

0321

BOX:

198

FOLDER:

1988

DESCRIPTION:

Adair, James

DATE:

12/17/85



1988

Witnesses:

John W. Keppel

John W. Keppel

Charles W. Keppel

Geo. A. Robbins

Counsel,
Filed *17* day of *June* 188*7*

Pleads *voluntarily*

THE PEOPLE

vs.

James Eldair

Grand Larceny in the
(MONEY)
(Sec. 538 and 539, Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

June 13 1887

June 14/87

A True Bill.

Wm. J. Keppel

June 13/87

Bail for

Foreman.

F

0322

0323

Police Court—

5 District.

Affidavit—Larceny.

City and County } ss.:
of New York,of No. 268 W 124 Maria Keyser
occupation Married Street, aged 30 years,deposes and says, that on the 3 day of December 1884 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:

Twenty four dollars

the property of

deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by James Adair from her, from

the following facts to wit: That
on said date said Adair came
to deponent's premises and stated
he wanted to measure a stone for mica
and that said Adair entered a
room where said money was and
shortly afterwards departed therefrom
and immediately thereafter deponent
missed said money from a book
case where she had seen it shortly
before said Adair entered said room
deponent further says that said Adair
saw deponent place said money in
said book case the day previous

Marie Keyser

Sworn to before me, this

4

day

1884

of December 1884
James Adair
Police Justice.

0324

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

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

Question. What is your name?

Answer *James J. Adair*

Question. How old are you?

Answer *17 years*

Question. Where were you born?

Answer *Id*

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

Answer *2180, 8 Ave. 8 months*

Question. What is your business or profession?

Answer *House furnishing house*

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

Answer *Saw not guilty and demand a trial by jury*
James Adair

Taken before me this

day of

1888

Charles J. Smith

Police Justice.

0325

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

James Adair
_____ *Paul* 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 *Dec 17* 188 *Andrew J. Smith* Police Justice.

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

Dated *Dec 17* 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.

0326

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Maria Meyser

268 W. 124

James Adair

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Dated

Dec 11

188

Magistrate

Officer.

30

Precinct.

Witnesses

Priscilla Shepherd

No.

268 W 124

Street.

Geo a Robie

No.

276 W 125

Street.

No.

500.

to answer

4 sec. 4 3.30

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0327

District Attorney's Office.

PEOPLE

vs.

James Adair
Left with wife
mailed one to
Deft. at his
address.
June 10

0328

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Adams

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

James Adams

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

The said *James Adams*,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *third* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*three*, at the Ward, City and County aforesaid, with force and arms, in the *day* time of the same day, *one* promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars; *two* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *four* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars *each*; *two* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *twenty* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *one* promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars; *two* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *four* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *Twenty* *four* *dollars*.

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

RANDOLPH B. MARTINE,

District Attorney.

0329

BOX:

198

FOLDER:

1988

DESCRIPTION:

Adams, Joseph

DATE:

12/21/85



1988

Witnesses:

Jaest Newfield
Officer Hunt

Counsel;

Filed 21 day of Dec 1887

Pleads

Guilty pr.

THE PEOPLE

vs.
Henry
in a criminal

P

Joseph Adams

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

RANDOLPH B. MARTINE,

By Henry 14/86 District Attorney.

Reads Acol. 34.

Per: Maria m.

A True Bill.

Henry J. Pugh

Foreman.

12/14/86
14/86
14/86

This case is closed
on 14th Dec 1887

0330

0331

Police Court District.

CITY AND COUNTY OF NEW YORK, ss

of No 142 Delancey Street, Aged 27 Years
 Occupation Cigar Maker being duly sworn, deposes and says, that on the
16th day of December 1885, at the 14th Ward of the City of New York,
 in the County of New York, was feloniously taken, stolen, and carried away from the person of de-
 ponent by force and violence, without his consent and against his will, the following property, viz:

One scarf pin valued
 at Thirty five cents.

35 cts

of the value of 35/100 DOLLARS,
 the property of deponent
 and that this deponent has a probable cause to suspect, and does suspect, that the said property was
 feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Adams (now hen) and another Joseph
 that deponent was in a saloon
 at Number 128 West 14th Street, said saloon
 being used as a dance house. De-
 ponent was dragged from said
 saloon to the yard in the rear and
 while in said yard deponent
 seized hold of deponent by the
 throat with one hand, and forcibly
 took said pin from the scarf
 which deponent then had on with
 the other. Wherefore

James O'Brien
 1885
 Police Justice

0332

deposition charges said defendant
with feloniously taking, stealing,
and carrying away the afore-
said property by force and
violence, without his consent and
against his will.

Sum to before me
this 19th day of December
1887
George Crawford

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 1887
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1887
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1887
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

vs.

1

2

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4

Dated

1887

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0333

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

157 District Police Court.

Joseph Adams 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. Joseph Adams

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. New Jersey

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

Answer. 31 Cherry Street 3 months

Question. What is your business or profession?

Answer. Machinist

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

Joseph Adams

Taken before me this

day of

17th
Sept
1888
Police Justice.

0334

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

~~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 Dec 17th 1888 [Signature] Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0335

Police Court

157-1474 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Jaest Newfield
142 Delancey
Joseph Adams

Offence

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated

December 15 1885

Magistrate

Officer.

114 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ 1000 to answer

Chas. E. Sen
Cory

0336

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Joseph Adams

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

of the CRIME OF ROBBERY in the First — degree, committed as follows:

The said Joseph Adams,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
sixteenth day of December, in the year of our Lord one thousand
eight hundred and eighty-five, in the night time of the said day, at the Ward, City
and County aforesaid, with force and arms, in and upon one Jacob Newfield, —
in the peace of the said People, then and there being, feloniously did make an assault, and

one scarf pin of the value of thirty
five cents.

of the goods, chattels and personal property of the said Jacob Newfield, —
from the person of the said Jacob Newfield, against the will,
and by violence to the person of the said Jacob Newfield, —
then and there violently and feloniously did rob, steal, take and carry away, (the said
Joseph Adams being then and there
aided by an accomplice actually
present, whose name is to the Grand
Jury aforesaid unknown) —
against the form of the statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

Randolph B. Martin

District Attorney

0337

BOX:

198

FOLDER:

1988

DESCRIPTION:

Aird, James

DATE:

12/22/85



1988

People

as
James and
Libel -

This indictment
was found in
December 1885.

The defendant
died on fifth
of September
1891 -

I ask that
this indictment
be dismissed
June 7th 93

G. S. B.

side certificate of
death inside -

Nov 3 No 183

C. P. Miller

Counsel

Filed 22 day of Dec 1885

Pleas with jury 23

THE PEOPLE

vs

James Bird

June 7/93

Indictment

Dismissed

RANDOLPH B. MARTINE,

District Attorney

A True Bill.

Benj. J. Pender

Foreman

Jan 14/93

G. S. B.

0338

0339

Warden Fox - Penitentiary
Agnes Francois - Penitentiary
Hugh O. Niell Proprietor No. 321 to 327. Sixth Ave Cr 20th St
Policeman Mc Book 19th Sub-Precinct Grand Central Ry
Detective Price 29th Precinct
James Strange Driver for O. Niell, 322 West 15th St
Witnesses to McCabe's Character.
John J. Gorman - No. 56 East 6th St or Police Court
F. A. Conkling " 27 " 10th St
Vincent C. King " 75 " 35th St or 512 West St
Charles O. Shay Chief of N. Y. Fire Department, 155 Mercer
St

Witnesses to distributing circular
Michael Mc Eroy No. 108 East 13th St
Robert K. Grace " 209 Elizabeth St

Witness to shooting at 38 Frankfort St
William J. Bogaw No. 198 East Broadway

0340

People
y

James A. D.

Leahy with me
for People

0341

78 Washington St

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

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

To Chief John M. McCabe

of No. Fire Headquarters Street

At 11:20 o'clock AM Redford

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 16th day of May 1893 at the hour of 10 $\frac{1}{2}$ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

James Aird

Dated at the City of New York, the first Monday of
in the year of our Lord 1893

DE LANCEY NICOLL, District Attorney.

0342

County General Sessions

People
v
James Aird, }
}

Malcolm L. Lel

Statement of John M. Lel
as to charges contained in the cir-
cular issued by James Aird.

The charges are numbered and
the reply corresponds therewith.

0343

An Officer of the present New York City Fire Department.

Second Chief John McCabe, alias Buckie McCabe, made the following statements in the Court of Common Pleas, Part 1st, Feb., 1881, before Judges Beach and Daly, and in the presence and hearing of Cornelius Van Cott and John J. Gorman, who were at that time Fire Commissioners of the City of New York.

1
2 That he, John McCabe, while holding the position of Bell Ringer in the New York City Fire Department, was indicted by the Grand Jury for shooting Maurice O'Brien, August 1st, 1869. That he, JOHN McCABE, on March 16th, 1870, between the hours of 7 and 8 o'clock in the morning shot Richard Dowling, Joseph Kesstler, Michael Draper and John Hayes, in a saloon, No. 58 Frankfort Street, New York City (called the dead house), and after the shooting went to City Island, remained there three or four days, was then arrested by Captain Allaire and Warden Finn, then a detective in this case. He, JOHN McCABE, was indicted—but it was *Nolle Pro.*

3 Again, that he, JOHN McCABE, was indicted by the Grand Jury, in a case of assault and battery, he having had a quarrel with one Peter Quinn. He was discharged at the Special Sessions.

4 Again, that he, JOHN McCABE and one John Hayes were arrested for highway robbery. Ex-Alderman William P. Kirk went his bail for \$1,000. The date of this case can be obtained from the District Attorney's books.

5 For the information of the general public I, the undersigned, will state that police-officer De Groot, of the 29th Precinct, and Frank O'Brien, superintendent of Mr. O'Neil's dry goods house on 6th Avenue and 20th Street, also Mr. Hugh O'Neil, proprietor, and James Strand (the driver of the wagon of the said place of business), went to the house of JOHN McCABE, No. 110 Waverly Place, Chief of Fire Department, New York City, on the 13th day of September, 1884, and there found in his apartments valuable goods, consisting of dolmans, wraps of every description, and Jerseys, which filled a business wagon, brought them to the 29th Precinct.

6 A woman called Agnes Francis, employed at that time by Mr. H. O'Neil, in his dry goods house, Twentieth Street and Sixth Avenue, did from time to time steal the above mentioned articles and sent them to JOHN McCABE'S house.

7 The undersigned visited the Prison on Blackwell's Island, where the woman Agnes Francis, after conviction, was sentenced for 3 years and 6 months, she made the following statement to me November 11th, in the presence of Warden Fox, that she sent those goods to Chief JOHN McCABE'S house, 110 Waverly Place, where they were first found by Detective Price, of the 29th Precinct.

What I want to know is, why were not these facts made public, as it is well known in both Police and Fire Departments, therefore requires explanation; is it again that influence was brought to bear to keep this quiet? if so, the sooner it is known the better for the benefit of our tax-paying citizens.

