

0009

BOX:

228

FOLDER:

2233

DESCRIPTION:

Keenan, Thomas

DATE:

08/12/86



2233

Witnesses:

*Wm Jones*

Counsel,

Filed *12* day of *Aug* 188*6*

Pleads

THE PEOPLE

vs.

*Thomas Keenan*

Grand Larceny, *2nd* degree  
[Sections 528, 531 — Penal Code.]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*Leahy B. Keenan*

*Aug 13 1886*

Foreman.

*Wm Jones*

*Pen 6 months*

0011

6 District Police Court--

Affidavit--Larceny.

CITY AND COUNTY  
OF NEW YORK,

ss. William Jones, 23 years old, mar-  
ried, of No. 161 Alexander Avenue, New York City

being duly sworn, deposes and says, that on the 3<sup>rd</sup> day of August 1886  
at the boarding house No 161 Alexander Avenue City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time

the following property, viz.: One suit of clothes of the value of  
Twenty-five dollars, One silver watch with  
chain and buckle attached of the value of  
Twelve dollars, and of gold and lawful  
money of the United States, bills or notes, one  
of the value and denomination of two dollars  
and one of the value and denomination of  
one dollar; in all of the value of Forty  
Dollars;

the property of deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by Thomas Keenan, now here  
from the following facts: Deponent received  
said property from his room in said premises  
and Officer John Madigan of the 33<sup>rd</sup>  
Precinct Police informs deponent that he  
found in the possession of said Keenan  
a pawn ticket for said suit of clothes  
and said watch which deponent identifies  
as his property

William Jones

Sworn before me this

1886  
Police Justice.

0012

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 39 years, occupation John Madigan  
the 33<sup>d</sup> Precinct Policeman of ~~the~~  
Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of William Jones  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 5 } John Madigan  
day of August 1886 }  
M. A. Budd  
Police Justice.

0013

Sec. 198-200.

6

District Police Court.

CITY AND COUNTY  
OF NEW YORK, { ss

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

Question. What is your name?

Answer. Thomas Keenan

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. New York City

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

Answer. 135 St Alexander Avenue; 9 months

Question. What is your business or profession?

Answer. Turnerman

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

Answer. I am guilty of the charge

Thomas Keenan

Taken before me this

5

day of August 1888

Wm. J. P. [Signature]

Police Justice.

00 14

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 Sturmes

Keenan

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 August 3 1886

[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.

0015

1183.  
Police Court 6 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Jones  
161 Alexander Ave.  
Thomas Keenan

2

3

4

*Officer*  
*Lanning*  
*Gelany*

BAILED.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

Dated August 5 1886

Welde

Magistrate.

John Madigan

Officer.

330 Precinct.

Witnesses

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

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

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

\$ 100.00 to answer

*Welde*

0016

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Keenan*

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

*- Thomas Keenan -*

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

The said *Thomas Keenan,*

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

*one coat of the value of fifteen dollars, one vest of the value of four dollars, one pair of trousers of the value of seven dollars, one watch of the value of ten dollars, one chain of the value of two dollars, one pocket of the value of two dollars, one promissory note for the payment of money of the kind called United States Treasury notes, of the denomination and value of one dollar, and one other promissory note for the payment of money of the kind aforesaid, of the denomination and value of two dollars,*

of the goods, chattels and personal property of one

*William Jones,*

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

*Randolph B. Martin,*  
*Attorney*



00 17

BOX:

228

FOLDER:

2233

DESCRIPTION:

Kelly, Joseph

DATE:

08/02/86



2233

0018

BOX:

228

FOLDER:

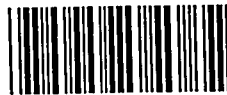
2233

DESCRIPTION:

Flannigan, James

DATE:

08/02/86



2233

0019

BOX:

228

FOLDER:

2233

DESCRIPTION:

Murphy, James

DATE:

08/02/86



2233

2

Witnesses:

Counsel,  
Filed 2 day of Aug 1886  
Pleds Not guilty (3)

THE PEOPLE  
vs.  
Joseph Kelly  
James Flanagan  
and  
James Murphy

Assault in the Second Degree.  
(Section 218, Penal Code.)

RANDOLPH B. MARTINE,  
Aug 6/86. District Attorney.

Fried & Co. 1, forwarded  
to the County 2 days  
A True Bill.  
The 2nd. County Clerk at 3 days.  
-Caleb A. Knevel-

No 1 Pen 2 yds Foreman.  
3 " 3 mos Aug 6/86  
3 " 3 mos. 19-86  
Aug 9/86.

