

0127

BOX:

186

FOLDER:

1877

DESCRIPTION:

Smith, James

DATE:

08/11/85



1877

0128

125-18

Witnesses:

Counsel,

Filed 11 day of Aug 1885

Pleads,

THE PEOPLE

vs.

James Smith
(2 cases)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

John O. Scott
Aug 13/85 Foreman
H. P. O. Scott
S. P. O. Scott
S. P. O. Scott

0129

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 Smith

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

James Smith

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

The said *James Smith*,

late of the *Smith* Ward of the City of New York, in the County of New York, aforesaid, on the *twenty second* day of *August* in the year of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *dwellings* of one

Adolph Anderson,

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

Adolph Anderson,

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

0130

SECOND COUNT—

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

James Smith
of the CRIME OF *Grand* LARCENY *in the second degree*, committed as follows:

The said *James Smith*,

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

one coat of the value of twenty
dollars, one vest of the value of
five dollars, and one pair of
trousers of the value of ten
dollars, and divers other articles
of clothing and wearing apparel,
of a number and description to
the Grand Jury aforesaid un-
known, of the value of fifty
dollars.

of the goods, chattels and personal property of one *Adolph Anderson*,

in the *dwellings* house of the said *Adolph Anderson*,

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

0131

THIRD COUNT—

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

James Smith —

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

The said *James Smith*,

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

*one coat of the value of
Twenty Dollars, one vest of
the value of five dollars
and one pair of trousers of
the value of ten dollars,*

of the goods, chattels and personal property of one *Adolph Anderson*.

by ~~a certain person~~ of persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *Adolph Anderson*.

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

James Smith —

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0132

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

Emil D. Stille

164 W. 112 St

James Smith

2 cases

Aug 10 1885

Dated _____ 188

Magistrate

Officer

Present

Witnesses

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

No. _____

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

James Smith

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

0133

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of August 1888

Police Justice.

James Smith

0134

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 27 years, occupation Police Officer of No.

300 Princeton Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of August 1887

James D. Stettin
Nathan M. Sherry
Police Justice.

0135

Police Court— District.

City and County
of New York, ss.:

of No. 164 West 128th Street, aged 26 years,

occupation Plumber — being duly sworn

deposes and says, that the premises No. 164 West 128th Street,

in the City and County aforesaid, the said being Four Story House

in the 12th Ward —

and which was occupied by deponent as a Dwelling

and in which there was at the time no human being, no

were BURGLARIOUSLY entered by means of forcibly Opening

the door leading from the hallway —

of said premises of deponent's room —

by means of false keys

on the 16th day of July 1887 in the Day time, and the

following property feloniously taken, stolen, and carried away, viz:

Two Trunks together of the value

of fifty dollars — and other personal

property of the value of seven five dollars —

All being of the value of one hundred

twenty five dollars —

the property of Frank B. Morgan. And deponent came and

Chap and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

James Smith — (known)

for the reasons following, to wit: That deponent left said

premises securely fastened on the 10th

day of July 1887 and on returning on

the 26th day of July 1887 deponent got

his evening that said premises had

been entered as aforesaid and the said

property taken stolen and carried away —

deponent is informed by Officer

M. Sherry that he arrested the said

0136

Smith and James in his possession
a number of Pawn tickets representing
the property stolen from deponent's premises
deponent further says that the
said Smith admitted and
confessed in deponent's presence
that he did take and
carry away said property
from deponent's premises

Given to be true me
this 6 day of August 1888

David W. Stelle

Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
08.
Burglary Degree.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0137

Witnesses :

226 B

Counsel,
Filed 11 day of Aug 1885
Pleads,

THE PEOPLE

vs.

P.
James Smith
(2 cases)

Section 408, 506, 528 & 531
Grand Jurors in the Third Degree, and
Grand Jurors in the Third Degree, and

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Foreman

0 138

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 Smith

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

James Smith

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

The said *James Smith*,

late of the *Smith* Ward of the City of New York, in the County of New York, aforesaid, on the *nineteenth* day of *July*, in the year of our Lord one thousand eight hundred and eighty-*five*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *dwelling house* of one

David D. Kelle

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

David D. Kelle

in the said *dwelling house*, then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

0139

SECOND COUNT—

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

— James Smith —

of the CRIME OF ~~Grand~~ LARCENY ~~in the second degree~~, committed as follows:

The said James Smith.

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

Two bags of the value of twenty
five dollars each, and other goods
chattels and personal property (a
more particular description whereof
is to the Grand Jury aforesaid
unknown, of the value of
one hundred and fifty dollars

of the goods, chattels and personal property of one Frank R. Morgan,

in the dwelling house of the said one David D. Steller,

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

Randolph B. Martin
District Attorney

0140

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

Police Court District 828
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Charles McNamee
1126 W. 124
James Smith
Offence
AUG 10 1885
Date _____ 188
Magistrate
Officer
Ward
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
to answer _____
\$ 1000

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

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0.14.1

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am guilty of the Charge
James Smith

Taken before me this

day of

1888

Police Justice.

0142

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 40 years, occupation Police Officer of No. 30

Primer Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Adolph Anderson

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

knowledge.

Sworn to before me, this 6

day of August 1888

Matthieu M. Sherry
Mar. Hude
Police Justice.

0143

Police Court—5 District.City and County }
of New York, } ss.:of No. 126 West 124th Street, aged 26 years,occupation Police Dealer being duly sworndeposes and says, that the premises No 126 West 124th Street,in the City and County aforesaid, the said being a Club House andknown as the House Morris Flats 12th Wardand which was occupied by deponent as a Dwellingand in which there was at the time 7 human being, by James Smithwere BURGLARIOUSLY entered by means of forcibly opening thedoor of deponent's room leading
from the hallway of said premises
by means of false keyson the 22 day of July 1887 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:One suit of Clothing of the
Value of Twenty five Dollars - and
Other personal property of the Value
of Fifty Dollars - All being of the Value
of Twenty five Dollarsthe property of deponentand deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away byJames Smith (known as)

for the reasons following, to wit:

That on said date deponent
left said premises securely fastened
at or about the hour of 8 o'clock A.M.
and on returning at or about the hour
of 10 o'clock P.M. on said date deponent
discovered that said premises had
been entered as aforesaid and the said
property taken, stolen, and carried away -
deponent is informed by Officer M. Sherry.

0144

That he arrested the said
Smith and found in his
possession train tickets representing
a portion of said property and
which deponee identifies
as the a portion of the property which
have been taken stolen and
carried away from deponee's
premises

Subscribed before me }
this 6th day of August 1884 }
Wm. H. H. }
Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated

1884

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0145

BOX:

186

FOLDER:

1877

DESCRIPTION:

Smith, John

DATE:

08/10/85



1877

0146

BOX:

186

FOLDER:

1877

DESCRIPTION:

Swift, Albert

DATE:

08/10/85



1877

0147

Witnesses:

101-B

Counsel,

Filed 10 day of Aug 1885

Pleads,

THE PEOPLE

vs.

John Smith and
Albert Swift

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Foreman
July 11/85

1. S. A. Two years 46 us
2. " Three years.

0148

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Smith and
Robert Smith*

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

John Smith and Robert Smith
of the CRIME OF BURGLARY IN THE *first* DEGREE, committed as follows:

The said *John Smith and Robert Smith*
Smith, each
late of the *Twelfth* Ward of the City of New York, in the County of New York
aforesaid, on the *twenty ninth* day of *July*, in the year
of our Lord one thousand eight hundred and eighty-*five*, with force and arms, about the
hour of *twelve* o'clock in the *night* time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one *Marion Phillips,*

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

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

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,
take and carry away, *(each of them the said
John Smith and Robert Smith,
being then and there assisted by
a confederate actually present)*—

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

SECOND COUNT—

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

John Smith and Albert Smith
of the CRIME OF GRAND LARCENY IN THE *first* DEGREE, committed as follows:

The said *John Smith and Albert Smith, each*

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

fifteen yards of cloth of the value of three dollars each yard, one coat of the value of twenty dollars, three vests of the value of three dollars each, and one pair of trousers of the value of eight dollars.

of the goods, chattels and personal property of one

Harvis Phillips

in the dwelling house of the said

Harvis Phillips.

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

0150

THIRD COUNT—

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

John Smith and Albert Smith
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *John Smith and Albert Smith, each*

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

*nine and one half yards of
cloth of the value of three
dollars each yard.*

of the goods, chattels and personal property of one *Harriet Phillips,*

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

unlawfully and unjustly, did feloniously receive and have; the said *John Smith and Albert Smith,*

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0151

Police Court *James* District. *80*

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Abraham Phillips
2298 - 2nd Ave

John Smith
Albert Smith

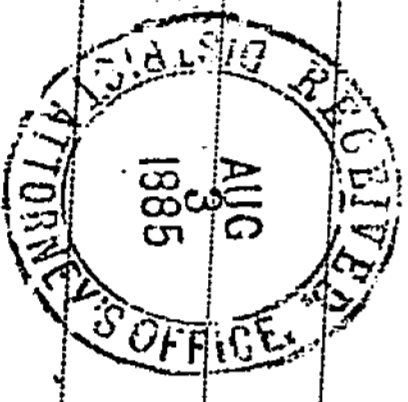
Offence *Burglary*

Dated *July 30* 188*5*

Albert Smith Magistrate.

Henry Brown Officer.

John Smith Precinct.



John Smith Street.

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named *John Smith and Albert Smith* guilty thereof, I order that they be held to answer the same and they be admitted to bail in the sum of *Five* Hundred Dollars *each* and be committed to the Warden and Keeper of the City Prison of the City of New York, until they give such bail.

Dated *July 30* 188*5* *J. H. Smith* Police Justice.

I have admitted the above-named *John Smith and Albert Smith* to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0152

Sec. 198—200.

CITY AND COUNTY
OF NEW YORK, ssSecond District Police Court.

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

Question What is your name?

Answer

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question What is your business or profession?

Answer

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

Answer.

Taken before me this 20
day of July 1888

Police Justice.

I am not guilty.
John Smith.

0153

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK,

Second District Police Court.

Albert Swift 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 Albert Swift

Question. How old are you?

Answer 17 years

Question. Where were you born?

Answer Ohio

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

Answer 423 west 36th Street, about 14 months

Question What is your business or profession?

Answer Tru Smith

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

Answer John Smith and myself bought the stuff from a man up town

Albert Swift

Taken before me this 30

day of July

1885

Police Justice.

W. M. Smith

0154

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 31 years, occupation Police Officer of No.

29th Precinct, Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Abraham Phillips

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

Sworn to before me, this 30

day of July 1885

Henry Gregg

John Smith
Police Justice.

0155

Police Court—Second District.City and County }
of New York, } ss.:Abraham Phillips
of No. 2298 Second Avenue Street, aged 16 years,
occupation Cloth Cutter being duly sworndeposes and says, that the premises No 2298 Second Avenue Street,
in the City and County aforesaid, the said being a brick Buildingthe ground floor of Clothing Store & Dwelling
and which was occupied by deponent as aand in which there was at the time human beings by names Abraham Phillips
Maurice L. Phillips Leua Phillips & Isaac Phillipswere BURGLARIOUSLY entered by means of forcibly pushing open
the fan light over the door leading into
said storeon the 29th day of July 1885 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:Nine and a half yards of Cloth of the Value of
twenty seven dollars 3 1/2 yds of Cloth of the
Value of nine dollars One sack of Clothes of
the Value of twenty dollars and two Vests
of the Value of eight dollars; altogether
of the Value and amounting to Seventy
four dollarsthe property of Morris Phillipsand deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away byJohn Smith, and Albert Swift (both
now here)

for the reasons following, to wit:

On the 28th instant about the hour
of 12 o'clock midnight deponent securely closed
and locked said premises. About 7 o'clock
in the morning of the following day
deponent found that said premises had
been burglariously entered as aforesaid
and found the afore-described property
missing. Deponent was subsequently
informed by Officer Henry Gregg of the

0156

29th French Police that he arrested the
said defendants on suspicion and found
9 1/2 yds of Cloth concealed in a bag
and in said defendants possession -
That defendant has seen said Cloth
and fully identifies the same as part
of said property stolen from his possession

Osworn to before me
this 30th day of July 1885 } Abraham Phillips
J. K. M. W. H.
Police Justice

Police Court District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0157

BOX:

186

FOLDER:

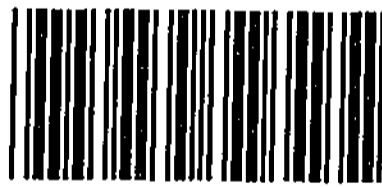
1877

DESCRIPTION:

Smith, Wallace

DATE:

08/19/85



1877

0158

BOX:

186

FOLDER:

1877

DESCRIPTION:

Scott, Edwin

DATE:

08/19/85



1877

POOR QUALITY
ORIGINALS

0159

Witnesses:

Eliza C. Spade

Counsel,

Filed

19th day of Aug 1885

Pleas,

Chargen (Do)

THE PEOPLE

vs.

P

Wallace Smith

and *P*

Edwin Scott

(2 cases) H.D.

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

RANDOLPH B. MARTINE,

Pr. Secy. of Dist. Attorney.

13th Feb. 1885

A True Bill.

John O. Scott,

Foreman.

0160

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Wallace Smith and
Edwin Scott

The Grand Jury of the City and County of New York, by this indictment, accuse
Wallace Smith and Edwin Scott
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said Wallace Smith and Edwin
Scott, each —

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

one *image* ring of the value

of *four* dollars,

of the goods, chattels and personal property of one *Sidney Oxford*, —
on the person of the said *Sidney Oxford*, —
then and there being found, from the person of the said *Sidney Oxford*, —
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. Martine
District Attorney.

POOR QUALITY
ORIGINALS

0 16 1

Police Court—1st District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Liike Oxford

of No. home Street, aged 21 years,
occupation Domestic being duly sworn

deposes and says, that on the 18th day of August 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property viz:

One Gold Ring of the value of
four dollars — \$4⁰⁰/₁₀₀

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 Walter Smith and Edmund Scott (both now in)

from the fact that said defendants met deponent
in the public street and tried to induce her
to accompany them to get refreshments which
she refused, deponent went along when said
defendants continued to follow her about
that at about the hour of 9.30 o'clock, said
Walter Smith took from deponent's hand
the Gold Ring described aforesaid while he
said Edmund Scott was looking and talking
to deponent. She deponent charges the said
defendants with feloniously taking stealing
and carrying away said property from
the possession and person of deponent
and that they were acting in concert and

Subscribed before me, this

1887

Police Justice

POOR QUALITY
ORIGINALS

0162

conjunction with one another at the time of
said Larceny
defendants be held to answer and dealt with
according to law.

