the bar also.

By the Court:

Q The Juror's question is hardly answered. He wants to know if anybody else was there that night working in the place? A. No sir.

Q Was Mr. Hirschhorn there? A. Yes sir.

Q Was he there that night behind the bar? A. Yes sir.

Q And you served the drinks? A. Yes sir.

H E N R Y Y O U N G, one of the defendants, being called and sworn, testified as follows:

DIRECT EXAMINATION BY MR. FENNEL:

- Q How old are you? A. Twenty-two.
- Q Where do you live? A. I live at 275 Elizabeth Street the last time until I was arrested.
- Q When you were arrested? A. Yes sir.
- Q Were you in the city the latter part of March of this year? A. Yes sir.
- Q How long did you stay in the city? A. About to the first or second of April.
- Q First or second? A. Yes sir.
- Q Where did you live then? A. No. 275 Elizabeth Street.
- Q In the same house to which you returned subsequently? A. Yes sir.
- Q Do you live with your parents at 275? A. I have no parents.
- Q When were you arrested, do you know the day? A. No sir; it is about three weeks Sunday; this Sunday three weeks about.
- Q Who arrested you? A. Officer Meyers.
- Q Did Officer Meyers ask you about this transaction at the time he arrested you? A. He never said a word. He came into the saloon and said "Are you Mr. Young?" and I

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says yes. This Joe Allen was in there, and he says,  
"That is the man," and he took me in.

Q Joe Allen was in the saloon? A. Yes sir.

Q With you? A. No sir, I was in the saloon when the de-  
tective and Allen came in.

Q How long have you known Allen? A. About a year, ten  
months or a year.

Q Where did you meet Allen during the year you knew him?  
A. I met him in Houston Street, in First Street and on  
Second Avenue in different places.

Q Did you meet him at this saloon spoken of by the witnesses?  
A. Yes sir, I met him there nearly every day, mostly in  
the night.

Q How often did you meet him there every week? A. About  
two or three times every week.

Q After March 25th, the day spoken about by the complainant,  
did you meet this man Allen in the same saloon? A. Yes  
sir.

Q How frequently? A. Well, I met him there about five  
days afterwards, and in the mean time for about four or  
five days.

Q At that same place? A. Yes sir.

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

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- Q In that place? A. Yes sir--every night I drank with him.
- Q Did Allen know where you lived and where you had been before the time he met you? A. Yes sir, he had been over to my house a couple of times drinking.
- Q Drinking with you? A. Yes sir.
- Q You had told him what your past career had been? A. Yes sir, he knew it.
- Q He knew you had been in trouble before? A. Yes sir.
- Q When did you leave New York City? A. I believe April first or second.
- Q You had no work at the time you left? A. No sir.
- Q How long had you been out of work? A. About two months.
- Q Now, what do you work at? A. Behind the bar in a saloon.
- Q Bartender? A. Waiter.
- Q Did you work at Hirschhorn's? A. Yes sir.
- Q When did you leave there? A. I worked there from about August till October.
- Q Of last year? A. Yes sir.
- Q You had known Hirschhorn and he had known you before that? A. Yes sir.
- Q When you came back to live at 275 Elizabeth Street, how long did you live there before your arrest? A. About

two or three weeks.

Q Did you during this two or three weeks go around to Hirschhorn's as before? A. Yes sir, every day and every night.

Q Did Allen see you during the two or three weeks between your return and your arrest? A. Yes sir, he seen me at Houston Street near First Avenue.

Q And in Hirschhorn's? A. No sir, not after I came back from the South.

Q Had you been drinking with him in Houston Street? ~~xxxxxx~~  
A. Yes sir. I had been drinking with him there.

Q In whose saloon was that? A. That is before I left.

Q After you returned? A. No sir.

Q You had not been drinking with him afterwards? A. No sir.

Q Where did you see him after you return? A. In Houston Street near Allen.

Q In whose saloon? A. Charlie Brown's.

Q Is that the Brown he speaks of in his statement? A. Yes sir.

Q Allen lives in the same house with Brown, or opposite?  
A. I could not say that.

Q Did you ever hear of a man named Hickey being accused of the crime of robbing the complainant? A. Yes sir.

Q When did you hear that? A. About November or December,

October, November or December some time about that time last year.

Q It was not this alleged robbery? A. No sir he claimed to have lost \$180 and a watch.

Q The complainant told you a man named Hickey robbed him last year? A. Hickey keeps a saloon.

Q Where does he keep the saloon? A. On Chrystie Street, near Grand or Canal, I don't know which, or Forsyth, I could not say.

Q Did you ever hear of the complainant being in trouble, being in the Tombs? A. Yes sir.

CROSS EXAMINATION BY MR. BEDFORD:

Q You are an ex convict? A. Yes sir.

Q How often have you been sentenced or sent to prison?  
A. Once.

Q Only once? A. Yes sir.

Q For what? A. For larceny.

Q Weren't you sent once for a burglary? A. No sir.

Q Weren't you sentenced once for four and a half years?  
A. No sir.

Q What term did you get? A. Five years--only once.

Q Didn't you get two and a half years for another burglary?

A. No.

Q You tell this jury you have never been sentenced but once?

A. Yes sir.

Q How long ago was that? A. Five years ago.

Q Were you in the saloon on the night of the robbery?

A. No sir.

Q You tell this jury you were not in that saloon on the 25th of March? A. No sir.

Q You did not see Allen there? A. No sir.

Q You did not sit down at a table with two women and Van Alstyne and have a drink? A. No sir, not that night.

Q I am talking of that night? A. No sir.

Q You didn't want to go with him and insist upon following him home? A. No sir.

Q You did not go in there and rob him either, you take the money or clutch him by the throat while he was being robbed? A. No sir.

I Q You deny the whole of it? A. Yes sir.

Q You say you drank with Allen since the 25th of March? A. Yes sir.

Q Where? A. In Hirschhorn's saloon.

Q How often? A. About five days after that night.

Q That is as true as anything else you have said? A. Yes sir.

Q You drank with him several times after the 25th of March?  
A. Yes sir.

By the Court:

Q You were sentenced five years ago for five years; when were you discharged? A. I am out fifteen months.

Q You served your time, less the commutation? A. Yes sir, I am out sixteen months.

By Mr. ~~xxxxxx~~ Fennell:

Q I asked you in your direct examination whether Allen knew the life you had been leading before he met you? A. Yes sir.

Q He knew of the facts of your career, he was acquainted with them? A. Yes sir.

Q On the night of the 25th of March where were you? A. Down at Atlantic Garden.

Q What time did you go there? A. Half past nine.

Q Do you know how long you stayed? A. Till about twelve.

Q Where did you go then? A. I walked right across into Elizabeth Street and went up to Houston Street where I lived.

Q Your house being in Elizabeth Street near Houston Street?

A. Yes sir.

By Mr. Bedford: Q. Who was with you at the Atlantic Garden?  
Myself.

Q Who else? A. Nobody.

Q Did you meet anybody there that you had a conversation with?  
A. No sir.

Q You didn't meet a soul? A. No sir.

Q What time did you go there? A. About nine o'clock.

Q How long did you stay there? A. I would not be sure  
whether it was twelve or after.

Q You didn't talk to a soul? A. Yes sir, I spoke to a girl  
down there.

Q Did you know the girl before? A. No sir, I just met her  
down there.

Q Don't you know who she is? A. No sir.

Q How long were you talking with her that night? A. About  
two hours.

Q Do you know who the waiter was who waited on the table--  
did you treat her? A. Certainly.

Q Well then, did a waiter wait on you? A. No sir, I  
didn't know him personally.

Q Did you know the proprietor of the Atlantic Garden?  
A. No sir, I didn't know him.

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ORIGINAL**

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Q Where were you on the 24th of March? A. Up in 24th  
Street.

Q What number? A. 314.

Q Who lives there? A. Mr. and Mrs. Van Wagener.

Q What were you doing there? A. I paid them a visit.

H E N R Y G R U N D E M A N, a witness called on behalf of the defendant, being duly sworn, testifies as follows:

DIRECT EXAMINATION by Mr. Fennell.

Q How old are you? A. Twenty-three.

Q Where do you live? A. No. 100 East 8th Street.

Q Do you know Allen, the complainant? A. Yes, sir

Q How long have you known him? A. About two years.

Q You have known him to speak to? A I have known him by sight about a year, and have known him to talk to about nearly a year.

Q Have you frequently talked with him during the year you knew him? A No, sir.

Q You greeted each other as you met? A. Yes, sir

Q You were arrested? A. Yes, sir, I was arrested.

Q When were you arrested? A. About six or seven weeks ago.

Q Who arrested you? A. Officer Morris

Q And after your arrest did he bring the complainant to the station house? A. Yes, sir.

Q I mean Mr. Allen? A. Yes, sir.

Q Did Allen identify you? A. Yes, sir.

Q As one of the men who had robbed him? A. Yes, sir.

Q Was he positive in his statement? A. Yes, sir, down in the station house he was.

Q You were locked up for the night? A. Yes, sir.

- Q Was Allen perfectly sober when he identified you as one of the men? A. No, sir.
- Q He was not sober? A. No, sir.
- Q Officer Morris states he was. A. Well, he had a few drinks in.
- Q Did you see Mr. Young on the 25th of March? A. No, sir.
- Q Did you see him the latter end of March? A. I seen him about the 30th of March.
- Q Where did you see him? A. Around 1st Street.
- Q You were not a daily companion of his? A. No, sir.
- Q Or a companion at all? A. No, sir.
- Q You were discharged by the Police Magistrate? A. Yes, sir.

CROSS-EXAMINATION by Mr. Bedford.

- Q Allen did not appear -- he only identified you at the station house and did not put in an appearance the next day? A. No sir, not until about 3 o'clock. I was remanded back and at 3 o'clock an officer had to go for him and he swore to an affidavit that I was the wrong man.
- Q Are you an ex-convict? A. No, sir.

R E B U T T A L.

J O S E P H B. A L L E N, the complainant, recalled.

By Mr. Bedford.

- Q You have testified that this robbery was committed on March

25th. From that day until this moment did you ever treat young? A. No, sir, I never have seen him. I never laid my eyes on him until the day he was arrested.

Q On September 12th? A. Yes, sir; he was sleeping on the corner of 1st Street and 2nd Avenue.

Q He has testified that you often treated him in this saloon after March 25th? A. No, sir.

Q You not only never treated him but you never saw him until September 12th? A. No, sir.

By Mr. Fennell:

Q You say he was asleep on the corner of 1st Street and 1st Avenue? A. Yes, sir.

Q Who do you speak of? A. Young.

Q Where was he arrested? A. In a saloon corner of 1st Street and 1st Avenue.

Q You remember the day of his arrest? A. Yes, sir, I know it was a Sunday, I don't know the date.

Q Have you ever been arrested? A. Yes, sir, I was arrested once.

Q Were you held on that arrest? A. My wife held me.

Q How long do you know this man Young? A. I know Young about a year, I suppose ten months.

Q About the time he came down from State prison? A. Yes, sir, I guess so.

- Q Did you not afterwards have many a drink with him at times?  
A. Yes, sir, in Hirschhorn's sometimes when I stopped there.
- Q You treated him? A. Yes, sir.
- Q You knew he had been to State prison? A. No, sir.
- Q You never heard of that? A. No, sir; I didn't know who the man was only by his standing there talking with me.
- Q He being a total stranger to you? A. Yes, sir.
- Q You treated him? A. Yes, sir.
- Q What do you work at? A. Steam fitting.
- Q How frequently did you meet this man Young in that saloon and treat him? A. I used to be around there very nearly every night.
- Q You knew nothing about his past career? A. No, sir, I never tried to find out anything about him.
- Q You never heard of it? A. No, sir, I heard it after I had him arrested.
- By the Court:
- Q On this night that you state you were robbed, were you sober?  
A. Well, I wasn't drunk and I wasn't sober.
- Q You knew what you were doing? A. Yes, sir.
- Q This amount of money you had was considerable money, wasn't it? A. Yes, sir.
- Q A good deal of money for you? A. Yes, sir.
- Q You were not in the habit of carrying that amount of money

- about you? A. Yes, sir; I have carried thousands with me.
- Q Belonging to yourself? A. Yes, sir
- Q What were you doing for a living? What was your daily occupation? A. Steam fitting.
- Q What wages did you get? A. \$3.50 a day.
- Q And this amount of money was a considerable amount of money to you -- it represented a good deal of work? A. Yes, sir; I got ~~that~~ money to see me through with my hands.
- Q For that purpose? A. Yes, sir.
- Q And as soon as this struggle was over you missed your money, you knew that it was gone? A. Yes, sir.
- Q You knew VanAlstyne? A. Yes, sir.
- Q You knew where he worked? A. Yes, sir.
- Q You knew Young? A. Yes, sir.
- Q Did you know where Young lived? A. I knew where he was living at the time before he robbed me.
- Q You had been to his house? A. Yes, sir.
- Q You did not go either to this saloon or to Young's house on that night? A. No, sir.
- Q You did not do anything in relation to the money until you met this man the next day and told him? A. Yes, sir.
- Q Then you told the policemen? A. Yes, I went around to the station house.
- Q After you discovered you were robbed you followed the men for

a little while -- did you make any outcry? A. No, sir.

Q Did you see any policeman? A. No, sir.

Q Then you came back and went to bed? A. Yes, sir.

By Mr. Fennell:

Q Did you see VanAlstyne the day after the robbery and tell him you had been robbed? A. I seen him the day of the robbery; he got a woman for me to come and wash and clean up the room.

Q Did you see VanAlstyne and tell him you had been robbed?  
A. No, sir.

Q Officer Myer testifies that you told him you met VanAlstyne the day after the robbery and told him you had been robbed?  
A. No, sir.

Q Officer Myer is mistaken in that regard? A. Yes, sir.

Q Are you in the habit of drinking to excess? A. No, sir.

Q Do you consider that you were sober on the night of this occurrence? A. I was sober enough to take care of myself without any assistance.

Q Were you sober yesterday when you came into the court?  
A. I was not drunk.

Q You knew all you were doing and were fully able to take care of yourself yesterday? A. Yes, sir.

Q How many drinks did you have yesterday morning before coming into court? A. I had two drinks.

**POOR QUALITY  
ORIGINAL**

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Q What were they?

A They were whiskey.

TESTIMONY CLOSED.

Mr. Fennell: I make the same motion that I  
made at the close of the People's case.

Motion denied. Exception.

The jury disagreed.

**POOR QUALITY ORIGINAL**

0483

*Are there any other...*

275

Stenographer's Transcript.

189

25th 26th  
7th 8th

*Mr. Gibson's Copy*

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**STENOGRAPHER'S MINUTES.**

*Court of General Sessions,*

*Part 2*

*The People*  
*vs*  
*Henry Young*

BEFORE

*Hon. Frederick Smyth,*  
*and a Jury*

*Oct. 10th, 1892*

WITNESSES

Direct. Cross. Re-Direct. Re-Cross.

<i>Joseph D. Allen,</i>	<i>4</i>	<i>15</i>		
<i>Officer Francis Hagen,</i>	<i>63</i>	<i>66</i>		
<i>Officer Emanuel Meyer,</i>	<i>69</i>	<i>73</i>		
<i>Defense</i>				
<i>Charles A. Brown,</i>	<i>114</i>	<i>—</i>		

*(Frank S. Beard, Official Stenographer)*

POOR QUALITY ORIGINAL

0485

COURT OF GENERAL SESSIONS OF THE PEACE---Part 11.

In and for the City and County of New York.

\*\*\*\*\*

THE PEOPLE,  
vs.  
HENRY YOUNG,  
(Jointly Indicted with)  
(Frank A. Van Alstyne.)

Before  
HON. FREDERICK SMYTH,  
and a Jury.

\*\*\*\*\*

TRIED OCTOBER 10TH, 1892.

INDICTED for ROBBERY IN THE FIRST DEGREE.

INDICTMENT FILED SEPTEMBER 16TH, 1892.

\*\*\*\*\*

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY HARRY W. MACDONA,

For THE PEOPLE.

CHARLES F. KINSLEY, ESQ.,

For THE DEFENSE.

\*\*\*\*\*

**POOR QUALITY  
ORIGINAL**

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MR.KINSLEY: I want to state to the Court, before I go into this case, that owing to the fact that this case is of long standing--- it is about six or seven months ago since the alleged crime was committed---that I have not had time or opportunity to investigate the case,, and have not produced some witnesses who could testify to the character of this man(indicating the defendant).

THE COURT: Well, if he should happen to be convicted, I will hear all you have to say about character before he is sentenced. This is the case that you asked to have set down peremptorily for to-day?

MR.MACDONA: Yes, sir; this is the case.

MR.KINSLEY: (This case was tried about two weeks ago, gentlemen, downstairs, and it is the case of The People against Henry Young and Frank A. Van Al-

**POOR QUALITY  
ORIGINAL**

0487

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styne. I want to ask if any of you remember to have  
heard about the case?

A

(No answer.)

MR.KINSLEY: The Jury is satisfactory to me.

\*\*\*\*\*

**POOR QUALITY  
ORIGINAL**

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JOSEPH B. ALLEN, called by The People, being duly sworn,  
testified as follows:

D i r e c t E x a m i n a t i o n .

BY MR. MACDONA:

Q What is your name? A. Joseph B. Allen.

Q Where do you live?

A I live at 173 Allen Street.

Q And where did you live on the 25th of March, last?

A 154 East Houston Street.

Q In this City? A. Yes, sir.

Q Now, did you on the night of the 25th of March, last,  
see this defendant? A. Yes, sir.

Q Where did you first meet him on that night?

A In Hirschorn's, First Street and Second Avenue.

Q What sort of a place is that? A. A lager beer  
saloon.

Q When did you meet him?

A At about half-past 10.

Q In whose company did you meet him?

A In van Alstyne's, and a couple of young girls.

Q Were you sober when you met him?