0021

STENOGRAPHER'S MINUTES.

3 District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Weirbaum

vs.

Joseph Kelly

James Flannagan

James Murphy

BEFORE HON.

John J. Gorman

POLICE JUSTICE,

July 10

1886

APPEARANCES:

For the People,

Mr. Goodheart

For the Defence,

Mr. Oliver

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WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Nathan Wirbaum

Herman Gross

Wm Kenney

W. L. Ormsby

Official Stenographer.

0022

3

DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

Wurbaum

agst.

Kelly et al.

Examination had July 16 1886

Before John J. Gorman Police Justice.

I, Walter L. Ormsby Stenographer of the 3 District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of Nathan Weisbaum

Herman Gross, Wm Kenney

as taken by me on the above examination before said Justice.

Dated July 16 1886

Walter L. Ormsby  
Stenographer.

John J. Gorman  
Police Justice.

Police Court  
Third District

The People vs  
Nathan Weisbaum

Joseph Kelly  
James Flannagan  
James Murphy

Examination before Justice Gorman  
July 16 1866

For the People the Prosecution  
Defendants Frank Oliver

Nathan Weisbaum, the complainant  
being duly sworn, deposes that he saw the Oliver  
and says, I saw the defendants  
for the first time on the day  
I was shot - on July 14 in Hertel  
street. They were standing in  
front of my door. There was  
another, William Kenney, sitting  
on a waggon. It was a dog  
waggon. I knew it was a  
dog waggon.

Q Was there a dog in the  
neighborhood?

A They went for him

Q Did he have a muzzle or

A No Sir

Objected to

Agitation overruled

- A No Sir.
- Q Did he have a tag on?
- A No Sir.
- Q A tag showing that he had a city license?
- A No, Sir.
- Q It was your dog?
- A Yes Sir. I am the owner.
- Q Where was the dog?
- A The dog was running away in the alley, and they went to run in the alley.
- Q What did you do?
- A I did not do anything - I said "Bryr you can't have that dog."
- Q To whom did you speak?
- A All three.
- Q You said you can't have that dog?
- A Yes, Sir.

By Justice Gorman

- Q Did you say to these men "you can't have that dog?"
- A No Sir; I did not say anything. I said "you can't come in here - these

By Mr. Oliver are my premises

- Q Was the dog running up the alley?



- A The dog was up stairs already  
 Q Did you stand in their way?  
 A No Sir  
 Q Did you call the dog?  
 A No, Sir! I said "Boys go right  
 away; don't make any more  
 row here"  
 Q Did you see the dog in the  
 street?  
 A I did not  
 Q Did you see the dog at all?  
 A No Sir  
 Q Did you see the dog?  
 A No Sir  
 Q Do you know that the dog  
 was out in the street at all?  
 A No, Sir  
 Q There was no dog there?  
 A No dog at all  
 Q What were the defendants  
 doing?  
 A They were going to the alley  
 for the dog  
 Q How do you know?  
 A I said "Boys go right away"  
 I said "Please go right ahead!"  
 don't make any fuss here  
 Q Did they go up?  
 A This boy raised a pistol at  
 me Joseph Kelly, in front  
 of my door He said "I will  
 shoot you in the belly" to me.

Q Where was the dog?  
 A Up stairs. He might have been down stairs.

Q You do not know whether there was a dog or not?  
 A I know there was a dog in the room.

Q Kelly pointed a pistol at you?

A Yes.  
 Q And told you he was going to shoot you?

A Yes.

Q What did the others do?

A They were right behind him.

Q They did not do anything?

A They did not do anything.

Q Did you run away?

A No. They went up on the wagon - one of the three took a stick and threw it.

Q Which one?

A One of the three who struck the boy.

Q Will you swear positively that you do not know whether there was any dog on the side-walk or whether there were men going after a dog in that alley?

A I swear fifty times that I did not see any dog - I did not see any dog.

Q Was there one?  
 A I will swear I did not see any.

By Justice Gorman

Q Do you know whether there was any dog on the sidewalk or not?

A I do not know

M. Oliver - I move to dismiss the complaint against Kelly?  
 Motion denied.

Redirect

Q Which pointed a pistol at you?

A Every one had a pistol and each one pointed a pistol.

Q Where did they go?

A They went up to the corner of Orchard street. I followed them to get an officer to make a charge. They struck a little boy in the forehead with a stick. The boy was bleeding. I wanted to get an officer to make a charge for pulling a revolver at me and firing the stick.