A copy of this to be sent to Mayor Grace, to the Board of Aldermen, and the Exchange.

JAMES AIRD,

No. 19 Catharine Street, New York City.

0344

1st

7

The shooting of C. Brien occurred while I was coming home from a tour of duty on the bell tower at Essex Market. I was attacked by a crowd outside of a club room called the Festive Club located in Earl Street between Vandewater and Hague Streets and had to defend myself

In this case it was Jolly Bros. at C. Brien's request to ask District Attorney Sullivan

2nd

The shooting of Richard Dowling, Joseph Keeler, Michael Draper and John Hayes in a saloon at No. 58 Frankfurt Street. I only remember that Richard Dowling was shot and the wound was very slight. I was arrested and the case was taken before Judge Scott at the Tombs Police Court and dismissed as a barroom brawl

3rd

This is false as I never was indicted by the Grand Jury for Assault and Battery

4th

John McCabe and John Hayes was arrested for Highway Robbery in this case ~~as there~~ ^{should you} articles of partnership with Quinn who I was supposed to rob; also article in Newspaper N. Y. Herald of 1865; also dates of the case being sent to the Court of Special Sessions and discharged; also please find testimony of Frank King late

0345

Foreman of Engine Co 13 now dead relating to the robbery of Peter Quinn; to which he was an eye-witness this in an investigation by the Fire Commissioner in 1881 in the subject of Quinn's robbery

~~Went to the house of John McCabe 110 Barclay Place Chief of Fire Dept New York City on the 13th day of September 1884 and there found in his apartments valuable goods consisting of Dolmans + Draps of every description and jewelry which filled a business wagon and brought them to the 29th Precinct Station house. This is all false. Witnesses Frank O.'Brien Supt. of C. Mills store; Hugh O. Mill Proprietor 321 to 329 Sixth Ave Cor 20th St Policeman De Groot 19th Precinct Grand Central Depot. James Strange 322 West 15th St and Detective Price 29th precinct~~

6th

A woman called Agnes Francis employed at that time by Mr H. O. Mill in his dry goods house 20th St + 6th Ave did from time to time steal the above mentioned articles and sent them to John McCabe. This could not be so as there was nearly a wagon load taken from her apartment on the 4th floor McCabe living on the 3rd floor. This woman had a daughter aged 14. who went to school

0346

every morning and there being no one in her house all day which was on the 11th floor she would say to Mrs McCabe in passing the door there is going to be a sale of marked down goods to day and if I see a chance I will buy something cheap for my daughter - and if I send it out you receive it until I come home to night. The box would come in O. Mills wagon delivered in the regular way with stamp mark and everything so that there was nothing suspicious in any way to point to anything being wrong. There may have been from four to five packages during the time she lived there which was about 1 year and 6 months

7th

The undersigned visited the prison on Blackwell Island where the woman Agnes Francis after conviction was sentenced for 3 years & 6 months she made the following statement to me on November 11th in presence of Warden Fox that she sent goods to Chas. John McCabe's house No 110 Waverly Place where they were first found by Detective Price of the 29th Precinct. Witnesses Agnes Francis Penitentiary says that she never said anything of the kind but that Aird represented himself as a member of the Prison Society and said that

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he would interest himself to get her a prison
if she would in some way implicate McLabos
family. And thinking it was a shame for woman
like her to suffer. Warder Fox states that
he never heard any such conversation and
that what Bird says is false.

Witness

Warder Fox (J)
Agnes Francis " +

0348

People

v

James A. Auld

—

William Auld.

Statement and

Test of John A. Auld

0349

Saturday
July 22 (1965)

Unseen Kelly

The People

-VS-

Raymond Carr

John Hays

John McCall

Discharged

Myra Martin

Robert Martin

Condy

0350

At a Court of General Sessions of the Peace,
Held in and for the City and County of New York,
at the City Hall of the said City, on *Thursday* day
the *15th* day of *June* in the year of
our Lord one thousand eight hundred and seventy one,

Present,

The Honorable John M. Hackell
Recorder of the City of New York, } Justice
of the
Sessions.

The People
vs
John M. Cahill

An Indictment for a fault and
Battery on Morris O'Brien with
intent to kill. - (filed) 04 Sep. 3. 1871

I, Clerk of the Court, the District
enter a Motion for a writ of
indictment at the request of the
Complainant Morris O'Brien -

Ordered by the Court that the
defendant add his surety he severally
discharged from their recognizance,

Extract from the Minutes
J. M. Hackell
Clerk

0351

O'Brien
New York General Sessions of the Peace.

THE PEOPLE

OF THE STATE OF NEW YORK,

vs.

John M. O'Brien

Dated

June 15th 1871

*Copy of order of
Court.*

W. S. O'Brien

0352

Date

July 16th 1865

John W. Brown

(John W. Brown)
V-S-
John W. Brown

0353

J. P. Maun, Stationer and Printer, 133 Nassau St., N. Y.
Rooms 4 and 5

STENOGRAPHERS' MINUTES.

N. Y. Fire Department

BEFORE

Inserted into the
 Conduct & Management of
 of the Repair Yard
 &c.

Pres. King & Council
 Sorman & Van Bt.
 1st Day,

N. Y. Feb'y 12th 1881

WITNESSES.

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

Capt. John M. C. Cade
 Frank King
 Edward Bailey
 Wm. D. Bryan

1,		59,	
54,			
61,			
90,			

Chas. L. Gurney
 110 Broadway
 Room 19, N. Y.

0354

Fire Dept of N. Y.
In the Matter of
the Investigation
into the Conduct
and Management
of the Repair Yard
etc

Before
Pres. King & Commrs
Gorman & Van Cott.

New York, Feb'y 12th 1881.

Charles L. Guy, stenographer, having
been duly sworn, submits his re-
port as follows:

The first witness called was
Capt John M^c Cabe, to whom Commr
Gorman read a portion of Section
10, Chapter 442 of the laws
of 1871 as follows: "Said
"Commissioners, in conducting any
"examination or enquiry as afore-
"said, are hereby authorized to
"administer any oath or affirmation
"in the matter, and any false
"swearing under such oath or af-
"firmation thus administered shall be
"perjury, and punishable as such
in such manner as now provided.

2

"under the laws applicable thereto."

The witness was then sworn, and, being examined, testified as follows:

By Commissioner Gorman,

Q What is your occupation in the department?

A Captain in charge of the repair shops.

Q How long have you been in the fire department?

A My first appointment was Sept. 22nd 1866. I was appointed a private in Engine 30. I resigned, and afterwards was appointed a bell-ringer, which appointments I have brought with me.

Q Read it, please?

A [Witness reads] "Office Board of Fire Commissioners, Metropolitan Fire Department, Freeman's Hall, New York, September 24th 1866. Wm. Simpson, Foreman of Engine Co. No. 30:

" Sir,

" The bearer, J. M. C. Cane has been appointed a private in this department, and assigned to duty

0356

"with the company under your ap-
"provement."

(signed) "Charles E. Gildersleeve, Secretary,"
"John M. McCabe No. 3 Vandewater St."

By Pres. Ring.

Q What company were you attached
to at that time?

A 30 Engine.

Q How long did you remain?

A I don't exactly remember the date.

Q About it?

A About a year as near as I can
recollect.

Q What did you do then?

A I resigned.

Q When did you next become a
member of the fire department?

[Witness reads]

"Metropolitan Fire Department:

"Office Superintendent Fire Alarm

"Telegraph &c.

"New York, December 17th 1868.

"John M. McCabe, Bell-ringer:

"You will report forthwith at Spring
Street Tower for instructions at
"the hands of ringers Brennan
"and Van Grait, devoting all your

0357

4

"time thereto. As soon as you
"are competent to take charge
"You will report to them for orders
"(signed) "Charles L. Chapin
"Supt Fire Alarm Telegraph"

By Emma Gorman.

Q Did you ~~report~~ so report?

A Yes sir.

Q How long did you remain as
a bell-ringer?

A I should say about a year
as a bell-ringer.

Q Then did you resign?

A Yes sir. — Or, no sir. I was
discharged, as my services were
no longer required. That was
a discharge at that time. They
just gave you your paper, and
that ended it.

Q When did you again connect
yourself with the fire department?

A In the year 1873.

Q In what capacity?

A Fireman.

Q How long did you serve as a
fireman?

A Five months.

Q What position did you occupy at

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that time?

Q Asst-foreman.

2 Of what company?

Q 14 Engine.

2 How long were you Asst-foreman of 14 Engine?

Q Seven months.

2 And what became of you then?

Q I was promoted to be foreman and assigned to Engine Co. No. 19.

2 And you remained with No. 19 how long?

Q Two months.

2 Subsequently you went where?

Q Engine Co. No. 14.

2 And remained there how long?

Q For five or six years. I remained there from my transfer to 14 Engine up to June 1st 1879, or something around that date, when I was transferred by the Board to take charge of the repair shops.

By Pres. King,

2 You were detailed by the Board?

Q Detailed by the Board.

6 By Commr Gorman,

Q And you have been in charge of the repair shops since June 1879?

A Yes sir,

Q And devoted your whole time and attention to the repair shops from that time to this?

A Yes sir, with the exception of my vacation.

Q During your command of the repair shops have you known of any improper conduct of employees such as ought to be brought to the attention of the Board — if so, what?

A Not positively, till the morning of the day before yesterday.

By Commr Vane Cott.

Q Give the day of the month — that is the 10th, is it not?

A Yes sir. So when I sent for Edward Perley —

Q Who is Edward Perley?

A Machinist helper at the repair shops.

By Commr Gorman.

Q How long has he been there —

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has he been there since you have continuously?

Q Jessin, before I was. He has been there about five years.

2 Go on?

A I sent for him and charged him with the theft of brass and rivets also, charged him with where he sold it at a junk store in Beacon St. opposite Center, and he acknowledged the whole thing, stating to me that Mr James Aird.

2 What is he?

A Callan makes at the repair shops. — that Mr James Aird had in connection with himself and a man named William D. Ryan had burnt up the old Boyd house or condemned house as we call it, took the rivets out and took them to the sink and washed them, and afterwards lowered them out into a package or a bag of some kind, which young Parley, who stood on the sidewalk, took

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to this junk-shop in Beome Street, opposite Custer and then sold them for \$3.50.

2 This is the admission of Peley to you?

A Yes sir. He afterwards came back to the shop, handed the money to Aird, and the money was divided between Aird, Bryan and Peley. Some ten days after this he took more rivets out, which amounted to \$4.00, came back, and divided the money with Aird.