A I had about three or four drinks.

MR.KINSLEY: I object to that. It is very  
suggestive.

(Allowed.)

(Exception.)

BY THE COURT:

Q Were you sober when you met him that night?

(Objected to.)

(Allowed.)

(Exception.)

A I was not.

BY MR. MACDONA:

Q You were not? A. No, sir.

Q You knew what was going on; didn't you? A. Yes, sir.

Q Did you treat these people?

(Objected to, as leading.)

(Objection sustained.)

Q When you went into this place at half-past 10 o'clock,  
in the evening, and found this man, Young, and Van Alstyne,

**POOR QUALITY  
ORIGINAL**

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and the two women, tell us what occurred---everything that you remember.

A Well, I had four or five drinks, and I got enough, and I went home.

Q Well, did you pay for any of the drinks?

A Yes, sir; I paid for all of them.

Q How much money did you have in your possession when you went into that place?

A I had about \$500.

Q In bills? A. Yes, sir.

Q Well, was it all in one pocket?

A No, sir. I had \$490 in one pocket.

BY THE COURT:

Q Where was that pocket?

A The right hand pocket of my pantaloons; there was an elastic around it.

BY MR. MACDONA:

Q Well, where did you have the rest of it?

A In the top pocket of my vest---the left top pocket.

Q Now, do you remember what pocket you took the money out of that you paid for the drinks with?

**POOR QUALITY  
ORIGINAL**

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A Out of my top vest pocket.

Q Do you recall any of the conversation that you had with these two young men---about where you had been?

A They knowed where I had been.

THE COURT: No. One moment.

BY THE COURT:

Q Was anything said; and, if so, what, by either you or the young men, as to where you had been?

A I don't remember what was said---only what we were talking about.

Q Well, what were you talking about?

A I don't remember it exactly.

BY MR. MACDONA:

Q You just said to the Judge that they knew where you had been. How did they know that?

(The answer is objected to, as an assumption.)

(Objection sustained, and the answer is stricken out, by order of the Court.)

BY THE COURT:

**POOR QUALITY  
ORIGINAL**

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Q How long have you known this man, the defendant?

A I have known that man ten months or a year.

Q And Van Alstyne?

A About the same.

Q And where were you before the 25th of March? You said something just now about the country.

A I was at Eatontown, New Jersey.

Q And what was your business there?

A I went down to sell a piece of real estate to my brother.

Q When was that?

A On the 22nd of March.

Q When did you return to this City?

A On the 24th of March.

Q Was the money that you had with you on the night of the 25th of March money that you had received from the sale of the property? A. Yes, sir.

Q Now, where did you meet those men in New York, after your return from Eatontown?

A On the 25th of March.

Q That was the first time after your return? A. Yes, sir.

Q Now, you said, a moment ago, something to the effect that they knew where you got this money.

(The answer is objected to, as containing an assumption, and a motion is made to strike it out.)

(The motion is granted, and the answer is stricken out, by order of the Court.)

BY MR. MACDONA:

Q Do I understand you to say that you do not recall any of the conversation that occurred between you and these men on that night?

(Objected to.)

(Allowed.)

(Exception.)

A Well, I seen Van Alstyne the 25th day of March, and he got a woman for me to clean up the room and to the washing.

Q When did you see him that day at all before that?

A About 9 o'clock that morning.

Q Was Young with him then? A. No, sir.

Q Well, what time did Van Alstyne leave you that day?

(Objected to.)

(Allowed.)

(Exception.)

A Van Alstyne left me right away. He went over to 26  
2nd Avenue, and got me a washerwoman. She came there  
about half-past 9, and stayed until half-past 3.

(Objected to.)

(Allowed.)

(Exception.)

Q You remained in your room all that time?

A No, sir. I was back and forwards to Brown's, 153  
Houston Street.

Q Well, now, as near as you can remember, how long did you  
remain in the saloon?

MR. KINSLEY: In what saloon?

MR. MACDONA: In the only saloon in this case  
so far.

A I should judge about two hours.

Q Then it was about half-past 12 that you left?

A It might have been later than that, or earlier.

Q What is your recollection of the time?

A Well, about half-past 11. I went in about half-past 10.

Q Then, you remained in there about an hour?

A I think it must have been longer than that--well,  
about that time.

Q Well, then, you left Hirschorn's saloon to go home? A.  
Yes, sir.

Q And who were with you, if anybody?

A The defendant at the bar, and Van Alstyne.

Q Do you remember the streets that you went through?

A Yes, sir. I went up from First Street to Houston, and  
turned down Houston Street to the house.

Q Turned East in Houston Street? A. Yes, sir.

Q Did you have any conversation with Young or Van Alstyne?

A No, sir. I don't know what we were talking about.

Q You do not remember a word about it? A. No, sir.

Q What do you remember of any occurrences from the time  
you left the saloon until you got to the house door?

BY THE COURT:

Q Well, did you get to the house door? A. Yes, sir.

Q Do you recollect that? A. Yes, sir.

Q Did you go upstairs? A. No, sir.

Q Did you stay at the door?

A No, sir; I went into the hallway.

Q Did these two men go in there with you?

A No, sir; they came in as soon as I got in.

Q Well, you got into the hall? A. Yes, sir.

Q You recollect that? A. Yes, sir.

Q How long were you in the hall before those two men got in?

A Oh, About a minute.

Q Now, did anything happen in the hall? A. Yes, sir.

Q Well, tell the Jury what it was.

A I was grabbed by the neck, and struck with some blunt instrument, and I felt a hand go into my pocket, and I went to resist the blow, and I grabbed something which felt like a crooked iron, like a crowbar.

BY MR. MACDONA:

Q Now, was there any conversation, at that time---anything said?

A Van Alstyne asked me---he said, "Give me the key. I will open your door." And I said, "I don't want you to

open it. I will open it myself."

Q Who was with Van Alstyne?

A Henry Young.

Q The prisoner at the bar? A. Yes, sir.

Q Were you stunned by that blow? A. Yes, sir.

Q Now, after you were hit, what became of Young and Van Alstyne?

A Why, they ran to the door, and Van Alstyne was out ahead--- and one of them was out---I wouldn't swear which---but Young was the only one that I could recognize after I got outside of the door. When I grabbed the door the door was banged right in my forehead here(indicating), and I was drove back again, and when I got out again Young was about 20 feet away, running.

Q Did you pursue him?

A He was running.

Q Did you chase him?

A Yes, sir; I chased him to Chrystie Street.

Q And why didn't you continue?

A Well, he was too far ahead of me. He was half a block ahead of me then.

**POOR QUALITY  
ORIGINAL**

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Q Well, he made headway on you? A. Yes, sir.

Q You felt in your clothes immediately after that, did you?

A Yes, sir.

BY THE COURT:

Q Well, did you find your money or not?

BY MR. MACDONA:

Q Did you miss the \$490? A. Yes, sir.

BY THE COURT:

Q When you felt the hand go into your pocket, as you stated, which pocket did it go into?

A The right pants pocket.

Q Where the \$490 was? A. Yes, sir.

Q Was there any light in the hall? A. No, sir.

Q Was there a light from outside when the hall door was open?

A Yes, sir; a light from the street.

Q Was there light enough for you to distinguish Young? A. Yes, sir.

(Objected to.)

(Allowed.)

(Exception.)

BY MR. MACDONA:

Q When did you next see Young?  
A I saw Young on the 18th day of September.  
Q Did you immediately after that report the case to the police?  
A I went right away to the police.  
Q You went right away to the police? A. Yes, sir.  
BY THE COURT:  
Q The same night?  
A It was the 18th day of September---  
Q Let us see. It was the 25th of March that you lost your property? A. Yes, sir.  
Q And when did you report the loss to the police?  
A The 26th day of March.

\*\*\*\*\*

Cross - Examination.

BY MR. KINSLEY:

Q Haven't you any home?  
A Yes, sir; I have got a home.  
Q Where is it? A. 173 Allen Street.

Q Since when?

A Since I come from the House of Detention.

Q And how long have you been from the House of Detention?

A I come from there Friday.

THE COURT: You must open your mouth, witness,  
and speak so that those gentlemen can hear  
you. They are all leaning forward in  
their seats, unable to hear you.

BY THE COURT:

Q When were you put in the House of Detention?

A On the 19th day of September.

Q You were there until last Friday? A. Yes, sir.

BY MR. KINSLEY:

Q Last Friday you came from the House of Detention? A.

Yes, sir.

Q You are now living where---what was the number that you  
said?

A 173 Allen Street.

Q Where did you live before that?

A At 119 Allen Street.

Q That was before your arrest, was it. A. Yes, sir.

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ORIGINAL**

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Q Where did you live at the time of this alleged robbery?

A At the time that I was robbed?

Q Well, yes---the time that you say you were robbed.

A 154 East Houston Street.

Q Did you ever live at 153? A. No, sir.

Q That is directly opposite?

A Well, I stayed there with Mr. Brown.

Q Well, you lived there as much as you lived at 154?

A No, sir; I didn't

Q Well, you stopped there? A. Yes, sir.

Q And that is directly opposite? A. No, sir.

Q Well, it ought to be.

A No, sir; it is down the street half a block.

Q Is it? A. Yes, sir.

Q Well, then, when you made this complaint, do you remember to have said that you stopped at 153 in one part of your affidavit when you were asked where you resided, and in the other part you testified that you resided at 154? Do you want to explain that? I suppose you do.

A Well, I was stopping at 153 when I made the last---

Q Well, I am speaking of the affidavit sworn to on the 13th

**POOR QUALITY  
ORIGINAL**

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day of september, 1892. Do you remember that; don't you?

A Yes, sir.

Q How is your memory?

A My memory is all right.

Q It is? A. Yes, sir.

Q Well, I am glad to hear that. Now, so much as to the place of your residence. When you made this affidavit, it was between 153 and 154. Is that right?

A Yes, sir; the two of them.

Q That is right? A. Yes, sir.

Q Then you had another residence, too---you lived in Allen Street.

A I lived in Allen Street this summer, also.

Q Well, that is, you had a residence there when you felt like going there?

A No, sir; only when I lived there.

Q Well, you were there before this occurrence?

A Yes, sir; 119 Allen Street.

Q Well, you have been there since?

A No, sir; not in 119.

Q No, I don't want to confine you to one residence. You have several residences here, in the City of New

York?

A No, sir; I have not. I have only one residence.

Q You don't belong to New York?

A I do belong to New York. I have been here since I was 14 years old.

Q Oh, No; you haven't.

THE COURT: Now, one moment. He says that he has. You cannot testify.

MR.KINSLEY: But he is going to testify to that. I will bring that out.

THE COURT: No. That is not the right way to proceed.

MR.KINSLEY: I know that it is not right. I will retract that, and apologize to the Court. But I will bring it out, if Your Honor will permit me.

THE COURT: Well, bring it out in the proper way.

MR.KINSLEY: I will.

BY MR.KINSLEY:

Q How long have you been out of the State of New York?

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A I have been out of the State of New York, on steamships,  
as assistant engineer.

Q Where have you been to?

A To the West Indies, and I ran on the Quebec Line for  
five years.

Q Run to the West Indies?

A Yes, sir; and to Bermuda.

Q And you sailed out of New York? A. Yes, sir.

Q And you never resided in New Jersey?

A Not since I was fourteen years old.

Q You were not born in New York?

A No, sir; in Monmouth County, New Jersey.

Q You have been in New York, you claim, since you were 14  
years of age.

A Yes, sir; in the State of New York.

BY THE COURT:

Q Except when you were at sea, I suppose? A. Yes, sir.

BY MR. KINSLEY:

Q You are a seafaring man, I suppose?

A Yes, sir; part of the time I followed the water.

Q Well, what is your particular occupation?

A I worked at steam fitting for the last couple of years.

Q And when you go aboard ship, you go aboard to do steam fitting?

A No, sir; I go aboard as Assistant Engineer.

Q Now, were you ever in the West? A. No, sir.

Q Is New York the only State that you have ever been in?

A In New Jersey.

Q No other State? A. No, sir.

Q You are sure of that?

A I never lived in any other State than that.

Q Were you ever in any other State? A. No, sir.

Q You never lived in the West Indies? A. No, sir.

Q You were never there for any considerable time? A. No, sir.

Q Are you a married man? A. No, sir.

Q Where did you say you got this money---\$490, you say you had? A. Yes, sir.

Q You had two sums of money?

BY THE COURT:

Q You had \$490 in one pocket? A. Yes, sir.

Q And what was the other amount? A. \$60.

BY MR. KINSLEY:

Q You had \$500 in one pocket?

A No, sir; \$490 in one pocket, and \$60 in the other pocket. I got a check from the executor of the estate for---

Q And the \$490 is the sum that you are talking about now?

A Yes, sir; the sum that I lost.

Q And you had that in your right pants pocket? A. Yes, sir.

Q We are speaking now of the 25th of March. Of course, you understand that?

A I know that is so, of course, sir.

Q Well, we are speaking of that time now, aren't we? A. Yes, sir.

Q Well, where were you when you received this money?

A I was at Red Bank, New Jersey.

Q In the morning? A. Yes, sir.

Q In the morning? A. Yes, sir.

Q And what time did you get to New York?

A I took the 2 o'clock train from Red Bank, and got here 10 or 15 minutes after 3.

Q And where did you go then?

A I went home.

Q Where is that?

A 154 East Houston Street.

Q At 2 o'clock, in the afternoon? A. Yes, sir.

Q And how long did you remain there?

A I remained there back and forth between that and Mr. Brown's until I was ready---

Q Well, it seems to me that you do not understand my question.

BY THE COURT:

Q How long did you remain in the house? You came from Red Bank, New Jersey? A. Yes, sir.

Q And how long did you remain in the house?

A About half an hour, and then I went to Brown's.

Q That is a saloon, is it? A. Yes, sir.

BY MR. KINSLEY:

Q And you say that you went to your home after you came from Red Bank? A. Yes, sir.

Q And remained there half an hour? A. Yes, sir.

Q And then you went to Brown's---is that right? A. Yes.

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sir.

Q And how long did you remain in Brown's?

A Well, I don't know how long I remained there. I stayed around at Brown's and over at the house until the following morning.

Q Well, do the best you can about hours anyhow. I don't care anything about minutes. Remember all you can, because we all want to know what you know. You remained there. It was in the afternoon, anyway, was it not? A. Yes, sir.

Q And you remained in Brown's for some time? A. Yes, sir..

Q And where did you go after that?

A I went home.

Q And that was to 154? A. Yes, sir.

Q That is what you call your home?

A It is.

Q Now, what time was that?

A Well, it might have been 10 or 11 o'clock that night, I suppose.

Q Oh, It might have been? A. Yes, sir.

Q Now, then, are we to understand that from 2 o'clock or half-past 2 o'clock, the time that you left your home, and went to Brown's, that you remained in Brown's until that time in New York?

A I wasn't in New York at 2 o'clock. I was in Red Bank.

Q I thought you said that you did.

THE COURT: No; he told you the train he took, and the time he arrived in New York.

BY MR. KINSLEY:

Q Well, what time was it that you went into Mr. Brown's?

BY THE COURT:

Q Now, wait a moment. What time did you leave your house in Houston Street?

A I suppose about 3 or 4 o'clock.

Q Did you go to Brown's then? A. Yes, sir.

Q Directly, then, to Brown's? A. Yes, sir.

Q Now, how long did you stay in Brown's before you left it? Did you leave more than once?

A Well, I was over to the house a couple of times---back and forth.

Q And the first time that you got to Brown's, how long did you stay?

A About an hour or an hour and a half.

Q And then you went back to your house in Houston Street? A. Yes, sir.

Q How long did you stay in the house then?

A Long enough to put on some clean clothes.

Q And how long did that take you?

A About half an hour.

Q And then where did you go---back to Brown's? A. Yes, sir.

Q And what time was it that you then got there?

A Oh, I suppose about 5 o'clock.

Q About 5 o'clock? A. Yes, sir.

Q And then how long did you remain in Brown's?

A I remained there until it closed up.

Q And didn't you go out until you went out to go home and were robbed, as you claim, at your house?

A No, sir; that was on the 24th.

THE COURT: Now, he is talking of the 24th.

MR.KINSLEY: And I was talking about the 25th.

BY MR. KINSLEY:

Q I told you the 25th.

A You were talking of the 24th, I thought---when I got my money at Red Bank.

Q No. I called you down to the day that you lost your money---the 24th or 25th---which was it?

A The 25th that I lost my money.

Q That is the day I am speaking of. You were at home and over at Mr. Brown's? A. Yes, sir.

Q Now, it was the same thing. You will go over the same thing again, wont you? You were in Brown's on the 25th?

A Yes, sir; I was at Brown's on the 25th---all day.

Q Now, we are talking of the day that you say you were robbed.

A I were robbed

BY THE COURT:

Q Now, when did you go to Brown's, on the day that you were robbed?

A I was over at Brown's the first thing.

Q Well, what time was it?

A About half-past 7 or 8 o'clock in the morning.

THE COURT: Now, you have got him started on that day. Go on.

BY MR. KINSLEY:

Q Well, now, you are all right. You know, now, that we are talking of the 25th? A. Yes, sir.

Q The day of the night that you were robbed? A. Yes, sir.

Q Now, you understand? A. Yes, sir.

Q So that, at half-past 8 you were at Mr. Brown's? And where did you go from there?

A I went up to Hirschorn's.

Q Where is that?

A Corner First Street and 2nd Avenue.

Q What is that---a saloon? A. Yes, sir.

Q And how long did you remain there?

A I remained there long enough to get a segar, and Van Alstyne walked across the street with me, and got a washer-woman for me.

BY THE COURT:

Q Now, how long did you remain there?

A About 10 minutes.

MR.KINSLEY: I move to strike that out. I  
didn't ask all that. Well, never mind.

BY MR.KINSLEY:

Q Well, where did you go then?

A I went home.