Q Did they do anything to you afterward?

- 1- Yes.  
 2 Where  
 A I was shot right on the thumb  
 of the left hand. - the ball  
 glanced off  
 2 By whom was you shot?  
 A Kelly. (points to defendant  
 Joseph Kelly)  
 2 You held the horse?  
 1- I held the horse  
 2 For the purpose of seeing a  
 policeman?  
 A Yes.

Examination

- 2- When you saw this man pointing  
 a pistol at you you said these  
 gentlemen did not do anything.  
 A They had not done anything  
 to me  
 2 What is the reason you stated in  
 answer to the counsel's question  
 that this man pointed a pistol  
 and not those men?  
 A They all pointed pistols  
 2 What is the reason you make  
 one statement to me and another  
 to counsel?  
 A The reason was he shot and  
 afterwards they tried to shoot

W. J. Smith

2 Where where the stick at the boy?

2 Who threw the stick at the boy?

A One of them there I do not know which

2 Did you go towards the wagon?

A W.

2 Who did?

A I do not know

2 Any of your friends?

A I do not know

2 Who cut the trace?

A Nobody

2 Was there anybody with a club there?

A W. Sir

2 Who let the dogs loose?

A I do not know

2 Did you try to stop it?

A W. Sir I did not interfere at all

2 Did you not hold the horse?

A Until the officer came

2 While a great many friends of yours were letting the dogs out of the wagon?

A W. Sir - I do not know

2 Do you know that any of the dogs got out of the wagon?

A I do not know

2 All you say you know is that this man pointed a pistol at you?

- A - As far that is all I know.  
 2 who shot you?  
 A I told you - Kelly  
 2 when he was sitting on the  
 wagon and you at the horses  
 head?  
 A Yes.  
 2 Holding the horse?  
 A Yes.  
 2 what did you hold the horse  
 for?  
 A While the officer came

By Justice Gorman

- 2 - How do you know that Kelly  
 shot the pistol?  
 A I saw it; I was about five  
 feet from him.  
 2 what did you see?  
 A I saw him shoot the pistol  
 He pointed it at me. The pistol  
 was loaded.  
 2 How do you know he shot the  
 pistol?  
 A I saw it.  
 2 what did you see?  
 A He shot at me.  
 2 Did you see him pull the  
 trigger?  
 A He pulled the trigger right off.  
 2 what else did you see?  
 A Only one blow that is all

- Q Did you see the smoke?
- A Yes.
- Q You say you know that Kelly shot you because you saw him pull the trigger of the pistol, because you saw the smoke, arising from the pistol after the trigger was pulled?
- A Yes, Sir.
- Q That pistol was in the hands of Kelly?
- A Yes Sir.
- Q You felt the ball at that time?
- A I did.
- Q How do you know it?
- A It commenced to burn me.
- Q The moment you saw him fire you felt a burning sensation in your thumb.
- A Yes, Sir.

### Re-direct

- Q When Kelly discharged the pistol what did the others do?
- A They put a pistol right in the wagon.
- Q Did you see that all three had pistols?
- A Yes.

Re. cross.

2 - How many people were there then at the time Kelly shot you?

1 - I did not count them - a good many

2 - Around the wagon - near you?

1 - Yes, Sir

By Justice Gorman

2 - Where were you standing when you were shot in the hand?

1 - In front of the house

2 - You held the horse by the head?

1 - Yes Sir

2 - Were there any persons behind you?

1 - A great many persons.

2 - Persons behind you?

1 - Plenty

2 - Did you hear of anybody being struck with a pistol ball other than yourself?

1 - No, Sir - as soon as he shot off the place was empty - only myself.

2 - There were people behind you?

1 - No - I was the only man in front.

Re. direct 2 - Were there many people about the house,



A - I did not take notice I was excited.

By Justice Garman,

Q Were there any persons behind you when you had the horse by the head?

A That I cannot say - There was nobody standing behind me.

John Cullen, a witness for the people being duly sworn deposes and says: I got there after the shooting was over  
persons examined

Q How many pistols have you got? A

I have one that was in the wagon - I have two

Q Was the wagon taken to the station house?

A Yes, Sir

Q Was the wagon broken?

A Yes: the wire door that keeps the dogs in was broken

Q Any other part broken?

A Not that I noticed.

Q -

Herman Gross, a witness for the people being duly sworn deposes and says:- I am 43 years old. I live at 404 East 79th street. I do not know the complainant. I never saw him before the 14th instant. On that day I was in the vicinity of Orchard and Herter streets.