2 What else did he admit at that conversation?

A He admitted to seeing harness - the Patent harness, the California swinging harness that we have in use now we have altered a good deal, and the wooden harness that come in on the double harness are taken off and laid aside for the purpose of putting those malleable iron and steel harness on. Those harness were laid under a bench on the harness

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floor, and not used except in a case where a wooden frame is wanted, which very seldom occurs. I asked him if he ever saw any frames taken out. He said No. I asked him if he ever saw any frames painted. He said yes, frames with the traces on painted in the paint shop. I told him I didn't mean that — did he ever see any frames painted in the paint shop without any traces on, painted and stripped, for the purpose of being taken out. He said he did, but couldn't say whether they were taken out or not. I then made him make affidavit to all these facts.

Q You then caused him to make affidavit?

A Yes sir.

Q How long ago is it since you had any suspicion of any thing being what we call doctored

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in the repair yard?

A When I first suspended Jerry Perley.

Q Do you know how long ago that was?

A I think it was nearly eight months ago.

Q What means did you employ to try and detect any irregularities that might have been going on?

A I informed Beami Jan Ott, who instructed me to go and see Captain Brogan of the 15th precinct police, and report the facts to him.

By Pres. King,

Q You did that?

A Yes sir.

Q Did you make any headway in detecting any irregularities?

A No more than the conversation that the detective told me he had with this man Aid.

Q That he had with this man Aid?

A Yes sir.

Q Was it the conversation that this

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man Aird was guilty of any irregularity?
By Cumin Gorman.

Q What was the conversation?

A The conversation between detective Crowley and Aird was Crowley came across him and knew him, and asked him how he was getting along, passed the time of day and that kind of talk. They got into conversation, and Crowley asked him how he was getting along. Well, he said, as well as I can recollect, he was not getting along at all, "that God-damned 4th ward son-of-a-bitch Mc Cabe at the repair shops don't give a man a chance to make a dollar, and if I had to rely on what I get out of the repair shop I couldn't live. I make money outside. I have just been down in Sullivan Street measuring two horses for collars."

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12 Q Could you place any fault in connection with the repair shops on him at that time?

A Yes sir.

Q I understand that you were to work with these detectives how long?

A Nearly five weeks. In the mean time one of the detectives suddenly got taken with the pneumonia and had to go in the 15th street hospital, and a new man got put on the case.

Q As soon as you found anything you immediately went to work, reported to the proper authority, the Chairman of the Committee on apparatus and telegraph?

A Yes sir.

Q And he instructed you to go and get detectives and properly place them and surround the repair yard in such a position that you could detect any irregularities going on?

A Yes sir.

Q You did all that?

A Jessin.
By Pres. F. F. F.

2 These detectives are prepared to come before this Board, I suppose, and give what information they have found in the matter?

A Jessin, as well as the Captain.
By Currier Gorman.

2 Have you any knowledge now either from hearsay or of your own knowledge of James Auld who was formerly a collar-maker in the repair shop having taken anything from it that did not belong to him?

A Jessin.

2 What is your knowledge, if that, if you please? State it fully and particularly?

A Being subpoenaed in that trial of Auld against the New York News Co., I went into a lager-beer saloon.

2 You were subpoenaed there as a witness?

A Subpoenaed to the Court as a witness. This German in my

travels up and down past there on my way to work, stopped me once or twice, ~~but~~ hearing this man Reid's threats in there, which I never paid any attention to, told me any time, this man attempted to make any trouble with me that he would like to have me call on him as a witness, that he would show things that were not very pleasant, or he knew of great deal, or something that way.

2 He led you to suppose that he was in possession of some private information?

A Yes; knowing that it was a lager-beer saloon keeper, like that, I didn't pay a great deal of attention to him; but when subpoenaed, and seeing the efforts of this man Reid, I went in to see what the German knew, and told him Reid had a case on against

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the news company, and if
he knew anything it be-
came the duty of him and
every honest citizen to come
forward and tell it, and he
said he had an axe in the
place, which he went and
got, marked "Hook and Ladder
5" with those center punches
which we some time ago
used to mark our tools with.
He produced the axe in the
presence of myself and the
clerk, James Degnan, whom
I took in there as a wit-
ness. I took possession
of the axe, and ordered Degnan
to take it in the repair shop.

By Pres. King.

Q Did you say how this man
said he got the axe?

A I then asked him the cir-
cumstances of the axe coming
into his possession, and
he stated that James Aird
came in there one night, as
near as he could recollect.

last February, and left the axe there with instructions to his boy that he would call ~~with~~ for it at some future time.

2 Instructions to whose boy?

a To this Lager-beer Saloon keeper's son, and in the mean time he ran a bill which amounted to some three dollars—

By Comm'r Gorman,

2 Who ran the bill?

a James Lind ran a bill which amounted to \$3.53, and, in the minds of the Lager-beer saloon keeper, the bill being worth more than the axe, he left the axe, and refused to pay the bill, and never afterwards called after the axe.

2 You have the axe now in your possession?

a No sir; the axe now is in the possession of the Court of Common Pleas or Counsellor Hummel. He also stated that he brought a clock in there, which I afterwards ascertained from this young man Peley was condemned

property, and taken from the repair shop by Aird.

Q Is there anything else that you know of that Aird has taken from the repair shop or that you have heard of?

A Frank Ochs, wheelright at the repair shop, stated in his testimony before Judge Beach and a jury day before yesterday that he made what we call a collar block for the purpose of putting a collar onto it, a large block, on instructions from James Aird, as Aird told him by order of Foreman Kelly. Ochs made the collar block for him, which took two days to make it, and it was afterwards taken upstairs.

Q Taken upstairs where?

A Taken up on the harness floor.

Q And to whom was it delivered?

A To James Aird. It was then lowered down the hatch by James Aird, and taken out of

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the repair shops.

2 What, if any thing else, did Aid take from the repair shop as you know, or have heard how it was?

a Detective Kilgar saw him one night go out with a bundle which I always supposed afterwards must have been collar leather. It was a bundle wide on both ends and small in the center, the same as you would get cut leather, and in making a turn of it in that way it would be small in the center where the turn was on the sides. And he another time saw him with a collar of some description, which I should judge from his description of it must have been a collar with the patent lames out of it or something of that description.

By Pres. King.

2 Why didn't he arrest him?

a I think his explanation of that, as near as I can recollect,

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was, that they were holding back to see where he placed these goods, with the view of arresting the man that the goods were put away with, with an idea of finding a great deal more in possession of that man, or as the police term it, to get the fellow right on to let him go on, to get some proof whereby he could convict him if he arrested him, such as finding more property in the possession of the party whom he left this with, and at the same time immediately arresting the party as the receiver of stolen goods.

- Q Do you know whether he found out what was in the bundles?
- A No, I do not. No, he did not find out.
- Q Do you know of Bird taking any other material or things belonging to the public, of your own knowledge, or by hearsay?
- A No sir; no more than that statement

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that I made before the Board
that time I came over here.

2 Do you recollect at what time
Auld was dismissed from the
service of the fire department?

A Yes sir, August 31st 1880.

2 Did you make any report to
the Board in relation to Auld
on August 31st 1880, either
verbally or in writing?

A I made a statement to the
Chairman of the Committee on
Apparatus, and he instructed
me to appear before the Board
with the same statement,
and make any explanations
that might be necessary with
the statement; which I did.

2 And Auld was immediately after
dismissed?

A ~~And~~ After the statement having
been read by myself with in-
structions from Comm'r Gorman,
and such explanations and ques-
tions as I was asked con-
cerning having harness made out-
side, or different things in re-
lation to harness, Comm'r Gorman

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at once moved that the whole force of harness makers be dismissed from the repair shops.

Q And that was done?

A That was immediately done, and the papers forwarded to me next morning, to take effect that night at five o'clock.

Q And did not the other ~~harness~~ harness makers in the repair shops have since not been employed by the fire department?

A No sir.

Q How that were on at that time?

A No sir.

Q Do you know of any other persons in the employ of the fire department, much before command that have been guilty of any prohibition or dereliction?

A Yes sir, Edward P. H. a machinist helper and William D. Bryan, helper.

Q Are they guilty of any other prohibitions than you have spoken of in your testimony to-day, as far as you know or have heard?

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Q Having, except that I have testified to state in the testimony that Wm. D. Bryan said that he saw that in the possession of David Smith as he described as Rollin leather or out and for a collar; but didn't positively know whether he took it from the building or not.

Q Do you know of any other locations outside of those three I mean anybody else?

A Yes.

Q As we understood it here, when the Rollin matters were dismissed from the indictment, an indictment appeared in the Daily News, stating nothing of the fact that they were dismissed, and on that James Lind, the clerk of the Rollin matter, commenced a suit, and against the Daily News Co. for libel?

A Yes.

Q The trial of that suit, as I understand it from you, was closed

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yesterday?

Q Yes sir.

Q And during the course of that trial (Did) was a witness in his own behalf. Is that so?

A Yes sir.

Q As such witness he made an assertion against your personal character?

A Yes sir.

Q Will you explain in this connection the situation you occupied as to that?

A Councilman Cottle - allow me to ask this question, when you first testified in your own mind that Cottle was taking this leather before that time when you were buying harness you took it right off and gave it to them in the harness maker's room, did you not?

A Yes, Councilman Cottle.

Q How many collars did you get out of Lovell's store up to that time?

A In April 1880, as near as I can

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recollect, we received twelve sides
 of moats leather at the repair
 shops. In July, I did call down
 skins and called for more
 leather. I immediately thought
 this is calling for scattered
 quick, and there ought to
 be more callers bound out
 than there are from that
 section. I at once ordered
 the shops to go through their
 line boots and through all
 other boots that they had
 and find out how many
 callers had been issued. I
 then was informed from them
 that twenty-one callers were
 brought from twelve sides of
 moats leather received at the
 repair shops between April and
 July 1885. I then made an
 acquisition on the Board of
 the Commissioners for twelve
 more sides, went down to Hart's,
 selected the leather myself, and
 took Mr. Riley the proprietor of
 the repair shops with me and
 brought it back, and the

bill for this leather was \$3.12 less
than the bill for the first leather.
I went up stairs, took Mr. Kibby
into the room, and made this man
take down his pattern, and
from that twelve sides made him
show to us that forty-two collars
could be produced or shown up
when the twelve sides were worked
up.

By Mr. Linn.

1. That the twelve sides of leather
would make forty-two collars?
a. Yes.

2. Were they the same sized sides
of leather that you had from
Chesnut?

a. There could hardly have been any
difference for this reason —, the
first lot that produced at the twenty-
one collars cost five dollars
more than the leather that
produced the forty-two collars.

By Pres. King.

2. That might have been
in the price of
leather, might it not?

a. There could not have been a

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Q Difference of half the price.
 A To an adult state, what you
 did as soon as you found
 that out?

Q I then at once sent for him
 upstairs, brought him down, and
 asked him if he could explain
 the difference between the first
 binder, sides of leather and the
 present binder, sides of leather,
 and the suddenness of calling
 him down confused him, he
 couldn't answer, became confused
 and added up and everything
 like that, and I at once be-
 came satisfied of the fellow's
 guilt and ordered him up-
 stairs again.

Q What publications did you take
 with regard to leather, after that?