Q To 154 East Houston Street? A. Yes, sir.

Q And this was in the forenoon? A. Yes, sir.

Q How long did you remain home?

A Well, I waited there for about half an hour for the  
woman.

Q And did you change your clothes?

A No, sir; I waited for the washerwoman to come.

Q And she got there about half-past 9? A. Yes,  
sir.

Q And where did you go then?

A Over to Brown's.

Q And how long did you remain there then?

A About half an hour.

Q And then where did you go to?

A I come over home.

Q Back again to 154? A Yes, sir.

Q That is right? A. Yes, sir.

Q And what did you do there?

A I stayed there about half an hour, and I went up then and bought me some clothes---underclothes and things.

BY THE COURT:

Q Where did you buy them?

A In the Bowery.

BY MR. KINSLEY:

Q That was about noon, was it?

A About half-past 11.

Q You weren't drinking anything, of course?

A No, sir; not a drop.

Q When you went into Brown's saloon, and the other saloon you went into smoke, I suppose? A. Yes, sir.

Q And where did you go after you bought your underclothes?

A Back to 154.

Q What did you do then?

A I stayed there about half an hour, and went over to Brown's then.

BY THE COURT:

Q Did you change your clothes, or anything like that?

A No, sir.

BY MR. KINSLEY:

Q Well, you went over to Brown's, then? A. Yes, sir.

Q To 153? A. Yes, sir.

Q And what did you go in there for---a segar?

A No, sir; I went in there to see Mr. Brown.

Q And you didn't drink anything?

A No, sir; not a drop.

Q Well, how long did you remain there?

A Well, I remained there until about two o'clock,  
I guess.

Q About two hours? A. Yes, sir.

Q And did you drink anything at all?

A Only soft stuff?

Q Ginger ale and soda water? A. Yes, sir.

Q And what did you do then?

A I went home.

Q How long did you stay there, then?

A Until the woman got through my work.

Q Attending to getting your wash clothes? A. Yes, sir.

Q And after she got through with that, you came out?

A Yes, sir; I paid the woman, and went back to Brown's again.

Q You went over to Brown's again? A. Yes, sir.

Q And got a cigar, I suppose?

A No, sir; I don't know what I went over for. I didn't have nowhere's else to go, I suppose.

BY THE COURT:

Q When you went over there, did you drink any liquor there?

A No, sir; not until 8 o'clock at night.

BY MR. KINSLEY:

Q Well, you are not a drinking man anyhow?

A Yes, sir; I drink occasionally.

Q Well, you remained at Brown's from about 2 o'clock in the afternoon?

A No, sir. The washwoman got through about 3 o'clock, I should judge.

Q And how long did you remain at Brown's? Keep the time up. This is about 2 or 3 o'clock.

A I remained there until about 4 or 5 o'clock, I guess.

Q Talking to Mr. Brown? A. Yes, sir.

Q You didn't drink anything?

A No, sir; nothing but soft stuff.

Q You smoked? A. Yes, sir.

Q Well, about 5 o'clock where did you go?

A I went over home.

Q Back to 154? A. Yes, sir.

Q And how long did you remain there?

A I remained there long enough for the landlady to take in the clothes that the woman had washed.

Q That was another washerwoman?

A No, sir; the landlady.

Q Well, what did you do about the washerwoman?

A Until the landlady took in the clothes for me.

BY THE COURT:

Q That the washerwoman had hung out on the line for you. A. Yes, sir.

Q Out of your room? A. Yes, sir.

BY MR. KINSLEY:

Q And when she took in the clothes, I suppose you left? A.

Yes, sir.

Q And that was after 5 o'clock, I suppose?

A Yes, sir; it was just dark then.

Q And where did you go, then?

A I went back to Brown's again.

Q And did you get another segar there? A. No, sir.

BY THE COURT:

Q Did you drink anything at Brown's when you went there again?

BY MR. KINSLEY:

Q Did you drink some soda water or ginger ale? A. Yes, sir.

Q And how long did you remain with Mr. Brown that time?

A I remained at Mr. Brown's until about half-past 8.

Q About three hours? A. Yes, sir.

Q From 5 to 8? A. Yes, sir.

Q Well, we are not particular about the minutes; or half hours. And you were talking to Mr. Brown all the time, and, of course, you did not drink anything that evening?

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A I started in that evening drinking Rhine wine and seltzer.

Q That was before 8 o'clock?

A No, sir; it was about half-past 8 that I started in drinking; or 8 o'clock. I don't know how many drinks I had with him before I left

Q Now I don't understand you perhaps. You said that when you went back about 5 o'clock, that you remained there until nearly 8.

A I said that I was there until about half-past 8 o'clock, or thereabout.

Q Well, then, you left there then? A. Yes, sir.

Q And you said you had a glass of Rhine wine and seltzer?

A Yes, sir.

Q One glass? That is right? And then where did you go to from there?

A I went and got something to eat.

BY THE COURT:

Q Did you go to a saloon or restaurant or what?

A To a restaurant across the street from 153 East Houston Street.

BY MR. KINGSTON:

Q And had something to eat? A. Yes, sir.

Q And that was between 8 and 9? A. Yes, sir.

Q And where did you go then?

A I went back to Brown's again.

Q To Mr. Brown's? A. Yes, sir.

Q And had another cigar, did you?

A No, sir. I think I had Rhine wine then.

Q Rhine wine and seltzer? A. Yes, sir.

Q And this was about 9 o'clock? A. Yes, sir.

Q And how long did you remain in Mr. Brown's then--- that time?

A I remained in there until about half-past 10.

Q Did you say half-past 10?

A Yes, sir.

Q Now, where did you go then to?

A I went to Hirschorn's, corner of First Street and 2nd Avenue.

Q And how long did you remain there?

A Well, I don't know. I should judge it was about half-past 11. It might have been a little later when I left.

Q Well, we don't care about half hours, you know, or

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minutes.

A Well, the clock was never right since he owned the place, so you could never tell.

Q Well, you did leave there before 12 o'clock, I suppose?

A Yes, sir; I should judge it was before 12 o'clock.

Q You had met several people during the evening?

A No sir; only what I met in to the bar there .

Q That is what you mean---in the bar? A. Yes, sir.

Q Several people were there at the bar?

A There were several people on the outside, but only four in

Q Did you display this roll of bills that you are speaking of---did you display it?

A I went down in my pocket, and forgot about my having the money up here(indicating the upper vest pocket)--- about my \$80.

BY THE COURT:

Q Well, did you display any money? Can't you wake up, and answer? A. Yes, sir.

Q What money did you display?

A I broke a 10-dollar note.

Q Out of the \$490 or the \$60?

A No, sir; I broke a \$10 note out of the \$60.

MR. MACDONA: I beg Your Honor's pardon. He said that he first displayed the \$490 by mistake, forgetting that he had the \$60 in his upper vest pocket.

BY MR. KINSLEY:

Q Well, did you pull out the \$490?

A Yes, sir; I pulled it out, and I shoved it back again.

BY THE COURT:

Q And then you went up into this pocket(indicating the upper vest pocket)? A. Yes, sir.

Q And took out the \$60? A. Yes, sir.

Q And took out the 10-dollar bill? A. Yes, sir.

Q For what purpose?

A To pay for the drinks.

BY MR. KINSLEY:

Q Now, you had money in two pockets? A. Yes, sir.

Q In your coat pocket?

A No, sir; I had money in my vest pocket.

Q And in your pants pocket? A. Yes, sir.

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- Q Then in three pockets?
- A No, sir; in only two pockets.
- Q Well, you had the \$490 in one pocket? A. Yes, sir.
- Q And the \$60 in the other? A. Yes, sir.
- Q And didn't you say that you had the large amount in the right hand pants pocket? A. Yes, sir.
- Q And the \$60 in the vest pocket? A. Yes, sir.
- Q In the inside vest pocket?
- A No, sir; the outer pocket.
- Q Now, I don't want to confuse you. Now, you pulled out the \$10 bill and changed it? A. Yes, sir.
- Q That was the smallest bill that you had? Yes, sir.
- Q And you did pay for the drinks with that bill and got your change? A. Yes, sir.
- Q Now, did you put the balance of the money right back in your vest pocket? A. Yes, sir.
- Q And you still had the \$490 in your pants pocket? A. Yes, sir.
- Q And you didn't pull that out?
- A I pulled it out once, and then I seen I made a bad break, and I put it back again.
- Q Well, will you be kind enough to explain what you mean by "bad break."

A Well, I had no business to pull out the roll. I mean that.

Q Well, you pulled it out, and displayed it before the others, and they saw it? A. Yes, sir.

Q And after you had done that, you thought it was wrong, and put it back again? A. Yes, sir.

Q Is that right? A. Yes, sir.

Q Now, you didn't have any occasion to pull that out again? A. Yes, sir.

Q Now, you say there were 3 or 4 men at the bar, and several outside.

THE COURT: He said that there were four persons in the box and several outside of it.

BY MR. KINSLEY:

Q Is that right? A. Yes, sir.

Q You were drinking nothing but Rhine wine and seltzer?

A Yes, sir.

Q You were not drinking any hard stuff?

A Not then.

Q Now, you didn't take any portion of the 490. out of the pants pocket, did you? A. No, sir.

Q But you claim that Young did?

A I don't claim that Young did it. I don't know which one done it.

Q Well, somebody did, you claim? A. Yes, sir.

Q You lost it anyway?

A Yes, sir.

Q There were three or four of them.

A Two that I recognized.

Q You don't know whether it was \$400 or \$490, do you?

A Yes, I do.

Q Do you? A. Yes.

Q You had counted the money in the afternoon, I suppose?

A Yes, sir.

Q And found that it was \$490? A. Yes, sir.

Q You think that you left there at half-past 11?

THE COURT: You need not answer that question.

It has been asked and answered four or five times.

BY MR. KINSLEY:

Q You left there and went home? A. Yes, sir.

Q You had been drinking with several men that night; hadn't

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you? A. Yes, sir.

Q And you displayed this roll of bills?

A I displayed it in the box.

Q And you thought it was wrong? A. Yes, sir.

Q Is that right?

A Yes; I did.

Q And you went, then, directly for the house; is that right? A. Yes, sir.

Q Now, how long had you been living at 154?

A I had been living there, I guess, about a month, or six weeks.

Q What is it, a lodging house? A. No, sir.

Q A furnished-room house? A. Yes, sir.

Q Was the hall door secured by a lock? A. Yes, sir.

Q You had a night key, I suppose? A. Yes, sir.

Q And you got into the hallway? What floor do you live on?

A I live on the parlor floor.

Q You call that the ground floor, I suppose?

A The first floor.

Q And you don't have to go up any steps?

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A Up the stoop of the house, and into the hall.

Q And your rooms were on the parlor floor? A. Yes, sir.

Q You lived in the rear of the house, I suppose? A.  
Yes, sir.

Q And when you went into the back part, you went for your  
key to open the door, of course? A. Yes, sir.

Q You looked for your key? A. Yes, sir.

Q And while searching for your key, or was it while you  
were placing the key in the door, that some people came  
behind you and knocked you down, or struck you? A.  
No, sir.

Q What were you doing? I want to know just what you were  
doing when you were struck.

A When I was struck I were taking off my coat to get  
my key.

Q Taking off your coat to get your key, in the hall way?

A Yes, sir.

Q Oh, Yes. A. Yes.

Q Now, where was your key?

A My key was in my sack coat pocket---of my coat, in my  
left outside sack coat pocket, and one hand was sore.

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Q Couldn't you use your lefthand?

A Not very well then.

Q And at that time you were struck? Did you get off your coat?

A No, sir; I had it half-way off. I had to roll this shoulder off, to get it off(Indicating).

Q And somebody struck you?

A Yes, sir; I was struck and held up by the throat.

Q Well, you don't know who struck you, do you?

A No, sir; I don't.

Q But you were struck, and some person put his hand in your pocket, and took \$490 out? A. Yes, sir.

Q Is that right? A. Yes, sir.

Q That is what you said before. That is right? A. Yes, sir.

Q Now, you say that you had been with this young man(indicating the defendant)? A. Yes, sir.

Q And with---

A With Van Alstyne.

THE COURT: And with two women?

BY MR. KINSLEY:

Q And when you left them, you left them in this liquor

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saloon? A. No, sir.

MR. MACDONA: He swears that he left them on  
the street.

THE WITNESS: Yes; at the front door of my  
house.

BY THE COURT:

Q Of your house? A. Yes, sir.

BY MR. KINSLEY:

Q And, you say that when you were looking for your key, in  
your pocket, somebody struck you, and took your money?

THE COURT: That has been answered already.

MR. KINSLEY: I know it has, but it will lead  
to something else.

THE COURT: Then, go on to something else. You  
need not answer that.

BY MR. KINSLEY:

Q Now, you remember, of course, that you testified on  
the 12th day of September? A. Yes, sir.

Q You remember that? A. Yes, sir.

Q Do you remember having stated this---that about the hour  
of half-past 11 o'clock, deponent---that is yourself---

parted with said Young and Van Alstyne, and went home?

A. Yes, sir.

THE COURT: And that is what he has stated here.

BY MR. KINSLEY:

Q Well, if they went home with you, you wouldn't have to part with them. Where did you part with them---at the stoop?

A Yes, sir; at the front door.

Q Well, what did you mean by swearing that you parted with them and went home?

A They went with me home.

Q Well, didn't you swear to that in the police court?

A No, sir.

THE COURT: Well, you have got his affidavit.

MR. KINSLEY: And I am going to call his attention to it, too.

THE COURT: And you have called his attention to it already.

BY MR. KINSLEY:

Q There was no gas burning in that hall?

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A No, sir.

Q No lamp of any kind? A. No, sir.

Q And, of course, it would be hard for you to tell which of the men it was that struck you, or which one it was that robbed you?

THE COURT: You need not answer that? It has been answered already.

MR.KINSLEY: I take an exception.

BY MR.KINSLEY:

Q On account of the dimness in the hallway, or insufficiency of the light, you could not discern one face from the other? A. Yes; I could.

Q You could? A. Yes, sir; I could.

Q Now, then, why didn't you?

A Because I didn't see them. They were behind me, when it was done.

Q Well, what is the matter with your turning around?

A I couldn't turn around when they had me by one arm and by the throat.

Q Well, when they left go of you, why didn't you turn around?

A Well, I was amazed when I turned around.

Q You did not fall down?

A I fell up against the hatrack.

Q And you were sober, too?

A Yes, sir; sober enough to know what I was doing.

Q Now, you knew that two men robbed you? A. Yes, sir?

Q That is, you did not know which of the two it was that robbed you?

THE COURT: You need not answer that. It has been answered already.

MR.KINGSLEY: I take an exception.

BY MR.KINGSLEY:

Q Well, you did leave the hallway after you were robbed?

A Yes, sir.

Q And did you walk after them or run?

A I run---the best I could.

Q How far?

A Well, about half-way up the block.

Q And then, of course, you retired to bed?

A No, sir; I went on up as far as the corner.

Q And then you returned to your house? A. Yes, sir.

Q And went to bed? A. Yes, sir.

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Q So that you didn't raise any time about it that night? A. Sir?

THE COURT: What do you mean by raising a time?

BY MR.KINSLEY:

Q You did not report it?

A I did. I reported it over to Brown, and got no answer and went back home, and went to bed.

Q Now, you have been in New York since you were 14 years of age? A. Yes, sir.

Q And you know where the station house is? A. Yes, sir.

Q And you know that we have police officers in the streets?

A Yes, sir.

Q And yet you reported this robbery to Mr.Brown?

A Yes, sir; but Mr. Brown didn't wake up.

BY THE COURT:

Q Did you see Brown?

A No, sir; Mrs Brown hollered from the door, and said that he was in bed, and the place was closed.

Q And then you went home and went to bed?

BY MR.KINSLEY:

Q And that is the only report that you made about it?

A Yes, sir---that night.

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Q And you were sober?

A Yes, sir; I was sober enough to know what I was doing.

Q Now, that was on the 25th of March. We are all  
through with that? A. Yes, sir.

Q Now, you knew that night, that this fellow here(indicat-  
ing the defendant,)Young, and his companion, robbed you;  
didn't you? A. Yes, sir.

Q Of course, you did. A. Yes, sir.

Q Now, what did you do the next morning? Did you go to  
the station house? A. Yes, sir.

Q And reported it? A. Yes, sir.

Q You did, Eh? A. Yes, sir.

Q That was on the 26th that you went to the station  
house? A. Yes, sir.

Q What station house? A. Fifth Street.

Q And you told the Sergeant or Captain at the desk that  
you had been robbed? A. Yes, sir.

Q Yo are sure about that now? A. Yes, sir.

Q The next morning? A. Yes, sir; on Saturday.

Q Yes. A. Yes, sir..

Q Now, that same day, on the 26th, where did you meet

this man, Van Alstyne?

A I didn't see him.

Q What?

A I didn't see him.

Q Did you meet him on the 27th? A. No, sir.

Q On the 28th? A. No, sir.

Q What? A. No, sir.

BY THE COURT:

Q You say that you saw them on the 18th day of September?

A Yes, sir; Van Alstyne I saw on that day.

Q And that was the first time you had seen him since the night of the 25th of March?

A Yes, sir; and the first time I saw Young either.

BY MR. KINSLEY:

Q You weren't drinking in a saloon with them two days after the alleged robbery? A. No, sir.

Q Sure about that? A. Yes, sir.

Q You didn't tell the police that two other men robbed you? A. No, sir.

Q Sure about that, ain't you?

A Yes, sir; I said there was another man there.

Q You didn't have four other men arrested, did you?

A No, sir; I did not---not four other men.

Q Now, let me straighten you out. Didn't you have a man named Gruhnman, and a man named Brown, arrested for robbing you?

A No, sir; I had a man named Gruhnman arrested. I said that I thought I saw him in the hall, but I would not take an affidavit to it.