Q Tell what you saw?

A I saw a great crowd gathered James Flanagan here was in a quarrell with Weisbaum the complainant. I saw a piece of wood hit a boy. Then Mr. Weisbaum ran after the wagon and caught hold of the horse. Three or four of them drew revolvers, and said "~~Shoot the son of a bitch~~" I will shoot your son of a bitch if you do not let go that horse."

Q Who said that?

A Kelly

Q You heard that very distinctly?

A I was close by at the corner.

Gross examined by Mr. Oliver

Q Is that all you saw?

A That is all I saw

Q Did you see any one break the wagon for the purpose of letting the dogs out?

A I saw the wagon broken -  
who did it I cannot tell

Q Broken after you came up?

A Yes, Sir - No Sir - I think  
when they commenced it was  
broken

Re-direct

Q - Did you see Weirbaum when  
he wanted to hold the horse  
until the officer came?

A Yes, Sir! He did not let go.

Q You do not know whether one  
or all shot?

A No Sir! I heard the remark  
"shoot the son of a bitch."

Re cross

Q What made you come here?

A Because I do not like to  
see rowdies draw pistols  
on citizens

Q You say the first you saw  
was Flanagan put his hand  
to his pistol back and  
back towards the wagon?

A Yes.

Q Flanagan?

A Yes.

Q Going to his wagon - backing  
away from Weirbaum?

A Yes.

Q What did Weisbaum say to him?

A He said he should go away one of them threw a piece of wood

Q He was going away was he not?

A Yes Sir

Q He got into the wagon?

A Yes Sir.

Q Did you see Weisbaum get hold of the horse head?

A No Sir, not until Planagan threw a piece of wood and hit a little boy, and then Weisbaum got hold of the horse.

Q Because he threw the wood?

A Yes.

Q Wanted him arrested for throwing the wood?

A Yes for hitting the little boy.

Q He did not stop the horse because some one tried to shoot him?

A He did not

Q If he says so that is a mistake?

A I only state my case.

Q When he got hold of the horse head Kelly said "Let go of the horse head or I will

shoot you?

A Yes.

Q Were there many people around Mr. Weisbaum?

A I did not count.

Q A good many?

A Yes - close to him.

Q A good many behind him and close to him?

A Good many in the street.

Q Were there any behind him?

A Not close to him.

Q A good many behind him?

A A good many people in the street.

By Justice Gorman.

Q When Weisbaum had held of the head of the horse were there any persons behind his back?

A Certainly - not very close about four or five feet off.

Q How many persons were there within ten feet?

A About a couple of hundred.

Q Behind him?

A Yes, Sir.

Q You understand the question - you say there were a great many behind him?

A - I should say over one hundred

- Q over a hunched behind him  
 A - Yes, Sir  
 Q Some within four or five feet?  
 A Four or five feet away from Weisbaum.  
 Q The horse could not go unless these people got out of the way?  
 A - I do not think it could very well.

Mr. Oliver - I move for the discharge of all the defendants except Kelly.  
 Motion Denied.

William Kenney being duly sworn as a witness for the defendant. deposes and says:- I am 21 years old. I live at 590 East 12th street. I remember the 14th inst I am a dog catcher. The defendants were in my company They were my three assistants

Q Was there a dog in the street at any time?

A Yes, Sir

Q Do you remember whether any action was taken in relation to that dog?

A I got off the wagon - me and Joseph Kelly - to get the dog.

Q What dog?

A - A dog we saw on the sidewalk. This Mr. Weisbaur said "You go home"

Q Where was the dog?

A He was on the middle of the street running through the street.

Q Did he have a muzzle on?

A No.

Q Or a tag indicating a license?

A No, Sir

Q Did anybody have hold of him with a string leading him

A No, Sir. He was at large in the middle of the street.

Q What did you and Kelly do?

A We got off to catch the dog. Before we got up there the dog got on one of the stoops and went up stairs. Mr. Weisbaur came out and said "If you don't go away from there I will stab you. He had a big butcher knife in his ~~hand~~ stand. I said to him "We are going up on the wagon." When we got on the wagon and were driving away some fellow who has been on the corner got a big stick. He held the horse's head in front.