Q I immediately wrote out a com-
 munication and handed it to
 the Chairman of the Committee,
 on apparatus, Amos J. Cott,
 and under his instructions
 appeared before the Board afterwards.

Q You took the sides of leather,
 I understand, and looked

them up?

Q Yes sir.

Q And you turned out and sold them?

A Yes sir, that was before his dismissal.

Q And from that time you looked everything up and dealt it out for them?

A Yes sir, everything was then taken from that floor on the top floor, and anything that required any material such as leather or any thing on that floor to make up had to go down to the book-keeper and get a check from the book-keeper on the store keeper, who then delivered the paper and went up with them and delivered the articles which that check called for to the parties wanting it up.

By Louis Gorman,

Q In as much as we have heard verbally that aspersions were made against your character pertaining

by the Council and by Aird.
On the stand, please explain
to us such matters in connection
with that as you desire to?

Q. When placed on the stand yester-
day — or for some time past
this man Reid and others through
the Department, among them
the Governor or Governor General
where he lives, have made charges
against my character, such
as of theft, highway robbery
and assassination that I had
been in State prison and every-
thing that one man could do
possibly say against another.
I want to show this about as
thing as I can show it.

A. Keep it within the line of right.
State they have said those
things, want that to tell?

Q. And feeling as a public
officer responsible for the re-
pair shops, I thought it became
my duty in justice to my-
self and in justice to the
Board who had confidence
in me, for me to show my

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Character in full. I want to then
be the judge of it from the
day I was born up to the
present day. I want to the
headquarters yesterday and found
only Comm. German at head-
quarters, spoke to him about
the trial and different other
matters, and through the night
thought a great deal over it,
and this morning made up
my mind to come to head-
quarters and appear personally
before the Board of Air Com-
missioners and request them
to listen to me or give me
an examination as to my
Character from the day I was
born up to the present time,
and they have granted me
that request, and I am now
here ready to show my
Character or any thing in
connection with it.

Go on and tell me what you
desire to tell?

I wish to show when I was arrested

what I was arrested for, and how I was discharged, and at the same time to state that there is nothing now existing against me in a court of record that is in any way connected to my subsequent illness as a man in a public office, and I will commence with reading a charge that is made against me of larceny, &c. At that it charged, for highway robbery, I was in partnership with a man named Peter J. Quinn, of which there are the articles of agreement drawn up before a notary in proper to the County; and after being in partnership for some time we talked about dissolving.

By George Gorman.

Q What year, from what time to what time?

A From about February 1865 as near as I can recollect, I should say for a year and a half.

Q In what year were you born?

0384

ca 1840.

" You were then twenty-five years
of age when you went into
partnership with this man?
" Yes. As we talked of dissolving
partnership, had some things come
such as partners in the business
often have, and we met each
other and quarreled, both took
hold of each other, and I didn't
get along the worst of it. Quinn
somehow got the worst of it
and went to Jefferson Market
and made a complaint of
robbery against me and the
other. Now which complaint
I was arrested and taken
to Jefferson Market before Judge
Lodwick. Now the other present
aldermen, hearing of my
arrest, came at about 4 o'clock
Court room for the purpose of
becoming my bailsmen.
While there, if I recollect right
Quinn didn't want to make
any complaint of robbery
against ^{me} the others — all this was

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a further charge which I proposed
 to take up for action and Judge
 Redwith and Alderman Kirk, as
 officers I can recollect Ald-
 erman Kirk explaining it, with
 members of the assembly together,
 had some disagreement or some-
 thing, or something that they
 were not in very good humor
 and I took it, for we thought
 afterwards that Redwith brushed
 me in with the others for that
 purpose, notwithstanding that
 I didn't want to make
 any charge of larceny against
 me; but however, I was com-
 mitted with the others and
 fined the sum of two
 shillings and dollars by Alderman
 Wm. B. Kirk. The case was
 sent to the grand jury, and
 I was there indicted for as-
 sault and battery on July
 10th 1865, and the papers
 were sent to the Special
 Sessions, before Judge
 John M. Cate, and on Satur-
 day July 22nd 1865 I was

taken before Justice Kelly and
 complaint of the People vs Raymond
 Carr, John Hayes and John
 Mc Cabe, and was honorably
 discharged. I have been a read
 from the Court, the clerk of that
 Court, Charles Blakely, this morning.
 Witness reads, "Wednesday, July
 23rd 1865, Justice Kelly, the
 People vs Raymond Carr, John
 Hayes and John Mc Cabe,
 discharged," signed "Charles
 Blakely, Clerk of said Session".
 And I might say that this
 man Miller has been to
 that Court trying to get some-
 thing -

Q What man Miller?

A This lawyer Miller.

Q The Counsel for the Daily News?
 A The Counsel for the Daily News, trying to
 find out something about my
 character, and, as the clerk
 informed my messenger this
 morning, there was nothing he
 could get on me. That is the
 case of robbery of which

there have been so much talk
 and of which there are many
 articles of agreement, the Sir
 my honorable discharge from the
 court; and I have here a
 letter from Peter Quinn that
 I guess was written me about
 one or two days before his
 death. He never appeared to
 know. Forgive himself for mak-
 ing the complaint against me
 and must have in his dying
 bed tried to have me there
 so that he could ask me
 to forgive him before he died.
 I have here a letter to show
 that, with the advertisement
 of his death, out from the
 paper. This to me is not very
 pleasant, to go back a num-
 ber of years and think of
 many little scrapes I have been
 into. I was then, in those days,
 known as Bucky Mc Cabe.
 The letter is dated and reads
 as follows: {Witness reads letter}
 "B. Island Hospital,"
 "July 10th 1870."

0300

"Friend Bucky:

" I am here in the hospital.

" very sick. I want to see

" you very bad about something

" of importance, so come quick.

" Yours truly

"Signed} Peter Quinn."

A day or two afterwards I picked
up the "Herald" — the records of
the hospital at that time will
corroborate this — and I have here
an advertisement from the
paper, which I sent out after-
wards. It reads advertisement,

"Quinn: On Thursday, July

"21st, of Consumption: Peter

"J. Quinn, aged twenty-eight

"years, the relations and friends

"of the family, also the Michael

"Water Association, are respect-

"fully to attend the funeral

"from the residence of his

"brother-in-law Hugh Mc Don-

"nell, this (Sunday) afternoon

"at one o'clock from 107

"Prince Street."

That is all there is into this

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robbing business.

2. What did he charge you with stealing?

3. He claimed he lost his watch. Oh, there is a newspaper here, that I wish to read in that connection. This man King of 13 Spring at the present time - suggested, a letter from me in connection with him stated to him the injustice he had done me, and felt he ought to rightify me by a card in the paper, and he published the following card in the "New York Herald"

[Witness reads slip of paper:]

"New York Herald, Thursday June 27th 1868.

"To the Editor of the Herald:

I in justice to John McCabe I wish to state that on the evening that I was assaulted and robbed in Grand Street, to the best of my opinion he had no complicity in the robbery whatever, as I think he would

"not be guilty of committing
 a robbery. (Signed) Peter J. Quinn."
 While that man I always
 judge spoke to the best of
 his opinion he was afraid he
 would be arrested for perjury
 afterwards, and that is, I sup-
 pose, the motive of a law-
 yer in some way to
 give his opinion a doubt-
 ing. But that letter was put
 in as I have been informed
 by the Foreman of 13 Judges,
 the speaking of Quinn's con-
 versation with him. That
 Foreman King was very in-
 timate with Quinn and knew
 Quinn personally for twenty
 or twenty-five years, and
 I would like to have him
 called in, and also Alderman
 Kirk, who was my bondsman
 at the time, to corroborate this
 statement.

2 You were charged with stealing
 that man's watch. Did you
 steal it?

- a He never lost the watch, as he afterwards stated to Foreman King.
2. You didn't steal it?
- a No sir; he was a vindictive fellow.
2. Did you ever steal his watch or any other thing?
- a No sir, never in my life.
- a I will come now to the next case. The next case is a shooting matter. It is a court case. Which employed as a bell-ringer in Essex & Market Town and I lived at Underwater Street.
2. What date was that, about?
- a I would make it June 1st or 2nd, 1868. I was employed by the fire department as a bell-ringer in Essex & Market bell-tower. Which going out a town of July at 4 o'clock in the afternoon I passed a Club-room which was called the "Festive Club Room". In those days target excursions were all the rage, and Social Clubs, and the "Liberty Guards" and

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the "Fishing Club" were opposed
 to each other. - On my way
 home I had to go past
 this Club room, and going past
 there, there was a crowd out-
 side, I should say ten in
 all, who looked at me
 as I went by. I stopped,
 not being very easily scared,
 and carrying a pistol too -
 I had to, coming from my
 tour of duty after twelve
 o'clock at night - and I
 turned around to ask what
 they were making out about
 they at once pulled out pistols
 onto me, not one, but two or
 three or four, and, as I felt
 afterwards from their actions
 they had the determination to
 use them; seeing myself in
 that position and a pistol
 and I fired, and as I fired
 the first shot they commenced
 to run, and they ran and
 crowded in a door, when this
 fellow O'Brien whom I struck

0393

4-0

in the room couldn't get in
the door quick enough and
got stuck in the door and
knocked down a bottle that I
was holding by the grand jury
on Maria O'Brien with intent
to kill, and the indictment was
filed September 3rd 1869 and on
the 18th of June 1872 there
was a Walle process entered
in the case, which I might
want here. Witnesses and papers:

"The People

"1

"John McCabe)

"On an indictment for as-

"Sault and battery on Maria

"O'Brien with intent to kill.

"Filed September 3rd 1869.

"By leave of the Court the

"District Attorney enters a

"Walle pro in this indict-

"ment by request of the

"complainant Maria O'Brien.

"Ordered by the Court that

"the defendant and his surety

"be severally discharged from

"their organizations."

"Extract from the minutes."

"[Signed] J. J. Sparks,

"County Clerk."

That is the shooting business of which so much talk was had. That ends, I suppose, that part of the business. A notte pros. is equal to an honorable discharge.

By Councillor Van Cott.

Q As I understand, do you remember lived there there was a great political excitement between the Welsh and the Cornish crowd?

A Yes.

Q And so they formed two crowds?

A Yes.

Q At that time there was quite a political excitement between Alderman Welsh, who was afterwards County Clerk, Morgan Jones, and Thomas Cornish, who was afterwards president of the Board of Aldermen, a political excitement?

A A political excitement, over which those different clubs were organized

and I might say in connection with that assault or shooting of O'Brian, that if I had not done ~~in~~ what I did I would have been shot or killed myself.

Q You believe that you did it in defence of your life?

A I am sure that I did it in defence of my life.

By Counselorman.

Q Is there anything else?

A I have been into other shooting scrapes with these same crowds. I was one night to a ball called the Liberty Guard ball, and went home next morning after being out all night, and went into a liquor store in Frankfort street, opposite Jacob.