Q And he was discharged? A. Yes, sir.

Q But he was arrested? A. Yes, sir.

Q You swore that he was there?

A No, sir; I didn't swear that he was. I thought I would identify him, because he was Young's partner.

Q Well, he was arrested on your complaint? A. Yes, sir.

Q That is what I am talking about? A. Yes, sir.

THE COURT: But he was not identified by the witness as one of the men in the hall way.

BY MR. KINSLEY:

Q Well, how many men did you have arrested altogether?

A I had only the two men arrested, and Officer Meyer had

another man arrested, named Little.

Q How many have you had arrested, I mean?

A I had the two arrested.

Q Now, you know better than that.

THE COURT: Well, he is answering the questions  
that you put.

BY MR. KINSLEY:

Q There was a man named Gruhnman arrested on this  
charge? A. Yes, sir.

Q And that was the third arrest? A. Yes, sir.

Q And a man named Smith was arrested?

A No, sir; I didn't have Smith arrested.

Q Well, you had only three arrested? A. That is all.

Q Now, you have had trouble of this kind before in New  
York; haven't you?

A Yes, sir; I have had---once before.

Q You are always being robbed?

THE COURT: No; he says he was robbed once  
before.

BY MR. KINSLEY:

Q Well, you say only once that you were robbed before? A.

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Yes, sir.

MR. MACDONA: Well, counsel will have to testify  
in this case, I think. He seems to know  
so much.

BY MR. KINSLEY:

Q How many times have you been robbed in New York.

A I was robbed once.

Q Haven't you been robbed more than once?

THE COURT: No. Do not answer. He has  
answered you distinctly, sir.

KINSLEY: Exception.

BY MR. KINSLEY:

Q When you were in the Tombs, charged with robbery  
yourself, about a year ago---

THE COURT: Do not answer until I tell  
you.

BY MR. KINSLEY:

Q Were you convicted?

A No, sir; I never was arrested in my life for robbery.

THE COURT: Were you ever convicted of any  
crime?

A. No, sir.

BY MR. KINSLEY:

Q I am talking of the time when you were in the Tombs prison here, down in Centre Street.

A I wasn't in prison---

Q No. Weren't you charged with robbery then?

THE COURT: You need not answer.

BY MR. KINSLEY:

Q That was about a year ago.

THE COURT: You need not answer.

MR. KINSLEY: Exception.

BY MR. KINSLEY:

Q You say you were not ashore and living in any of the West Indies?

THE COURT: You need not answer.

(Exception.)

BY MR. KINSLEY:

Q When you were sailing between the Port of New York and the West Indies, what port did you land in?

A St. Lucia.

Q On only one island? A. Yes, sir.

Q You didn't leave there then.

THE COURT: You need not answer. You have  
already answered that.

(Exception.)

BY MR. KINSLEY:

Q Well, you have been hanging around the Bowery and  
Allen Street for the last fourteen years.

THE COURT: You need not answer that. Put  
the proper question. I don't know what  
hanging around means.

MR. KINSLEY: Well, we all understand it.

THE COURT: Probably you do. I do not.

MR. KINSLEY: Well, perhaps I am more familiar  
with the slang of New York than Your Honor  
is.

THE COURT: I will concede that. I have no  
doubt that you are. You need not answer  
that question.

BY MR. KINSLEY:

Q Now, Mr. Allen, after you were robbed in the hallway, and  
followed the men who robbed you, as you claim, some dis-  
tance, a block, or half a block, or two blocks---I think

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you said two blocks---you say that you returned directly to the house? A. Yes, sir.

Q Or did you say that you returned to Mr. Brown's? A. No, sir.

THE COURT: You need not answer that. It has been already answered. You have gone over all that already.

BY MR. KINSLEY:

Q Did you report to any one that night?

THE COURT: You need not answer that. It has been already answered.

BY MR. KINSLEY:

Q This is a different question---between the hours of 11 and 12 o'clock. Now, did you report to any one that night before you retired, about the robbery?

THE COURT: No; he has answered that already. You need not answer.

(Exception)

BY MR. KINSLEY:

Q You remember appearing in court, I suppose, against the men---this man Young and some others, in September,

didn't you? A. Yes, sir.

Q About the 12th of September---that is the date of the  
complaint, I think? A. No, sir.

THE COURT: He says it was the 18th that he saw  
them for the first time after the alleged  
robbery.

BY MR. KINSLEY:

Q Do you remember being in court before the 18th.

THE COURT: Have you got his affidavit there?

MR. KINSLEY: I am asking the witness a question.

THE COURT: No. Have you got his affidavit  
there?

MR. KINSLEY: Yes, sir.

BY THE COURT:

Q Do you remember being in court on the 12th when you made  
your affidavit?

A I was in the police court.

BY MR. KINSLEY:

Q You were what?

A In the police court.

Q Before the 18th?

A I never made no affidavit except after the 18th--- the  
19th.

Q Well, I suppose this affidavit in this charge that states  
that on the 12th day of September you appeared in the  
police court---would that be correct or incorrect?

(Objected to, as he does not know  
whether it is correct or incorrect.)

(Objection sustained.)

THE COURT: That wont do. You can read any  
portion of that affidavit, and ask the  
witness if he so testified in the police  
court. That is the proper way to get at  
it.

(Exception.)

BY MR. KINSLEY:

Q Do you remember now when you did go to the police  
court? A. Yes, sir.

Q What day was it?

A I don't know what day of the month it was.

Q What day of the month was it---what month was it?

A In september.

Q You have been sover ever since, haven't you? A. Yes,  
sir.

Q And you don't remember what day of the month it was?

THE COURT: Well, you need not answer that.

You have answered already.

BY MR.KINSLEY:

Q Now, is it not a fact that you had a man named Little  
arrested on this charge?

THE COURT: I will exclude that. It has been  
gone into already and exhausted.

MR.KINSLEY: I will take an exception.

BY MR.KINSLEY:

Q Now, is there not a man in prison now, outside of the  
defendant and his companion---another man in prison now,  
charged with the crime of robbing you?

THE COURT: You need not answer that.

(Exception.)

Q Is it not a fact that you have charged five men with  
the robbery?

THE COURT: You need not answer that.

(Exception.)

BY MR. KINSLEY:

Q Is it not a fact that four men are in custody now,  
charged with the robbery?

THE COURT: You need not answer that.

(Exception.)

BY MR. KINSLEY:

Q When you were with those gentlemen that night, they  
were treating you pretty liberally, were they not?

(Objected to.)

THE COURT: What do you mean by that?

MR. KINSLEY: Treating him to drinks.

A No, sir; I paid for all the drinks.

BY MR. KINSLEY:

Q You were the only one that appeared to have money?  
Is that right?

THE COURT: You need not answer that.

(Exception.)

MR. MACDONA: I hope Your Honor will allow him to  
answer that.

THE COURT: No.

MR. MACDONA: He was, as matter of fact.

MR.KINSLEY: Well, you can take the stand, by  
and by, Mr.MacDona.

THE COURT: Well, suppose you go with your  
questions now. It is about time.

MR.KINSLEY: Well, I am thinking of the next  
one.

BY THE COURT:

Q The hall door was open, was it not? A. Yes, sir.

Q And you opened the hall door? A. Yes, sir.

Q And that let light in from the street? A. Yes, sir.

Q And your back was towards the hall door when you were  
caught hold of and struck and robbed? A. Yes, sir.

Q THE THIRD JUROR: May I ask a question,  
Your Honor?

THE COURT: Certainly, sir.

BY THE 3RD JUROR:

Q How many men did you see in the hallway, at the time  
you were attacked?

A I think I saw three, but I could not swear but to two of  
them.

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OFFICER FRANCIS HAGEN, called by The People, being duly sworn,  
testified as follows:

D i r e c t E x a m i n a t i o n .

BY MR. MACDONA:

Q Now, Officer Hagen, you are now attached to the 14th  
Precinct? A. Yes, sir.

Q Were you attached to the 14th Precinct in March, last?

A Yes, sir.

Q On the 26th day of March, last, what was your duty?

THE COURT: His duty was that of a police  
officer, I suppose.

BY THE COURT:

**I** Q Were you on special duty? A. Yes, sir.

BY MR. MACDONA:

Q Did you receive, in the course of your duty, as an  
officer, a case of robbery---

(Objected to, as leading.)

Q Of a robbery committed at 153 East Houston Street, in

your precinct?

(Objected to, as leading.)

(Allowed.)

(Exception.)

A 154 Houston Street.

Q 154 Houston Street? A. Yes, sir.

Q And did you get some information on which you proceeded?

A Yes, sir.

Q Now, in consequence of that information, did you make inquiry at the residence of the prisoner at the bar, Young? Did you search for him around the precinct? A. Yes, sir.

Q And did you find him? A. No, sir.

Q Well, did you find out where he was---did you learn where he was?

(Mr. Kinsley objects to the answer,  
as containing hearsay.)

(Objection sustained, and the answer  
is stricken out, by order of the  
Court.)

THE COURT: You may show only that he could not

find out, if that was the case.

BY THE COURT:

Q Now, you were asked a question, a minute ago, and were not permitted to answer before another was put. Where did you go to?

A I went to First Street and Houston Street, corner 2nd Avenue and First Street, and I went to 153 Houston Street.

Q Go on. Did you know Young before this. Did you ever see him?

A No, sir; I never saw him.

Q Well, you could not find him in either of those places?

A No, sir.

BY MR. MACDONA:

Q Did you make any search after the 26th day of March, for him? A. Yes, sir.

Q Continuously?

A Well, I wasn't all the time on that case.

Q You weren't alone on that case? A. No, sir.

Q But you were looking for him? A. Yes, sir.

Q Off and on? A. Yes, sir.

Q For how long?

A About a week or ten days.

Q About a week or ten days? A. Yes, sir.

Q You could not find him around the precinct? A. No, sir.

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C r o s s - E x a m i n a t i o n .

BY MR. KINSLEY:

Q Well, that is---you considered the complaint for a week or ten days? You did not go out and make a steady search day after day, for eight or ten days? A. No, sir; I didn't.

Q That is right. No.

A No, sir.

BY THE COURT:

Q I suppose you did some other duty than looking for this man? A. Yes, sir.

BY MR. KINSLEY:

Q Well, somebody gave you the address that you went to?

A Yes, sir.

Q In Elizabeth Street, you say?

A No, sir; First Street and Houston Street.

Q And Elizabeth Street?

A No, sir; I didn't say anything about Elizabeth Street.

Q Well, did you go to 275 Elizabeth Street? A. No, sir.

Q Now, officer, where did you--you received the instructions from the Sergeant of the Precinct, I suppose, or from Mr. Allen?

A From the complainant.

Q From the complainant? A. Yes, sir.

Q And where were you at that time?

A In the station house.

Q And what are you---a roundsman or a sergeant or what?

A I am a patrolman.

Q Well, you went into the station house? A. Yes, sir.

Q And you did not take the report from him.

A I was then on special duty.

Q Well, didn't the Sergeant take the complaint?

BY THE COURT:

Q Were you there when the complaint was taken?

A He referred the matter to me.

BY MR. KINSLEY:

Q Well, you don't mean to say that you took the complaint from Allen and walked out of the station house with him? A. Yes, sir.

Q And he didn't give it to the Sergeant?

A No; he did not.

BY THE COURT:

Q Now, what day was this that you received this complaint?

A The 26th, I believe it was.

Q The 26th of March?

A Yes, sir; in the morning.

Q The complainant came into the station house, and spoke to the Sergeant? A. Yes, sir.

Q And told him, in your presence, that he had been robbed?

A Yes, sir.

Q And where he had been robbed? A. Yes, sir.

Q And the Sergeant turned the case over to you? A. Yes, sir.

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OFFICER EMANUEL MEYER, called by The People, being duly s<sup>w</sup>orn,  
testified as follows:

D i r e c t E x a m i n a t i o n .

BY MR. MACDONA:

Q Officer Meyer, you are attached to the 14th Precinct?

A Yes, sir.

Q Did you arrest the defendant, Young? A. Yes, sir.

Q On the charge of robbery? A. Yes, sir.

BY THE COURT:

Q Well, where did you arrest him.

BY MR. MACDONA:

Q Where?

A In Mag's saloon, corner First Street and First Avenue.

Q When?

A On Sunday, September 11th.

Q What time?

A About 4 o'clock in the afternoon.

Q You went into this place and arrested him? A. Yes,  
sir.

Q Is that right? A. Yes, sir.

Q Did you have any conversation with him? A. I did.

Q What was it?

A I says, "Where have you been the last six months?"

"Why," he said, "I have been down to Florida."

Q He said, "Why, I have been down to Florida"?

A Yes, sir. And I said, "How did you come to get down to Florida? Where did you get the money from?" And he said, "Oh, I had a couple of dollars." And, on the way to the station house, he took out this saw(indicating), out of his top vest pocket, and threw it away--- this steel saw.

(This testimony is objected to, as too remote, and a motion is made to strike it out.)

(Allowed to stand.)

(Exception.)

Q You took him to the station house?

A Yes, sir. And I asked him, "What did you throw that away for?" And he said, "Well, I don't want that in my pocket when I am arrested."

(This testimony is objected to, as too remote from the issue, and a motion is made to strike it out.)

(Motion denied.)

(Exception.)

THE WITNESS:

I took him to the station house, and got his pedigree, and he denied the charge. He said that he lived at 275 Elizabeth Street, and I went over there and inquired if he lived there, and they said he did not live there for six or seven months, and---

(Mr. Kinsley moves to strike out the latter part of the answer, as containing hearsay.)

(Motion granted, and the latter part of the answer is stricken out, by order of the Court.)

THE COURT: I will strike that you.

BY THE COURT:

Q You went to 275 Elizabeth Street, in this City, but he did not live there? A. Yes, sir.

Q And had not lived there for some months?

A Yes, sir. And in court I had a conversation with him, about his not living there, and he said, "Well, part of the time I live there, and part of the time uptown, with my mother or brother."

BY MR. MACDONA:

Q Are there four other people locked up in this County for this robbery besides the defendant?

THE COURT: You need not answer that.

BY MR. MACDONA:

Q Is there any one else besides Van Alstyne?

THE COURT: I will not allow it. You need not answer.

MR. KINSLEY: And I can prove it, too.

THE COURT: Well, it is immaterial whether there are four or four hundred.

MR. MACDONA: Well, there are none besides Mr. van Alstyne.

THE COURT: It is utterly immaterial. If the Jury regard their oath, and I am sure that they will, they will regard it as utterly immaterial how many men, if any, are locked

up on this complaint, outside of the defendant on trial.

BY MR. MACDONA:

Q Do you know what that is (Showing the witness a steel saw)?

A It is a steel saw.

Q Is it such a saw as is used by burglars?

(Objected to.)

THE COURT: He has already said what it was.  
The objection is sustained.

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C r o s s - E x a m i n a t i o n .

BY MR. KINSLEY:

Q Now, officer, how many men did you arrest in connection with this case? A. Three.

Q Well, who arrested Gruhnman?

A I don't know, sir.

Q Well, don't you know that Morris did?

THE COURT: You need not answer that. You have

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answered already. This is a man of  
intelligence, who knows what he is talking  
about.

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THE PEOPLE REST.

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MR.KINSLEY: Now, may it please The Court, I, of course, went into this trial this morning under protest, and I expected to have a witness here this afternoon. I don't know that he is here yet. But he will be here this afternoon, and I was not entirely prepared yet I did not want to ask for another adjournment, because Your Honor was kind enough to grant me one last Friday, and I will ask a little more indulgence if Your Honor will permit me until after recess to go on.

THE COURT: No, sir.

MR.KINSLEY: I will have one person; only one witness.

THE COURT: No. I set this case down for today on your application. Now, have you subpoenaed the witness that you talk about?

MR.KINSLEY: No, sir; I didn't.

THE COURT: Then, the motion is denied. Go on, and open your case.

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MR.KINSLEY: Well, I only want until after  
recess.

THE COURT: No; I will not give you until after  
recess. Go on with the case.

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T H E   D E F E N S E .

CHARLES A. BROWN,      called by The Defense, being duly sworn,  
testified as follows:

D i r e c t    E x a m i n a t i o n .

BY MR. KINSLEY:

Q      Mr. Brown, what is your business?

A      Liquor business.

Q      And where?

A      153 East Houston Street.

Q      How many days have you been to court here?

THE COURT:    You need not answer that, Mr.  
Brown.

BY MR. KINSLEY:

Q      Have you been subpoenaed to appear in court by the  
District Attorney?    A.    Yes, sir.

Q      How many times?

THE COURT:    No.    It is immaterial.

(Exception.)

BY MR. KINSLEY:

Q Did the defendant or his counsel or any one in connection with him, subpoena you to court to-day?

THE COURT: No. You need not answer that.

(Exception.)

Q Now, you are acquainted with Mr. Allen, the complainant in this case? A. Yes, sir.

Q Have you any recollection of his calling at your place several times on the 25th of March, of this year?

A Well, I wont be certain about the date. I know that he was in there about that time.

Q Well, do you remember his calling in the night time of the 25th of March, or any date, and stating that he had been robbed? A. Yes, sir.

Q Do you remember that day? A. Yes, sir.

Q Now, was he in your bar or at your door? Where was he when he had this conversation with you?

A It must have been about half-past 12. I know I was closed up, and had got upstairs, ready to retire, and he rapped at the door and came in.

BY THE COURT:

Q And you were upstairs?

A Yes, sir. And he said he had been robbed, and wanted me to count what money he did have, and I counted it, and he had about \$60, and he went out.

Q And that was all? A. Yes, sir.

BY MR. KINSLEY:

Q And did you ask him who robbed him? A. No, sir.

Q You did not?

A No, sir; I didn't.

Q Didn't he state anything about it?

A No, sir; he didn't say who robbed him.

Q What?

A He didn't tell me who robbed him.