Sir the Defend.

I am to be sworn
this 15th day of August 1885

My Power
Police Justice

Dated 1885 Police Justice.

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

Dated 1885 Police Justice.

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

Dated 1885 Police Justice.

of the City of New York, until he give such bail
and be committed to the Warden and Keeper of the City Prison

guilty thereof, I order that he be held to answer the same and he be committed to bail in the sum of
Twenty Dollars

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
Walker Smith and John Scott

Police Court, District

THE PEOPLE, &c.,

on the complaint of

Luke Oxford

Wm. Smith
Edwin Scott

Dated August 15th 1885

Magistrate

Officer

Clerk

Witnesses, Officer Churchill

No. 110 Street

No. Street

No. Street

No. Sessions

In the defense
of the defendant
Wm. Smith

0163

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss

1st District Police Court.

Edwin Scott

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

Question. What is your name?

Answer.

Edwin Scott

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

Kansas City Missouri

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

Answer.

53 Bourny, Hurcks

Question. What is your business or profession?

Answer.

Waiter

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

Edwin Scott

Taken before me this

day of

August

188

5

see 25

by

190

5th

190

5th

190

5th

190

5th

190

5th

190

5th

190

5th

190

5th

190

5th

190

5th

190

5th

Police Justice.

0164

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK.

District Police Court.

Walter Smith

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

Question. What is your name?

Answer. *Walter Smith*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Canada*

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

Answer. *46 Henry Street, 4 weeks*

Question. What is your business or profession?

Answer. *Waiter at present - Barber by trade*

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.*

Wallace Smith

Taken before me this

day of

August
1887

Police Justice.

0165

BOX:

186

FOLDER:

1877

DESCRIPTION:

Smith, William

DATE:

08/11/85



1877

0166

Witnesses:

118-B #1 P

Counsel,

Filed

11 day of

Aug 1885

Pleads,

Magically (2)

THE PEOPLE

vs.

P

William Smith

W. B. Brown

Grand Larceny, 2nd Degree.
(From the Person.)
[Sections 528, 529, — Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Wm. O. Hart

Foreman.

Aug 17/85

Charles Gentry

S. A. Doo

0 167

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Smith

The Grand Jury of the City and County of New York, by this indictment, accuse
William Smith
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *William Smith*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
25th day of *August*, in the year of our Lord one thousand
eight hundred and eighty-*five*, in the *day* time of the said day, at the Ward, City and
County aforesaid, with force and arms,

one watch of the value of

ten dollars,

of the goods, chattels and personal property of one *Enoch Wheaton*,
on the person of the said *Enoch Wheaton*,
then and there being found, from the person of the said *Enoch Wheaton*,
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. Martine
District Attorney

0168

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

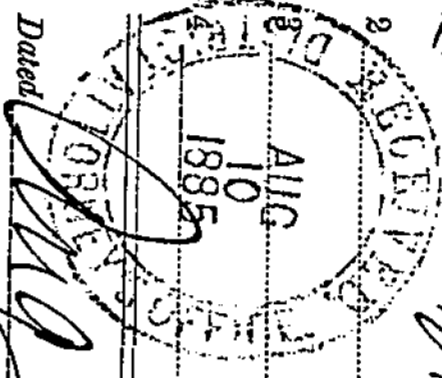
Police Court-2 District. 1883

THE PEOPLE & c,
ON THE COMPLAINT OF

Joseph M. Mott
202 E. 1st St.

William D. Smith

Offence: Carrying
gun on person



Dated Aug 6 1885

Magistrate

Ward

Officer

Witnesses

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

\$ 500 to answer

to answer

Chung

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 Aug 5 1885 Henry Conway Police Justice.

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

Dated _____ 1885 _____ Police Justice.

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

Dated _____ 1885 _____ Police Justice.

POOR QUALITY
ORIGINALS

0 169

Sec. 198-200.

CITY AND COUNTY { ss
OF NEW YORK

2 District Police Court.

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

I am not guilty
William Smith

Taken before me this

day of *May* 188*5*

John J. Smith
Police Justice

0170

POLICE COURT 2 DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

On Complaint of

For

Enoch Weston

Larceny

William Smith

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated

Aug 6 188 5

William Smith

John Murray Police Justice.

0171

Police Court—

District.

Affidavit—Larceny.

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

of No. 202 East 118 Street, aged 56 years,

occupation Butcher being duly sworn

deposes and says, that on the 5 day of Aug 1885 at the City of New

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

One silver
Watch of the value of
ten dollars (10.00)

the property of

Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by William Smith (now

here) under the following
circumstances, Deponent was on
the corner of North 2d and Broadway
in a crowd, and his watch was
taken from the left hand lower
vest pocket, by the said defendant,
by his own admission, & Officer
Barr, when arrested. The said
William Smith acknowledges having
taken the watch, and therefore deponent
prays the said defendant be brought
to the bar and dealt with as the
law directs

Emoch Wheaton

Sworn to before me, this

of 1885 day

1885

Police Justice.

0172

BOX:

186

FOLDER:

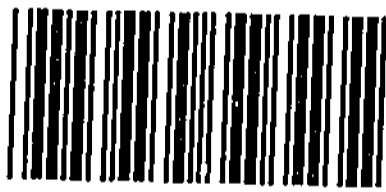
1877

DESCRIPTION:

Smyth, Daniel

DATE:

08/07/85



1877

0173

Witnesses:

Oct. 9/83

District Attorney

Filed

Pleads

vs.

(Section 218, Penal Code.)

District Attorney.

A True Bill.

Shenandoah
County, Va.

*Mr. Jno. A. Davis defn
Jury found the prob-
ation very fine.
Recd by the undersigned
the Court without
if he should die it would*

0174

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Daniel Smith

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

- Daniel Smith -

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

The said Daniel Smith,

late of the First Ward of the City of New York, in the County of New York
aforesaid, on the ~~fourth~~ day of ~~July~~, in the year of our Lord
one thousand eight hundred and eighty-~~five~~ at the Ward, City and County
aforesaid, in and upon the body of one Robert Starnes,

in the peace of the said people then and there being, with force and arms, ~~unlawfully~~
did make an assault and ~~in~~ the said Robert Starnes

did then and there ~~unlawfully~~ beat, wound and illtreat, to the great damage of the
said Robert Starnes, and there and then ~~unlawfully~~ 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.

0175

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Daniel Smyth

OFFENCE

RANDOLPH B. MARTINE,
District Attorney

0176

COURT OF GENERAL SESSIONS.

The People, &c.

VS.

Daniel Smyth

OFFENCE

District Attorney.

City & County of New York.

John J. Creed a
 Police Officer of the 7 Precinct. being
 duly sworn says: That Robert
 Hazenfranz is a material and necessary
 witness for the People in the above
 entitled action. That he was discharged
 from Bellevue Hospital about Aug. 29th
 since then no trace of him can be
 found. Deponent has made diligent
 search and inquiry at several places
 in the City of New York where it was
 alleged he might be found but
 has been unable to gain any
 information as to the present
 whereabouts of the said Robert
 Hazenfranz.

Sworn to before me }
 this 1 October 1885 }

Rudolph L. Schaff
 Comr. of Deeds

N. Y. City & Co.

John J. Creed

The People &c.

vs.
Daniel Smayth

City & County of New York f:-

John P. Kelly, a Police Officer attached to the 17 Precinct being duly sworn says:- That Robert Hazenfray is a material and necessary witness on behalf of the People in the above entitled action, without whose testimony, (deponent is informed) a conviction cannot be had. That the said Hazenfray was confined in the Chambers Street, and Bellevue Hospitals suffering from injuries alleged to have been inflicted by the defendant herein. That the said Robert Hazenfray was discharged from Bellevue Hospital ~~on~~ or about Aug. 29 1885. That the said Hazenfray gave his address in the Hospital as No. 243 Clinton Street Brooklyn N.Y.

Deponent further says that he thereupon went to that address in Brooklyn and also No 243 Clinton Avenue Brooklyn but could gain no information of the said

Robert Hazenfray or his present whereabouts.

Deponent further says that he has made diligent search to find said Hazenfray but has been unable to gain any further information.

John P. Kelly
Sworn to before me this

9th day of Oct. 1883

Rudolph L. Schaaf

Court of Deeds.

N. Y. City & Co.

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Daniel Smyth

OFFENCE

RANDOLPH B. MARTINE,
District Attorney

POOR QUALITY
ORIGINALS

0179

Daniel Smythe -
Assault 500

Robert Hasenfranz
Struck by depth and body
injured

D Kirby as to informant

Officer Kelly said assault
and depth admitted to him

Henry Rivers -
Small assault and body depth
arrested

POOR QUALITY
ORIGINALS

0 180

Law Offices of Orlando L. Stewart & Son,
5 Beekman St.

Wm. Clarke Stewart.

(TEMPLE COURT)

New York, Sept. 18th 1885

The People vs

Sept

Samuel Smith

vs. Pruit

me to call your at-
tention to this case. He
is charged with an as-
sault. He has been in
prison since July 4th.
He is an honest Irish
boy who worked on a farm
at L. I. Came to the City
on the 4th. On his way to
the ferry he was struck
by a man standing on
the corner and returned the
blow. He with his fist and
the man fell and seems
injured his head and has
become insane. The

POOR QUALITY
ORIGINALS

0181

Case has been on the
Court since time we have
always been ready but for
some cause it has never
been taken up.

Yours &c
Othello L. Stewart

POOR QUALITY
ORIGINALS

0182

BAILED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Police Court 32 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Masterson
55 Bedford St

David Smith

1
2
3
4

Offence Assault on
Robt Hasenfranz

Dated

July 28 1885

Magistrate.

John P. Kelly

Officer.

Rich. McCallahan

Precinct.

Witnesses

Henry Reeves 398 Madison St

22.18. Kelly W.D.

Thomas W. Hopton

Street.

Committed to await the

result of injuries

Street.

\$1000 to answer Criminal Sessions.

Robert Hasenfranz

243 Clifton St
Brooklyn N.Y.

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

guilty thereof, I order that he be held to answer the same and ~~he be admitted to bail in the sum of~~ 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 28 1885

Samuel C. Kelly Police Justice.

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

POOR QUALITY
ORIGINALS

0183

Sec. 198-200.

3a

District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

Daniel Smith

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. *Daniel Smith*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *London*

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

Answer. *London*

Question. What is your business or profession?

Answer. *None*

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 innocent*

Daniel Smith

Taken before me this

28

day of

July 1885

David C. Bell Police Justice.

0184

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

POLICE COURT—

3

DISTRICT.

Henry Reeves

of No.

398 Water

Street, being duly sworn, deposes and

says that on the

4th

day of

July

1885

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

he was standing

on the corner of South⁴ Catharine Street
and saw Daniel Smith (now here) running
after a man named Robert Hasenfranz
and said Smith strike said
Hasenfranz under the ear with his
fist ~~two~~ twice and said Hasenfranz
fell on his face on the sidewalk
cutting his head severely. That said
Smith ran away and deponent ran
after him and caught him and
held him until officer Kelly
came and took him in custody

Henry Reeves

Sworn to before me

this 28th day of July 1885

Samuel Kelly Police Justice

POOR QUALITY
ORIGINALS

0 185

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

POLICE COURT, 3 DISTRICT.

John J. Kelly

of No. the 7th Precinct Police Street, being duly sworn, deposes and says,

that on the 4 day of July 1885

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

man whom deponent describes as John Doe was assaulted and badly injured in South Street near Catharine, by a fall occasioned by a blow given to him by Daniel Smith (now here) He said Daniel Smith admitted to deponent that he had struck the said John Doe. Deponent therefore prays that the said Daniel Smith may be committed to await the result of the said injuries, as deponent has

Sworn to before me, this

1885

day

Justice

POOR QUALITY
ORIGINALS

0186

been informed that the said John
Joe is now lying in a dangerous
condition at the House of Relief 160
Chambers Street

Known to before me this
5th day of July 1885

John P Kelly

Daniel O'Reilly
Police Justice

432. / 9 DISTRICT.

POLICE COURT—

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John P. Kelly
vs.
Daniel Smith

Dated July 5 1885

J. P. Kelly Magistrate

Kelly Officer.

Witness, Henry Reid
12 Hamilton St
Brooklyn

John Masterson
5 Putnam Street
Brooklyn

Disposition Committed to
ward the work of
refugees

AFFIDAVIT.

POOR QUALITY
ORIGINALS

0187

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, *July 5th* 1885.

To whom it may concern:

This is to certify that

an unknown man brought from Catherine St. Ferry,
is ~~was~~ under treatment at this Hospital,
for *fracture of the base of the skull*
and that, *he is in a very dangerous*

from 188 , to 188 ,

and condition

Frank A. Hattaway M.D.

Act House Surgeon

0188

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, June 7th 1885

To whom it may concern:

This is to certify that

Robert Hazenfar

is ~~was~~ under treatment at this Hospital,

for

from

188 , to

188 ,

and that his condition is much improved, though he is not yet out of danger

Frank A. Hathaway M.D.

Foly House Surgeon.

19. 6.

0189

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, *July 13* 188*5*

To whom it may concern:

This is to certify that

Robt. Hauserman

is ~~was~~ under treatment at this Hospital,

for *Fracture of base of skull & Concussion*

from *July 11* 188*5*, to

188

and *his condition is serious,*

though being some better than on his admission

N. H. Kirby M.D.
House Surgeon

0190

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, *July 16* 188*5*

To whom it may concern:

This is to certify that

Rev. H. Haesen fruz

is ~~was~~ under treatment at this Hospital,

for *Fracture of base of skull &
concussion of Brain*

from *July 11* 188*5*, to 188*5*,

and at present is in a precarious
condition

*W. H. Kirby M.D.
House Surgeon*

0191

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, July 9th 1885

To whom it may concern:

This is to certify
that Robert Hasenfratz is in
a much better condition though
not yet out of danger

Frank A. Hathaway M.D.

Relief House Surgeon.

0 192

Police Court— 3^d District.