Q What year was that?

A I should say, as near as I can recollect, in the year 1870 — And in there while standing up to the bar, having had this other trouble with O'Brian, the bar-keeper

and some others in there
took advantage of that for
the purpose of assaulting
me.

By Pres. King,

Q What year did you say this
was in?

A This was 1871, this O'Brian
matter.

Q But you say now 1890?

A There being no record of the
court or no record of those
other things, having been dis-
charged in the police court,
for that reason I can't re-
collect the dates, and I may
make some mistake in
the dates.

Q This was previous to the other—
now you are getting this be-
hind the other?

A Yes. I see I am making
a mistake as to the year.

Q You had better correct that?

A I should say, as near as I
can recollect it must have
been 1872. The O'Brian affair

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was 1871, and, as near as I
can recollect, the other must
have been a year afterwards.

Q That was when?

A After a ball in the Lager-
beer Saloon.

Q It was about how long after
the first firing?

A I should say about a year

while in there at the bar,
drinking, or something like
that, we got into a dispute
and the bar keeper stooped
down under the bar to
pull something and as though
to shoot me or to strike at
me or something like that,
and I pulled out a pistol
there to defend myself. He
came out from behind
the bar and he wrestled
for the pistol. Both took
hold. And there I shot a
couple of men - shot a
man named Dowling -
only Dowling - that was all.

By Curran Gorman.

Q Only that one man?

0398

Q Only that Dowling, one man,
as I can recollect, and that
didn't amount to any thing,
and on that I was discharged
in the police court on the com-
plaint or the bar-keeper
refusing to make any com-
plaint. I may not be as
exact as records would bring
it, but I tell as close as
I can. What I want to do
to-day is to get my charac-
ter wide open.

By Pres. King:

2 It is fair to suppose if he
didn't want to make a com-
plaint against the man
and they had a skirmish
that he was as much to
blame in the matter as Mc-
Cabe was. Plainly if he refused
to make a complaint, he was
equally guilty if there was
any guilt about it. Is that
what you understand about
it?

45 A Yes sir; it was what you might

call a drunken quarrel between men after they had been out all night to a ball

2 No malice aforesight?

A No sir; only I didn't get any the worst of it.

2 Were you ever convicted of anything?

A No sir.

2 Were you ever convicted before a court of any offence against the laws?

A No sir. Why I want to tell everything I can is, this man Miller -

2 Who is Miller?

A Counsel for Aird.

2 In the case of Aird against The Daily News Co.?

A Yes sir. This Miller, counsel for Aird in the case of Aird against The New York News Publishing Co. is now and has been searching for something against my character ever since this man Aird has been turned out of the repair

0400

shop, and as yet, from what I can learn from the clerk of the Court of Special Sessions, has failed to show any thing up as a record. He may hear say or some thing like that show things up. I mean as a matter of record. I can't think of any more trouble I was in.

By Gunnar Gorman.

2 I understand that this has been a voluntary statement as far as you are concerned, your character having been assailed by those whom you were compelled to discharge from your employ or to recommend their discharge. That is, you desire to say to the Free Commissioners now in session that you are willing to tell them your whole life from your infancy to the present time, and let them be the judges of your character, and that you do say that while you were young you

0401

48

were into several little scrapes which in themselves did not amount to any thing, but since you have been an officer in this fire department that you have been in no such scrape?

A No sir.

2 And that since you got older and are married and have got a family that all that sort of thing that took place when you were younger than now has ceased to exist, and that for the ten years last past you were not under arrest or under charge, but that you have been living as a good and peaceable citizen, doing your duty to the best of your ability. Is that what you want to state?

A Yes sir; and I would like to produce here a letter ^{from} of Mr. John P. Agnew while I was Fireman of Engine Co. No. 14 [Witness reads letter]:

"No. 13 on 29th St.

"June 27th 1879

0402

Bro. 13 W. 29th St.,
June 29th 1879.
Capt. John M^c Cabe,
Engine Co. No. 14,
Station 14 E. 18th St.

Dear Sir:

By permission of the
President Vincent C. King, you
will receive a copy of Dickens's
illustrated works, twenty vol-
umes, which you will please
place in the library of En-
gine Co. No. 14.

The good order and prompt
attention to duty of the mem-
bers of your company merit
the respect of residents in the
neighborhood of the Company
under your command.

Yours respectfully,
[Signed] John F. Agnew.

I should also state that
previous to my coming in the
fire department I was a con-
ductor on the Second Avenue
Railroad for two years, and
the records of that railroad will

50

show that I honorably resigned from there as a conductor.

I wish to say now to the Board that I may have been concerned in some things that I can't recollect now, that were frivolous; — as in Court the other day two men were there that were children with me, to tell this Counsel and these men all the little things that I had ever done through my life. There may be some little thing like that, but as far as any dishonesty or as any thing dishonorable is concerned, that I can't feel to stand up under like a man, I can't at present recollect or my memory won't bring it to me, and there is nothing on record in any Court to show any thing outside of what I show there to-day.

By Pres. King.

Q You were brought up in New York?

A Born in New York City.

Q And always lived there?

A Yes sir. Oh, I might state that

0404

I have been in the liquor
business, and have been in the
bounty business as a recruiting
agent.

By Commissioner Gorman.

2 That was in the service of your
country - you were recruiting
men for the army?

A Yes sir; I have been in the
army and got discharged, but
I didn't bring it with me.

2 You have got an honorable
discharge?

A Yes sir. But as far as I can
recall I have produced every-
thing to-day that I possibly could
think of. As that is my character,
and I should have replied to every
question.

By the Court.

3 If you think of anything you want
to add before we get through you
may do so.

2 Nothing more than calling the Fore-
man of Juror 13 and Alderman
Kirk to corroborate the statements
I have made here.

0405

Frank King, Foreman of Engine Co. No. 13 was then called; to whom Comdr. Gorman read a portion of Section 10, Chapter 44th of the laws of 1871 as follows:

"Said Commissioners in conducting any examination or inquiries as aforesaid, are hereby authorized to administer any oath affirming or denying the truth of any statement in the matter, and any false swearing under such oath or affirmation thus administered shall be perjury and punishable as now provided under the laws applicable thereto."

The witness was then sworn, and being examined, testified as follows:

By Comdr. Gorman:

Q How long have you been in the fire department?

A Over 13 years.

Q Was Captain John M. E. Peber, now at the repair shop, ever under your command?

A No sir.

53

Q How long have you known him?
 A I should say about twenty years.

Q What do you know of his character during that time?

A I have always known of his character being pretty good.

Q A man of general good character?

A Yes, that is, if you will take into consideration the little boy's pranks boys would have together or anything of that kind. I don't suppose that injures his character very much.

Q A man of general good character except his boyish tricks?

A Yes.

Q Do you know of the circumstances in regard to one Peter Quinn?

A I know of Peter J. Quinn.

Q Tell us what you know of Peter J. Quinn as connected with the Mc Cabe?

A I remember that they were connected in partnership in a saloon Nos. 47 and 48 Grand street and they were about to dissolve that partnership when Quinn took

0407

Some of the articles that belonged to both out of the place, and he could John Mc Cabe meet the next day or a few days afterwards, I am not certain when, but Mr Mc Cabe charged him with taking those things. He denied it and from words they came to blows, and one was as well satisfied to engage as the other, and I know I know many years before, and was acquainted with Mr Mc Cabe, and I know was of a very undisciplined sort of spirit what he had Mr Mc Cabe accused and charged him with taking his watch, in that he lost his watch during the time of the melee. There were present at the time, to my recollection, a man named Hayes and another man named Raymond Carr, and if there was any watch taken I could have seen it.

If you were present, were you?
 Yes; I was present and saw

0408

25
it all. And Quinn told Mr. Mc
Cabe asked, and about two
days afterwards, two or three or
thereabouts he confessed to me
that he had lost his watch
and also published a statement
in one of the New York papers,
I saw him write it out myself,
relieving Mr. McCabe of any
charge that he had made a-
gainst him; and furthermore
I believe that the disposition of that
assault, as he claimed that
Mr. McCabe assaulted him.
First, I believe it was sent to
court and thrown out or some-
thing; I don't remember now,
it was some fifteen years ago,
and I don't remember very clearly
what became of the case, but
Mr. Quinn and I were personal
friends, and some years after-
wards, when he got to be very
sick, he used to often speak
of this matter and say that
it troubled him very much;
but felt that he had fully
relieved himself through the pub-

mention made in the papers.

" At the time you were present at this allocation you were the friend of Quinn against all?

A Yes, yes.

" As I got the story from you it was a partnership quarrel in which they charged each other with doing wrong, and it resulted in a fight, and through vindictiveness Quinn charged that his watch was stolen, and which subsequently, as has been proven, was not true?

A Yes.

" From his own evidence?

A Yes, he confessed to me; in fact I was satisfied at the time, because I stood there and saw it all.

2. Have you known Captain McCabe since he has been an officer in the fire department?

A Yes.

" What has been his character since he has been an officer in the fire department?

0410

57

Q I should say first class,
2 He has been an exemplary
officer?

Q Yes, what I should consider
a first class officer.

By Comm'r Van Bitt.

Q And during all this long number
of years that you have known
Mr. Pabel you have never
known anything against him
except these little quarrels?

Q Never, sir. I have known him
to be an honest, upright man,
and to my knowledge I don't
believe that any man can come
and say - I say this without
any flattery to the captain -
that no man can say that
he ever did a dishonorable
act.

By Comm'r Gorman.

Q Is there anything else you de-
sire to say in connection with
the matter?

Q I can recall nothing else to
my recollection.

Q Have you been familiar with Capt.
Mc Cabe during his command

0411

of the repair shop?

a Through business; that is all.

Q I know no one officer of the fire department?

a Yes sir.

Q How do you consider him as an officer in command of the repair shop, from what you have seen?

a Well, I will say this much, that he appears to do justice to every body; I know that I never went there with a paper yet but what I got what the paper called for.

Q Satisfactory in the discharge of his duties?

a Yes sir; I always found him there.

Q When your engines have been out of order or broken or your hose out of order, have you always got it promptly attended to?

a Yes sir.

Q As promptly as the exigencies of the case required?

a Exactly.

By Pres. King.

Q What instructions did you give him?

04 12

59

John M. Cape re-called, further test.

Fied;

By Pres. King.

2. What instructions did you ever get from any of the commissioners as to taking care of the property?

(a) I have been instructed by the Board, and particularly by Comm. Mac Cett, in his numerous visits.

2. Did the President ever go there and ask you to keep a vigilant eye over things?

(a) Yes sir.

2. Did Comm. Lorman ever do that?

(a) Yes sir. Right after the fire Comm. Lorman has questioned me time and again about the place.

2. Did the President ever say: "Now be cautious what you are doing. I don't allow anything to go on here but what is perfectly straight and square, and see that every body does his work properly"?

(a) Yes sir; the President has on several occasions asked me if every

0413

thing was going all right, both at headquarters, and up at the repair shop.