Q Well, you remember my asking you a little while ago, and you said you asked him who robbed him, and he said he didn't know?

A I didn't say that to you, sir.

Q You didn't say that to me? A. No, sir.

Q You didn't?

THE COURT: He says he did not.

MR. KINSLEY: Well, that is all right. That

settles it. That is the reason why I called him on the stand.

THE COURT: To prove that he did not say anything of the kind to you?

MR.KINSLEY: No, sir. I hoped his testimony would be otherwise.

BY MR.KINSLEY:

Q He had been in your place several times that day, Mr. Brown? A. Yes, sir.

Q And that night? A. Yes, sir.

Q And what was he drinking?

A Well, in the forenoon he did not drink anything, and I know that after the factory closed that he met some of the boys that worked in the factory, and I remember that one of them treated him to a glass of Rhine wine and seltzer.

BY THE COURT:

Q And what time was that---about 8 o'clock?

A No, sir; somewhere between 6 and 7, it must have been.

BY MR.KINSLEY:

Q And what was his condition as to sobriety?

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A he was perfectly sober when he left my place that night.

Q Oh, Yes; when he left? A. Yes, sir.

THE COURT: Do you rest?

MR.KINSLEY: I rest.

THE COURT: Go to the Jury. Do you wish to  
call any other witnesses, Mr. District  
Attorney?

MR.MACDONA: No other witness, Your Honor.

THE COURT: Then, go to the Jury.

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( A b s t r a c t )

B. No. 83  
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Coroners Office, New York County.

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In the Matter of the Inquest	)	
into the Death	)	Before
	)	Hon. Ferdinand Levy,
of	)	and a Jury.
	)	
RICHARD MATUEZERSKI.	)	
	)	

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New York, Sept. 8th, 1892.

APPEARANCES:

S. S. Blake, Esq. for prisoner Thomas McCann;  
R. Van Dam, Esq for prisoner McIlvahey, The  
District Attorney, represented by Mr. Bradley.

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JOHN BUCKLEY, an Officer of the 23rd Precinct sworn,  
testified as follows:-

On the evening of the 27th of August, I was on post on  
1st Avenue, from 45th to 48th Streets. About 10 o'clock my  
attention was attracted by a crowd in front of the drug store  
near 47th Street. I went there and was informed by citizens  
that a man had been stabbed in 47th Street. I went in the  
drug store and saw a man sitting in a chair. In a moment my  
partner, officer Doyle, had been there and telephoned for an  
ambulance. I asked the man sitting in the chair what hap-  
pened to him, and he told me he got stabbed. I asked him  
who stabbed him, and he said he didn't know. I asked  
him where it happened; he said in 47th Street between 1st  
and 2nd Avenue. I asked him how it occurred; he told me

that he saw several young men assaulting an old man who was going for a pint of beer and he went over to them; the man who got stabbed told me that he went to the place where the occurrence was and he told those young men, that they ought not to lick such an old man, and the first thing he knew he got stabbed with a knife in the groin, or lower part of his stomach. I asked him if he knew who the party was, and he said he did not. I asked him if he knew any of the parties who were there, and he said he didn't know any of them, and by that time he got so weak he could not speak, and the ambulance took him to Bellevue.

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JOHN F. TAPPAN, an officer from the 23rd Precinct, sworn, testified as follows:-

I am an officer on special duty. About half past 10 o'clock, or 10 o'clock Saturday, a week ago, a man reported to the station-house, that a man named Matuezerski had been stabbed, and officer Brett, and I were detailed to find McCann, the boy that stabbed him, and in the neighborhood of 3 o'clock, we found McCann at his house, and put him under arrest. We took him to Bellevue hospital to have him identified by the man he had stabbed, but when we reached there, we were informed that the man had died about 2.10 a. m. We accused McCann of stabbing this man, and he admitted that he had stabbed him. He said on that evening he was standing opposite 329, and this Matueszerski came over and accused him with interfering with a man named Adam Rauch, and told him he

would punch him in the eye if he didn't leave him alone, and he said, "Punch me in the eye," and with that he claimed this Matuerzerski struck him and knocked him down, and struck him again, and at that time McIlvaney put a knife in his hand in which he struck Matuerzerski and then ran away.

By Mr. Bradley:

Q Did you know either of the defendants in this case previous to this? A. No, I did not.

Q Did McCann have a knife with him at the time of his arrest? A. No, there was no knife found on his person. He told us he threw the knife away in East 48th Street. This assault happened in front of 329 East 47th Street

Q Did you find any persons who witnessed the assault?

A This Etner, and Mr. Ball, claimed they were eye witnesses from the start.

Q At the time you arrested McCann was there any mark of violence on his face, visible to you? A. No; he told me he had been struck on the side of the head; I did not see any mark of violence there upon him; it was covered with hair. The knife has not been found

Q (By Mr. Van Damm) The assault took place about ten o'clock? A. In the neighborhood of ten o'clock. We arrested McCann at three o'clock in the morning.

-----000-----

MRS. MARIA HORTON, sworn testified as follows:-

I reside at 329 East 47th Street; I did not know the deceased.

Q Do you know anything about this case? A. I seen a man

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go across the street and hit McCann in the face, twice (identifies prisoner McCann). I don't know whether it was the deceased or not; he struck him twice in the face. That is all I saw.

Q (By Mr. Bradley) What time in the night was this? A. I could'nt exactly tell.

Q Was it 7 o'clock? A. I could'nt tell; we were sitting outside of the door.

Q Was it as late as 12 o'clock? A. I can't tell, exactly.

Q You could'nt tell whether it was 8 or 11? A. I know it was not eleven. I could'nt tell what time it was, because you should look at the clock to tell the time.

Q You were not looking at the clock? A. No.

Q Can you tell whether it is 12 o'clock now? A. I could not tell you.

Q You would'nt swear it was not four o'clock, A. No, I could'nt; I could'nt tell the time.

Q Can you say whether this person who came across the street and struck McCann was the deceased? A. I could'nt tell, because I never saw him before <sup>to</sup> my knowledge.

Q What was his appearance? A. A stout appearanced man, and I went to him and told him not to fight opposite the door, and to go and fight opposite his own door. I have a liquor store, and somebody called me to the place and I walked away.

Q Do you know the boys (prisoners)? A. Yes, sir.

Q Are you related to them? A. No, sir; no relatives to the boys in any which way.

Q Had you seen them in any trouble with any elderly man before that? A. No, sir.

By Mr. Blake )<sup>2</sup>, How many times did he strike the boy? A. Twice.  
Q Did he give him any provocation? A. I don't know, sir.  
Q Did you see him do anything? A. No, sir.  
Q He had'nt done anything to the deceased? A. I did'nt see him  
Q Did he knock him down, when he hit him? A. I can't say; he  
stumbled, but I can't tell whether he knocked him down; he  
struck him once with the right and once with the left hand.

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CHRISTIAN GLEISS, sworn:-

By the Coroner:

Q Where do you live? A. I live down town, 541 E. 11th.  
I lived there at the time he got cut.  
Q At 336 E. 47th? A. Yes.  
Q What is your occupation? A. Well, what it was -- it is just  
about 10 *minutes* before I left the man --  
Q How long have you been in this country? A. I was born here.  
Q Do you speak the language of the country? A. Certainly.  
Q Don't you understand my question? I am asking you to tell us  
your occupation? A. I am working in the varnishing business,  
over with Behr , 29th Street and 11th Avenue.  
Q Are you still employed there? A. Yes, sir; a couple of years  
Q Tell the jury -- speak to these 12 gentlemen? A. I can't  
tell you no more than I seen.  
Q Listen a moment, young man, A. I can't tell you no more  
than I seen.  
Q Do you drink? A. No, I do not.  
Q Did you drink anything to-day? A. No.

Q Tell the jury what you know of this matter, if anything?

A Well, I can't tell no more than I know myself; I left the man 10 minutes before I heard he got cut.

Q What man? A. Richard Matuerzski. His mother came and knocked at the door, and I went down stairs and went to the drug store and seen his stomach hanging out; that's all I know. I was'nt with him at the time he got cut or anything. See? That's the reason I was surprised.

Q What are these extra remarks? A. That's all I have to say.

By Mr. Bardley:

Q You were acquainted with the deceased? A. Certainly.

Q How long did you know him? A. For six or seven years.

Q You were with him that Saturday night, last, a week ago?

A Yes; but up stairs in the house.

Q How long were you with him before this time when you saw him in the drug store? A. About 10 minutes before.

Q Was he intoxicated? A. No.

Q He was perfectly sober? A. Yes.

Q You and he had been together? A. Yes.

Q Whereabouts? A. Upstairs, in his room, and I went down stairs to go to sleep.

Q You live on a lower floor? A. Yes, sir.

Q Did you see him go down stairs? A. Yes, sir; I heard him going down stairs, and I says, "There goes Pete and him down stairs", and no more I could'nt say, the two of them.

Q Who was Pete"? A. The young gentleman sitting over there, Mr. Etner.

Q You said there goes Pete and him, down stairs, you meant Matuerzski? A. Yes.

Q Did you have your attention called to anything between the time you heard him and Peter going down stairs and the time when you were told that he was in the drug store, and you went there to see him? A. I just about was going to bed.

Q Did you hear any noise on the street? A. No; I heard a knock on my door and heard he was cut.

Q Tell where you lived before you lived in 11th Street?

A 336 E. 47th Street.

Q Did you know either of these defendants? A. No, I didn't know them before; I never seen them.

Q Whereabouts was that drug store? A. Right around on 1st Avenue between 46th and 47th Streets.

Q Describe Matuezerski's condition at the time when you saw him in the drug store? A. Well, I can describe it in that way, I saw his stomach hanging out.

Q Was he bleeding? A. I think he was bleeding in.

Q Did he state anything to you? A. No; he called for his friend Etner.

Q What did you hear him say to his friend? A. He says, "Pete come here."

Objected to, on the ground that no foundation has been laid for this testimony.

Q At the time when you saw him, did he seem weak or strong?

A Very weak.

Q Was he able to stand up? A. No; the drug store man had to give him something to keep him up.

Q Was anybody holding him up? A. Yes.

Q Did he state anything at all about his own condition? A. As much as I know he said McCann cut him; that's about all.

Q Did he say anything at all that he was in danger of losing his life? A. No.

Q Was either of the defendants there when you and the deceased were in the drug store? A. I didn't see either one of them.

Q Did you see Matuezerski taken away? A. Yes, sir.

Q Do you know any person who saw him there? A. Yes, sir; there are two sitting over there.

By Mr. Blake:

Q You say you were in the company of the deceased 10 minutes before this happened? A. Yes, sir.

Q How long had you been in his company? A. About two hours or so.

Q What time was this? A. This happened about 10 minutes after 10; at 10 o'clock he went down, and a little while afterwards I heard --

Q Was this apartment yours or his? A. It was his; I lived below.

Q Was he a married man? A. No; living with his mother.

Q Did you have anything to drink of an intoxicating character that night? A. No.

Q Beer? A. No, we just played a social game of cards, amongst ourselves.

Q Are you quite sure you didn't drink any beer or liquor?

A No, we did not.

Q Do you know whether he was a drinking man? A. No; he never was.

Q But you knew him to drink beer and liquor at times? A. Twice in the shop, he did.

Q Do you know he ever did drink? A. He used to drink a little beer, but not outside, too much. He was not a quarrelsome man

He was a very nice quiet fellow; he would'nt interfere with nobody.

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PETER ETNER, sworn testified as follows:-

I reside at 833 2nd Avenue. Am a varnisher. This Richard Matuezerski and his brother-in-law and I were in his house playing cards that night, and about 10 o'clock on his clock - I don't know what time it was on the outside -- his mother and sister came up and said that they wanted to go to bed, so Matuezerski says to me "we will go down in front of the door," and when we came down there was a crowd on the other side, and we ran over to see what it was and there was half a dozen at an old man, and he had a pint of beer and they were trying to take it away, and he had two sons trying to get him away from the crowd, and Matuezerski says, "Why don't you leave the old man alone, you should be ashamed." He says "It is none of your business." Matuezerski said, "I will show you whether it is if you hit him again," and he said "I will hit you in the eye," and he said "I would like to see you," and he hit him and he fell down, and he got up and he hit him again, and the one that he hit I seen him go this way, but I did'nt see he had a knife, and he run away, and he says "Pete", and I says, "What is the matter?" He says, "He cut me," and I says, "Where?" And his pants were cut across here (indicating), and I pulled his pants open and could'nt see anything, and I put my hand into his pocket and it was all full of blood, and he staggered, and I got ahold of him, and Ball and I took him around to the drug store and he sat down in a chair, and was always saying, "Pete", and the

*Druggist* was giving him something to smell, and the ambulance came and the surgeon laid him on the floor and put bandages on him and put him in the ambulance and *took* him away.

By Mr. Bezdley:

Q Did you work in the same place with Matuezerski and this last witness? A. With Matuezerski, the last witness doesn't work there.

Q The three of you had been playing cards? A. Yes, sir.

Q Had you been drinking anything? A. About two pints of lager among the three of us.

Q Was Gleiss there at the time the lager was drunk? A. Yes, sir.

Q Then Gleiss is mistaken when he says there was no beer?

A Yes, sir.

Q You went down stairs to the door with Matuezerski? A. Yes, sir.

Q Was Gleiss there at the time? A. No, sir.

Q Did Gleiss leave you *two*? A. Yes, sir; his wife came up and told him to go to bed, it was getting late.

Q You two went down stairs and what did you see? A. First we met Ball standing in front of his door, and Matuezerski told him we were going fishing and then the crowd was over there and we ran over.

Q How many were in the crowd? A. The whole sidewalk was full; I could'nt say; it was full of people just around there; there must have been about a dozen.

Q You went across to see what was the matter? A. Yes, sir.

Q What did you see? A. We saw this one (indicating McCann) striking the old man, trying to take a can of beer away from him.

Q Do you know who it was? A. I did'nt know him at that time.

Q You saw him? A. Yes, sir.

Q Could you identify him now? A. I could not identify him then but Ball says that was the one.

Q Can you identify the boy you saw strike this old man then?

A No, sir.

Q You saw a boy strike him? A. Yes.

Q Do you know anything about what that boy's appearance was -- large or small, tall or short, stout or thin? A. Thin.

Q About how tall? A. Well, about 4 feet 5 or something like that.

Q Are you a good judge of height? A. Well, no; I could't say about how high he was.

Q Matuezerski interfered and what did he say? A. He told him to leave the old man alone.

Q Did they leave him alone? A. No, sir; they hit him again and Matuezerski hit him.

Q Do you know whether Matuezerski knew this man? A. No.

Q How many times did he strike the boy? A. He struck him and punched him.

Q Did anybody strike Matuezerski? A. I saw one make a pass at him.

Q Whereabouts did he strike him? A. In the stomach, like, and run away.

Q About in the same place that you saw the blow afterward?

A I could't say the same place, I thought he struck him in the stomach and run away.

Q It was in the stomach? A. It was in the groin that he was cut.

Q You then assisted Ball in taking Matuezerski in the drug

store? A. Yes, sir.

Q And you saw this boy who did the cutting run away?

A I saw one run away; he was the only one close to him, and that is the one who run away.

Q Did you see him dispose of any knife? A. No, sir.

Q Was the deceased Matuezerski intoxicated? A. No, sir.

By Mr. Blake:

Q You worked in the same place with the deceased and knew him for some years? A. No, sir; I did not.

Q How long did you know him? A. About 4 months, since he worked in the shop.

Q You and the last witness and the deceased were playing cards together? A. Yes, sir.

Q How long were you playing cards? A. I was up there about three hours, and we were playing cards about two hours.

Q Do you recollect how many pints of beer were brought in?

A Yes, sir; two pints.

Q How many glasses did the deceased drink? A. We divided it around; I could'nt say how many glasses in a pint.

Q Did you drink half a dozen? A. No, sir; about two or three

Q When you went down stairs you saw a little group across the way? A. Yes, sir.

Q That was'nt unusual? A. I don't belong around there.

Q Did'nt you see a great many people on the sidewalk that night at that hour? A. Yes, sir.

Q Was the night warm? A. Yes, sir.

Q There were large numbers of people on the sidewalk?

A Yes, sir.

Q Isn't it a fact that they were simply skylarking -- you know

what that means? A. Yes, sir.

Q Don't you know that is what they were doing? A. There was too much hollering, and that is why we run over.

Q Were'nt they skylarking with the old man? A. I don't know what they were doing.

Q They didn't hurt him? A. They were trying to get a can away from him.

Q They didn't hurt him? A. I didn't see it long enough to know.

Q When the deceased came up to the party he told somebody -- you don't know who the young man was? A. Yes, sir.

Q Did he punch him twice? A. He did.

Q Did he knock him down? A. He fell backwards and jumped forward.

Q Did this young man fall? A. He fell up against the house.

Q He fell? A. Yes, sir.

Q Now, at that time, weren't they all in a group together?

A They two were alone on the side.

Q Was'nt there others around there? A. They were in the back.

Q How far back? A. About six feet.

Q They were all there in a small space of -- was it on the side walk? A. Yes, sir.

Q They were within a small compass, the whole crowd? A. Yes, sir; but there was a big distance between those two and the others.

Q You don't know who stabbed him? A. No, sir, only he admitted.

Q You don't think it was necessary for him to strike anybody there? A. No.

Q You did 'nt do it? A. No, sir.

Q You behaved yourself? A. Yes, sir.

Q He was the only one that knocked anybody down? A. Yes, sir.

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EDWARD F. BRETT, an officer from the 23rd Precinct sworn testified as follows:-

Last Saturday night, a week ago, officer Buckley came to the station around 10 o'clock or something after and reported a stabbing affray in 47th Street, and officer Tappan and I were sent out to make the investigation, and we went down and found a young man had been sent to the hospital and dangerously cut, with his stomach hanging out, and we made inquiries around and the officer told us, a young man named McCann, done the cutting.