CITY AND COUNTY }
OF NEW YORK, } ss.

of No. 55 Poplar St Brooklyn John Masterson Street, aged 39 years,
occupation Boatsman being duly sworn, deposes and says, that
on the 4 day of July 1885 at the City of New York,
in the County of New York, Robert Hasenfras who is now confined in the City
Hospital he was violently ASSAULTED and BEATEN by Daniel Smith (now here)
Deponent says that he saw said Smith running
after said Hasenfras in South Street near Catharine
St. in said City and that said Smith struck said
Hasenfras on the face with his fist throwing him
down on the sidewalk cutting said Hasenfras severely
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 the above assault, &c, and be dealt with according to law.

Sworn to before me, this 28

day of

July 1885

John Masterson

Sam'l C. Neidoff Police Justice.

TORN PAGE

POOR QUALITY
ORIGINALS

0193

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, *July 27* 188*8*

To whom it may concern:

This is to certify that

Robt. Thompson

is ~~was~~ under treatment at this Hospital,

for *Fracture of base of skull with*
concussion

from *July 4* 188*8*, to

188

and *to no better.*

Wm. Kirby M.D.,
House Surgeon

0.194

BOX:

186

FOLDER:

1877

DESCRIPTION:

Solomon, Samuel S.

DATE:

08/10/85



1877

Witnesses:

*Paired by
Samuel Rubenstein
12 Suffolk St.*

112 B

C. J. Plener

Counsel,

Filed *10* day of *Aug* 188*5*
Pleads, *Worcester*

THE PEOPLE

vs.

B

*Samuel Solomon
of Cambridge
Boston*

ASSAULT IN THE THIRD DEGREE.

(Section 219, Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Wm. O. Scott

Foreman

POOR QUALITY
ORIGINALS

0195

0196

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Daniel Doman

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

Daniel Doman

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

The said *Daniel Doman*,

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-*five*, at the Ward, City and County
aforesaid, in and upon the body of one *Michael Price*,
in the peace of the said people then and there being, with force and arms, unlawfully
did make an assault and *in* the said *Michael Price*
did then and there unlawfully beat, wound and illtreat, to the great damage of the
said *Michael Price*, 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.

0197

BOX:

186

FOLDER:

1877

DESCRIPTION:

Spanier, Andrew

DATE:

08/18/85



1877

0 198

BOX:

186

FOLDER:

1877

DESCRIPTION:

Fitzpatrick, James

DATE:

08/18/85



1877

0 199

BOX:

186

FOLDER:

1877

DESCRIPTION:

Hughes, John

DATE:

08/18/85



1877

0200

BOX:

186

FOLDER:

1877

DESCRIPTION:

Carroll, William

DATE:

08/18/85



1877

0201

Wm. H. Connelley of
Haverhill, Mass.
Oct 17. 12. 46
Oct 12/85

Adm. Wright
May 2/89.

POOR QUALITY
ORIGINALS

0202

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Andrew Spanier, James
Fitzpatrick, John Hughes
and William Carroll

The Grand Jury of the City and County of New York, by this indictment,
accuse Andrew Spanier, James Fitzpatrick,
John Hughes and William Carroll — — —
of the CRIME OF Murder in the first degree, —

committed as follows:

The said Andrew Spanier, James Fitzpatrick,
John Hughes and William Carroll, each
late of the Nineteenth Ward of the City of New York, in the County of New York afore-
said, on the — eighth — day of — August, — in the year of our Lord
one thousand eight hundred and eighty- five, at the Ward, City and County aforesaid,
in and upon one Gotlieb Kalat, then and
there being, wilfully, feloniously and of
their malice aforethought did make an assault,
and him the said Gotlieb Kalat, in and
upon the head of him the said Gotlieb
Kalat, with both the hands of them the said
Andrew Spanier, James Fitzpatrick, John
Hughes and William Carroll, then and there
wilfully, feloniously and of their malice
aforethought [did strike and beat; and the
said Andrew Spanier, James Fitzpatrick, John
Hughes and William Carroll, with their hands
aforesaid, him the said Gotlieb Kalat, down
into and upon the ground there, with great
force and violence, then and there wilfully
and of their malice aforethought,
and feloniously did knock, cast and throw;

POOR QUALITY
ORIGINALS

0203

and the said Andrew Spamer, James Fitzpatrick, John Hughes and William Carroll, him the said Gotlieb Kalat, with both the hands, feet and knees of them the said Andrew Spamer, James Fitzpatrick, John Hughes and William Carroll, then and there and whilst the said Gotlieb Kalat was so lying and being upon the ground, in and upon the head of him the said Gotlieb Kalat, wilfully, feloniously and of their malice aforethought did strike, beat, kick, wound and fracture; giving unto him the said Gotlieb Kalat, then and there by the means aforesaid in and upon the head of him the said Gotlieb Kalat, one mortal wound and fracture of the length of six inches and of the breadth of four inches, of which said mortal wound and fracture he the said Gotlieb Kalat, from the said eighth day of August in the year aforesaid until the tenth day of August in the same year aforesaid, at the Ward, City and County aforesaid, did languish and languishing did live, on which said tenth day of August, in the year aforesaid, he the said Gotlieb Kalat, at the Ward, City and County aforesaid, of the said mortal wound and fracture, died. And so the Grand Jury aforesaid, do say, that they the said Andrew Spamer, James Fitzpatrick, John

POOR QUALITY
ORIGINALS

0204

Hughes and William Carroll, in the said
Gothelb Kalat, in manner and form, and by
the means aforesaid, wilfully, feloniously
and of their malice aforethought, did kill
and murder; against the form of the Statute
in such case made and provided, and
against the peace of the People of the State
of New York, and their dignity.

Randolph B. Martine,
District Attorney.

POOR QUALITY
ORIGINALS

0205

BAILED,
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____
No. 5, by _____
Residence _____
Street _____

Police Court District.

843

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Gustav Kalat

1887 are a.

1 Andrew Sparrick

2 Lewis Graves

3 James Fitzpatrick

4 John Hughes

5 James Beatty

6 William Carroll

Offence Murder

Dated August 14 188

Magistrate.

Officer.

Precinct.

Witnesses

No. 1 Frank Fiala Street.

No. 2 Ed. A. Rodenbeck Street.

No. 3 245 72nd Street.

No. 4 245 72nd Street.

No. 5 13, 44 6 Street.

\$ Summation to answer G. A.

Cham

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 Andrew Sparrick, Lewis Graves, James Fitzpatrick, John Hughes, James Beatty and William Carroll guilty thereof, I order that they be held to answer the same and 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 they are legally discharged.

Dated Aug 14 188 P. J. Duffy 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 Lewis Graves and James Beatty guilty of the offence within mentioned, I order h to be discharged.

Dated Aug 14 188 P. J. Duffy Police Justice.

0206

Sec. 198-200.

CITY AND COUNTY {
OF NEW YORK, } SS

District Police Court.

John Hughes 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.

John Hughes

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

United States

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

Answer.

72 West Street Eastern Railroad. 4 years

Question. What is your business or profession?

Answer.

Peddler

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.

Not guilty.

John Hughes

Taken before me this

day of August

1888

Police Justice.

0207

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

James Fitzpatrick 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 Fitzpatrick*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *376 East 74th St. 5 years*

Question. What is your business or profession?

Answer. *Plumber & 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 was on my stoop when I saw a crowd. just as I was going to see what was the matter I saw a friend of mine under the influence of Liquor and I took care of him and know nothing of the trouble excepting I saw a crowd of people.*

James Fitzpatrick

Taken before me this
day of *August* 1885

[Signature]
Police Justice.

0208

Sec. 198-200.

Fourth District Police Court.

CITY AND COUNTY OF NEW YORK } ss

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

Question. What is your name?

Answer. William Carroll

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. England

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

Answer. 74 484 East 74 St - about 6 years

Question. What is your business or profession?

Answer. Lathe

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

Answer. I am not guilty

William Carroll

Taken before me this

day of

188

Police Justice.

0209

Sec. 198-200.

CITY AND COUNTY { ss
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer.

Andrew Spaniel

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

United States

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

Answer.

570 East 73rd St. 2 years

Question. What is your business or profession?

Answer.

Reporter

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.

Not guilty

Andrew Spaniel

Taken before me this

day of

August

1885

Police Justice

POOR QUALITY
ORIGINALS

0210

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

POLICE COURT, 24 DISTRICT.

Rose Genshow.
Store Keeper. aged 36 years.
of No. 431 East 74th Street, being duly sworn, deposes and says,
that on the Sunday the 9 day of August 1885
at the City of New York, in the County of New York, Andrew Spaul

now present. while in deponent's
store. purchasing a paper of tobacco.
said to deponent. referring to the
deceased Ishtieb Katat. said "if his
skull is not broken it is not my fault,
because I used my boots and fists
very well." Spaul also said to
deponent. "His skull must be as hard
as a rock"

Rose Genshow

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

POLICE COURT, 4 DISTRICT.

Edward J. Scherick
Physician - aged 30 years.
of No. 347 East 72nd Street, being duly sworn, deposes and says,
that on the 8 day of August 1885
at the City of New York, in the County of New York, he professionally

attended and examined Ishtieb Katat.
and found a fracture upon the right
side of the skull, over the occipital protu-
berance. That deponent continued to
professionally attend said Katat, until
the 10 day of August 1885. That about 8
o'clock on the night of said 10 day of Augt
the said Katat died. his death resulting
from exhaustion, due to cerebral meningi-
tis, caused by fracture of the skull.

Edward J. Scherick
347 E 72nd St

POOR QUALITY
ORIGINALS

0211

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

POLICE COURT, 4 DISTRICT.

Gustav Kalat
Butcher - aged 34 years.
of No. 1357 Avenue K Street, being duly sworn, deposes and says,

that on the 10 day of August 1885

at the City of New York, in the County of New York, he was informed that

his brother Gustav Kalat had died from
injuries inflicted upon him by Andrew
Daniel Lewis Gravians. James
Fitzpatrick. John Hughes. James Beatty
& William Canoll, each now present.
said injuries having been inflicted on
the 8 day of August 1885.

Gustav Kalat

Sworn to before me, this

of

188

14 day

John D. Beatty

Police Justice.

POOR QUALITY
ORIGINALS

02 12

POLICE COURT— DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Hennrich

Dated _____ 188

Magistrate.

Officer.

Witness,

Frank Fiala Jr.
for Hennrich

Disposition _____

POOR QUALITY
ORIGINALS

0213

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

POLICE COURT, 4 DISTRICT.

Frank Fiata.
Saloonkeeper - aged 30 years.

of No. 1331 Avenue B. Street, being duly sworn, deposes and says,

that on the Saturday the 8 day of August 1885

at the City of New York, in the County of New York, between 6 & 7 o'clock

in the evening of said day. he saw
William Carroll. James Fitzpatrick
& John Hughes. who present, severally
attack one Gottlieb Kalat on the corner
of 74 St & Avenue B.

That said Carroll first struck said
Kalat. knocking him down in the street.
and while said Kalat was lying down
said Fitzpatrick & Hughes. punched
and kicked said Kalat a number of
times. Frank Fiata.

Sworn to before me, this

of

August

1885

14 day

Police Justice.

02 14

Sec. 198-200.

CITY AND COUNTY {
OF NEW YORK, } ss

District Police Court.

Andrew Spaniel 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

Andrew Spaniel

Question. How old are you?

Answer

23 years

Question. Where were you born?

Answer.

United States

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

Answer.

170 East 43rd St. 2 years

Question. What is your business or profession?

Answer

Reporter

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.

Not guilty

Andrew Spaniel

Taken before me this

day of

August

1924

Police Justice.

0215

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of Coroners' Office

No. 15 Chatham Street, in the 4th Ward of the City of New York, in the County of New York, this 18th day of August in the year of our Lord one thousand eight hundred and 85 before

M. J. B. Messemmer Coroner,
of the City and County aforesaid, on view of the Body of Gottlieb Kalat

lying dead at

Upon the Oaths and Affirmations of good and lawful men of the State of New York, duly chosen and sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said Gottlieb Kalat came to his death, do

upon their Oaths and Affirmations, say: That the said Gottlieb Kalat came to his death by

Injuries received at the hands of Andrew Spanier, William Carroll, James Fitzpatrick John Hughes, Cornelius Driscoll and Joseph Lynch on August 8th 1885 at 74th St. and Eastern Boulevard,

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition set our hands and seals, on the day and place aforesaid.

JURORS.

I hereby certify that this is a true copy of the verdict of the inquest on the body of Gottlieb Kalat held at the Coroners Office on the 18th day of August 1885.

John J. Loal
Clerk Bd. of Coroners

CORONER, L. S.

POOR QUALITY
ORIGINALS

02 16

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
³⁰ 17 Years. - Months. - Days.	Bohemia	1357 Avenue A.	August 11/85

HOMICIDE.

516-1885
3rd Quar.

AN INQUISITION

On the VIEW of the BODY of

Ishtael Kalah

whereby it is found that he came to
his Death by the hands of

Andrew Spencer
William Earnest
James Fitzpatrick
John Hughes
Cornelius Driscoll
Joseph Lynch

Inquest taken on the 18th day
of August 1885
before

W. J. B. Treasener, Coroner.

Committed

Bailed

Discharged

Date of death

POOR QUALITY
ORIGINALS

02 17

Answered
July 31/89
J. R. S.

POOR QUALITY
ORIGINALS

02 18

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

July 6, 1889.

Sir:

Application for Executive clemency having been made on behalf of Andrew Spanier..... who was convicted of manslaughter, 2nd degree in the county of New York.....and sentenced Oct. 2, 1885, to imprisonment in the Sing Sing Prison.....for the term of twelve years and six months.....I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

Hon. J. R. Fellows,

District Attorney,

very respectfully yours,

William G. Rice
Private Secretary.
New York City. *W. Cragin*

02 19

Dictated.
I.C....S.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

July 10, 1889.

Hon. John R. Fellows,

District Attorney,

New York City.

Dear Sir:

I am directed by Governor Hill to forward to you the inclosed statement (which please return to the Executive Chamber after you have examined it), in the matter of the application for executive clemency for Andrew Spanier, convicted in the County of New York of the crime of manslaughter second degree, and sentenced October 2nd, 1885, to twelve years and six months imprisonment, and to request that you will examine it, make inquiry as to the truth of the matters therein contained and forward a report on the same to the Governor together with your opinion, at your earliest convenience.

I am,

very respectfully yours,

Irving T. Craig,
Acting Private Secretary.

✓ Inclosure.