- " And it was the wish of the Commissioners that every thing should be done in just the same manner as you would do it for yourself with economy, and in the same manner?
- " A man can tell by the way in which acquisitions are handled here.

0414

Edward Parley was then called, & when
Comdr. Gorman read a portion of
Section 10, Chapter 19 of the laws
of 1871 as follows:

"Said Commissioner in conducting
any examination is requiring a sworn
affidavit, and further authorizing the ad-
ministrator, any other person, or firm
known in the matter, and who
shall be sworn, and a sworn oath
or affirmation, then administered
shall be sworn and furnish-
ed as such in said manner
as now provided under the laws
applicable thereto."

The witness was then sworn,
and being examined, testified as
follows:

By Comdr. Gorman:

1. How old are you?

2. Twenty years, on tonight.

3. Are you in the employ of the
Fire Department?

4. Yes, sir.

5. How long have you been in the
employ of the Fire Department?

6. I think about five years.

0415

- Q Yes.
- Q And Henry the third.
- Q Yes.
- Q Do these mean there are other?
- Q No, there was no other being, that was the case.
- Q Are you acquainted with Mr. Cuck, a blacksmith?
- Q Yes.
- Q Mr. Cuck, what was the wheelwright?
- Q Yes.
- Q And Schmittlapp the wheelwright?
- Q Yes.
- Q Are you acquainted with the subject of the little and the great blacksmiths?
- Q Yes.
- Q In the question, that you will appear before the Board of Fire Commissioners, we shall require you to make every answer by which you will commit yourself in any way to criminate yourself. Do you know of any of the property belonging to the people of the city of New York and being in the hands of

0416

60

What that was taken and
the same person improperly or
unacceptably or with a view
to selling on the night?

Q

Yes.

Q

Who?

Q

By me, Mr. Lind and Mr. Bryan.

Q

By Mr. Bryan and Mr. Lind?

Q

Yes.

Q

What did Mr. Bryan take out?

Q

He didn't take anything; he

Q

was helping me to get the

Q

prints and Mr. Lind also.

Q

Mr. Bryan assisted in getting

Q

the prints?

Q

Yes.

Q

What did he receive part of

Q

the money?

Q

Yes.

Q

What did Mr. Lind take?

Q

Mr. Lind took the money and

Q

carried them down into the

Q

next room to me.

Q

Mr. Lind took them up?

Q

Yes.

Q

What else did Mr. Lind take

Q

that belonged to the repair shop?

0417

- Q Yes.
- Q And having the knowledge?
- A Yes.
- Q Do there more than one policy?
- A No, there was a policy, I believe, that was destroyed.
- Q Are you acquainted with Mr. Quaker, or is he dead?
- A Yes.
- Q Mr. Quaker, what was the wheel light?
- A Yes.
- Q And Schmittoff the wheel light?
- A Yes.
- Q Are you acquainted with the subject of the little and the great, that is, Smith?
- A Yes.
- Q In the questions that you just answered before the Board of Fire Commissioners we don't require you to make any answer by which you will commit yourself in any way to criminate yourself. Do you know of any of the property belonging to the people of the city of New York and being in the hands of the

0418

- Q I believe a clock.
- A What did he do with the clock?
- Q He left in the lawyer's room when next shown.
- A Did he receive money for it?
- Q I believe he did, I believe he bought it at the trial.
- A Did you ever know of Bryant taking any other articles?
- Q No.
- A Do you know of any other articles of any kind, glass or material to be taken from the repair shop by any person other than those named?
- Q No sir.
- A How and at any time previous to this, within the last five years past?
- Q No sir, I do not.
- A Are you familiar with the fact of leather having been taken from the roof of the house and taken into a certain leather finishing store?
- Q No sir, I do not.

- 66 Q Do you know anything about
it the house at
A No sir.
- Q Did you ever know that any
such leather or any bundle
was taken from the shops of
the house?
A No sir.
- Q Did the boys know any more
after that?
A No sir, I know any more
after that.
- Q Do you know anything about
an axe said to have been
taken from the repair shop?
A No sir.
- Q Do you know anything
about a yellow block said to
have been taken from the
shop?
A No sir, I didn't know anything
about it.
- Q Do you know of any other
thing that has been taken from
the repair shop, of any nature?
A No sir.
- Q Is any present?
A No sir.

Q Did any him within the firm, your
Q Yes, I do not, as far as
my recollection can go back.
Q Did you see that a machinist
helped them make a hand?
Q A hand, it is a hand.
Q A hand, it is a hand?
Q Yes, it is.
Q Did you see that what he
was doing, I was in a little and
then I saw what he was
doing, I saw what he took
from the repair shop, it was
this?
Q That and which was in the
Laguer-Ree Station, I believe I
have heard that he took that
in there.

By Mr. King:
Q Who - Lewis?

Q Yes.
By Mr. King:
Q What else did he take?
Q That is all I know.

By Mr. King:
Q I don't know that any further
was ever taken from him.

68

- me and I had sent up about
the repair shop.
Q Now, I also made a few
some them kind of things
like of that. I don't know
whether they took it or not.
I have heard Mr. Lind say
that he took a piece of leather
home to him, & stick by the
machine, to put on the edge.
Q So you know whether he did
take leather home to stick
leather to put on the collar.
Q You know he did?
Q Yes, he took some and showed
me the piece which he.
Q Do you know whether he ever
gave it to him or not?
Q I don't know.
Q You know that he took it out?
Q I didn't see him take it out,
at least he told me that he
removed it on his machine home.
By Pres. King,
Q You don't know why what he
told you?
Q That is all, only what he
told me.

By George Loomis

1. Do you not know of any
other publications or stories or
any thing of that nature about
the spirit that is in the po-
pular mind these days?

2. I have seen some of them
but I have not read them.

3. I have seen some of them
but I have not read them.

4. I have seen some of them
but I have not read them.

5. I have seen some of them
but I have not read them.

6. I have seen some of them
but I have not read them.

William L. Ryan was then called,
to whom Comdr. Seaman read
a portion of section 10, Chap. 1,
"H. R. of the Jan. 1st 1871 as
follows:

"Chief Commissioners in con-
ducting any examination or in-
quiry as before said are hereby
authorised to administer any
oath or affirmation in the
matter, and may take any
number of oaths or affirmations
which their administration shall
be required and permitted to
administer in such manner as
they may deem proper and
appropriate thereto."

The witness was then sworn,
and being examined, testified as
follows:

By Comdr. Seaman,

Q. You say Ryan was then in the
employ of the Fire Department?

A. Three years last November.

Q. What is your position in the fire
department?

A. Chief.

71

What would you have obtained to me
 without the other Ranges?

My dear friend, I have just received your letter of the 10th inst. and am very glad to hear from you. I am well and hope these few lines will find you the same. I am very much interested in the progress of the cause and hope to hear from you again soon. I am, dear friend, very truly yours, Wm. L. Chapin.

1000

1. Having not at all believed that
2. a thing came in to me that I
3. thought I was not to be.

2. In the event of a change in the
management of the company, the
company is authorized to eliminate the
employment of the same.

high honors by which I would
cheerfully be able to reward
him the opinion what was the
consequence of the whole thing?
If they had been that simple
and the whole thing made of it?

Is the only thing I know
of is that we were gone into
that was left.

2. What more to be given them?
 3. Is there more to be given?
 4. What more to be given?

2. Edward L. B. B. B.

Edward begins upon hope

How is employment there?

What is his position?

1. MacLinnist helped, I believe.
2. Do you know what his full name is?
1. Yes, it is Edward - that is all I know.
- By Emma's testimony.
2. When did he take those notes, and when, and under what circumstances?
1. As far as I can say, it was one day about half-past two, during the winter. He was out of doors to the place where the one that I saw was out of doors, and it was in the winter time, I believe it was cold weather, and there was a fire in the stove, and they were burning some kind of wood. I understood it, and I found that there were several notes coming through the hole the bottom of the stove, and Mr. Bird and Mr. Parley were there, and they were picking them out. In the afternoon I received a letter.

13

Q Now I want that they take
these things out, and what they
sell them.

A I believe they did.

Q To the best of your opinion
and belief they sold the hats?

A Yes, sir.

Q And they were the property of
the city?

A Yes, sir.

Q Do you know any thing about
any leather being taken out
of there?

A No, sir.

Q Do you know any thing about
any case?

A I saw the case at court, I don't
know any thing about it.

Q Tell me what you know about
that leather that was taken
across the roof of the houses
and into the shop in west.

3rd St., the leather painting
shop. What do you know
about that leather?

A I don't know any thing about
it at all, sir.

Q You don't know that it was taken?

Q. Now, I don't even know that.
2. Do you know of any fraudulent
in the repair shop other than
those named in the three papers
that you have been there,
any other than those you have
spoken about, any thing or
taking things out of the re-
pair shop?

A. Not outside.

Q. By any person - during the
three years or there about what
you have spoken of?

A. No.

Q. Would you tell me that.

2. Did you go down with them
to sell it?

A. No, I didn't have any hand-
ling of these cars outside of
the Shop; I didn't know how
they would be sold or at what time.

Q. Now, I say,

2. You say that that was all
that was taken from the Shop
to your knowledge?

A. To my knowledge; I mean that
was all.

75 By Edmund Garrison.

Q Have all you been out through con-
versations in the shop that other
goods were taken from there
and not to any one else?

A I never heard anybody say so.

Q That they had taken any
things? Do you get the con-
ception of those goods? I

found also of those or some
slips, called in question that

another man had those named

in? And he didn't say that

he was taking them, but

I saw them in his pos-
session before he left the shop.

Q You didn't see him take them
out?

A No.

By the Judge.

Q Do you know the meaning
of an oath?

A Yes.

Q Do you know that if you
swear falsely you will be

punished for it here?

A Yes; I am trying to collect.

0429

of any thing.

By Comm'r. Ben. C. H.

Q Did you ever hear whether Mr. Quid took work home nights to do for the department?

A No sir.

By Comm'r. Tamm.

Q Did you ever hear from Mr. Quid that he took any of the inside property home?

A Not from Mr. Quid.

Q From any other person?

A Yes sir, at the time the other day I heard of a collar block.

Q Do you know any thing about that collar block?

A Yes sir, I saw it there at the time.

Q Is there any thing that you want to say about the repair shop concerning pecuniary anything up that kind that you want to speak of?

A I don't know of anything.

0430

N.Y. Fire Department

Investigation into
the conduct of Man-
agement of the
Repair Yard &c.

Stenographer's Transcript,

M. Z. Fedy 12th 1889

1st Gary.

Chas. L. Lury

110 B'way

Room 19. N.Y.