- a good many were trying to pull us off the wagon.
- Q How many people were there at the time you were pulled off the wagon?
- A I could not count them I guess five thousand. This man held the horse until the policeman came. A pistol shot was fired. I do not know who fired it. The policeman came and got Kelly and some more. The harness was cut off and the bridle was taken off the harness.
- Q Who took the harness off?
- A Men in the crowd.
- Q Was there a pistol shot?
- A Yes, I heard a pistol shot. I do not know who fired it.
- Q Did you hear anybody complain that he was hit with a pistol shot?
- A No, sir. Nobody said anything at all.

### Cross-examination

- Q How many were on the wagon at the time the pistol was shot?
- A Four.
- Q On the front seat?
- 18



A - Sitting on the front of the wagon.

Q When the pistol was shot?

A Yes, Sir.

Q Who shot that pistol you do not know?

A I do not know.

Q Will you swear it was not one of the four?

A - I swear I do not know who shot the pistol.

Q Did the pistol come from any one of the four?

A - I do not know.

Q Did you see Kelly have a pistol?

A No, Sir; I was so excited I did not see anything. I was pulled off.

Q Did you have a pistol about you?

A No, Sir.

Q Did any of your men have a pistol?

A Not as I know of - they

Q Will you swear you did not have any?

A I will swear I did not see them have any.

Q You saw the flash?

A Yes.

Q Where did that flash come from?

A I do not know.

Q From your wagon?

A That I cannot say.

Q Will you swear that it did not come from your wagon?

A I will swear.

Q When that pistol was shot you four were on the wagon?

A Yes.

Q You was pulled off the wagon and you saw the pistol shot?

A I was pulled off the wagon I got on the wagon and then the pistol was shot.

Q For what purpose did you get on the wagon?

A I did not want to stay there and he kicked all over the street.

Q You got on the wagon for the purpose of driving away?

A Yes, Sir

Q Somebody fired a pistol

A Yes, Sir

Q You do not know who fired the pistol?

A No, Sir

Q Wisbaum had hold of the horse?

A Yes

Q You saw that he had a stick with him?

Q - He struck the horse with it?

A - Yes.

Q - He had a knife?

A - Yes.

By Mr. Oliver

Q - Where did he stand when the dog ran in the house?

A - Right at the store door. The dog ran in and he ran out.

Q - Did he see the dog?

A - Certainly he saw the dog, and saw me go after the dog.

Q - Did he stand in the way as you were running and the dog was running away?

A - He came towards me and said come up - go on the wagon and drive away. We drove away as soon as we could to the corner. He jumped out and got hold of the horses head.

Q - Wisebaum keeps a butcher store?

A - He was in front of a fish store.

Q - Did the dog run in the store?

A - The dog ran in the alley.

Q - Next the fish store?

A - Yes.

By Justice Gorman

Q You say when you got on the wagon the second time you heard the pistol shot?

A Yes, Sir

Q You were sitting on the seat?

A I should to get on the seat

Q I was pulled off the seat?

A Yes

Q Saw the flash?

A Yes

Q Smelt the smoke?

A Yes,

Q From where did it come?

A I could not say

Q Did it come from the wagon seat?

A No, Sir

Q Was there anybody sitting on the wagon seat?

A Yes Sir.

Q Do you know Did you see any persons with pistols in their hands sitting on the seat of the wagon?

A No Sir. I was so excited

By Mr. Oliver

Q Did this dog go in the alley way?

A He ran in the alley way.

Q Do you know whether that

0045

belonged to the premises of  
Mr. Weirbaum?

A- No Sir. I do not

Mr. Oliver - I ask for the discharge  
of all except Kelly.

Motion denied

Defendants held to answer under  
\$1000 bail each.

3 District Police Court.

Warham

VS.

Joseph Kelly

James Flanagan

James Murphy

STENOGRAPHER'S TRANSCRIPT.

July 16 1886

BEFORE HON.

John J. Gorman

Police Justice.

Valerian L. Brambly

Official Stenographer.

The People  
vs.  
Joseph Kelly,  
James Flannigan and  
James Murphy.

Court of General Sessions, Part I.

Before Judge Cowing.

August 6, 1886.

Indictment for assault in the second degree.