0220

To the Hon. Frederick S. Lusk,

We

the undersigned respectfully represent that we have known Michael Carroll for a long time, and his family. He is a hard working, and law abiding citizen, and we respectfully ask your Honor's aid, on behalf of his son William Carroll who was convicted of Manslaughter in the 2^d degree in the Court of General Sessions before you last week.

Dated New York Nov. 16.th 1885.

Geo. O. Sherry 411 E 88 St
 Lawrence Delmonico 1500 - 3rd Ave
 Peter McGinnis 1546 Park Ave
 John Harmon 1536 Ave. A.
 A. O. Connell 310 East 77th St.

0221

Dr. JOHN DWYER,
182 E. 111th St.

New York *Nov 25th* 1885

I have known James Fitz Patrick
for the past ten or twelve
years and always considered
him to be a good honest youth.

His mother died lately
his brother is a cripple and
his father a hard working
man owing to physical
debility will scarcely be
able to support his family
if he loses the assistance
of his son James who
unfortunately is now awaiting
sentence -

Respectfully
John Dwyer M.D.

0222

New York Sept 22/85
To the District Attorney
City & County of N.Y.

Dear Sir

I would respectfully
request that my trial may
be deferred until next week,
owing to the fact that one or
two important witnesses
in my behalf are at present
absent from the City & will
not be in town until 30th
inst - and I would respect-
fully further state that
I am unable to obtain
counsel until that time,
for the reason that my

0223

friends who are to advance
money for my defence
will not arrive in this
City until that date.

Trusting that you
will kindly grant my
request - and stating
that I will positively
be prepared for trial at
that time

I am Very Respectfully
Your Obedt Servt
Andrew Hess.

0224

The People
vs
William Parker

Law Offices of JOHN O. MOTT,
Room 44, Fourth Floor,
MORSE BUILDING,
No. 140 NASSAU ST.,
Ascend by the Elevator.

New York City, Nov. 20th 1885

Hon. Frederick Smyth
Recorder &

My Dear Sir-

I have a case
upon your Calendar for today of which
the above is the title-

I commenced the trial of the Case
of Van Antwerp vs Van Antwerp before
Hon. Richard O'Connor, Superior Court
Special Term, yesterday. The Case is still
on trial and may last several days.

At all events, it cannot be concluded
today-

For this reason I ask to have
the Case of William Parker adjourned
until some future day-

Very Respectfully
John O. Mott
Counsel for Parker.

0225

Commission Case
Kaled
Answer 11-24-74

POOR QUALITY
ORIGINALS

0226

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Witnesses in Homicide Case
Guspoli, Kalat

Frank Ziala 1331 Avenue A
Frank Ziala In Sabon 74th - 75th Sts
Louis Pichard 443 - E 74th St
Kate Genshaw 431 - E - 74th St
Margaret Mathimane 427 - E - 74th St
John Venek 336 - E 70th St
Francis Kiefaia 76th St & Avenue C
Wm & J Scherick 347 - E - 72nd St
Wm Stein
John Moravitz 59th St, H Avenue
Emil Rouch " " " "

These two men are the ones who
the disturbance commenced with

Mr G Kalat Wife of Deceased

Capt John Connor 28th Prec
West Sam: Campbell a 1

POOR QUALITY
ORIGINALS

0227

was settled so nicely by the first fight
when this man came between us
(Kulat) and had put his nose
into it. "Says, Spanier, "If his skull
is not broke, it is not my fault,
for I used my boots and fists
pretty well on him; he must
have a skull like the rockstones
in 7th St.

POOR QUALITY
ORIGINALS

0228

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

About 6, P.M. August 8th 1885, an altercation of words occurred between two citizens named Rouch & Morvito, on the corner of Ave. And 74th St. where the deceased Naclaire Kalat went between them acting as a peace maker, when he was set upon and beat and kicked by the following named parties.

William Carroll, James Fitzpatrick, John Hughes, Andrew Spanier, and John Heferan Conclius Duseel and Joseph Lynch.

After being beat he was taken to drug store on 1st Ave. south of 74th St. and his wounds were dressed by Dr. E. J. Lehercik. From there he was taken to his home where he died on Tuesday Morning. The following persons have been arrested and identified as the assailants who beat and kicked Kalat.

William Carroll
James Fitzpatrick
John Hughes
Andrew Spanier
John Heferan

POOR QUALITY
ORIGINALS

0229

Precinct No. _____

New York, _____ 1888

The following named witnesses have identified the above prisoners as beating and kicking Kalat

Frank Fiala 1331. ave A.

Frank Fiala no. 2. 1400. ave A.

Louis Petronck 443. E. 74th St

Margaret Weshmeyer 447. E. 74th St

Rose Genshow 431. E. 74th St. reports that

Andrew Spanier one of the prisoners came into her store and without any solicitation on her part bragged about the part he had taken in the fight and said that if Kalat's skull was not broken it was not his fault as he had spoiled his boots kicking him

William Carroll, without any solicitation admitted to Capt. Gummer and Detective Campbell, that it was he that had slugged the Bohemian Kalat and he supposed he was good for six months

Leon Dineen and Joe Lynch, have made their escape and have not yet been apprehended

Mrs Stein of 2217 E. 74th St. stated that she saw Spanier and Hughes in the fight but could not say that they did the kicking

Boy

Mr Wink 336 East 70th St

Witness

Prisoner

POOR QUALITY
ORIGINALS

0230

Precinct No. _____

New York, 188

May
1879

12th

Receiv of John Hughes

His Council

off. Wilson

2 Wags Judge Duffy

March
1880

20th

Feb Assault

\$2000 to Ans. Judge Wendell
Thomas Nally

Jan
1880

7th

Paid Larceny

off. John

\$200. Ans. Judge Wendell

June
1882

5th

Escaped from Probation

Returned to

off. Goafey

July
1882

28th

Larceny

\$500 to Ans.

Judge Mortimer

off. Sullivan

May 12th 1883

Feb. Assault

6 Months

Went Campbell

Judge Mortimer

~~Discharged from Probation in 230 Paid 1884~~

for Larceny

Send to Bond for one year
discharged from the same on Aug. 6th 1885

POOR QUALITY
ORIGINALS

0231

Killing of
Kalab

Aug 1st 1885

1/4 "St. Aug Ave H.

from
of blue
of 8th St
to 1st Ave

to
Said
Said
Capt
and
Personal
also
blowing

POOR QUALITY
ORIGINALS

0232

Margaret Maschmayer, married
live with my husband.
On Satdy Aug. 8th 1885 bet
6 & 9 o'clock the first that
attracted my attention was
two children shouting Mamma
across the street - I went to
the window and saw two
men scuffling one had on
military pantslacks with
red stripes on the side.

The military man struck
~~the~~ his opponent with
his fist & the opponent
fell down on his back
on the sidewalk - the
uniformed man then
~~left~~ picked up a stone
& struck him while he
lay on the sidewalk.
then the man who was
first knocked down
got up picked up a
stone & followed the military
man who ran up up
the street being followed
by his pursuer - then
~~they~~ were joined by others.

POOR QUALITY
ORIGINALS

0233

man who was ~~joined~~ seized
by some man & given a
good shaking - then a crowd
of young men came along
& struck ~~every~~ out right
and left among the
Bohemians I recognized only
John Steffernan and a
man with a red shirt
whom I do not know
~~they~~ Steffernan gave
deceased three blows with
his fists in the ^{and one right} face ^{knocking}
him down - then they all
kicked the ~~face~~ prostrate
Kalah & he could not get
up. - I suppose he was
kicked continuously for
two or three minutes every
time he would try to get
up they would kick
him - then finally a
man whom I was afterwards
informed is named Lynch
struck deceased with a rock
hitting him on the head
then a man came out
of a Lapcheer Saloon ^{with a club} & charged

POOR QUALITY
ORIGINALS

0234

them away

TORN PAGE

POOR QUALITY
ORIGINALS

0235

Frank Fiala additionally swears
Emil Rousch asked for a light
from Morowitz - he had neither
a match or a light - Rousch
~~then~~ struck Morowitz having
a stone in his hand

~~John Wemcke~~

The gang came along ^{some were} shouting and ~~said~~
the Bohemian son of a bitch let
us kill him - could not tell
which one ^{or how many} spoke this way
they then struck out right
and left among a crowd
of Bohemians numbering about
a hundred - the witness being
amongst the number struck
then Kalah came along ^{just}
at this time ^{the gang} ~~they~~ all attacked
him at once - Knocked him

POOR QUALITY
ORIGINALS

0236

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Francis Fiala 1331 Avenue
Saints Hughes and Fitzpatrick
and McPherson

Louis Phoenix 54th St
Saints Hughes and Fitzpatrick
and McPherson

Louis Stochel 76th St and Ave D
Reports that he can identify Hughes
and Fitzpatrick

By

Francis Fiala 1400 Ave D
Saints Hughes and McPherson
W E J Chavet

Emanuel Rich 70th St is the
man that was fighting with John
Moritz

Mr Bentham } Both identify
Mr Matheson } McPherson

off. ~~Frank~~ and Montre
~~off. ~~Frank~~ and Montre~~

POOR QUALITY
ORIGINALS

0237

POLICE COURT— DISTRICT:

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Hughes
James Beale
William Carroll

Dated *Aug 11* 188*5*

Myff Magistrate.
Campbell Officer.

Witness, *28*

by me the undersigned
at 1 1/2 o'clock, August
12 - 1885

at Aug 14 2 1/2 P.M.

Disposition

AFFIDAVIT
Sworn to

POOR QUALITY
ORIGINALS

0238

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

POLICE COURT, 4th DISTRICT.

Samuel J. Campbell

of *the 28th Precinct* Street, being duly sworn, deposes and says,
that on the *10th* day of *August* 1885

at the City of New York, in the County of New York, *arrested John*

Renzhes alias Noble Kenyher, James Beatty and William Carroll,
(all now here) from the fact that deponent was
~~informed that said defendants had beaten~~
~~and kicked and grievously injured one~~
~~Nacalar Kalat and said on investigating deponent~~
~~found said Kalat dead.~~

Therefore deponent charges said
defendants with having caused the death
of said Kalat and asks that they may be
committed and held until further evidence
may be obtained. *S J Campbell*

Sworn to before me, this

of

Samuel J. Campbell

1885

Police Justice.

POOR QUALITY
ORIGINALS

0239

POLICE COURT—*H*—DISTRICT

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Samuel J. Campbell
vs.
Andrew Spauld,
James Fitzpatrick,
Lewis Provanis

Dated *August 12* 188*6*

Duffy Magistrate.
Campbell Officer.

Witness, _____

By the Court
August 12 1886
at 2 1/2
o'clock
at the Court
Duffy

Disposition _____

POOR QUALITY
ORIGINALS

0240

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

POLICE COURT, 4 DISTRICT.

Samuel Campbell
of No. 28th Police Precinct Street, being duly sworn, deposes and says,
that on the 10 day of August 1885

at the City of New York, in the County of New York, he arrested Andrew

Spaniel; Lewis Gravious; and
James Fitzpatrick on suspicion of

of Naclab Kalab. That deponent is
unable to produce the evidence which
he has in his possession in relation
to said homicide at once. Therefore
deponent asks that defendants be
held until such time as deponent
can produce said evidence.

S J Campbell

Sworn to before me, this

of

Police Justice.

POOR QUALITY
ORIGINALS

0241

Account of
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of the
Aug 5/89
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POOR QUALITY
ORIGINALS

0242

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

Sir:

July 2, 1889.

Application for Executive clemency having been made on behalf of Andrew Spanier..... who was convicted of manslaughter, 2nd degree in the county of New York.....and sentenced October 2, 1885, to imprisonment in the Sing Sing Prison.....for the term of twelve years and six months.....I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform me of any other matters

that have come to your knowledge

since conviction

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

Hon. E. Smyth,

Recorder,

New York City.

very respectfully yours,

William L. Rice,
Private Secretary.
per Craigie.

POOR QUALITY
ORIGINALS

0243

The People
vs.
Andrew Spawier

Written out by Mrs. Anderson,
Official Stenographer, General
Sessions, Part I.

POOR QUALITY
ORIGINALS

0244

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The People
vs.
Andrew Spanier.

{ Court of General Sessions, Part I.
Before Recorder Smyth.

Jointly indicted with James Fitzpatrick, John Hughes and
William Carroll for murder in the first degree.

September 28, 1895

Asst. Dist. Atty. Fitzgerald for the people.

Mr Orlando Stewart for the Defendant.

A Jury was empannelled and sworn.

Carl Morawetz sworn and examined by Mr Fitzgerald.

Q. Where do you live, Morawetz?

A. No. 1426 Avenue A on the Boulevard between 75th and 76th
Streets.

Q. Do you remember the 8th day of August last, the day of
this murder?

A. I have not seen when Kalat was beaten, I recollect the
day.

Q. Were you on the corner of 74th Street and Avenue A that
day?

A. Yes sir.

Q. Did you meet a man named Rouch?

A. I do not recollect the name but two persons met me there.

Q. Well, you had an altercation with one of those people?

A. They came up to me and they asked me for a match to light
their cigars, and I told him I had no match.

Q. Did you see Gottlieb Kalat, the deceased?

A. I did not see him, I did not know him.

Q. What else?

A. And they said to me, it is a shame for a Bohemian to wear
such bad clothes as you wear; I had my working clothes on.

I

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ORIGINALS

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I said, that is none of their business, I just wear what I have.

Q. Well, state what occurred.

A. Then the one pushed me and the other one threw a stone at me. The man who threw the stone at me he ran away and I ran after him. Then whilst I was running after that man these people came up, the accused people and they asked me who was I running after. He does not know their names he says, of these people.

James Fitzpatrick, John Hughes and William Carroll were placed at the bar.

Q. Did you ever see any of those men before?

A. I could not recognize any of those.

By the Court. Q. What did he say?

A. Then those people came up and they said to me what am I running for? I said I was --

Counsel. I object.

By the Court. Q. Ask him if he recognizes any of these men, if he ever saw any of them before.

A. I could not tell if I saw any one of them because I was in a hurry and excited; and they asked me what I am running for and I said --

Counsel. I object to what was said to this witness if they were not there.

By the Court. Q. Ask him how many people followed him, run after him.

A. Those people they did not talk to me, two Bohemians were along and they asked me what am I running for, they were among the crowd. [The Court: 96] He said that two people came up to him

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at the corner of 74th Street and Avenue A, he was then in his working dress. They asked him he said those two people, for a match to light their cigar and said it was a shame for a Bohemian to wear such bad clothes. He made some reply that it was none of their business (which I did not take down). Then he says, as I understand it, one of those two people pushed him and the other threw a stone at him and the man that threw the stone ran away and he ran after him and then while running then the two persons followed him. Now will you ask him how many people followed him when he was running?