Objected to.

Q From information received you, as an officer, proceeded and made the arrest? A. From information which officer Tappan and I received we arrested young McCann and we brought him immediately to Bellevue hospital, and when we got there we were informed that this young man died at 2. 10 a. m.; that was a little after three and young McCann made a confession to us, that there was some boys -- this Rigsby McIlvaney had an argument---

Objected to by Mr. Vandamm.

Q (By The Coroner) From the statement made by McCann you arrested this other young man? A. Yes, sir. McCann claimed that there was an argument with this Adam Rauch, of No. 325 East 47th Street, and how this Matuezerski boy came over from across the street and said to McCann, "If you don't leave that old man alone I will punch you in the eye." McCann stood off and says, "Punch

me in the eye." He says with that he struck him in the side of the head, knocking his hat off and he fell down to the ground; he got up again and he hit him the second time, and at that he claimed that Rigsby Ilvaney put the knife in his hand --

Objected to by Mr. Vandamm.

Q The substance of it is that the reason you arrested McIlvaney was the statements made to you by McCann? A. Yes, sir.

By Mr. Bradley:

Q Have you found who this old man was? whom the boys were interfering with at the time Matuezerski went over to stop the quarrel? A. Yes, sir; he is here in court, Adam Rauch.

Q Did you know either of the defendants at the time you arrested them? A. No, sir.

Q Did you <sup>know</sup> Matuezerski before that time? A. No, sir.

Q Will you please repeat the admission which you claim was made to you at the time when yourself and the other officer arrested McCann in his room on the night when you brought him to Bellevue Hospital? A. He claimed Matuezerski came across the street and told him if he didn't leave the old man alone that he would punch him in the eye, and McCann says, "You punch me in the eye.;" and with that Matuezerski struck him on the side of the head and knocked his hat off and he fell down, and he got up, and he hit him again.

Q He admitted, however having stabbed the deceased? A. Yes, sir.

By Mr. Blake:

Q What were the very words he used in that respect?

A. That the knife was put into his hand during the fight --

Q I don't call for that; what admission did he make as to himself? A. That he done that.

Q Use his words? A. He said of course, Matuezerski struck him and knocked him down --

Q You say he made an admission of stabbing him, give the exact words? A. I will have to state how he came to get the knife.

Q Suppose he has the knife; what did he say? A. It was while he was fighting; he had'nt no knife until it was put in his hand, and he done the deed then.

Q Did he say the man was still assaulting him? A. No, he did'nt say that; that it was while he was striking him that he used the knife.

Q Did he tell you he did it in self-defence? A. He intimated as much as that that he did.

Q What was the size of the deceased? A. He was a ~~fixure~~ bigger and taller man to all appearances when I saw him in the morgue, he was bigger than me in every way.

Q A very large man? A. A very large man; he appeared that way to me; I don't know whether he was or not.

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JOHN E. BALL, sworn, testified as follows:

Q (By The Coroner)

I live at 338 East 47th Street; occupation, painter. On Saturday night, one week ago, about ten o'clock or a few minutes before I was standing at my door and the deceased Mr. Matuezerski, and Etner, came down from their house and stood in my door talking to me and we saw a disturbance across the street and walked over, and a young man or more was abusing this old man trying to take a can of beer away from him, and Matuezerski told

him to leave this old man alone and let him go up stairs. McCann says, "What is it to you?" Is he anything to you?" Matuezerski says "if you don't leave him alone I will give you a smack in the jaw," and he invited him to do it, and he struck him with his hand and knocked him away, and struck him a second time, and ~~xxxxxxxx~~ as ~~xxxx~~ he struck him he staggered back and hollered "Pete, Pete, I am cut."

By Mr. Bradley:

Q You saw Mr. Matuezerski at the time he came down stairs?

A Yes, sir.

Q Was he intoxicated at the time? A. No, sir; he didn't appear so.

Q You had a conversation with him? A. Yes, sir.

Q From his conversation and appearance would you judge he was intoxicated? A. No, sir.

Q You were there at the time the disturbance occurred across the street? A. Yes, sir.

Q What was it attracted your attention? A. The number of persons and the noise.

Q Then the three of you went across the street? A. Yes, sir.

Q And in the middle of the group you saw an old man? A. Yes, sir.

Q And you saw some boy or boys, trying to pull away a can from him? A. Yes, sir.

Q Were they doing it apparently in jest or fun? And with the old man's consent? A. No, sir, they were not.

Q Was he resisting them? A. Yes, sir.

Q Then it was that Matuezerski said to let the old man alone?

A Yes, sir.

- Q And then in reply to this I understand McCann -- can you identify him? A. Yes, sir.
- Q Have you seen him ever before that time? A. Yes, sir.
- Q Can you tell which one of these boys, McCann is? A. The one on the right, on the righthand side of the jury?
- Q The one with the light hair? A. Yes, sir.
- Q You know he is the boy who said, "Well strike me, or punch me?" A. Yes, sir.
- Q And then it was that Matuezerski struck him? A. Yes, sir.
- Q Was he the one with his hands on the man before that? A. Yes, sir.
- Q Are you sure? A. Yes, sir.
- Q You saw him struck twice? A. Yes, sir.
- Q Did he appear to be injured when he was struck? A. No, sir.
- Q Was Matuezerski standing over him again to strike him again? A. He struck him twice and he staggered back at the second blow.
- Q Then it was he got up, A. He was up and run before that.
- Q Did he run away or towards the deceased? A. He ran away.
- Q About how long an interval elapsed between the time that he got up and the time that he got back to Matuezerski? A. Not a second.
- Q He run away, about how far? A. He didn't run away before the cutting was done.
- Q Right after he was knocked down he got up -- ? A. Yes, sir and closed in with Matuezerski.
- Q Was any person near him at the time he was knocked down, near enough to hand him anything? A. No, sir.
- Q Did you see anything in his hand? A. No, sir; I saw him make a blow, but I didn't see anything in his hand.

- Q At whom? A. Matuezerski?
- Q Did he strike him? A. He struck at him.
- Q About what portion of Matuezerski's body did he strike towards?
- A The stomach.
- Q Did you see Matuezerski afterwards? A. Yes, sir.
- Q What portion of his body was injured or cut? A. Right across the top of the pants pocket.
- Q About the same place that McCann struck at? A. Yes, sir.
- By Mr. Blake:
- Q When the deceased struck the defendant, did the others come close up to the parties that were fighting? A. No, sir, I can't say they did.
- Q How far were you away from the parties? A. Six feet -- five feet.
- Q Where were the others? A. They were standing on the other side; all around, in fact.
- Q Some pretty close? A. None inside of 6 feet.
- Q At what time? A. At the time the blow was struck.
- Q It was pretty dark? A. It was very close to a street light; no, sir; it was not; it was light enough to see.
- Q Did the defendant fall? A. It staggered him, but I don't think he fell to the sidewalk.
- Q When he struck at the stomach of the deceased, what was the deceased doing, was he in the act of striking again? A. Yes, sir.
- Q When the defendant struck him? A. Yes, sir.
- Q With his clenched fist, the deceased -- Answer -- That I could'nt see.
- Q He struck McCann two powerful blows? A. He struck him twice.
- Q And was in the act of striking again? A. He had his fist up

already to strike I suppose.

Q Where was this? A. Right on the sidewalk.

Q You saw no knife? A. No, sir.

Q You could see his hand? A. Yes, sir.

Q If he had a knife would you have seen it -- were you in a position to see it? A. I cant say that I could.

Q Your best judgment is he had not? A. I seen none.

Q (By Mr. Bradley) You wont say he did'nt? A. No.

Q Could you see whether his hand was closed when he struck the deceased? A. Yes, sir.

Q How was it? A. Closed.

Q Did you see McCann before the deceased struck him?

A Yes, sir.

Q Did you see his hands? A. Yes, sir.

Q Did he have anything in his hands? A. No.

Q Did he put his hand in his pocket? A. I could'nt say.

Q Did he have time? A. When he was knocked back I think he had time to draw a knife.

Q Were you looking at him? A. Yes, sir.

Q Did you see him do it? A. No, sir.

Q Did he draw a knife? A. I cant say that he did or did not; I did not see him.

Q You saw no knife? A. No, sir.

Q Did you see McCann run away? A. Yes, sir; I saw him start on a run up the street.

Q Did the others gather around the deceased? A. Myself and Etner took him to the drug store:

Q And others who were present? A. Yes, sir.

Q Others were in a position to stab him if they chose to do so?

A No, I think not; they were the only ones in close contact.

He staggered back to me; I saw him cut as he staggered back; I saw Etner's hand covered with blood when he put it in his pocket.

Q I will ask your judgment about that; subject to the ruling of the court, whether in your judgment McCann acted in self-defense?

A No, sir; I don't think there was any need of self-defense.

Q He was assaulted? A. Yes, sir.

Q And was struck two powerful blows? A. Two blows, not so very powerful.

Q Enough to stagger him back, if not to knock him down?

A Yes, sir.

Q McCann had given the deceased no provocation whatever? A. No.

Q (By Mr. Bradley) How far away was the deceased standing from this defendant McCann, after the first two blows had been struck?

A They closed in together the same as two men fighting, would.

Q Did he stand over McCann while McCann was down? A. He knocked McCann away from him.

Q McCann would have an opportunity then to have run away if he so desired? A. Yes, sir.

Q Did you see this other defendant there at the time? A. No, sir; I did not.

Q Did you see McCann run away after he had cut the deceased?

A I saw McCann run away, yes, sir.

Q You didn't see any knife? A. No, sir.

By Mr. Blake:

Q Was the deceased a large powerful man? A. Yes, sir.

Q How much would he weigh? A. 170 pounds, or more.

Q A tall man? A. 5 feet 8, or 5 feet 9 .

ADAM RAUCH, sworn, testified as follows (Examined through an Interpreter)

By The Coroner:

I live at 335 E. 47th Street, am a tailor. I did not see this occurrence. I know the defendants.

Q On the evening on the 27th of August, 1892, ~~did you see McCann~~ did you see McCann and McIlvaney in the company of the now deceased Matuezerski? A. I did not know that.

Q What did you see? A. I got home about 9 o'clock from my work and went to get a pint of beer, and as I was coming back going to my room about a half a dozen of those fellows wanted to take the beer can away from me; the prisoners were among them, they succeeded in getting the can away from me; I went home, after that I didn't see anything. I didn't see any stabbing.

Q Were you acquainted with these boys who attacked you that night? A. I knew them all by sight.

Q Did you see the deceased come across the street and remonstrate with the boys who were taking the can away from you?

A No, I didn't see him at all.

Q Did you see anybody coming to your aid? A. They all surrounded me and I cant make out who they were, except I know some of them by sight. There were about six or seven in the group

Q Did you see anybody strike a boy? A. No, I didn't see that at all, I went right home, I was glad to save my beer can.

Q (By Mr. Vandamm) After the beer was upset, didn't you go in the saloon and drink a glass of beer before going into the house?

A I do not know that; I cant tell.

Q (By Mr. Bradley) Can you identify either or both of these defendants McCann and McIlvaney? A. Yes, sir, they were among the

six or seven who surrounded me and made the raid on the can of beer.

By Mr. Blake:

Q Did anybody strike you that night? A. No.

Q Did anybody abuse you that night? A. Yes, sir, they overpowered me and dispossessed me of my beer kettle.

Q Wasn't the beer spilled? A. Yes.

Q It was not drunk by anybody? A. That I can't tell, whether they drank it or whether it was spilled. I got my beer kettle on the coal box in front of the saloon.

Q Were'n't they skylarking? A. They surrounded me and took the beer can away from me.

Q But otherwise there was no violence? A. There was no boxing.

Q There were no blows struck by anybody while you were present?

A I didn't see anything.

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JOHN SHEEHAN, called, sworn and testified as follows:

By The Coroner:

Q I reside at 338 E. 47th Street. I am 15 years in seven months; I go to school, I only knew the deceased by sight.

Q On the evening on the 27th of August, did you see this trouble, this fight? A. Yes, sir.

Q Tell the jury just what you saw? A. I came walking down from 2nd Avenue and asked Tommy McCann did he buy his new shoes, and he said yes, and I walked over and saw Tommy Edwards, and I stood there about five or ten minutes and seen the row on the other side, and I walked back and saw Rauch hold the can of beer over McCann's head, and he said something in German which I couldn't

understand, and McCann says, "Why don't you go about your business?" and he walked up as far as his own door, and his nephew spilled the can of Beer which Rauch held in his hand; Mr. Rauch's nephew he spilled the can of beer, then this Matuezerski came running over to the other side after Mr. Rauch came walking down from his own door and he says to Tommy McCann, "Why don't you leave that old man alone," and he says, "Is it anything to you? We aint doing anything to him," and then as he did, this Matuezerski says to him "If you don't leave him alone I will punch him in the jaw," and he says, "Do it", and he give him a shove and his hat came off and he fell down, and he got up and he hit him again, and McCann put his hand over like --I didn't see no knife or see him strike him, and Matuezerski held his hand like that (indicating) and says "Pete I am stabbed," and Mr. Ball and Pete brought him to the drug store and I walked behind and the policeman came running up, and before that a few citizens tried to get a club to sound it and draw a policeman, policeman Buckley was walking from 44th to 45th Street. They summoned the ambulance and it came, and the surgeon asked Maturzerski some questions; he didn't say he knew who stabbed him, but said it was a white-headed boy.

A motion to strike out the latter part of the answer was denied.

Q (By Mr. Bradley) Are you acquainted with McCann and McIlwaney?

A Yes, sir.

Q Do you associate with them? A. No, sir; only we play a game of ball of a Sunday -- or Saturday.

Q They are companions of yours, though? A. Yes, sir.

Q On that night of the 27th of August when you were going from

Q 2nd Avenue towards 1st Avenue on 47th Street you saw a crowd?

A Yes, sir.

Q Did you hear any noise there at the time? A. Yes, sir, I heard that German man talking loud and I saw him with the can of beer holding it over McCann's head; it was filled with beer.

Q And you watched that all the way along till the row was over?

A Yes, sir.

Q Was it filled with beer when Matuezerski came over? A. No; this man was up in his house at the time and his nephew spilled the beer.

Q In what way, was he one of the crowd that was attacking the old man? A. No, sir.

Q In what way did his nephew spill the beer? A. He grabbed ahold of Rauch's hand and said to go up in the house; he had a little beer, he was'nt able to stand on his feet the way he went on, and there was a friend with me at the time, and he threwed it in front of the baker's house.

Q Was it taken out of his hands? A. His nephew brought it in the house.

Q You say Matuezerski came over then and spoke to McCann?

A Yes, sir.

Q And said, "Why don't you leave the old man alone?" A. Yes, sir.

Q And McCann said, "What is it to you?" A. Yes, sir.

Q And then Matuezerski struck him and knocked his hat off and felled him to the ground? A. He struck twice.

Q How near was Matuezerski to McCann after the second blow?

A McCann was just getting up, and there was Matuezerski; I could'nt say McCann had a knife.

Q About how far was Matuezerski from McCann after either blow was struck? A. As close as that man is to me (indicating)

Q Was the rest of the crowd around Matuezerski at the time?

A Yes, sir, they were all around.

Q Did any of them strike at him or threaten him with any violence? A. No, sir, not that I seen.

Q Did you hear them make any threat? A. No, sir.

Q This friend of McCann's saw him struck and knocked down and saw him struck again and didn't say a word? A. Yes, sir.

Q You were of the opinion that McCann could have got away from Matuezerski; could he have run away? A. Yes, sir.

Q Then it was you saw him make a lunge at Matuezerski?

A Yes, sir.

Q And after that you saw Matuezerski put his hand to his stomach? A. Yes, sir.

Q And heard him say "I am stabbed?" A. Yes, sir.

Q Soon after that lunge was made by McCann? A. Yes, sir.

Q What did McCann do? A. That is all I seen him do.

Q Did he stand still and look on or run away? A. I didn't see him run away.

Q Did you see him stand still? A. Yes, sir; I seen him stand still and I walked away with Matuezerski and Bell.

Q McCann stood there until all the crowd dispersed? A. I could not say.

Q You stood there till they all separated and some went towards 2nd Avenue? A. I went down to the lamp-post with Matuezerski; I could'nt look for McCann; Matuezerski said that he would fix

McCann, and he was holding his hand like that, and says, "Pete, I am getting weak."

Q (By Mr. Blake) I understand that when you said that when McCann said, "What is that to you" he also said he was doing nothing? A. Yes, sir.

Q Is it not a fact that the deceased was in the act of striking him again when McCann made the lunge? A. He struck him two blows.

Q Did he knock him down? A. Yes, sir.

Q He was right over him when McCann fell down? A. No, after Matuezerski knocked him down he jumped back and McCann got up.

Q Was it the second blow that knocked him down? A. The first knocked him down, and he caught him with the second.

Q Did that knock him down? A. He fell up against two ladies

Q Did you notice whether the deceased had his fist raised to strike a third blow? A. I could'nt say.

Q Had he stopped his assault? You know what I mean?

A Yes, sir.

Q Was he in a position to strike him again? A. No, sir; I didn't see him.

Q Could you say? A. No, sir; I cant say.

Q They were pretty powerful blows, weren't they? A. Yes, sir, when they knocked him down.

Q Did he fall along the sidewalk? A. He fell right between an alley and another door.

Q It wasn't very easy for him to run away then? A. No, sir; there was a crowd that lived upstairs in 329 around him.

Q Isn't it a fact that the old man had gone away altogether before this trouble? A. Yes, sir.

Q There was no occasion for the deceased to strike?

A No, sir.

Q The old man had gone away? A. He had just gone away.

By Mr. Bradley:

Q Then, if these three persons come here and swear that they saw these boys trying to take away a beer can, from the old man after they went there, they must be mistaken?

Mr. Blake: They didn't swear to that.