Nathan Weisbaum sworn. On the 14th of July, I saw these three men about two o'clock in the afternoon at 53 Hester Street, I keep a fish market there. I was sitting in front of my door and these three boys came past with a wagon, I did not notice it until they jumped out; they saw a little dog in front of my door and the dog ran in the alley and the three ran in after the dog, my wife would not let them go in the alley, I said to the boys, what is it you wish here, one of them said, I want that dog, I said, you cannot get it because the dog is upstairs already, Joseph Kelly pulled a pistol and said, if you don't give me that dog I will shoot you. I said, boys go away, don't shoot, I don't want to have any disturbance. They went into the wagon and took out a big stick and fired at me, it did not strike me but struck a little boy and I followed them up to the corner of Orchard Street, I caught hold of the horse and told them I would not let go until I got an officer. Kelly said, if you don't leave go that horse I will shoot and tie all pulled out their pistols and John Kelly struck at my left hand here, the other two did not shoot, the Officer came and took them to the Station House; every one of them had pistols in the Essex Court; the other two chucked the pistols in the wagon when the officer came up.

Cross Examined.

The Magistrate did not ask me

0048

whether these two men pointed the pistol at me at the same time Kelly did. I owned the little dog, the defendants are dog catchers, I did not know it until I saw the crowd around there on the stoop; my wife shut the alley and would not let them in, I did not see any dog on the sidewalk, the dog was not licensed and did not have a tag on, the dog was upstairs, I did not know they were running after the dog, my wife told me the boys were after the dog, I did not go upstairs, I did not see the dog on the sidewalk, I could not tell you how big the crowd was that was there but there were lots of people there, I was standing on the sidewalk and when he moved away about ten feet he took up a big stick and fired at me and it struck a little boy, that is the whole matter. I followed them I followed them up as far as the corner of Orchard Street which was a block and a half and then I got hold of the horse's head, they tried to run away, I was excited and I did not look after the crowd, after they pointed the pistol they threw the stick, I was struck by the pistol bullet, this happened about two o'clock.

Isaac Chrystal sworn. I was passing from my dinner 92 Hester Street when I saw the complainant in front of a horse, he said, you can't go till the officer comes; there was three on the seat of the wagon and every one of them pointed pistols and one of them fired; when I seen him firing I was excited and ran away to Eldridge Street Station House and told the captain to send an officer.



0049

Cross Examined. There was a crowd there but it was not in front of the wagon. I live 22 Ludlow St. and do not know where the complainant lives except that it is in Hester Street about two blocks away. My family is in the country and I went to take dinner at my daughter's 92 Elridge Street, I did not go after the wagon, I saw dogs in the wagon, I only stopped there about a minute and a half.

Herman Gross sworn. On the 14th of July I happened to pass through this street, I had some business to attend to on Division Street and when I left the place of business I came to that street and saw people gathering together. When I came I saw I suppose the complainant and the second fellow there, he had his hand in his pocket, I do not know the name, he moved backward towards the wagon and all of a sudden I seen it was a dog catcher's wagon and finally I seen the complainant arguing with this fellow and when he got close to the wagon he jumped in and had a big piece of stick and threw it out of the wagon and hit a little boy. So of course that complainant ran after the wagon and caught hold of the reins in front and he said he would not let go. This fellow Kelly said, let go; the complainant said he would not let go till the officer came. Kelly said, let go you son of a bitch or I will shoot you and Kelly fired a shot and I thought as a citizen in this city that it is my duty to give a little protection to the city. I went along and said that I will such evidence in the case like that.

When Kelly used that language and at the same time fired

I noticed that the others had pistols pointed at me.

The Case for the Defense.

James Flannigan sworn. I was on the wagon on the day in question which I own, I was driving with the official dog catcher William Kenny; on the 14th of July my wagon was going through Clinton Street and Kenny said to Kelly, here is a dog and he went to catch the dog and the complainant stopped him and told him he could not catch him, Kenny, Kelly, Flannigan and I pushed through the crowd towards the wagon, I was in danger of my life, I had a pistol in my pocket and I pulled it out to defend myself and while I was minding the back of the wagon a shot was fired; the complainant had a knife and a butcher's club in his hand; nobody called my attention to a boy that was struck; the crowd followed us up firing stones and sticks at us, at the corner of Orchard Street the complainant came up and caught hold of the horse's bridle and hit the horse over the head with a club and the horse could not go any further, I jumped off to save the back of the wagon and the dogs was let go, I could not see who fired the pistol shot, I did not aim a pistol at Mr. Weisbaum while he had hold of the horse's head.

James Murphy sworn. I was sitting on a seat of the wagon on this day with Flannigan, I saw the dog on the sidewalk the time the complainant was there, Kelly went out to catch it and the complainant would not let him, he had a knife in one hand and the club in the other after coming out of the store, we started to drive

away and the complainant went in the store again and dropped the knife and he followed us up the block and caught hold of the horse near Orchard Street and he struck the horse, Kelly went down to fix the harness and then it was the shot was fired but I could not say by whom, I pointed no pistol at anybody; there was a large crowd there and I was trying to keep the dogs in; the dogs were let loose at the time that the complainant got hold of the horse; it was when Flannigan was at the back of the wagon the shot was fired.