A. I could not tell but I know one of the two Bohemians that came up to me; there was several people on the street.

Q. Ask him where he ran to if he knows that?

A. I ran down in 74th Street.

Q. Where did he stop running?

A. Only one block.

Q. Well, to what place?

A. I ran threw the Avenue to the other block and there I stopped.

Q. Which way did he run, did he run down town or run uptown.

A. He ran the other way, the west side.

Q. He was on the corner as I understand it of Avenue A between 75th and 76th Streets?

A. No, he was on the corner of 74th Street and Avenue A.

Q. Which way did he run, did he run uptown or downtown?

A. I ran toward First Avenue and 74th Street, west side.

Q. He says he ran a block?

A. About a block threw the Avenue.

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ORIGINALS

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By Counsel. Q. Did you ever in your life see this young man before?
(Spanier.)

A. I never saw him.

Frank Fiala sworn and examined by Mr Fitzgerald
through the Interpreter.

Q. Where do you live?

A. 1331 Avenue A.

Q. Do you remember the 8th day of August last Mr Fiala?

A. Yes sir.

Q. Between six and seven o'clock of the evening of that day
was your attention attracted to anything on the corner of
74th Street and Avenue A.

A. Yes sir.

Q. Well now state what attracted your attention there?

A. I saw a fight beginning there.

Q. Whom did you see?

A. Morawetz, ~~and~~ the first witness and Emile Rouch, they com-
menced to fight.

Q. Well now, did you see the deceased Gotleib Kalat at that
time?

A. When those two had the fight first Kalat was not there, I
saw him in another fight which occurred a little later.

Q. Well, what attracted your attention to Kalat first?

A. When the one man who run away threw the stone at Morawetz
Morawetz run after this Bohemian man and he calls the other
people loafers, I don't know who he means, he says the
loafers came up and commenced to beat Morawetz.

Q. Well now can he give us the name of any of the loafers?

A. I only knew them by their faces.

POOR QUALITY
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Fitzpatrick, Hughes and Carroll stood up.

Q. Look at the prisoners and see if you identify any of them as among the people?

A. Those three I recognize, they were in the fight.

Q. Fitzpatrick, Hughes and Carroll?

A. Yes sir, he gives also an account of the fourth one; he says, I saw the prisoner here on trial spanier, after the fight.

Q. Well now tell us what he saw done at that time by these men.

Counsel. Objected to on the ground that the evidence is likely to prejudice my client.

The Court. I will take care that your client is not prejudiced.

Counsel. No to an exception.

By Mr Fitzgerald. Q. Go on and tell what you saw done.

A. When I saw that those people were beating Morawetz I went there and I told them, why do you beat this man, he is not to blame? And when I said that they assaulted me and commenced to fight me. They said, we must kill all the Bohemian sons of bitches to-day. Then they threw stones at me and I ran away. When I ran away Kalat, the deceased was standing on the corner. They caught hold of Kalat and Heffernan hit him immediately on the head and he fell down - hit him under the chin and then he fell.

Counsel. I object to all evidence as to what other people did and except to it.

Witness. And whilst he was lying on the sidewalk they were beating him still; Heffernan was beating him and the others also.

By Mr Fitzgerald. Q. Well, can he name some of the others?

0249

A. I know one by name, Driscoll but he is not arrested yet.

Q. Can he identify the prisoners?

A. Those are the ones, they were beating him.

Q. The whole four or three?

A. Those three I saw.

By the Court. Q. Which three.

A. The first three ones. (Fitzpatrick, Hughes and Carroll.)

~~A~~ Those three who are standing here I saw them there.

By Mr Fitzgerald. Q. Did you see Spanier there at all.

A. I did not see Spanier beat Kalat.

By the Court. Q. Did you see him there?

A. Whilst they were beating Kalat I came back with a piece of wood in my hand to drive them away. This man (the prisoner) was also there when I came back with the piece of wood.

By Mr Fitzgerald. Q. What did you find them doing when you came back with the wood?

A. Then they ran away, they ran towards First Avenue.

Q. Well, what did you do?

A. I ran after them; then they said to me they have to kill me also.

Q. Who said that?

A. Fitzpatrick said it.

Q. Did you see Spanier at that time?

A. He ran away into the empty lot.

Q. Did you come back to where Kalat was?

A. When I came back I saw Kalat in his room.

Q. At what place?

A. Between 72nd and 73rd Street in Avenue A.

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Q. What was Kalat doing there?

A. He was lying.

Q. In bed?

A. In bed.

Q. Did you notice his condition?

A. Yes sir, he was pale, his face was pale, his head was all full of blood, he could no speak

Q. That was on Saturday night?

A. Yes sir.

Q. Did you see him again on Sunday?

A. Yes sir.

Q. What was his condition Sunday, was he able to talk to you?

A. Sunday he was in the same condition.

Q. Did you see him on Monday?

A. Yes sir.

Q. Were you there when he died?

A. At the last instant I was at his bed.

By the Court. Q. Was he there when he died?

A. Yes sir, the last moment I was there.

Q. What time did he die?

A. Monday evening at ten o'clock he died

By Mr Fitzgerald. Q. And then you went to the police Court and identified these men?

A. On Tuesday afternoon I went to the Station House.

Q. And identified the prisoners?

A. Yes sir, one by the name of Teddy I recognized him but he is out on bail.

Q. Did you see the remains of Kalat after his death?

A. Yes sir.

Q. And they were the remains of the man who was attacked at 74th Street and First Avenue?

A. Yes sir.

Cross Examined by Mr Stewart.

Q. What did you say the name was of this man who died?

A. Kalat.

Q. Ask him if Kalat was a friend of his, the witness?

A. He was not what you might call a friend, he was an acquaintance, I knew him.

Q. Well now, the fight commenced originally in his place. (The witnesses) did it not?

A. No sir.

Q. Where did it commence?

A. On the corner of 74th Street.

Q. On 74th Street and Avenue A?

A. Yes sir.

Q. How far is that from his place?

A. Thirty feet and twelve inches from the corner is my saloon.

Q. Had they been in his place before the fight commenced?

A. Who?

Q. We are talking about the men who were fighting.

A. No sir, they never came to my saloon, they were not my customers.

Q. Now what first attracted his attention to this fight?

A. I saw when Morawetz and Emile Rouch commenced to fight together, two Bohemians, Rouch is no Bohemian.

Q. How long was that before the second fight commenced?

A. About ten minutes after.

Q. Now where did the second fight take place?

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- A. Also in 74th Street but on the other corner.
- Q. Did he see one of these Bohemians hit the other?
- A. Yes sir.
- Q. Didn't one of the Bohemians knock the man who afterwards died, down with a stone?
- A. No sir, not the Bohemian.
- Q. Who knocked the man down with a stone?
- A. Driscoll.
- Q. Was that at the same time that the Bohemian threw a stone at the deceased?
- A. No Bohemian was beating Kalat.
- Q. I thought he said that the Bohemians were fighting among themselves?
- A. He called the name of the two Bohemians, Morawetz and Rouch.
- Q. They were fighting among themselves.
- A. They were fighting among themselves.
- Q. Did he see them hit each other?
- A. I saw Rouch and Morawetz when they fought on the other side.
- Q. Well now the man that was killed, what does he say his name is?
- A. Kalat.
- Q. Did he take any part in that fight?
- A. No sir, he did not take any part.
- Q. What was he doing?
- A. Kalat came up and Rouch one of the two men who had the fight, run away and the loafers commenced to beat Morawetz one of the two fighters, then Kalat came up.
- Q. Let him point out the man that first struck Morawetz?

0253

A. Heffernan.

Q. Neither one of these four struck him at that time.

A. Those here they were beating me, Morawetz and Kalat also.

Q. Did you see this man Spanier strike or kick or do anything to the man who died?

A. I did not see this man.

Q. Do you know where this man lives, Spanier?

A. No sir, I do not know.

Q. Did you see him when he approached this crowd where the fight was, did you see this man Spanier coming to the place where the fight was?

A. I saw him.

Q. Well now, did he have a pail of water in his hand?

A. No sir, he did not have.

Q. How far was he from the prostrate man when he first saw Spanier?

A. He stood close to him.

Q. That is the first he saw of Spanier?

A. Yes sir.

Q. How was Spanier dressed at that time?

A. I cannot recollect now.

Q. Did he have a coat on or was he in his shirt sleeves?

A. He did not have any coat.

Q. Did he have a white shirt or a red shirt on?

A. I cannot recollect.

Q. About how many were there in that crowd around that prostrate man?

A. About ten or twelve persons.

Q. Was there not about a hundred people around there?

A. Those loafers that I chased away with a piece of wood

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were about ten or twelve but there were Bohemians and other people standing around plenty of them.

Q. He with his stick of wood put to flight about ten or twelve?

A. Yes sir, of those loafers.

Q. These loafers as he calls them whom he put to flight ran up 74th Street did they not?

A. Yes sir.

Q. Spanier did not run in that direction did he?

A. He run also in 74th street.

Q. He said before that he ran into a vacant lot, what does he mean by that?

A. That is in 74th Street near First Avenue, the lot is in 74th Street near First Avenue.

Q. Spanier went into that?

A. Yes sir, in 74th Street in a vacant lot.

Louis Petranck sworn and examined, through the interpreter by Mr Fitzgerald.

Q. Where do you live?

A. No. 443 74th Street.

Q. Do you remember the 8th of August last?

A. Yes sir.

Q. Were you in the neighborhood of 74th Street and First Avenue?

A. I was not there but I saw the fight from my window.

Q. Where is your window?

A. My window is looking out into the street.

Q. Well, now did you see Kalat, the deceased, the man that

0255

was killed?

A. Yes sir, I saw him.

Q. And did you see the parties that were attacking and beating him?

A. Yes sir, I saw them.

Q. Do you identify any of the prisoners as among the people that attacked and beat him?

A. Those are the four, one is missing yet. (Heffernan)

Q. Now Mr Petranck will you just describe what you saw, tell us what you saw?

A. I saw Morawetz running after that young man who is sitting there. (Stein.) He, Morawetz having a stone in his hand; the young man had kind of military pants. This man Stein ran away, I did not know his name, I know his face, he ran away and a companion of his assaulted and beat Morawetz; then Mr Fiala came up and said, why do you beat this man? (Meaning Morawetz.) Morawetz was excited and he ran away and Mr Fiala also went home.; then some more loafers were coming up and perchance Mr Kalat came up, then Fitzpatrick and Heffernan immediately beat Kalat

By Counsel. Q. Those three?

A. Those three; at the beginning two were beating Kalat, their names is Fitzpatrick and Heffernan, they knocked down Kalat and he fell; then the others jumped up to Kalat; there were five which I know came up to Kalat, he was lying on the ground and they were kicking him and throwing stones at him.

Q. Well, how long did you say that thing continued?

A. About five minutes whilst he was lying.

Q. Did you see the prisoner Spanier there all the time?

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A. Yes sir, I saw him also.

By the Court. Q. Ask him if he saw Spanier at the time the other five were beatin and kicking the deceased?

A. He was with them.

Q. Ask him if he was there all the time?

A. Yes sir, when they were there.

Q. What did he see Spanier do?

A. First he kicked him right here in the stomach.

Q. What else?

A. They were so many that I could not see exactly the blows that he gave, I saw one kick he gave him.

Q. You saw him get one kick?

A. Yes sir.

A Juror. I understood this witness to say he saw him kick him but he did not say one or two.

Interpreter. I saw first one kick.

By the Court. Q. Now then, was the dead man standing up or lying down at the time he was kicked by Spanier?

A. He was lying.

Q. Lying on the sidewalk?

A. On the sidewalk, Kalat.

Q. What did he see the other men do?

A. They threw stones at him, they hit him here on the nose, on the forehead and on the top of the head.

Q. Now can he point out anyone of the others that he saw throw a stone?

A. This man Fitzpatrick had a stone in his hand and Heffernan also.

Q. Did he see Fitzpatrick do anything with the stone?

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A. He threw the stone at Kalat.

Q. Did it hit him?

A. Yes sir.

Q. Where?

A. I do not know exactly if it was here on the top, on the nose or on the forehead.

Q. It hit him on the head or face?

A. Here on the head, the front.

Q. Ask him if he saw him (John Hughes)?

A. Yes sir, he was beating him also.

Q. What did he see Hughes do?

A. He kicked him and beat him with his fist.

(Carroll stood up in Court.)

Q. Do you see him?

A. Yes sir, he commenced first.

By the Court. Q. What is your name?

A. William Carroll.

Interpreter. And he also kicked him.

By the Court. Q. What did he see Carroll do?

A. This man Carroll and Heffernan they knocked Kalat down.

By Mr. Fitzgerald. Q. Did you see Kalat after they got away from there?

A. Yes sir, they went away and one man took Kalat home.

Q. Did you see them when they were going away?

A. Yes sir, I saw them running.

Q. Did you see the whole five of them run?

A. Yes sir.

By the Court. Q. What time in the day was this?

A. About six o'clock in the evening.

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Q. It was on what corner?

A. 74th Street and Avenue A.

Q. How near the corner is this man's house?

A. About eighteen or twenty paces.

Q. Was it on the same side of the street, his house?

A. It is opposite, I could just look over.

Q. Which side of 74th Street is it he lives on, is it on the uptown side?

A. When I go to the river it is the left side, it is the uptown side, the north side.

Q. Ask him if he knows whether his house is on the uptown side of the street or on the downtown side of the street?

A. When I go to the east I have it on my left side, it is the north side.

Q. It was on the opposite corner, it was on the other corner he saw this fight?

A. Yes sir, the opposite corner.

By Mr Fitzgerald. Q. One of the jurors desires to know if you were acquainted with Kalat the deceased, before his death?

A. I knew him, he was not a friend of mine but I knew him by sight.

Q. How long had you known him by sight?

A. About three years.

By the Court. Q. What did he work at?

A. In the cigar business he was.

Q. Between what avenues is his house?

A. Between First and Avenue A.

By Counsel. Q. Between what Avenues did this fight take place?

A. Just on the corner of Avenue A and 74th Street.

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Q. Well now, why didn't he go out and protect his friend or acquaintance if he saw men beating him five minutes?

A. I am not a fighter, I have to take care of my family and my business.

Q. But this other gentleman who had the stike of wood in his hand he went out, how many does he say were there beating Kalat at the time?