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THOMAS EDWARDS, sworn, testified as follows:-

By The Coroner:

I am sixteen years old. I live at 340 E. 47th Street. I work for the New York ~~Times~~ Herald in the Art Department. I was coming down 2nd Avenue and I crossed the street, and this man came down and I met him there, and two of us started to go over, and as we went over I saw the old man had a pint of beer over McCann's head, and he said, you better go along and stop your noise, and he was going along and his nephew came down and was pulling the old man up, and he wanted to fight, and he grabbed his hand so he would 'nt hit him, and this man came over and told him to let him go and if not he would punch him in the eye; he hit McCann and knocked him down, and he got up again and he knocked him down again.

Q (By Mr. Bradley) You heard Matuezerski say to let the old man alone? A. Yes, sir.

Q And he says, "What is it to you?" A. Yes, sir.

Q You saw the old man there at the time when Matuezerski came

over? A. Yes, sir; after he says, "I want you to leave the old man alone," he ran away.

Q The old man was there when Matuezerski came over in the crowd

A As soon as he came along the man went along.

Q And McCann said, "If you don't go up now, you will be hurt"?

A No; he said, "There will be trouble."

Q And Matuezerski came over and said, "Why don't you leave the old man alone?" A. Yes, sir.

Q He was there at the time? A. He just went away; as soon as Matuezerski came he went away, he says it too, and when McCann got up the second time he put his hand behind his back and made a punch, I don't know what --

Q Do you know to which side he put it? A. The right side.

Q Then you saw him pull out his hand? A. I didn't say pull out, he had his hand like that and made a punch.

Q In what direction? A. To Matuezerski, right there.

(Indicating)

Q After that did you hear Matuezerski saying anything?

A No, I walked to the other side.

Q I mean when McCann and the rest was there - about his being stabbed? A. No, I didn't hear anything, but going across to the other side, he said; "I will fix him yet."

Q (By Mr. Blake) Old man Rauch had gone away before the trouble began between McCann and the deceased? A. He had just gone away when the man came over.

Q There was no occasion for any trouble on the part of Matuezerski? A. No.

Q McCann gave him no trouble? A. No, he was minding his business.

- Q Whereabouts was McCann lying after he was knocked down?
- A He was in the street and he was half in towards the wall and his feet hanging out.
- Q It was'nt very easy to get away? A. No, sir; it was not.
- Q Was Matuezerski in the act of striking the third blow?
- A After he was stabbed he went to strike a third blow.
- Q Before that, did'nt Matuezerski have his fist up?
- A Yes, sir.
- Q Was McCann in a position where he could not run away very well? A. He might or might not.
- Q Without avoiding that blow? A. Unle s he dogged the blow
- Q When McCann held his hand back like that was'nt it as if to strike a blow? A. Yes, sir.
- Q He did'nt put his hand in his pocket? A. No, not as I know.
- Q He had his hand behind his back? A. Yes, sir.
- Q Did he put his hand in his pocket? A.
- Q (By Mr. Bradley: Can you swear he did or did not? A. I will swear he did not.
- Q Did you see him put it behind his back? A. I did; he may have put it in when I was'nt looking.
- Q Were you looking from the front or behind? A. McCann and them were here
- Q Were you towards the right hand side or left hand side?
- A Left hand side.
- Q And although you were towards his left hand side you could tell whether the right hand put behind him on the side of his back was in his pocket? A. You could see it, certainly.
- Q You could see whethertit was in his pocket? A. Yes, sir.
- Q How? A. By looking at it.

Q Did you turn around? A. No.

Q His hand was clenched when it came out? A. Yes, sir.

Q Can you swear whether there was a knife in his hand?

A It was too dark to see.

Q (By Mr. Blake) Do you remember when McCann said, 'We are not doing anything to the old man? A. Yes, sir.

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The Coroner read the medical testimony and charged the jury, after which the following verdict was rendered.

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VERDICT:

WE FIND, ~~Richard Matuezerski, 1892~~, the deceased RICHARD MATUEZERSKI, died from the effects of a stab wound at the hands of THOMAS Mc CANN at 336 East 47th Street on August 27th, 1892, and exonerate the defendant THOMAS McILVANEY from all blame.

-----000-----

POOR QUALITY ORIGINAL

0597

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of Coroners Office No. 27 Chambers Street, in the 6<sup>B</sup> Ward of the City of New York, in the County of New York, this 8<sup>B</sup> day of September in the year of our Lord one thousand eight hundred and ninety two before Ferdinand Levy Coroner, of the City and County aforesaid, on view of the body of Richard Matuzerski lying dead at

Upon the Oaths and Affirmations of Eleven good and lawful men of the State of New York, duly chosen and sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the said Richard Matuzerski came to his death, do upon their Oaths and Affirmations, say: That the said Richard Matuzerski

came to his death by died from the effects of a stab wound at the hands of Thomas McCann at 336 East 47<sup>th</sup> Street on August 2<sup>nd</sup> 1892, and exonerate the defendant Thomas McSwaney from all blame.

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

JURORS.

E. G. Bar 204 E. 14<sup>th</sup> St. ~~204 E. 14<sup>th</sup> St.~~  
Moritz Weiskopf 330 E. 79<sup>th</sup> St. ~~330 E. 79<sup>th</sup> St.~~  
J. Williams 244 First St. ~~244 First St.~~  
Charles Martin 184 1<sup>st</sup> St. ~~184 1<sup>st</sup> St.~~  
J. Law 443 E. 14<sup>th</sup> St. ~~443 E. 14<sup>th</sup> St.~~  
Wm O. Santu 222 1<sup>st</sup> St. ~~222 1<sup>st</sup> St.~~  
Geo. P. Over 228 1<sup>st</sup> St. ~~228 1<sup>st</sup> St.~~  
L. T. W. Mulvan 25 1<sup>st</sup> St. ~~25 1<sup>st</sup> St.~~

Ferdinand Levy  
Coroner. F. S.

Coroner's Office.

TESTIMONY.

Autopsy  
At Morgue, August 7<sup>th</sup> 1892  
Body that of a large muscular  
young man.

On the left side of the abdomen  
is a wound four and one half  
inches in length horizontal in di-  
rection, the center being four  
and one half inches above the  
anterior spine and the outer  
extremity one and one half inches above  
the crest of the ilium. This wound  
penetrates the abdominal cavity  
by an opening two inches in length  
in the peritoneum. There is a  
small wound in the small  
intestine five feet from the duo-  
denum. There is also an  
incision for laparotomy, which  
with the original wound are  
closed by sutures. All the organs  
were normal.

Cause of death. Penetrating  
stab wound of abdomen above  
described.

Albert C. Bradley

Taken before me

This 8<sup>th</sup> day of August 1892  
Richard [Signature]

CORONER.

POOR QUALITY  
ORIGINAL

0599

Adney  
Matuszowski  
~~Aug. 27<sup>th</sup> 1881~~  
Aug. 27<sup>th</sup> 1881

POOR QUALITY ORIGINAL

0600

W. Hubbard

From St. Elmer Hospital.

New York, Aug 28 1892

To Coroner.....

Sir:

Please hold an inquest on the body of

Name Richard Matczynski Residence: 336 E. 47 St.

Age: 9 years 6 months 2 days. Admitted Saturday August

Nativity Germany; of Germany; of Germany  
Father Leonard 27th 1892, at 10:30 o'clock P.M.

Mother Pauline By Ambulance  
11 yrs in U.S. 11 yrs in City. From 47 St and 3rd Ave.

Civil Bond: Single Occup. Ward Carer Examined by Dr.

Suffering from symptoms of Peritonitis caused  
of abdomen

Said injuries said to have been received from a man,  
whose name he did not  
know while he was trying  
to quit an altercation.

Death took place Sun day, August 28 th 1892 at 2:10 o'clock A.M.

The Autopsy revealed.....

Remarks:.....

S. Davis Hubbard M. D.  
HOUSE SURGEON PHYSICIAN.

Ad. †. State the day of the week.  
Ad. A. State whether by *Ambulance* or *Friends*.  
Ad. B. State whether from a *Preonct* or a *Residence* and give the name.  
Ad. C. State whether from *Natural Causes* or from *Shock* (conscious or unconscious) due to *Injuries*, and if so, give *name, place, date, number, character* and *Extent* of injuries, always stating where indicated, whether *right* or *left*.  
Ad. D. State *when, where, how, by what means* or *persons* received, also whether *Accidental, Suicidal* or *Homicidal*; in falls, the *distance, location* and *place*; in *Burns* and *Scalds*, the *circumstances* attending the same; in *runover* cases, the *line of Street Car, Railroad* or *Conveyance*; in *Weapons*, the *character* of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.  
Ad. E. State *name, date, place, character* and *results* of any *operation* or *amputation* performed.  
Ad. F. Give a short resume of the *Autopsy*, with the *Pathological Diagnosis* and the *Cause of Death* at the end.  
Ad. G. State here any important facts not embodied in the above statements.

POOR QUALITY ORIGINAL

0601

TESTIMONY.

Albert J. Weston M. D., being duly sworn, says:

I have made an autopsy of the body of Richard S. Haskins now lying dead at Pullman Hospital and from such autopsy and history of the case, as per testimony, I am of opinion the cause of death is

As caused by penetrating stab wound of abdomen in front of 339 E. 4th St. Aug. 26<sup>th</sup> 92

Shock & internal hemorrhage

A. J. Weston M. D.

Sworn to before me this

28 day of Aug. 1893  
William J. Long

CORONER.

POOR QUALITY ORIGINAL

0602

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days			
19	6		Bohemia	Ballwin Hoop	Aug 31 <sup>st</sup> 92

Francis D. ...  
336 E. 49<sup>th</sup> St. Aug 31<sup>st</sup> 92

Charles Lewis  
336 E. 49<sup>th</sup> St

Peter Blue  
333 = 37<sup>th</sup> St

Police 38<sup>th</sup> St

Luca ...  
with ...

Wm ...  
639 ...

F. L. ...  
No. ...

189

AN INQUISITION

On the VIEW of the BODY of

Richard ...

whereby it is found that he came to  
a death by

Impress taken on the  
of ...  
189 ...  
FERDINAND LEVY, Coroner.

957

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question—What is your name?

Answer—Thomas McCann

Question—How old are you?

Answer—16 years,

Question—Where were you born?

Answer—N.Y. City

Question—Where do you live?

Answer—239 E 47<sup>th</sup> Street

Question—What is your occupation?

Answer—Hall boy

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

Have nothing to say at present except that I am not guilty

Thomas McCann

Taken before me, this 8 day of August 1892

Edmund [Signature] CORONER.

POOR QUALITY ORIGINAL

0604

MEMORANDA

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
19 Years 6 Months Days	Bohemia	Jellvue Hosp.	Aug 28/92

Serial 957. 1892  
HOMICIDE.

AN INQUISTION

On the VIEW of the BODY of

Nieland Matyszeraki

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

Mrs Emma  
Shawna M. Starnes

Exquest taken on the 24. day

of September 1892

before

Richard J. Coroner.

Committed

Detained

Discharged

Date of death



11711

POOR QUALITY  
ORIGINAL

0605

498

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 McCann and  
Briggs McElvaney

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

Thomas McCann and Briggs McElvaney

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

The said Thomas McCann and Briggs McElvaney, both —

late of the City of New York, in the County of New York aforesaid, on the twenty seventh day of August, — in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms, in and upon one Richard Matuzerski, in the peace of the said People then and there being, wilfully, feloniously and of their malice aforethought did make an assault; and they the said Thomas McCann and Briggs McElvaney, him, —

the said Richard Matuzerski, with a certain knife — which — they — the said Thomas McCann and Briggs McElvaney, in their right hand then and there had and held, in and upon the abdomen — of — him, — the said Richard Matuzerski, — then and there wilfully, feloniously and of their malice aforethought, did strike, stab, cut and wound, giving unto him the said Richard Matuzerski then and there with the — knife — aforesaid, in and upon the abdomen of — him, — the said Richard Matuzerski, — one mortal wound of the breadth of one inch, and of the depth of six inches, of which said

POOR QUALITY  
ORIGINAL

0606

mortal wound *he* the said *Richard Matuzerski*, at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the *twenty eighth* day of *August*, in the same year aforesaid, did languish, and languishing did live, and on which said *twenty eighth* day of *August*, in the year aforesaid, the said *Richard Matuzerski* at the City and County aforesaid, of the said mortal wound did die.

AND SO THE GRAND JURY AFORESAID do say: That the said *Thomas Mc Cann and Briggs Mc Ewaney*, being the said *Richard Matuzerski*, in the manner and form, and by the means aforesaid, wilfully, feloniously and of *their* malice aforethought, did kill and murder, 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.

DE LANCEY NICOLL,

*District Attorney.*

0607

**BOX:**

495

**FOLDER:**

4517

**DESCRIPTION:**

McCarthy, Michael

**DATE:**

09/14/92



4517

POOR QUALITY ORIGINAL

0608

Witnesses:

See previous  
Commission  
Sept 9 1885  
for ~~the~~ ~~same~~  
G.L. 2000  
When which  
Sept. near ~~Antonia~~  
to July 13, 1885

96 X

Counsel,

Filed

day of

1890

Pleads,

THE PEOPLE

vs.

Michael McCarthy

Burglary in the Third Degree.  
Section 489, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*[Signature]*  
Foreman.  
*[Signature]*  
4400 5th St. N.Y.C.  
*[Signature]*

POOR QUALITY ORIGINAL

0509

Police Court— 4 District.

City and County } ss.:  
of New York }

of No. 375 East 25 Street, aged 18 years,  
occupation book-keeper being duly sworn

deposes and says, that the premises No. 506 East 20 Street, 18 Ward  
in the City and County aforesaid the said being a one story frame

building and which was occupied by William D. Burns as a coal office  
~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly taking off a  
screen from a window in the rear of  
said premises and entering by said window

on the 14 day of September 1892 in the day time, and the  
~~was attempted to be~~ following property feloniously taken, stolen, and carried away, viz:

A quantity of harness, of the value  
of One Hundred Dollars,

the property of William D. Burns, by whom deponent is employed as  
~~book-keeper~~ and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by  
Michael McCaathy (iron here) and another  
person unknown to deponent and not yet arrested,  
for the reasons following, to wit: Deponent saw the said window  
securely closed and the said screen in proper  
place on said date at 11<sup>30</sup> A.M. On said  
date at 2 P.M. deponent saw the two aforesaid  
persons in the yard of said premises and when  
deponent returned into office in view of the  
18<sup>th</sup> Precinct Police, he saw said persons  
in said office, found said screen to be  
broken and the safe, which was in said office,

POOR QUALITY ORIGINAL

0610

to be burst open. Wherefore deponent accuses defendant of burglary and prays that he may be dealt with according to law

Subscribed before me this }  
5th day of September 1877 } Carl. Gaffney  
M. W. Noble  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 188  
Police Justice  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 188  
Police Justice  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 188  
Police Justice

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

vs.

1  
2  
3  
4

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses.

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

POOR QUALITY ORIGINAL

0611

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

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

Question. What is your name?

Answer.

Michael McCarthy

Question. How old are you?

Answer.

30 yrs.

Question. Where were you born?

Answer.

U.S.

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

Answer.

406 E 17 St - 30 yrs.

Question. What is your business or profession?

Answer.

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 McCarthy

Taken before me this

day of

Sept 1899  
Police Justice

POOR QUALITY ORIGINAL

0512

BAILED.

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court... District.

1106

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Bartholomew J. Kelly*  
*321 E 54th - 2nd Fl*  
*Michael Wiscarty*

Offence *Burglary*

Dated *Sept 5th 1892*

*W. H. Miller* Magistrate

*18* Precinct

Witnesses *Can the officer*

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

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



No. *200* Street *4th St*

*File*

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 *Sept. 5* 18 *92* *W. H. Miller* 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.

POOR QUALITY  
ORIGINAL

0613

483

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Michael Mc Carthy*

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

*Michael Mc Carthy*

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

The said

*Michael Mc Carthy*

late of the *18th* Ward of the City of New York, in the County of New York aforesaid, on the *fourth* day of *September* in the year of our Lord one thousand eight hundred and ninety-*two* in the *day* - time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *office* of

one *William D. Burns*

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent the goods, chattels and personal property of the said *William D. Burns* in the said *office* 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.

**POOR QUALITY ORIGINAL**

0614

SECOND COUNT—

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

*Michael Mc Carthy* of the crime of attempting to commit

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

The said *Michael Mc Carthy*

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 *day* - time of said day, with force and arms,

*the sum of two hundred dollars in money, lawful money of the United States of America, and of the value of two hundred dollars, and divers other goods, chattels and personal property, (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of two hundred dollars, of the goods, chattels and personal property of one William D. Burns*

in the *office* of the said *William D. Burns*

there situate, then and there being found, in the *office* aforesaid, then and there feloniously did <sup>attempt to</sup> 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.

*De Lancey Nicoll*  
*District Attorney*

06 15

**BOX:**

495

**FOLDER:**

4517

**DESCRIPTION:**

McCarthy, Thomas

**DATE:**

09/07/92



4517

**POOR QUALITY ORIGINAL**

06 16

Witnesses:

Counsel,  
Filed  
Pleads,

1872

day of

THE PEOPLE

vs.

Grand Larceny,  
[Sections 529, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

Thomas Mc Carthy

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Foreman.

*[Handwritten signatures]*

POOR QUALITY ORIGINAL

0617

Police Court 1 District. Affidavit—Larceny.