Cross Examined. I did not see Kelly fire that pistol and could not say who fired it, I did not see a stick thrown from the wagon and saw nobody struck with it.

Joseph Kelly sworn. I was on the wagon the day of this trouble, William Kenny saw a dog and said to me, jump out and catch this dog, so we went to jump for the dog and the dog went to the stoop and the complainant came out with a cleaver and a club, then he pushed us away and the dog went up the alley; we wanted to go away and the complainant kept on pushing us and a big crowd got around us and the complainant held the horse and they pulled the back out of the wagon and let the dogs go out. I did not point a pistol at anybody and did not shoot anybody, I did not say to the complainant, I will blow your head off. I do not believe we had a stick in the wagon.

Cross Examined. I swear positively that I did not fire the pistol; the complainant did not hold the cleaver

in his hand when he held the horse but only the club.

William Kenny sworn. I am one of the official dog catchers of this city and on this occasion I called the attention of Kelly and Flannigan to a dog as we passed through Clinton Street. I went over to get the dog and the complainant came out with a big fish knife and a club, he pushed me away and said, what do you want? I says, I am a dog catcher, he says, you can't have that dog. I said, I will take it, you have got no license and no muzzle on it, you have got no business to have him on the street; we walked over to the wagon and the complainant followed us and caught hold of the horses head and hit it with a club behind the ear and one of his friends took the reins off the collar and the horse had to stand there, he could not move and the rest of his friends got around the wagon and pulled the back out of it. I fired the pistol shot to scare the crowd, I have been a dog catcher about four months.

Nathan Weisbaum recalled. I can fetch fifty witnesses to show that I had no club, cleaver or knife in my hand.

Isaac Chrystal recalled. The complainant had nothing in his hand at the time that he took hold of the horse's bridle, I saw his hand and he had nothing in it.

The jury rendered a verdict of assault in the second degree in the case of Kelly and of assault in the third degree against Flannigan and Murphy.

0053

9

The first officer stated that the man who was  
the second officer of the ship of Kelly and of the ship in  
the first officer's absence of the ship in

the ship.

At the time, the first officer was on the ship and the second officer  
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Testimony in the case  
of Kelly, J. Harman  
and J. Murphy.

Filed Aug  
1986

0054

New York. Aug 9<sup>th</sup> 1886

To whom it may concern.

This is to certify that I have known  
Joseph Kelly for a number of  
years and has always been  
a good. sober. upright and  
industrious young man and  
can cheerfully recommend as such

Maurice Quinlan

223 Avenue A.

0055

POOR QUALITY  
ORIGINAL

Dear Sir,  
I am very sorry to hear  
that James Hangan, &  
James Murphy, found  
guilty for assault on  
you, & friends of mine.  
I have known them for  
many years, & am sure  
they are not the kind of  
men you would expect  
to be so violent, & I hope  
that the court will be  
guided by the facts, &  
their sentence as light  
as possible.

0056

POOR QUALITY  
ORIGINAL

Joseph Kelly & James  
Hangan are the only  
support of an ordered  
society.

By so doing  
you will do me a  
personal favor.

Respectfully,

Yours  
Jacob Youngman  
County of Madison, N. D.



0057

POOR QUALITY  
ORIGINAL

London Aug 11th  
Dear Lord Lytton  
You will derive  
a personal favor  
possible and with  
best regards  
to all  
I remain  
Yours truly  
John Lubbock

0058

New York Augt 17<sup>th</sup> / 86

To The Hon. Judge Cowing

Dear Sir  
being a neighbour of the boy  
Joseph Kelly who I am informed  
has been convicted for assault  
before Your Hon. on the 6<sup>th</sup> of Augt  
I beg leave to state that I have  
known him from his infancy  
and I never knew or heard of  
him doing a wicked or bad  
act before this unfortunate  
affair. I pray that Your  
Hon. will consider his youth  
and be merciful to him.  
his family are respectable  
and to send him to prison would  
leave a stain up on them for  
ever and I am sure the lesson  
that he has learned will serve  
him all his life to come

0059

If your Hon. Can Consist-  
antly Suspend Judgement  
you will always have the  
prayers of his afflicted family  
and I am sure he will never  
give your Hon. or the Courts  
any more trouble