A. I saw five beating and I know them.

By the Court. Q. How many more were standing around?

A. There were a great many people, about a hundred were standing around.

By Counsel. Q. How many run up 74th Street?

A. What do you mean, those loafers or the people in general?

By the Court. Q. How many people ran away, ask him.

A. Those who sit here they all ran up.

By Counsel. Q. Did anyone else run away?

A. Yes sir, others also.

Q. How many in all.

A. I do not know.

Frank Krepela sworn.

By Mr Fitzgerald Q. Where do you live?

A. No. 441 76th Street.

Q. Do you remember the 8th day of August last, the day this man was killed?

A. I was not present there, I came the next day there.

Q. Were not you there on the day of the fight?

A. I was home, I was not outside of my house and I have not seen anything of the fight.

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Rose Genshow sworn and examined.

By Mr. Fitzgerald. Q. You speak English, Miss Genshow?

A. Yes sir.

Q. Where do you live?

A. 431 East 74th Street.

Q. You are in business there are you not?

A. Yes sir, I keep a stationary and cigar store.

Q. You are a married lady? , and live with your husband

A. Yes sir.

Q. Do you remember the day of this fight? the 8th of August?

A. Yes sir.

Q. Now did you see any part of that fight, Mrs. Genshow?

A. Yes sir.

Q. Just tell the jury will you please what you saw?

A. On the 8th of August between five and six o'clock I stood in my store.

By the Court. Q. What did you see?

A. I seen Mr Rouch running up on my side of the street and on the other side, three other gentlemen, I forget his name, he had a stone in his hand; when Rouch stopped running on the front of my store some fellows came walking up to him and asked him what was the matter when he said that this fellow there was licking him.

Q. Which fellow was that who said that?

A. Those fellows what run up to him.

Q. You saw Rouch running up your side of the street?

A. Yes sir.

Q. Who else did you see?

A. And I seen the other men on the other side of the street.

Q. Do you know his name?

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- A. Morawetz.
- Q. You saw Morawetz?
- A. Yes sir.
- Q. And he was running up the other side of the street?
- A. On the other side of the street.
- Q. What next did you see?
- A. Then I seen Rouch stop him and a fellow by the name of Jo Coburn stopped him and talked to him; he had at the same time a brick in his hand.
- Q. What next did you see?
- A. I saw they were talking together, I did not understand but I seen Rouch going back again and I seen them walking over to Morawetz..
- Q. You saw how many walking towards Morawetz?
- A. That was Carroll, Carroll began to hit him.
- Q. To hit who?
- A. To hit Morawetz, but Morawetz had some with him to protect him but I do not know who it was, he tried to keep Carroll off, he was in his shirt sleeves that man.
- Q. Who was?
- A. The man who protected Morawetz was in his shirt sleeves.
- Q. What else did you see?
- A. When Carroll hit him.
- Q. With his hand?
- A. With the fist, yes sir.
- Q. Where, in the face?
- A. In the neck and on the side of the face; then they came down as far as the corner.
- Q. Then who came down?
- A. Carroll, Morawetz and the other man what protected him;

0262

they walked then as far as the corner from knocking him down and getting up again, they got as far as the corner and that is all I could see then; then I seen them by and by in the middle of the street fighting but I could not tell who.

By Mr Fitzgerald. Q. Was your attention attracted to anybody particularly on account of his dress?

A. Yes sir.

Q. What particular dress attracted your attention.

A. That was this man there, he had a red shirt on and no hat.

Q. Spanier?

A. Yes sir but I only seen him when the fight was over, when the man with the bale stick came I seen them running up 74th Street, seven of them.

Q. The man with the red shirt was with them?

A. He was with them, he was the last one behind the bale stick.

Q. That was Fiala that had the bale stick was it not?

A. Yes sir.

Q. The next morning in your store did you see that man with the red shirt again?

A. Yes sir.

Q. That is Spanier the prisoner here?

A. He came in my store buying a paper of virgin Leaf chewing tobacco.

Q. Sunday morning?

A. Yes sir.

Q. About what time?

A. I could not tell exactly whether it was Sunday morning

0263

or Saturday evening but I think it was Sunday morning .

Q Did you have any conversation with him about the fight?

A? Yes sir.

Q. Would you state to the Jury what that conversation was?

A I never saw this man before, all the rest were customers of mine but this man is not, I never saw him before until I saw him running away; on account of the red shirt that is why I remarked him so well again. When he came in my store I said, you got from the bale stick, you ran away quick. He said, you are mistaken, lady, it was not me. Then there was another one in the store what was in the fight the same time with him.

Q. What was his name?

A. Johnny Heffernan. The he said to me --

By the Court. Q. Who said to you?

A. Spanier said to me, I did not run away on account of the bale stick, I thought he had some "cops" with him. Then he (Spanier) was talking to Heffernan and then he made remarks, they talked it over, Heffernan said that he was done so nicely, everything was settled so nicely by the first fight when this man came between us (Xalat) and had put his nose into it. Says Spanier, if his skull is not broke it is not my fault.

By the Court. Q. He said what?

A. He said, if this man's skull is not broke it is not my fault, for I used my boots and fists pretty well on him.

By Mr Fitzgerald. Q. Anything else?

A. "He must have a skull like the rock stones in 74th Street"

Q. The next time that you saw Spanier was in the Police Court and you identified him there?

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A Yes sir, I did.

Cross Examined.

Q. Let us see if I understand you correctly, you say your attention was called to the fight in the street?

A. Yes sir.

Q. Could you see the fight from your house?

A. I said my attention was called by the fight when it commenced in the front of my store where the men who had the fight were standing.

Q. The Bohemians?

A. Yes sir.

Q. They afterwards left that location and went somewhere else

A. Yes sir, went further down.

Q. Could you see from your store to the point where the fight ended?

A. I was talking about two fights.

Q. I am talking about the fight that commenced in front of your store?

A. Yes sir, I seen that, that is what I stated.

Q. Between whom was that fight?

A. That was between Rouch and Morawetz.

Q. Now how long was it after the first fight that the second fight took place?

A. About eight minutes.

Q. And where did that take place, the second fight?

A. Right at the corner of 74th Street and Avenue A.

Q. Now who took part in that?

A. That is a thing I could not say, I was too far away.

Q. Did you see Spanier take any part in that fight?

A. No sir.

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Tuesday, September 29, 1885.

Margaret Maschmaier sworn and examined by Mr Fitzgerald.

Q. Where do you live?

A. 447 East 74th Street, corner of Avenue A.

Q. You are a married lady?

A. Yes sir.

Q. Reside there with your husband and family?

A. Yes sir.

Q. Do you remember the 8th day of August last?

A. I do, sir.

Q. Did you see anything of a fight in that neighborhood on that day?

A. I have.

Q. About what time in the day?

A. Between six and seven o'clock in the evening.

Q. Will you just tell the Court and Jury what attracted your attention to that fight and what you saw?

A. Well, I heard a cry from two children of "Mamma", so I looked out of the window and I seen two Bohemians fighting; so I seen one of them Bohemians with the red stripes on his pants, knock the other one down in the mud gutter and the man with the red stripes took a stone and go after the other while he was lying on the ground; then this man got up with a rock and ran after the man with the red stripes and then after this I seen the whole crowd going down the street ~~and~~ and then fighting amongst the crowd. There was so many there I could not see, so they were fighting all over. Then I seen some young fellows striking the man and knocking him down, and the

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mand I saw was Heffernan.

Q. You saw Heffernan?

A. Yes sir, he gave the man the first blow; the others I could not identify only how they were dressed.

Q. Was your attention attracted to one man in particular by his dress?

A. One man had a red shirt.

Q. What did you see that man do, if anything?

A. I seen him kicking the man while he was laying down in the mud gutter.

Q. You saw him kicking?

A. Yes sir.

Q. Anything else?

A. Yes sir, there was two more besides him.

Q. Did you see any more?

A. I seen the other one had a dirty looking undershirt and his coat on his arm.

Q. Did you see those people when they left?

A. I seen after this this lager beer man Mr Fiela came with a stick.

Q. Did you see them run away?

A. Yes sir, I did.

Q. And this man with the red shirt?

A. He ran off too, yes sir.

Cross Examined.

Q. You saw one Bohemian strike the other with a stone?

A. Yes sir.

Q. Do you know whether the man who was hit with the stone fell down?

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A. The man got hit with the stone, yes, he fell down.

Q. Do you know who he was?

A. The man was here yesterday in the court-room, I do not know his name.

Q. He was the one that was knocked down?

A. Yes sir, the one that was knocked down, he was here in the court yesterday.

By the Court. Q. Was he examined yesterday?

A. Yes sir.

By Mr Fitzgerald. Q. Was it Morawetz?

A. I do not know his name.

Q. Was this the man? (Morawetz was pointed out.)

A. That is him, that is the man.

By Counsel. Q. You did not see either of the others strike the man that was down did you?

A. There was no other one there except these two Bohemians in the first fight.

Q. Now is Morawetz the man who was kicked when he was down?

A. Yes sir, he was kicked, not kicked he was struck with a stone.

Q. While he was down?

A. While he was lying down, yes.

Q. And that is all you saw?

A. That was the first fight.

Q. Is that the one you have been speaking about?

A. No, I am speaking about Kalat after that.

Q. How long did that take place after the Morawetz fight?

A. About five or ten minutes, I could not tell exactly.

Q. You did not see Spanier there did you? A. That is what I could not tell.

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Frank Fiala sworn and examined by Mr Fitzgerald.

Q How old are you, Frank?

A. Going on seventeen.

Q. Where do you live?

A. Fourth Street.

Q. Do you know the other Frank Fiala that was examined in this case?

A. Yes sir.

Q. Are you anything at all to him? only a namesake?

A. No sir.

Q. Do you remember the 8th of August last?

A. Yes sir.

Q. Did you see this fight on the corner of 74th Street and Avenue A?

A. Yes sir.

By the Court. Q. Did you see the first or second fight?

A. I seen the second.

Q. Where were you at the time?

A. I was at the corner of 74th Street.

Q. And what Avenue?

A. Avenue A.

Q. What time was it?

A. Between six and seven o'clock.

Q. Now go on and tell what you saw.

A. I seen Joe Lynch kick the man in the stomach.

Q. What man?

A. Gotlieb Kalat.

By Mr Fitzgerald. Q. Who else did you see if any?

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- A. William Carroll, John Hughes and Spanier.
- Q. Now what did you see William Carroll do?
- A. I seen William Carroll kick the man in the head.
- Q. And John Hughes?
- A. Kicked him in the head too.
- Q. And Spanier?
- A. Was kicking him in the back of the head.
- Q. Now what else did you see?
- A. That is all I seen.
- Q. Do you know the man that they were kicking?
- A. Yes sir.
- Q. Who was he?
- A. Gotleib Kalat.
- Q. How long were they attacking Kalat?
- A. About five or ten minutes.
- Q. Well, did you any of them kick him more than once?
- A. Yes sir.
- Q. Who?
- A. "Red" Carroll, John Hughes, Spanier and Joe Lynch.
- Q. Did you see any man come out of the saloon?
- A. Yes sir.
- Q. Who was that?
- A. Frank Fiala.
- Q. What did Mr Fiala do when he came out?
- A. He had a stick in his hand and he run after the car.
- Q. Did you see the crowd when they ran away?
- A. Yes sir.
- Q. Did they all run together?
- A. Yes sir, they all ran back of the shanties in 74th Street.

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Q. In this vacant lot?

A. Yes sir.

Q. Were you there when the deceased was carried away, when Kalat was taken away.

A. Yes sir.

Q. How long have you known Spanier?

A. I know them since I lived uptown, I always seen him amongst the crowd in 74th Street.

Q. How long is that?

A. A year and a half.

Q. You know Spanier a year and a half?

A. Yes sir, amongst the crowd.

Q. Well, how did you see the body of Kalat after death?

A. Yes sir.

Q. Where did you see that?

A. 72nd and 73rd Streets.

Q. That was the man that was beaten and attacked - Kalat - on the corner of 74th Street and Avenue A?

A. Yes sir..

Cross Examined.

Q. What is your business?

A. Butcher.

Q. Were you there when the first fight took place?

A. Yes sir.

Q. What did you do?

A. I was standing on the corner looking at the fight.

Q. You took no part in it?

A. No sir.

Q. Did you see the beginning of the next fight, the second fight?

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A. Yes sir, I seen it.

Q. Where were you then?

A. I was on the corner.

Q. The same place you were before?

A. Yes sir.

Q. You did not move?

A. Yes sir.

Q. I asked you did you move from the place where you were standing when the first fight took place before the second fight took place?

A. Yes sir, I was standing in the same place all the time.

Q. You mean to say you did not move?

A. I was standing on the same corner where I seen the first fight.

Q. You stood there all the while?

A. Yes sir.

Q. Were you examined as a witness before the Coroner?

A. Yes sir.

Q. Were you examined as a witness before the Magistrate?

A. Yes sir.

Q. Did you then say that you saw Spanier kick this man?

A. Yes sir.

Q. Who have you talked with about this case?

A. I was down in the Station House with Captain Gunner.

By the Court. Q. Did you talk to Captain Gunner in the Station House?

A. Yes sir.

By Counsel. Q. Did you go from there to the District Attorney's office?

28 A. No sir, I went home.

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Q. Have you been to the District Attorney's office since?

A. Yes sir.

Q. Who brought you there?

A. I got a subpoena to go there.

Q. You went there?

A. Yes sir.

Q. And you there made a statement did you not?

A. No sir.

Q. Did you not tell the District Attorney what you could swear to?

A. Yessir.

Q. Did you say before the Magistrate that you saw Spanier strike or kick Kalat?

A. Yes sir.

Q. How many were there around that Mr Kalat as he lay on the ground?

A. I seen five of them.

Q. Did you see any more than five?

A. No sir.

Q. Were five all the men there were around there at that time?

A. That is all I knew, five.

Q. I did not ask whether you knew them or not, I asked did you see more than five men around that man as he was lying on the ground?

A. Yes sir.

Q. How many did you see?

A. I seen about seven of them.

Q. Was there not a crowd of people around there?

29 A. Yes sir.

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Samuel J. Campbell sworn.

By Mr Fitzgerald. Q. You are a special officer attached to what precinct?