City and County }  
of New York, } ss:

*Theodore W. Fairchild*  
of No. 57 1/2 Bowling Street, aged 37 years,  
occupation Porter being duly sworn,  
deposes and says, that on the 23<sup>d</sup> day of August 1892 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 Statue  
of the value of  
Twenty Eight Dollars*

the property of *The Stolzenberg Company*  
and in the charge and custody of  
*Deponent*

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloni-  
ously taken, stolen and carried away by *Thomas M. Conthy*  
(my own name) for the reasons following  
to wit on said day said property  
was missed by deponent  
said deponent leaving  
said store with said property in  
his possession and was ordered  
by *Charles M. Conthy* a police officer  
of the 2<sup>d</sup> precinct with said  
property in his possession which  
deponent fully recognizes as  
being his *Ed. Phizer* him with  
the larceny aforesaid

*Theo W. Fairchild*

Sworn to before me, this 23<sup>d</sup> day of August 1892  
*Theodore W. Fairchild*  
Police Justice.

**POOR QUALITY ORIGINAL**

06 18

(1835)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Thomas M. Conthy* 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 M. Conthy*

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. *John Row. 3 months*

Question. What is your business or profession?

Answer. *Labourer*

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*  
*Thomas M. Conthy*

Taken before me this

day of *August* 189 *7*

*W. H. ...*  
Police Justice.

POOR QUALITY ORIGINAL

0619

BATTED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court...

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Offense \_\_\_\_\_

Dated, Aug 23 189 2

Magistrate.

Officer.

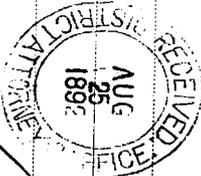
Precedent.

Witnesses

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

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

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



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

to answer \_\_\_\_\_ Street \_\_\_\_\_

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

*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, Aug 23 189 2 Dr. M. M. M. Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0620

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 McCarthy*

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

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

The said

*Thomas McCarthy*

late of the City of New York, in the County of New York aforesaid, on the *23rd*  
day of *August* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, with force and arms,

*one statue of the value  
of twenty-eight dollars*

of the goods, chattels and personal property of ~~one~~ *a certain corporation, known*

*as the Stalgenberg Company*

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.

0621

**BOX:**

495

**FOLDER:**

4517

**DESCRIPTION:**

McDonald, William

**DATE:**

09/07/92



4517

POOR QUALITY ORIGINAL

0622

Counsel,

Filed

Pleas,

1892

THE PEOPLE

vs.

William McDonald

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

James T. ...

Foreman.

22 Sept 23, 1892

Tried and acquitted

Provisional ...  
[Sec. 648, Penal Code]

Witnesses:

Witness lines

Handwritten notes and signatures at top left

POOR QUALITY ORIGINAL

0623

Police Court 4<sup>th</sup> District.

City and County of New York, ss.

(103) 103 East 84<sup>th</sup> Street, aged 34 years, occupation Matchmaker in Metropolitan Museum, being duly sworn, deposes and says, that on the 14<sup>th</sup> day of August, 1892, at the City of New York, in the County of New York, William McDonald

(now here) did wilfully and maliciously deface, disfigure, soil and injure an oil painting deposited in the Metropolitan Museum of Art the same being a Public Museum in the said City of New York in the following manner, to wit: that at about the hour of 4 P. M. on the aforesaid day said defendant was in said Museum and

deponent saw said defendant wellfully and maliciously deposit a quantity of tobacco juice over an oil painting exhibited in said Museum, injuring, and diminishing the value of said property to the amount of about Ten Dollars

Deponent therefore charges said William McDonald with having violated the provisions of Section 648 of the Penal Code of the State of New York and prays that he may be dealt with as the law directs.

Sworn to before me this 15<sup>th</sup> day of August 1892  
J. Williams

Police Justice Benjamin Budds

**POOR QUALITY ORIGINAL**

0624

Sec. 198-200

4<sup>th</sup> District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *William McDonald*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *N<sup>o</sup> 1404 - 3 Avenue about 3 months*

Question. What is your business or profession?

Answer. *Clerk*

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.  
Wm McDonald*

Taken before me this

day of *August*

189*8*

*J. McDonald*  
Police Justice.

POOR QUALITY ORIGINAL

0625

BAILED, *summons any other*

No. 1, by *Joseph J. Brennan*  
 Residence *103 East 84th St.*

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

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

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

Police Court---

District

10/16

THE PEOPLE, Etc.,

ON THE COMPLAINT OF

*James J. Brennan*  
 vs. *Joseph J. Brennan*  
 No. 103 East 84th St.

1  
2  
3  
4

*Mal Injury*  
*in articles in Museum*  
*Sec 648 Penal Code*

Dated *August 15* 1892

Magistrate

*James J. Brennan*  
 Officer

Witnesses *Benjamin Buckard*

No. *103 East 84th* Street

No. *Geo. St. O'Ryan*

No. *82 St* Street

No. *18th St* Street

\$ \_\_\_\_\_ to JUROR



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 *5* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *August 15* 1892 *J. Brennan* Police Justice.

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

Dated *Aug 5* 1892 *J. Brennan* 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.

POOR QUALITY  
ORIGINAL

0626

(522)

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*William Mc Donald*

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

indictment, accuse *William Mc Donald* —

of the crime of *maliciously defacing and soiling*  
*a picture deposited in a public museum,* —  
committed as follows:

The said *William Mc Donald*,

late of the City of New York, in the County of New York aforesaid, on the  
*fourteenth* day of *August*, in the year of our Lord one thousand  
eight hundred and ninety- *two*, — at the City and County aforesaid,  
*feloniously did maliciously deface and soil*  
*a certain picture, to wit: a certain oil painting*  
*deposited in a certain public gallery and museum*  
*there, known as the Metropolitan Museum of*

POOR QUALITY  
ORIGINAL

0627

Out, by then and there feloniously and maliciously  
spitting out of his mouth a quantity of tobacco  
juice upon the said picture; 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.

J. J. McCall,  
District Attorney

0628

**BOX:**

495

**FOLDER:**

4517

**DESCRIPTION:**

McElwee, William L.

**DATE:**

09/26/92



4517

POOR QUALITY ORIGINAL

0629

Witnesses:

Five horizontal lines for witness signatures.

958

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE

26 vs. J. W. ...  
223 ...

William S. Mc Elmer

Burglary in the Third Degree  
Section 498.50, 6, 7, 28  
5321

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Sept 23/92

*[Signature]*

Foreman.

Part 3 - Sept 29/92 -  
Pleads Petition

2 months ...

POOR QUALITY ORIGINAL

0630

Police Court— 5<sup>th</sup> District.

City and County  
of New York

55.

of No. 120<sup>th</sup> Street Amsterdam Ave Otto J Betz  
aged 23 years,  
occupation Brewer being duly sworn  
deposes and says, that the premises No. Foot of 129<sup>th</sup> Street, 12<sup>th</sup> Ward  
in the City and County aforesaid the said being a

Freight Car  
and which was ~~occupied~~ used by deponent to carry malt  
and in which there was at the time a human being, by name

William L McElwee  
were BURGLARIOUSLY entered by means of forcibly breaking  
a cleat which was nailed back  
of the door

on the 31<sup>st</sup> day of August 1882 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

one bag of Malt, of the  
value of Two-dollars and  
eighty-cents

the property of

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

William L McElwee

for the reasons following, to wit:

that at about the hour  
of 8 P.M. officer James E Hussy  
of the 30<sup>th</sup> Precinct Police, saw  
said deponent walking from  
said car, with said bag on  
his back, the officer immediately  
arrested the deponent, and  
informed the agent in charge  
of the car, John L Roden of

POOR QUALITY ORIGINAL

0631

176 Rail-Road Avenue, who told  
said officer that the property  
in said case belonged to  
J. J. <sup>or proving to</sup> ~~unusually~~ which property  
is identified as that belonging  
to defendant, him, wherefor  
defendant asks that said def-  
endant may be dealt with  
according to the law and c.

I was to before me }  
this 1<sup>st</sup> day of September 1892 } Otto J. Reig  
John K. ...

Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 188  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 188  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 188  
Police Justice.

Police Court, District,

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

Offence—BURGLARY.

Dated 188  
Magistrate.  
Officer.  
Clerk.  
Witnesses,  
No. Street,  
No. Street,  
No. Street,  
to answer General Sessions.

POOR QUALITY ORIGINAL

0632

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

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

Question. What is your name?  
Answer. William L. McElwee

Question. How old are you?  
Answer. 26 years old

Question. Where were you born?  
Answer. Albany N.Y.

Question. Where do you live and how long have you resided there?  
Answer. 80 Lawrence St 3 months

Question. What is your business or profession?  
Answer. Mason

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  
William L. McElwee

Taken before me this 1st day of September 1894  
John W. [Signature]  
Police Justice.

POOR QUALITY ORIGINAL

0633

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

Police Court... 2585 District. 1104

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

*John P. ...*  
*John P. ...*  
*John P. ...*

1 .....  
 2 .....  
 3 .....  
 4 .....  
 Offense Burglary

Dated Sept 1st 1892

*John P. ...*  
 Magistrate.

*John P. ...*  
 Officer.

*John P. ...*  
 Precinct.

*John P. ...*  
 Street.

*John P. ...*  
 Street.

No. 500  
 to answer



*John P. ...*

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

*Defendant*

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

Dated, September 1st 1892 *John P. ...* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

POOR QUALITY ORIGINAL

0634

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

THE PEOPLE OF THE STATE OF NEW YORK  
against  
*William J. ...*

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

*William J. ...*

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

The said *William J. ...*

late of the *12th* Ward of the City of New York, in the County of New York aforesaid, on the  
*thirtieth* day of *August*, in the year of our Lord one  
thousand eight hundred and ninety-*two*, in the *night* time of the same day, at the  
Ward, City and County aforesaid, a certain ~~building there situate, to wit, the~~ *of*  
*one railway car of the New York Central*  
*and Hudson River Railroad Company,*  
*a corporation,*  
there ~~situate~~, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said  
*corporation* in the said *railway car,*  
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.

POOR QUALITY ORIGINAL

0635

SECOND COUNT—

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

*William D. ...*

of the CRIME OF *Real* LARCENY .—

committed as follows:

The said *William D. ...*

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

*one bag of ... of the value of two dollars and eighty cents,*

of the goods, chattels and personal property of *one ... Central and Hudson River Railroad Company, a corporation,* in the *railway car* of the said *corporation,*

there ~~sitate~~, then and there being found, in the *railway car* 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.

*De Lancey ...*  
*District Attorney*

0636

**BOX:**

495

**FOLDER:**

4517

**DESCRIPTION:**

McGuire, Annie

**DATE:**

09/16/92



4517

POOR QUALITY ORIGINAL

0637

170  
1892

Counsel,  
Filed  
Pleads,

*[Signature]*

THE PEOPLE

vs.

Annie Mc Sine

Grand Larceny,  
(From the Person),  
Degree.  
[Sections 828, 829,  
Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

*[Signature]*

A TRUE BILL

*[Signature]*  
*[Signature]*  
*[Signature]*

Witnesses:

*[Signature]*  
*[Signature]*

**POOR QUALITY ORIGINAL**

0638

Police Court 4 District. Affidavit—Larceny.

City and County }  
of New York, } ss:

Daniel McNeill  
of No. 247 Freeman St, Greenpoint <sup>Ridge</sup> Street, aged 22 years,  
occupation Captain Fig Boat being duly sworn,  
deposes and says, that on the 3 day of Sept 1892 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 <sup>person</sup> night time, the following property, viz:

One Watch of the  
value of Eighty five  
dollars  
(\$85.<sup>00</sup>/<sub>100</sub>)

the property of deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloni-  
ously taken, stolen and carried away by Annie McGuire

(now here) from the fact that  
deponent met the defendant  
upon the public street in Brooklyn.  
That she accompanied him to  
New York and they both went  
to a room in the Compton House.  
That while deponent was asleep  
in bed the defendant took  
said watch from deponent's  
pocket. That when deponent  
woke up he accused the def-  
endant of taking his watch.  
That <sup>said</sup> defendant denied having said  
watch. That thereupon deponent

Sworn to before me, this  
of 189

Police Justice.

POOR QUALITY  
ORIGINAL

0639

caused the arrest of said  
defendant. That she was  
searched in the station house  
by officer John Brennan of the  
16th Precinct and said property  
found in her possession.

Therefore deponent charged  
said defendant with the  
larceny of said property  
and prays that she be dealt  
with as the law directs.

Sworn to before me }  
the 11<sup>th</sup> day of } Daniel M. Keill  
September 1872 }  
Wm. Kelly  
Police Justice

POOR QUALITY ORIGINAL

0640

Sec. 198-200.

4

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Annie M. Guire

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

Question. What is your name?

Answer. Annie McGuire

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. United States

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

Answer. 67- 8th Street, Hunter's Point. 10 years

Question. What is your business or profession?

Answer. Domestic

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

Answer. I am not guilty Annie McGuire

Taken before me this 4 day of September 1898  
[Signature]  
Police Justice

POOR QUALITY ORIGINAL

0641

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court--- District

170 1101

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Samuel McVelle  
247 Thurston St - Greenwich  
Stuvia M. St. Louis

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Offence \_\_\_\_\_

Dated Sept 4 1892

held

Officer

18 Precinct

Witnesses Call the officer

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

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

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

\$ 750 Bail



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 Defendant

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

Dated Sept 4 18 92 McVelle 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.

POOR QUALITY  
ORIGINAL

0642

Court of General Sessions of the Peace

504

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Annie Mc Guire

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

Annie Mc Guire

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

The said Annie Mc Guire

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

*one watch of the value*  
*of eighty-five dollars*

of the goods, chattels and personal property of one *Daniel Mc Neill*  
on the person of the said *Daniel Mc Neill*  
then and there being found, from the person of the said *Daniel Mc Neill*  
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.

*De Laurence Nicoll,*  
*District Attorney.*

0643

**BOX:**

495

**FOLDER:**

4517

**DESCRIPTION:**

McHugh, D. (McCue)

**DATE:**

09/16/92



4517

POOR QUALITY ORIGINAL

0644

147  
1140

Counsel,  
Filed  
Plends,

day of *Sept* 189*2*

THE PEOPLE

vs.

*Delia McHugh*  
*(U.S. 602)*

Grand Larceny, First Degree  
(DWELLING HOUSE)  
[Sections 829, 830, 831  
Fennal Code.]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL. *Sept 15/92*

*J. J. [Signature]*  
Foreman.

*Sept 16/92*  
*W. J. [Signature]*  
*W. J. [Signature]*  
*Bill [Signature]*  
*Sept 21/92*

Witnesses:  
*Ch appears to*  
*the goods are the*  
*property because*  
*it will not return*  
*to [Signature]*

POOR QUALITY ORIGINAL

0645

Police Court 3 District.

(1885)

Affidavit—Larceny.

City and County }  
of New York, } ss.

Rose Lang

of No. 121 Suffolk Street, aged 25 years,

occupation Janitress being duly sworn,  
deposes and says, that on the 5 day of September 1892 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 pocket book containing good <sup>and</sup>  
lawful money and a check on the  
Chemical National Bank of Hartford  
for some dollars all of the value  
of Fifty six dollars \$ 56-

the property of deponent <sup>and</sup> Peter Hertin  
in the care and charge of deponent  
and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
and carried away by Selva Mc Cur (or thereabouts)

Deponent says that said defendant  
was in the room when she missed  
the aforesaid property. Deponent  
notified officer John Foley of the  
fact, and he went to where  
defendant was living, and notified  
her, that she was accused of

Sworn to before me this 5 day of September 1892  
Police Officer

POOR QUALITY  
ORIGINAL

0646

taking the aforesaid money, <sup>and</sup>  
immediately said defendant  
threw two pocket books out of  
the window one of which con-  
tained \$24. and said defen-  
dant then and there stated  
that defendant gave her the  
aforesaid property to take  
care of, as she is informed  
by the officer.

Sworn to before  
me this 10 day of Sept 1892

Bois Lang

J. D. Coffey  
Police Justice

**POOR QUALITY ORIGINAL**

0647

CITY AND COUNTY }  
OF NEW YORK, } ss.

1021

aged 28 years, occupation John Foley of No. off

11th Avenue Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Rose Lang

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

Sworn to before me, this 10 day  
of Sept 1892

John Foley

[Signature] Police Justice.

POOR QUALITY ORIGINAL

0648

3

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

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

Question. What is your name?

Answer. *Delia Mblue*

Question. How old are you?

Answer. *31 years*

Question. Where were you born?

Answer. *England*

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

Answer. *33 1/2 Stanton St. 1 day*

Question. What is your business or profession?

Answer. *Cook*

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. *The Complainant gave me the pocket book containing \$39.. Deule Mc Keeff*

Taken before me this *16* day of *Sept* 18*89*  
*Police Justice*



POOR QUALITY  
ORIGINAL

0650

461

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Delia Mc Hugh*

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

*Delia Mc Hugh*

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

The said *Delia Mc Hugh*

late of the *17<sup>th</sup>* Ward of the City of New York, in the County of New York aforesaid, on the *fifth* day of *September* in the year of our Lord one thousand eight hundred and ninety-*two*, in the night time of the same day, at the Ward, City and County aforesaid, with force and arms,

*the sum of forty-seven dollars in money, lawful money of the United States of America, and of the value of forty-seven dollars, one written instrument and evidence of debt, to wit: an order for the payment of money of the kind called bank cheques for the payment of, and of the value of nine dollars, and one pocketbook of the value of one dollar*

of the goods, chattels and personal property of one

*Rose Lang*

in the dwelling house of the said

*Rose Lang*

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.

**POOR QUALITY  
ORIGINAL**

0651

SECOND COUNT—

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

*Delia McHugh*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Delia McHugh*

late of the *17th* Ward of the City of New York, in the County of New York  
aforesaid, on the *fifth* day of *September* in the year of  
our Lord one thousand eight hundred and ninety-*two* at the Ward, City and  
County aforesaid, with force and arms,

*the same goods, chattels and  
personal property described in  
the first count of this indictment*

of the goods, chattels and personal property of one

*Rose Lang*

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

*Rose Lang*

unlawfully and unjustly did feloniously receive and have; the said

*Delia McHugh*

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.

DE LANCEY NICOLL,

*District Attorney.*