I am Hon. Sir  
Yours Very Respectfully

Jno. P. Kishor

246. E 10<sup>th</sup> St  
Wichita

POOR QUALITY  
ORIGINAL

0060

—OFFICE OF—  
EDWARD J. BROWN,  
WHOLESALE DEALER IN

*Rags and Paper Stock,*

420 & 422 EAST 18TH STREET,

New York, Aug. 1, 1884

is now known the boy Joseph Kelly  
who has been convicted of assault before  
your Honor

I state that I have known the boy

for 400 years and I  
always found him honest and upright  
and I am sure the lesson he learned  
that he will never cause the court  
to be troubled. Yours Respectively

Ed. J. Brown

Ed. J. BROWN,  
WHOLESALE DEALER IN  
RAGS & PAPER STOCK  
420 & 422 East 18th St. N.Y.

Joseph Kelly 218 Ave. A.

0061

James Murphy 436 E. 14 Street

Thomas Conlon 211 & 213 av a

Archibald McKenna 194 av a

Patrick Keegan & Son

0062

Police Court—3rd District.

City and County { ss.:  
of New York,

Nathan Weisbaum

of No. 53 West Street, aged 36 years,

occupation Fish dealer being duly sworn

deposes and says, that on 14 day of July 1888 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Joseph Kelly, James Flannigan  
and James Murphy (all now here)  
who each of them pointed a  
Revolver pistol at deponent said  
Kelly discharged his Revolver and  
did wound deponent in the left  
hand,

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

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

Sworn to before me, this 14 day

of July 1888

John J. Moran Police Justice.

0063

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK, ss

3

District Police Court.

*James Hannigan* 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 Hannigan*

Question. How old are you?

Answer.

*22 years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*530 East 12th St New York*

Question. What is your business or profession?

Answer.

*Dog Catchers Helper*

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, we were assaulted by over five hundred people who gathered around us and let loose all the dogs we had in the wagon and cut our traces and let the horse run away and we were in danger of our lives*

*James Hannigan*

Taken before me this

day of

188

Police Court

0064

Sec. 196-200.

CITY AND COUNTY { ss  
OF NEW YORK.

34 District Police Court.

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

Question What is your name?

Answer

*James Murphy*

Question How old are you?

Answer

*21 years*

Question Where were you born?

Answer

*New York City*

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

Answer

*528 East 12 street three years*

Question What is your business or profession?

Answer

*Laborer*

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

Answer

*I am not guilty*

*James Murphy*

I taken before me this

day of *July* 14 1886



0065

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK

*Joseph Kelly* 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 Kelly*

Question How old are you?

Answer

*18 years*

Question Where were you born?

Answer

*New York*

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

Answer

*512 East 14 Street 4 years*

Question What is your business or profession?

Answer

*dog catcher's helper.*

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 taken before me this \_\_\_\_\_ day of \_\_\_\_\_ 188 \_\_\_\_\_

*Joseph Kelly*  
*Must*

Police Justice

0066

\$1000 Exp 16 Inst  
2 P.M.

BAILED,

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

Police Court District.

THE PEOPLE, &c,  
ON THE COMPLAINT OF

Nathan Kinsman  
52 West 4th St

1 Joseph Kelly  
2 James Harrigan  
3 James Murphy  
4 \_\_\_\_\_

Offence Pl. answer

Dated July 14 1886

John Carsten Magistrate.  
Officer.

Witnesses Isaac Christall  
No. 27 Ludlow Street.

Hercean Grass  
No. 404 E. 79 Street.

No. 107 to answer

RECEIVED  
JUL 20 1886  
ATTORNEYS OFFICE

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 admitted to bail in the sum of \_\_\_\_\_ Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated July 14 1886 John J. Harney Police Justice.

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

Dated \_\_\_\_\_ 1886 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 \_\_\_\_\_ 1886 Police Justice.

0067

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*George Henry James Blawie*  
*James Cunningham*  
*James Blawie*

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

*George Henry James Blawie*  
*James Cunningham*  
*James Blawie*

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

The said

*George Henry James Blawie*  
*James Cunningham*  
*James Blawie*

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

*Nathan Weinbaum.*

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

*George Henry James Blawie*  
*James Cunningham*  
*James Blawie*

in their right hands then and there had and held, the same being then and there a

*weapon*, likely to produce grievous bodily harm, *to wit* and

the said *Nathan Weinbaum*, then and there feloniously did wilfully and wrongfully *strike, beat,* *bruise and wound,*

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

*Charles B. Smith,*

*Attorney General*