0431

I James Hayes of the City & County of New York deposes and say, as follows. I have known John McCabe (who is at present connected with the New York Fire Department in the capacity of 2nd Assistant Chief) for twenty five years. & that he and I never had any trouble except on one occasion during the time of the Old Volunteer Fire Dept when I was Foreman of Engine Co. #9 located in Marion St. I was running to a fire through Centre towards Canal St. and meeting McCabe asked him where the fire was located. he McCabe made some evasive answer which I objected to when he struck me then he and I clinched and had a tussle in which McCabe came off second best. I have been on friendly terms with the said John McCabe since that time to the present.

James Hayes
sworn and subscribed before me
this 4 day of January 1886

James Diگران
Notary Public City & Co. N.Y.

0432

QUINN.—On Thursday, July 21, of consumption,
Peter J. Quinn, aged 28 years.
The relatives and friends of the family, also the
Michael Norton Association, are respectfully invited
to attend the funeral, from the residence of his
brother-in-law, Frank McDonnell, Falls (Sunday) af-
ternoon, at one o'clock, from 107 Prince Street.
QUINN.—On Thursday afternoon, July 21, after a
lingering illness, MARY QUINN, wife of John Quinn,
in the 38th year of her age.

B. Island Hospital
July 21st 1876

Dear Mother

I am here in the
Hospital, very sick. I want to see you very
bad about something of importance so come
quick.

Yours Truly
John Quinn

0433

Bliss & Schley,
Attorneys & Counsellors,
160 Broadway,
New York.

GEORGE BLISS.
WILLIAM T. SCHLEY.

Jan 5

1885

People
+
James Aird }

Dear Sir

I enclose a brief
of evidence and papers
referred to in it in be-
half of the Complainant in
the above case which stands
for Jan 13, or 14th

I venture to express

0434

the hope that tomorrow
rather than too few witnesses
may be summoned. It is a
matter of reputation and of
justice to the complainant.

Witness
George Ellis

Am R.B. Hunter
Scribbles.

The People
vs
James Cook

0435

The People
vs
James Aird

about

The A.B. Hunt

Leopold

Jefferson

justice & to emphasize

method of operation and

may be observed. It is a

rather the two volume

the hope the future

0436

Article of Co-Partnership.

W. Reid Gould, Successor to Jansen & Bell, 153 Nassau St., N. Y.

Article of Agreement, made the eleventh day
of February one thousand eight hundred and sixty five BETWEEN
Peter Quinn and John McCabe both of the
City of New York,

as follows: The said parties above named have agreed to become co-partners in business,
Lager Beer and Billiard Saloon and by these presents do agree to be co-partners together
under and by the name or firm of Quinn and McCabe

in the buying, selling and vending all sorts of goods, wares and merchandise to the said
business belonging, and to occupy the Basement of premises known
as 42 & 44 Grand Street in the City of New York

their co-partnership to commence on the 13th day of February 1865
and to continue during the pleasure of both the parties

and to that end and purpose the said Peter Quinn puts into the busi-
ness the stock and fixtures now on, in and about
the Lager Beer and Billiard Saloon now by him
kept at the premises aforesaid and the said John
McCabe agrees to pay and hereby does pay to the
said Peter Quinn the sum of four hundred
dollars for the one half interest in the said
stock, fixtures and business

to be used and employed in common between them, for the support and management of the
said business, to their mutual benefit and advantage. And it is agreed by and between the
parties to these presents, that at all times during the continuance of their co-partnership,
they and each of them will give their attendance, and do their and each of their best endeav-
ors, and to the utmost of their skill and power exert themselves for their joint interest,
profit, benefit and advantage, and truly employ, buy, sell, and merchandise with their joint
stock, and the increase thereof, in the business aforesaid. And also, that they shall and
will at all times during the said co-partnership, bear, pay and discharge equally between
them, all rents and other expenses that may be required, for the support and management
of the said business; and that all gains, profit, and increase, that shall come, grow or arise,
from or by means of their said business, shall be divided between them

and all loss that shall happen to their said joint business by ill commodities, bad debts or
otherwise, shall be borne and paid between them.



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And it is agreed, by and between the said parties, that there shall be had and kept at all times during the continuance of their co-partnership, perfect, just and true books of account, wherein each of the said co-partners shall enter and set down, as well all money by them or either of them received, paid, laid out and expended in and about the said business, as also all goods, wares, commodities and merchandise, by them or either of them, bought or sold, by reason or on account of the said business, and all other matters and things whatsoever, to the said business and the management thereof in anywise belonging; which said book shall be used in common between the said co-partners, so that either of them may have access thereto, without any interruption or hindrance of the other, And also, the said co-partners, once in *every month*

or oftener if necessary, shall make, yield and render, each to the other, a true, just and perfect inventory and account of all profits and increase by them, or either of them, made, and of all losses by them, or either of them, sustained; and also all payments, receipts, disbursements, and all other things by them made, received, disbursed, acted, done, or suffered in this said co-partnership and business; and the same account so made, shall and will clear, adjust, pay and deliver, each to the other, at the time, their just share of the profits so made as aforesaid.

And the said parties hereby mutually covenant and agree, to and with each other, that during the continuance of the said co-partnership, neither of them shall nor will endorse any note, or otherwise become surety for any person or persons whomsoever, without the consent of the other of the said co-partners. And at the end or other sooner determination of their co-partnership, the said co-partners, each to the other, shall and will make a true, just and final account of all things relating to their said business, and in all things, truly adjust the same; and all and every the stock and stocks, as well as the gains and increase thereof, which shall appear to be remaining, either in money, goods, wares, fixtures, debts or otherwise, shall be divided between them,

In witness whereof the said parties have
hereunto set their hands and seals the
day and year first above written
Sealed and delivered } John M. Cole
in presence of }
Daniel Friel } T. Quinn

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John Quinn

with

John W. Lake

Article of Co-Partnership.

Dated Feb'y 11th 1865

0439

City and County of New York ss:

Frank
O'Brien, of said City being duly sworn
deposes & says: That he is the Superintendent
of O'Neil's Store. That the statements
contained in a certain printed circular
signed by one James Aird to the effect
that deponent, together with Officer De Groot of
the 29th Precinct and Mr. Hugh O'Neil went
to the house of Mr. John Mc Cabe on the
13th day of September 1884 and found in
said John Mc Cabe's apartments goods
stolen from the store of Mr. O'Neil, are wholly
untrue. That said stolen goods were
found in the rooms of one Agnes Francis,
who was tried and convicted for having
stolen the same.

Sworn to before me

this 11th day of December 1885

Joseph M. Will

Frank O'Brien

Notary Public
N.Y.C.

0440

City and County of New York ss:

Hugh O'Neil of said City being duly sworn deposes and says:

That he is the proprietor of O'Neil's store, corner 20th Street and Sixth Avenue in the City of New York. That he recollects the circumstances of certain robberies committed in his store by a woman named Agnes Francis. That the goods stolen by said woman were found in said Agnes Francis' room, at No 110 Waverley Place, New York City and the said woman was convicted in the Court of General Sessions of having stolen the same.

That the assertions contained in a certain printed circular and signed by James Aird that these goods were found in John McCabe's apartment are wholly untrue and deponent avers that he has never stated that these goods were found in John McCabe's apartment.

Deponent further says that he has never seen James Aird and of course never had any conversation with him.

Sworn to before me

this 11th day of December 1885

Joseph M. C. O'Neil
Notary Public
N.Y.C.

Hugh O'Neil

0441

19 Form H.

NEW YORK, June 1, 1893

1500

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK

CERTIFICATE AND RECORD OF DEATH

No. of Certificate,

31154

OF

James Bird

I hereby certify that I attended deceased from June 29, 1891, to Sept. 5, 1891, that I last saw him alive on the 5th day of Sept., 1891, that he died on the 5th day of Sept., 1891, about 7 o'clock A. M. or P. M., and that to best of my knowledge and belief, the cause of his death was as hereunder written:

Chief Cause,

Embolic Apoplexy, due to

Duration of Disease.

10 hours

Contributing Cause,

Cortic Stenosis3 mos

Sanitary Observations,

Witness my hand this 6 day of Sept., 1891.

Place of Burial,

Cathary

(SIGNATURE),

Chas. E. Nammack, M. D.

Date of Burial,

Sept. 8

Undertaker,

J. S. Loring

RESIDENCE,

244 Madison St.Residence, 105 Madison St.

Burial permits issued at 301 Mott Street, Room 38, Week days, 7 A. M.-6 P. M. Sundays and Holidays, 8 A. M.-5 P. M.

Date of Death.	Full Name.	Age, in years, mos. and days.	Color.	Single, Married or Widowed.	Occupation.	Birthplace.	How long in U. S. if foreign born.	How long resident in New York City.	Father's Name.	Father's Birthplace.	Mother's Name.	Mother's Birthplace.	Place of Death.	Last place of Residence.	Class of Dwelling (A license occupied by a person living in two families).	Direct cause of Death.	Indirect cause of Death.	Date of Record.
<u>Sept. 5, 1891.</u>	<u>James Bird</u>	<u>60 years</u>	<u>White</u>	<u>Married</u>	<u>Marine's Worker</u>	<u>Ireland</u>	<u>110 years</u>	<u>"</u>	<u>James Bird</u>	<u>Ireland</u>	<u>Mary Bird</u>	<u>Ireland</u>	<u>19 Bathurst St.</u>	<u>"</u>	<u>"</u>	<u>Embolic Apoplexy</u>	<u>Cortic Stenosis</u>	<u>Sept. 7, 1891.</u>

A True Copy.

C. E. Nammack

Chief Clerk

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed, The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

0442

Certificate of Death
of James Aird

0443

Exhibit A.
An Officer of the present New York City Fire Department.

Second Chief John McCabe, alias Buckie McCabe, made the following statements in the Court of Common Pleas, Part 1st, Feb., 1881, before Judges Beach and Daly, and in the presence and hearing of Cornelius Van Cott and John J. Gorman, who were at that time Fire Commissioners of the City of New York.

That he, John McCABE, while holding the position of Bell Ringer in the New York City Fire Department, was indicted by the Grand Jury for shooting Maurice O'Brien, August 1st, 1869. That he, JOHN McCABE, on March 16th, 1870, between the hours of 7 and 8 o'clock in the morning shot Richard Dowling, Joseph Kesstler, Michael Draper and John Hayes, in a saloon, No. 58 Frankfort Street, New York City (called the dead house), and after the shooting went to City Island, remained there three or four days, was then arrested by Captain Allaire and Warden Finn, then a detective in this case. He, JOHN McCABE, was indicted—but it was *Nolle Pros.*

Again, that he, JOHN McCABE, was indicted by the Grand Jury, in a case of assault and battery, he having had a quarrel with one Peter Quinn. He was discharged at the Special Sessions.

Again, that he, JOHN McCABE and one John Hayes were arrested for highway robbery. Ex-Alderman William P. Kirk went his bail for \$1,000. The date of this case can be obtained from the District Attorney's books.