A. The 23th precinct.

Q. You arrested the defendant Spanier?

A. Yes sir.

Q. What time did you arrest him, Officer Campbell?

A. I arrested him about seven o'clock on Monday morning, the 10th of the month.

Q. Where did you arrest him, Officer.

A. At his house in 73rd street near Avenue A.

Q. You arrested him on information that you received from who?

A. I arrested him on information that I received from the neighbors around there and from a description that I received from Mrs. Genshow and others.

Q. You brought him to the Station House?

A. Yes sir.

Q. Did you tell him what he was arrested for?

A. He asked me when I arrested him what I was arresting him for. I told him I was arresting him for being connected with a fight on Saturday at 74th Street. Says he, I was there but I was not engaged in it.

Q. How was he dressed, when you arrested him?

A. He had on a red shirt and a pair of pants.

Q. Were you in the Station House when the last witness Frank Fuala, came in there.

A. Yes sir.

Q. Do you know whether or not he identified Spanier at that time?

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A. He did.

Q. What did he say at the time. (Fiala)

Counsel. I object.

By the Court. Q. What was said?

A. He said that Spanier, Joe Lynch and "Red" Carroll, William Carroll, were three of the parties whom he recognized as kicking and beating this man.

Q. Were you in the police Court when Spanier was arraigned?

A. I was, yes sir.

Q. Was Fiala there?

A. Yes sir.

Q. Did he there identify him?

A. He did.

Q. Were you at the Coroner's inquest?

A. I was.

Q. Was Fiala there?

A. Yes sir.

Q. Did he there identify him?

A. He did.

Cross Examined.

Q. When you brought Spanier to the Station House who was there?

A. Well, the Sergeant behind the desk and a number of officers in the room and the other prisoners.

Q. What did you say to this witness Fiala?

A. We put the whole of them in a row together along with --

Q. I am asking you what you said to him?

A. I asked him could he identify any of those parties.

Q. And he said he did?

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A. Yes sir.

Q. He identified the three men?

A. Yes sir.

Q. Is that all that was said?

A. That is all that I said to him at that time?

Q. You say at that time Sp nier had a red shirt on?

A. He had, sir.

Q. Was there anything said about the red shirt after that?

A. I do not know as there was after that; it was the red shirt that I was looking for before that.

By the Court. Q. Do you know anybody else up in that neighborhood with a red shirt?

A. I can't say that I ran across any that day; he had nothing else on except the red shirt, he had only the red shirt and his pants on at the time I arrested him.

By Counsel. Q. Did not he say when you arrested him that he had had nothing to do with the fight?

A. He said he was down at the fight but was not engaged in it.

Q. Did not he say to you that he did not have anything to do with the fight?

A. He did not say that, he did not use them words.

Q. In substance?

A. He said he was down at the fight but was not engaged in it.

John Gunner sworn and examined.

By Mr Fitzgerald. Q. You are in command of the 28th precinct, Captain, in which this crime was committed?

A. Yes sir.

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Q. Do you remember the time of the arrest of Spanier?

A. I do, sir.

Q. Did you have a conversation with Spanier?

A. I did, sir.

Q. Where?

A. At the Station House.

Q. Was that at the time that he was arraigned at the desk or afterwards?

A. It was in the afternoon of the 10th.

Q. Was Frank Fiala, the boy that testified here, there?

A. Yes sir; he came and asked me to see the prisoners for identification.

Q. Did he see Spanier?

A. He did, he said he was the one that was beating and kicking him.

Q. In Spanier's presence?

A. In Spanier's presence.

Q. Were you present at the Police Court examination?

A. I was, sir.

Q. Do you remember whether Fiala was there or not?

A. He was.

Q. Did he there identify him?

A. He did, sir.

By Counsel. Q. Can you tell us what Fiala said at the Coroner's Office?

A. I was not at the Coroner's office.

Q. What was his testimony before the Magistrate?

A. He identified Spanier.

Q. What words did he use? A. That that was the one that was beating and kicking the abdomen of Kalat.

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Edward Schevcik sworn and examined.

By Mr Fitzgerald. Q. You are a medical doctor practising in this city?

A. Yes sir.

Q. Where do you live, Doctor?

A. 347 72nd Street.

Q. Do you remember the 8th day of August last?

A. Yes sir.

Q. Did you see the deceased Kalat on that day?

A. Yes sir, I saw him.

Q. Where did you first see him?

A. I seen him in the drug stoner 1380 First Avenue between 73rd and 74th Streets at about half past seven in the evening.

Q. Had you known Kalat before, Doctor?

A. Yes sir.

Q. You had been his physician hadn't you?

A. Yes sir.

Q. Did you make any examination at that time?

A. I made an examination at that time.

Q. State Doctor, what condition you found him in?

A. That time he took it very easy. When I examined him I found a fracture of the skull.

By the Court. Q. What else did you find Doctor, at that time?

A. I found a fracture of the skull and that is all at that time.

Q. What was his condition, bloody or what?

A. There was not much blood there.

Q. Well then what was done with him?

34 A. Then afterwards I washed his wound out and sent him home;

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I ordered some ice bags on his head - that was all I could do.

By Mr Fitzgerald. Q. Did you attend him afterwards at his home?

A. Yes sir.

Q. Did you make a more general examination of him?

A. Yes sir.

Q. State the result of the examination that you made at the home?

A. He took it very easy, I told him he shall go to bed and lie down and I told also his wife who was with him, I will be round to-morrow. The next morning when I came there I found him very depressed you know, nervous depression; that was about eleven o'clock; about four hours afterwards I was called in, I found him unconscious. Then I stated my diagnosis was menengetis, cerebral menengetis and also I expected compression of the brain because I did not know positively --

Q. That was your opinion?

A. Yes sir, I thought it must be some artery must be broken.

By Mr Fitzgerald. Q. How did he continue, Doctor?

A. I ordered cold applications and I sent for a policeman and told him so and so; I could not do anything else.

By the Court. Q. You did all you could?

A. I did all I could to the best of my knowledge.

By Mr Fitzgerald. Q. Did you attend him from that time till the time of his death?

A. Yes sir.

Q. When did he die?

A. He died about, I do not know exactly, half past ten or ten o'clock, Monday evening, that was on the 10th.

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Q. Now Doctor, what in your judgment was the cause of his death?

A. It was cerebral menengetis produced by a fracture of the skull.

Q. Did you examine the wound in the skull?

A. Yes, with my finger.

Q. What, in your judgment, would produce a wound like the one you found in the skull of Kalat?

A. That one seems to be you know from a stone or from a heel, one or both, it must be a sharp, not too sharp an instrument, some kind of a point on the corner.

Q. Did you make any further examination?

A. I could not afterward.

By the Court. Q. Doctor, what side of the skull?

A. I was on the right side, about half an inch from the occipital protuberance.

Q. Point with your finger on your own head?

A. Just right here. (Pointing to the back of the head.)

Q. You found a wound there?

A. I found a wound.

Q. What kind of a wound was it?

A. It was just like a cut with not a sharp instrument.

Q. Was there a cut there?

A. Well there was a cut there about half an inch or three-quarters long.

Q. Did it extend to the bone?

A. I used my finger and I found that the bone was fractured.

Q. Then the cut must have extended into the bone, into the skull?

A. Yes sir, into the bone; there was not much blood. Those

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Justin Herold sworn. I am a deputy Coroner and made an autopsy on the body of Kalat at his residence between 72nd and 73rd Street and Avenue A about eleven A. M. on the 11th of the month, the morning after he died. The cause of death was inflammation of the brain produced by a compound depressed fracture of the skull and hemorrhage from the membranes covering the brain. I found bruises over the nose and an abrasion over the right side of the forehead, I also found a contused wound about half an inch to the right of the median line of the back part of the skull; this wound was between half and an inch long; under that I found a depressed fracture of the skull about the same size; all the other organs were normal; the wounds that I have described might have been produced by a blow from a stone or falling upon a hard substance or from a kick or sharp instrument.

Samuel J. Campbell recalled. The three men that were taken to the Station House and identified by Fiala were Spanier, "Red" Carroll and John Hughes.

Frank Fiala recalled. I was before Judge Duffy and told him what I saw; this is my signature. (Papers shown.)

The Case for the Defence.

Henry Miller sworn. I am a superintendent on the docks and know the defendant sixteen or eighteen years he has been in my employ, I took him when he was eight years old, his father and mother died in a week and there was six or seven children left and I had them. The defendant never lost a day's work, he never was drunk and

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never was in a fight. I don't know anything about the occurrence of the 8th of August, I do not know his associates and never heard of his being arrested for fighting. I live in 53rd Street near the river; the defendant drove a horse for me.

Christopher Ronan sworn. I am in the produce and in the horse business, I live in 511 East 71st Street and carry it on at the corner of 70th Street and Boulevard - a grocery store me and a partner by the name of Strauss and the horse business at 510 73rd Street. I know the defendant between five and six years, he worked for me two months driving a cart, I found him a hard working, honest and industrious fellow. I remember the 8th of August I was watering a horse corner of 74th Street and Avenue A, I was going past the corner and I saw three men two of them were tusseling and I saw the men kind of drawing out from one another, I had a flighty pony and had him by the halter; one of the men drew out a stone and fired it at the other and when he went to fire it the pony jumped up and that drew my attention away. I went over to the trough with the pony and I saw this man that the stone was fired at run after the other man with two big stones over to the other corner. The sidewalk was all full of people. The fight commenced on the corner of 74th Street and Avenue A, I went up home with the horse, I guess that was the first fight, I did not see Spanier there at all, I had seen him that day, he had a white shirt on, I don't know if he had been over to see the procession.

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Cross Examined. I saw the defendant in the morning about eleven o'clock over at his house, I keep a stable opposite his house, he was in the yard. He had a white shirt on, I cannot describe any other part of his clothing, he had no hat on, I had no conversation with him, he left my employ nearly two years ago because I gave up business. I believe I know Hughes and Carroll by sight, I did not know the man who was killed, I did not see the defendant again until I saw him in prison, I could not tell whether he had a red or white shirt on when he was in the Tombs.

Micheal Conners sworn. I work in a junk shop and know the defendant five years, he worked in the shop with meat the time he was arrested, he has been in my employ about a year at 1441 Avenue A, I can say nothing wrong against him, I found him to be a hard working honest man, I believe he is married. There was work on the morning of the 8th of August but not in the afternoon, I did not see him that day, I saw nothing of the fight, I saw a crowd and that was all, I did not see Spanier running in the crowd, I did not go near the place at all, it is two blocks away.

Charles Reynolds sworn. I am a dealer in cattle and horses and know the defendant, I remember the evening of August 8th, I was at my own house at the time the fight occurred 1362 Avenue A near the corner of 73rd Street; the crowd was running down 74th Street and I was running up. I saw the defendant, he was standing around when I went over towards where the fight was, I saw a man

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coming out of a lager beer saloon with a club. When he got to the corner of 74th Street he turned around the corner toward 73rd Street on First Avenue; then there was another crowd created there, he turned back again and came to the corner of 74th Street, I was talking to a man and there was a little boy standing on the corner, he hit him on the back of the neck with his club. The defendant was standing in the street off the sidewalk between First and Avenue A, he had not a red shirt on but a white shirt, I did not see him take any part in the fight; when the man came after me with his club I ran and the crowd scattered, the defendant among them, I had nothing to do with the fight, the man with the club seemed greatly excited.

Cross Examined. I believe the man with the club was Frank Wiala, he had a white shirt I believe but had no hat on, the prisoner had no coat on but he had a black derby hat, I ran away from the man with the club. I do not know Fitzpatrick, I know Hughes and Carroll by sight, I did not see Carroll there that day, I do not know Heffernan. I am sure I could not be mistaken about the defendant wearing a red shirt. I did not see anybody hurt that day only the man that knocked a little boy down corner of 74th Street; the defendant was in the habit of wearing a white shirt but he used to wear a red shirt in the morning; the boy that I saw struck picked himself up, he went down the street after the man who struck him and the crowd all ran. I am no friend of Spanier's but I see him every day.

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Catherine Kervin sworn. I live no. 510 73rd Street next door to the defendant, he has a wife and one child, I have lived there going on two years, I remember the Saturday afternoon when this fight occurred but I know nothing of the fight, I saw the defendant between half past five and six in his own yard, he had on a white shirt, I saw him going for a pail of water about half past five and he came right back, he was gone about five or ten minutes and then returned, I don't know whether he left the house afterward or not, I saw his white shirt, I did not notice the undershirt, I often saw him with a red shirt.

Cross Examined. The defendant rents me part of the house; on the 8th of August I saw him pass in and out of the yard all day, I saw him on Sunday but am not sure whether he wore a white shirt or not, I saw him on Friday but could not tell what kind of a shirt he wore, I did not see him Monday morning when he was arrested.

As follows: [*The Defendant* Andrew Spanier sworn and examined. *W. J. J.*

- Q. You are the defendant?
- A. Yes sir.
- Q. Now do you remember the evening of the 8th of August last?
- A. Yes sir.
- Q. Was your attention called to a fight at the corner of Avenue A and 74th Street?
- A. Yes sir.
- Q. Where were you at the time you first heard of it?
- A. Just standing on the hill with a pail of water.

By the Court. Q. What hill?

41 A. Right where I live, 73rd Street corner.

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By Counsel. Q How far was this from where the fight took place?

A. About a block.

Q. And could you see down where the fight was taking place?

A. I seen the crowd there.

Q How far was that place where you were standing from your house?

A. About thirty yards.

Q. You are accustomed to get water at that place are you not, for the use of your house?

A. Yes sir, it is right on the street, we have to get it, there is no hydrant to the house.

Q And do you remember what time in the afternoon that was?