For the information of the general public I, the undersigned, will state that police officer De Groot, of the 29th Precinct, and Frank O'Brien, superintendent of Mr. O'Neil's dry goods house on 6th Avenue and 20th Street, also Mr. Hugh O'Neil, proprietor, and James Strand (the driver of the wagon of the said place of business), went to the house of JOHN McCABE, No. 110 Waverly Place, Chief of Fire Department, and found in his apartments valuable goods, consisting of dolmans, wraps of every description, and Jerseys, which filled a business wagon, brought them to the 29th Precinct.

A woman called Agnes Francis, employed at that time by Mr. H. O'Neil, in his dry goods house, Twentieth Street and Sixth Avenue, did from time to time steal the mentioned articles and sent them to JOHN McCABE's house.

The undersigned, who was then on City Island, where the woman Agnes Francis, after conviction, was sentenced for 3 years and 6 months, she made the statement to me November 11th, in the presence of Warden Fox, that she sent those goods to Chief JOHN McCABE's house, 110 Waverly Place, where they were first found by Detective Price, of the 29th Precinct.

What I want to know is, why were not these facts made public, as it is well known in both Police and Fire Departments, therefore requires explanation; is it again that influence was brought to bear to keep this quiet? if so, the sooner it is known the better for the benefit of our tax-paying citizens.

A copy of this to be sent to Mayor Grace, to the Board of Aldermen, and the Exchange.

JAMES AIRD,

No. 19 Catharine Street, New York City.

0444

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

POLICE COURT, 2 DISTRICT.

John McCabe
of No. 110 Waverly Place Street, being duly sworn, deposes and says,
that on the 11th day of December 1885

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

James Aird

did wilfully, maliciously and unlawfully print and circulate and publish the annexed false, injurious, and libelous Circulars and publications with the intent to injure deponent and bring deponent into hatred and contempt, and which false and libelous publication charges deponent with various criminal offenses, all of which is in violation of Section 242 of the Penal Code of the State of New York. That deponent is Second Assistant Chief of the Fire Department of the City of New York, and said defendant was formerly employed in the Repair Shop of said Department.

That deponent is informed and believes that on the day above stated said defendant was seen by Norman McWay in the act of distributing copies of said libelous publication in the home of Hook and Ladder

0445

No 3 located at 106 East 18th Street in Paris City, and that said Mc Avey gave the Circular which is hereto attached and made a part of this Complaint to John J. Breslin who gave it to deponent. That said publication is false in spirit and in fact, and the paragraphs therein stating that valuable goods consisting of dolmans and wraps and jerseys were found in deponents said residence and by one of O'Halls Superintendents is wickedly and maliciously false and untrue and calculated to injure deponents character in their estimation.

Deponent therefore prays said defendant may be arrested and dealt with as the law directs. John W. Burke

Presented before me this 11th day of February 1888
J. J. O'Hall
Police Justice

POLICE COURT—DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness,

Disposition

0446

City and County { ss.
of New York

Michael M. Owy, Assistant
Foreman of the Fire De-
partment of the City of
New York, Attached & Hook
and Ladder No. 3, located
at premises 108 East 1st
Street, in said city, aged 46
years, being duly sworn say-
that on the 11th day of December
instant deponent saw the
defendant, James Aird,
now here, in the act of dis-
tributing Printed Circulars
in the form of said Hook
and Ladder Company in
said premises, and the
Printed Circulars hereto
attached and marked "Exhibit
A." is one of the Circulars
so distributed by the said
defendant.

Sworn to before me this { Michael M. Owy
12th day of December 1885
Soldier Smith

Police Justice

0447

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

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

Question What is your name?

Answer

James Aird

Question

How old are you?

Answer

56 years of age

Question. Where were you born?

Answer.

Canada

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

Answer.

19 Catharine St. 27 years.

Question What is your business or profession?

Answer.

Harness Maker

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

Answer.

I am not guilty. I have all further examination in this Court and demand a trial by jury at the Court of General Sessions in advice of my Counsel, Mr. Miller. I offer bail for indictment and trial.

James Aird

Taken before me this

1st

1888

John J. Smith
Police Justice.

0448

Sec. 151.

Police Court 2^d District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by John McCabe

of No. 110 Murray Place Street, that on the 11 day of December
1885 at the City of New York, in the County of New York,

*James Aird did wilfully, maliciously
and unlawfully print, publish and
circulate at certain false and
libelous publications concerning
said Complainant tending to hold him
up to public hatred and contempt, in
violation of Section 242 of the Penal Code of the
State of New York.*

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

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

Dated at the City of New York, this 11th day of December 1885
Solomon B. Smith POLICE JUSTICE.

0449

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John J. Luke

vs

James Lird

Warrant-General.

Dated *December 11th* 1885

Smith Magistrate.

Kelly Officer.

The Defendant

taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Michael Kelly Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at
night.

Solon B. Smith Police Justice.

REMARKS.

Time of Arrest, *Dec 11, 1885*

Native of *Massachusetts*

Age, *36*

Sex, *M*

Complexion, *Fair*

Color, *Blue*

Profession, *Business*

Married, *Yes*

Single, *No*

Read, *Yes*

Write, *Yes*

James Lird

0450

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

_____ *James Aird*
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 *November 12* 188 *5* *Solomon B. Smith* Police Justice.

I have admitted the above-named _____

_____ *James Aird*
to bail to answer by the undertaking hereto annexed.

Dated *November 12* 188 *5* *Solomon B. Smith* 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.

045.1

DEC 12
3 PM.

W No 183. 2 41597
Police Court District.

Bill ordering
THE PEOPLE, &c.,

ON THE COMPLAINT OF

John McCabe
110 Waverly Place
James Bird

Libel
Offence

BAILED,

No. 1, by *Thomas Shields*
Residence *55 West* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Witnesses.

John McCabe
Michael McAvoy

2
3
4
FC
14
1885

Dated *December 11* 188 *5*

Smith Magistrate

Kelly Officer.

Conit Precinct.

Witnesses *Michael McAvoy*

No. *108 West 13* Street.

No. _____ Street.

No. *500* Street,

to answer *G.D.*

Bailed

0452

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Bird

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

James Bird

of the CRIME OF Lies, —

committed as follows:

The said James Bird, —

late of the First Ward of the City of New York, in the County of New York aforesaid, on the eleventh day of December, in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, being a person of an envious, and indeed malicious mind, and of a most malicious disposition, and unlawfully and maliciously intending, contriving and contriving as much as in him lay, to injure, oppress, aggrieve and vilify the good name, fame, credit and reputation of one John McCabe, a good, peaceable and worthy citizen of the said State, and to bring him into public scandal, hatred, infamy and disgrace, unlawfully and maliciously did publish, and cause and procure to be published, a certain false, scandalous, malicious and defamatory libel, of and concerning the said John McCabe, in the form of a printed

inclosed, which he the said James Bird
then and there delivered and distributed
to one John P. O'Brien and to several
other persons to the said James
aforesaid inclosed, containing the
false, scandalous, malicious, defamatory
and libellous words and matters
following, of and concerning the said
John McCabe, that is to say:

One Officer of the present New York
City Fire Department (meaning the said
John McCabe.)

Second Child of John McCabe, said
Candice McCabe (meaning the said John
McCabe) made the following statement
in the Court of Common Pleas, East 12th,
City, 1881, before Judge Beach and
Jury, and in the presence and hearing
of Cornelius Van Cott and John Egan,
who were at that time Fire Commis-
sioners of the City of New York.

That he, John McCabe (meaning
the said John McCabe) while holding
the position of Bell Ringing in the New
York City Fire Department, was indicted
by the Grand Jury for obstructing Jus-
tice of Peace, August 1st 1869, That he
John McCabe (meaning the said
John McCabe) on March 16th 1870,
between the hours of 4 and 8 o'clock

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in the morning, that Richard Donding, Joseph Hester, Michael Draper and John Hanger, in a saloon, no. 58 Frankfort Street, New York City (called the dead house), and after the shooting went to Riker Island, remained there three or four days, was then arrested by Captain Albaine and Warden Quinn, then a detective in this case. He, John McCabe (meaning the said John McCabe), was indicted, but it was Nolle Pro.

Again, that he, John McCabe (meaning the said John McCabe) was indicted by the Grand Jury, in a case of assault and battery, he (meaning the said John McCabe) having had a quarrel with one Peter Quinn. He (meaning the said John McCabe) was discharged at the Special Sessions.

Again, that he, John McCabe, (meaning the said John McCabe) and one John Hanger were arrested for larceny of money. Ex-Alderman William P. Kirk met him (meaning the said John McCabe's) bail for \$1,000. The date of this case can be obtained from the District Attorney's books.

For the information of the general public, the undersigned, ~~in~~ state (meaning himself the said James Bird) will state that after a view taken by him of the 29th Precinct, City of New York, containing the residence of Mr. O'Brien, superintendent of the New York and Erie Railroad, and also a view taken of the house on 6th Avenue and 20th Street, and Mr. John O'Brien, proprietor, and James Strand (the driver of the wagon at the said place of business), next to the house of John McCall, No. 110 Waverley Place, City of New York, near the depot, (meaning the house of the said John McCall) on the 13th day of September, 1894, and there found in his apartment (meaning the apartment of the said John McCall) valuable goods, consisting of, diamonds, pearls, jewelry, watches, and other articles, which he had brought from the 29th Precinct. (Meaning further that the valuable goods and property taken were taken and carried away from one John O'Brien, the owner thereof, by one August Francis in the said last mentioned fact as was found in the apartment of the said

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John McCabe.) A woman called Agnes Francis, employed at that time by Mr. H. O'Neil, in his dry goods house, Twenty-fifth Street and Sixth Avenue, did from time to time steal the above mentioned articles, and sent them to Joseph McCabe's house (meaning the house of the said John McCabe, and further intending to insinuate that the said John McCabe had feloniously received and had the said goods and property of the said Hugh O'Neil, by the said Agnes Francis, feloniously taken, stolen and carried away from the said Hugh O'Neil, well knowing the same to have been feloniously taken, stolen and carried away). The undersigned (meaning himself the said James Aird) visited the prison on Blackwell's Island, where the woman Agnes Francis, after conviction, was sentenced for 3 years and 6 months, she made the following statement to me November (meaning himself the said James Aird) November 11th, in the presence of Warden Fox, that she sent those goods to Chief John McCabe's (meaning the said John McCabe's) house, 110 Waverly Place, where they were first found by Detective Price, of the 29th Precinct.

What I (meaning himself the said James Aird) want to know is, why were not these facts made public, as it is well known both in Police and Fire Departments, therefore requires explanation; is it again that influence was brought to bear to keep this quiet? If so, the sooner it is known the better for the benefit of our tax-paying citizens.

A copy of this to be sent to Mayor Grace, to the Board of Aldermen, and the Exchange.

James Aird (meaning himself the said James Aird) No. 19 Catharine Street, New York City.

To the great scandal, infamy and disgrace of the said John McCabe, against the spirit of the Statute in such case made and provided, and against the peace and dignity of the said People.

Randolph B. Martin, District Attorney.