A. Yes sir, about a quarter or twenty minutes after five.

Q. Somewhere along there? A. Yes sir.

Q. What had you been doing that day?

A. I had not been doing nothing, only went down to see a ball match.

Q. A ball match? A. Yes sir, in the morning.

Q. It was a holiday?

A. Yes sir.

Q. On that occasion what kind of a shirt did you have on?

A. Just the same as I have got on now, the same shirt, a grey woolen undershirt and a white outside shirt.

Q. Is that the kind of shirt you are accustomed to wearing?

A. Accustomed to wear that during the day, a white shirt during the day.

Q. That is the one you had on?

A. Yes sir, just the same as I have got on now.

Q. Now after your attention was called to this fight did you go down to where the fight took place? A. Yes sir.

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- Q. Did you see the man that was down? A. No sir, he was not there to see him, I did not see him at all, all I seen was a man coming out of the saloon with a stick, with a large billiard cue.
- Q. That is the first thing you saw?
- A. Yes sir.
- Q. You did not see any man on the sidewalk or street lying down? A. No sir.
- Q. Did you know a man by the name of Kalat?
- A. No sir, I never seen the man in my life before, I do not know who he is.
- Q. Did you on that occasion strike or kick Kalat?
- A. No sir, I was not there to strike anybody and did not see anybody that was struck, only a crowd of people.
- Q. The first you saw was the man coming out with the stick?
- A. Yes sir.
- Q. What kind of a stick was it?
- A. The end of a billiard cue.
- Q. Did you see the witness Reynolds on that occasion?
- A. Yes sir.
- Q. When did you first see him?
- A. I seen him standing down by the corner, I could not pass no remarks on anybody for the crowd was running up ahead of me when I went down to see who it was and the man running up from the crowd with the stick.
- Q. Did you run?
- A. I walked across the street to the lot.
- Q. Did Reynolds go with you? A. No sir, Reynolds went right up straight.

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Q. When the man came out with the stick there was a general scattering?

A. Yes sir, everybody ran around the neighborhood that time afraid of getting hit with the stick.

Q. You did not see Kalat on that occasion?

A. No sir.

Q. Took no part in the assault upon him?

A. No sir.

Q. What is your business? A. Junk business, I have been so for a year or so back.

Q. What was it before that? A. Driving a manure cart.

Q. Who for? A. Mr. Ronan.

Cross Examined. —

Q. When you saw this fight did you go into the house with your pail of water? A. No sir, I left it standing right on the hill.

Q. And did you come down to the scene of the disturbance?

A. Yes sir.

Q. Well, did not you see Kalat there then?

A. No sir, the crowd was running up 74th Street when I got there.

Q. And the only man that attracted your attention was this man with the billiard cue or bail stick?

A. That is all I seen.

Q. You did run did you? A. I did not run, I walked.

Q. Your friend Reynolds, I think his name is Charles Reynolds he testified that you ran?

A. No, I could not run.

Q. He is mistaken about that? A. I ran two or three steps that is all, when the man was near me, I did not run all

0288

the way though.

Q. You had no quarrel with the man with the bale stick?

A. No sir.

Q. You had not been wrangling at all, had not done anything?

A. No sir.

Q. Why did you run away?

A. I was scared of being hit, the man was excited, I did not know who he would hit.

Q. Were there many more on the sidewalk at the time?

A. Yes sir.

Q. Did they all run too? A. Yes sir.

Q. And did you go down into this vacant lot?

A. Yes sir I went right around the fence.

Q. Who else was in that vacant lot with you?

A. I could not tell, there was crowds.

Q. Do you know Fitzpatrick?

A. I know him by sight.

Q. Do you know Hughes? A. The first time I ever got acquainted with him was when he was arrested.

Q. Do you know Carroll? A. I know him by sight around the neighborhood.

Q. Do you know Heffernan? A. Yes sir, by sight.

Q. Did you see any of them that day?

A. I did not take notice of that, there was too many in the crowd..

Q. When you got into the vacant lot, you had time to look around? A. I did not notice to look around as soon as the man passed me.

Q. How long did you remain in the vacant lot?

45 A. Two or three minutes whilst the man ran past me.

0289

- Q. One of the witnesses here for the people, Petranck swears that he saw you kick Kalat, is not that so?
- A. No sir, I never had a hand in it.
- Q. Did not have anything to do with it.
- A. No sir.
- Q. Did you see anybody kick Kalat? A. No sir.
- Q. Do you know the stationery store of this woman Geyshow?
- A. Yes sir.
- Q. Were you in there after the fight? A. yes sir.
- Q. What time after the fight? A. I guess between seven and eight o'clock, sometime around that, Saturday evening.
- Q. What brought you in there?
- A. I went in to buy some cigarettes.
- Q. Whom did you meet inthere? A. I did not meet anybody but herself.
- Q. She says there was a man of the name of Heffernan there?
- A. Nobody was in there but herself.
- Q. What conversation did you have with her, do you remember?
- A. Yes sir.
- Q. What was it?
- A. She asked me, she says to me, how about that fight down the street. She says, that Bohemian he is hit terribly bad. I said, if they had knocked the skull off him it is not my fault, I had nothing to do with it; that is all the words passed between us, I come right out of the store.
- Q. Who accused you of having anything to do with it?
- A. I could not tell you.
- Q. Did anyone accuse you of having anything to do with the fight?

0290

A. Not as I know of.

Q. What occasion was there for you saying it was not your fault?

A. Because I had nothing to do with it.

By the Court. Q. Who said you had? A. No one said, the way she was talking I thought she said I had.

By Mr. Fitzgerald. Q. Didn't she say to you, what made you run away from the bale stick?

A. No sir, she did not say that to me.

Q. Did she have any conversation with you about the bale stick? A. No sir.

Q. Did not you say it was a bale stick you had but you thought he had "cops"? A. I did not have that to say.

Q. She says furthermore, that you addressed Heffernan and said that if his skull was not broken it was not your fault.

A. I could not address Heffernan for Heffernan was not in the store, there was nobody in the store but myself.

Q. Did you make that remark at all? A. No sir.

Q. Did you say anything about his head being as hard the rocks down in the lot?

A. No sir.

Q. She is altogether mistaken about that?

A. Yes sir, she is mistaken about that.

Q. Well now, on this 8th day of August what time in the morning did you get up?

A. I could not exactly say, about half past six or seven o'clock.

Q. Did you dress yourself for the day that time? A. Yes sir.

0291

Q. What kind of a shirt did you put on at that time?

A. A red shirt in the morning.

Q. What did you do after you got dressed?

A. I went down to see a ball match.

Q. Did you have a red shirt on? A. No sir, I only put it on in the morning.

Q. When did you take the red shirt off?

A. About eleven or twelve o'clock it was all sweaty.

Q. What time did you go to the ball match?

A. In the morning, something around eleven or twelve o'clock.

Q. What had you been doing up to that time.

A. I had been watching a ball match.

By the Court. Q. Before you went to the ball match.

A. I had been around the house.

Q. What time was it when you got to the ball match?

A. Between eleven and twelve o'clock I believe.

Q. He wants to know what you were doing up to eleven o'clock.

A. Doing nothing, only around the house.

Q. Then it was between eleven and twelve when you got to the ball match, is that right? A. Yes sir.

Q. You took off that red shirt when, before or after you went to the ball match? A. Before.

Q. How long were you at the ball match?

A. I could not exactly say, about three or four o'clock

Q. Where was it? A. Between 69th and 70th Streets on Second Avenue, a ball lot, right on the corner of Second Avenue.

Q. You went out to get a pail of water didn't you?

A. Yes sir.

0292

Annie Stein sworn and examined by Mr. Fitzgerald.

- Q. Mrs. Stein where do you live? A. 447 Avenue A, corner of 74th Street. We keep a grocery store, I was in the store.
- Q. You keep a grocery store corner of Avenue A and 74th St.
- A. Yes sir, the northwest corner.
- Q. You are a married lady living there with your husband?
- A. Yes sir.
- Q. Do you know Andrew Spanier, the prisoner here?
- A. Yes sir.
- Q. How long have you known him Mrs. Stein?
- A. Two years and a half.
- Q. You remember this day of the fight, don't you?
- A. Yes sir.
- Q. Did you see any part of it? A. Yes sir.
- Q. What part of it did you see, please tell the Jury.
- A. What I saw was when that man with the red shirt ran up 74th Street and another man after him.
- Q. That was the first fight?
- A. Yes sir, they come across the Boulevard.
- Q. Did you see Spanier at that time?
- A. No, I did not see him that time, I saw him when the fight was coming back.
- Q. When they were coming back? A. Yes sir.
- Q. That was the second fight?
- A. Yes sir, the fight went up to the street and back.

The Jury rendered a verdict of guilty of manslaughter in the second degree.

0293

~~1110~~

and should be paid out of the Contingent Fund of the District Attorney's Office.

~~1110~~

0294

Police Department of the City of New York,

Precinct No. _____

New York, _____ 188

Character of Prisoners remanded for Sentence

Hughes, Spanier, Carroll, Fitzpatrick & Heffernan
all belong to a gang who at any time was ready to go into a fight with any person or persons without any cause or provocation just for the pleasure of fighting. They spent most of their evenings and Sundays on the docks and among the shanties which extend from 1st Ave. to East River and from 7^{1st} to 74th St. Their head quarters was in William Hendriques Bar Saloon 443 East 74th St. which place has since been broken up.

3 Hughes is a general Thief, has been in the Protective house of Refuge and ~~Penitentiary~~ from which he was released Friday previous to the assault on Kolat.

3 Carroll is a pedler and worked part of his time but was looked upon as a suspicious person.

3 Fitzpatrick outside of the bad company he kept and the assault we know nothing against his character.

3
Ran Heffernan after the assault left the city and remained away about two weeks on his return he was arrested when he said that he was a damn fool that he did not stay away altogether as he was advised to do by his friends. His general character among the gang is known out.

0295

Thomas Haggerty
744 STICKER

POOR QUALITY
ORIGINALS

0296

Answered
April 25/89
J. R. S.

0297

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

February 20 1889.

Sir :

Application for Executive clemency having been made on behalf of William Carroll..... who was convicted of manslaughter, second degree in the county of New York..... and sentenced December 4, 1885, to imprisonment in the Sing Sing Prison..... for the term of eight years, six months..... I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Hon. Frederick Smyth,

Recorder,

New York City.

I am,

very respectfully yours,

William J. Rice

Private Secretary.

0298

VI

STATE OF NEW YORK.
Executive Chamber,
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February 20, 1889.

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It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

very respectfully yours,

Hon. J. R. Fellows,

District Attorney,

New York City.

William H. Rice
Private Secretary.

0299

Handwritten signature: *Handwritten*

POOR QUALITY
ORIGINALS

0300

Court of General Sessions.

THE PEOPLE

vs.

Andrew Spanier et al.

EXAMINATION OF WITNESSES.

Frank Fiala (1)

Frank Fiala (2)

Rose Genslow.

THE P

POOR QUALITY
ORIGINALS

0301

THE PEOPLE

against

Andrew Spanier et al

Frank Wiala, being duly sworn, deposes and says:-

I am going on 17 years of age. I work at tobacco stripping. On the 8th. day of August, 1885, between 6 and 7 o'clock, I was standing on the corner of 74th. street and Avenue A. I saw Gottlieb Kalat, who I am informed is the deceased man's name, and I saw a man named Joe Lynch picking Gottlieb Kalat in the stomach. Kalat then fell down on his back in the gutter, then I saw a number of men, amongst who were William Carroll, John Hughes, and Spanier, the three latter of whom I have since identified, kick Kalat in the head. Then a man came out from a saloon near by and drove the men away, and Kalat still lay in the gutter. In a few moments some men gathered around and lifted the deceased and carried him into a saloon. I know the three parties, Andrew Spanier, John Hughes and William Carroll, just mentioned, for the space of a year and a half, having lived in that neighborhood for that length of time. I knew the deceased in his lifetime and saw the corpse the following Monday at a house in Avenue A, between 72 and 73 street.

Sworn to before me this

day of September, 1885.

POOR QUALITY
ORIGINALS

0302

THE PEOPLE

against.

Andrew Spanier et al.

Frank Fiala, being duly sworn, deposes and says:-
I am no relation to the former witness. I am 30 years of age. I keep a lager beer saloon at number 1331 Avenue A, in the city of New York. On Saturday the 8th. day of August, 1885, which I remember because of the Grant obsequies, between the hours of 6 and 7 o'clock, I stood in front of my place of business and I saw two men engaged in an altercation on the opposite side of the street. One man struck the other with a stone upon the head. and ran away. This man's name was Morowitz; then a crowd of young men came from the direction of 74th. street, amongst whom were William Carroll, James Fitzpatrick, whom I have known by sight for nearly a year and whom I have identified already, together with a number of others whom I don't know. They beat Morowitz and then came over towards me and commenced beating me. The deceased, Kalat, then came from the direction of 73d. street and said, let him go. Then they left me and commenced beating Kalat. The same parties then struck Kalat, knocked him down. then they kicked him around the head, the whole crowd, amongst whom were Fitzpatrick, Hughes and Carroll. After that I run into my saloon and got a billiard cue, and then they run away. They ran over the shanties and fences over to 73d. street. I run after them. Kalat, when I came back, came into my saloon and washed the blood from his wounds, then after he felt a

POOR QUALITY
ORIGINALS

0303

little better he went home with his wife. I saw him, (Kalat) again on that Sunday at his residence and then he could not talk to me. He was in bed. His brother-in-law, his wife, and a man by the name of Sommer was present. He could not speak any more. He didn't know me any more. I remained there about an hour. I saw him again the following Monday about 3 O'clock in the afternoon, he was still in the same condition - unconscious. I saw him when he died. I went to the police court last Tuesday, August 11. and I identified four of the prisoners. I saw each of the four I have identified during the altercation, striking and kicking the deceased Sworn to before me this day of 1885.

POOR QUALITY
ORIGINALS

0304

THE PEOPLE

agst.

Andrew Spanier et al.

Rose Genshow, being duly sworn deposes and says:-

I reside at number 431 East 74th. street, New York city. I am a married lady, living with my husband. We keep a cigar store and stationery store at the same place. On the 8th. of August, 1885, about 6 o'clock in the evening I saw a crowd of children running down the street shouting that something was the matter. I went outside on the street and looked down the street and seen a large crowd there - men, women and children, and I saw a man running in a red shirt, I was attracted to him particularly on account of the red shirt and his face made an impression upon me. Next day, Sunday morning this same man came into my place and bought a paper of Virgin Leaf, and I recognized him as the party whom I had seen running with the crowd the day before. I asked him whether he was running because afraid of the bale-stick. He said "you are mistaken, lady, that was not me." I said indeed it was you. He said I didn't run away from the balestick, but because I thought he had the police with him. Then he turned around and spoke to a young man who was sitting in my place by the name of John Heffernan, concerning the fight of the day before, and while in such conversation with said Heffernan, he said, "if that fellows skull is not broken, it is, not my fault, for I used my fists and boots pretty well on him. He must have a skull like the rocks down in the lots." I next saw the same party at the Yorkville Police Court, and identified him as the party

POOR QUALITY
ORIGINALS

0305

who came into my store as related herein, and what he said, and
and was there informed that his name was Andrew Spanier.

Sworn to before me this

day of 1885.