

0495

BOX:

358

FOLDER:

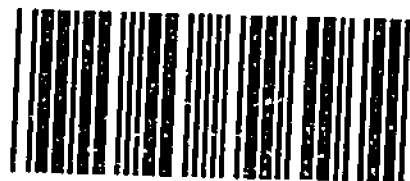
3370

DESCRIPTION:

Theyken, Henry

DATE:

06/20/89



3370

POOR QUALITY
ORIGINAL

0496

No. 202

Counsel, *De*
Filed day of *June* 188*9*
Pleads,

THE PEOPLE
vs. *V*
Henry Thayer
1921
1921

JOHN R. FELLOWS,
District Attorney.

A True Bill.

W. H. Jones
Foreman.
John D. Coffey
Alfred W. B. B. B.
Pen one up

Witnesses :

POOR QUALITY
ORIGINAL

0497

Police Court— 2 District.

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

of No. 186 Spring Street, aged 22 years,
occupation Housekeeper being duly sworn

deposes and says, that the premises No 171 Spring Street,
in the City and County aforesaid, the said being a fine stone brick building
two rooms on the rear of the 4 floor
which was occupied by deponent as a Dressing
and in which there was at the time a woman being, by name

were BURGLARIOUSLY entered by means of forcibly breaking the
lock of the door leading to said room.

on the 26 day of April 1889 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

one Over Coat of the Value of five dollars
one Silver Watch of the Value of ten dollars
one Alarm Clock of the Value of one dollar
one Coat & one pair of Pants of the Value of
three dollars
said property being in all of the Value of
Twenty Seven dollars \$27.00

the property of Deponent

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

Henry Hyman (nowhere) and Thomas
Mark previously arrested & convicted

for the reasons following, to wit: Deponent at the hour of 5 o'clock
and about 10 minutes left her premises, and
securely locked the door leading to said
room, deponent returned within five
minutes and discovered that her
room was broken upon and the
aforedescribed property taken stolen and
carried away that when deponent returned
she met two men, on the stairs leading

POOR QUALITY
ORIGINAL

0498

to the 2nd floor of said premises, putting
on clothing on the person.

Deponent is informed by Lena Haines
of No 171 Spring Street, that said two
defendants came to said premises in
company of one Rizzo Mahany at the
hour of about 4.45 O'clock and were
in conversation with her in the Hallway, of the
5th floor of said premises, that about
5.10 O'clock said two defendants left said
5th floor, and did not return.

Sworn to before me } Margaret Granger
this 13th day June 1889 }
John J. Wrennan
Police Justice.

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary

Degree.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No.

Street.

POOR QUALITY
ORIGINAL

0499

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 21 years, occupation Wine Keeper of No. Lena Haines

171 Spring Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Wingard Granger
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 13

day of June 1889

Lena Haines

John J. Horman
Police Justice.

POOR QUALITY
ORIGINAL

0500

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2nd District Police Court.

Henry Heyken 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. Henry Heyken

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. New York

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

Answer. 192 Varriek Street 2 years

Question. What is your business or profession?

Answer. Shirt Cutter

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

Henry Heyken

Taken before me this

day of June

1884

Police Justice.

POOR QUALITY
ORIGINAL

0501

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. 844

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Margaret Brown
6186 3d Avenue
Henry Heyden

Offence Burglary

Dated June 13 1889

Magistrate

John Hancock
Officer

Witness

John Hancock

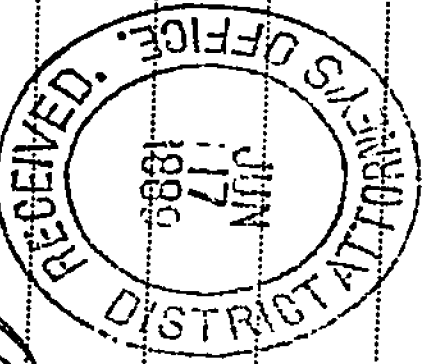
No. 171 Henry
Street

No. _____
Street

No. _____
Street

No. 1000
to answer

June 13 1889



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 June 13 1889 _____ Police Justice.

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

Dated _____ 1889 _____ 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 _____ 1889 _____ Police Justice.

POOR QUALITY
ORIGINAL

0502

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Theyken

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

Henry Theyken

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

The said

Henry Theyken

late of the *Eighth* Ward of the City of New York, in the County of New York
aforesaid, on the *twenty-sixth* day of *April* in the year of our Lord one
thousand eight hundred and eighty-*nine* - , with force and arms, in the
day - time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *Margaret Granger*

Margaret Granger

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

Margaret Granger 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.

POOR QUALITY
ORIGINAL

0503

SECOND COUNT—

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

Henry Theyken

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

The said *Henry Theyken*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *day*—

time of said day, with force and arms,
one overcoat of the value of five dollars, one wrap of the value of ten dollars, one clock of the value of one dollar, one coat of the value of seven dollars, and one pair of trousers of the value of five dollars,

of the goods, chattels, and personal property of one

Margaret Granger

in the dwelling house of the said

Margaret Granger.

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.

John R. Fellows,
District Attorney.

0504

BOX:

358

FOLDER:

3370

DESCRIPTION:

Thomas, Alexander

DATE:

06/10/89



3370

POOR QUALITY
ORIGINAL

0505

No. 71

Counsel,

Filed

1889

Pleads,

THE PEOPLE

vs.

Alexander Thomas

JOHN R. FELLOWS,

District Attorney.

Tried and convicted

Burg. 3 deg

A TRUE BILL 4 years State P.

A L Coll. EP

Ordered to the COURT

of the COUNTY of NEW YORK,

for trial (Entered in the Minutes)

June 12 1889

James H. G. J. D.

POOR QUALITY
ORIGINAL

0506

Police Court— District.

City and County
of New York,

of No.

occupation

deposes and says, that the premises No.

in the City and County aforesaid the said being

and which was occupied by deponent as a

and in which there was at the time a human being, by name

and her family

were

BURGLARIOUSLY entered by means of forcibly

breaking

fastenings of said house

on the

day of

188

in the

time, and the

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

A quantity

of Wearing Apparel and

Jewelry of the Value of

Two Hundred Dollars (\$200)

the property of

Martha Lewis in care of Deponent

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

Alexander Thomas (now known)

for the reasons following, to wit:

At about ten o'clock

on said night and date Deponent

locked, bolted and effectually

closed said dwelling, and at

three o'clock on said night

and date Deponent was aroused

by hearing some one at the door,

when and there Deponent found

said Defendant in the hall

POOR QUALITY
ORIGINAL

0507

way of said house. Wherefore
Dependent upon charges
said Defendant with Burglary
entering said dwelling and
attempting to take, steal and
carry away said property and
prayer that he be dealt with
as the law directs
Warrant

Shown to before me
this 4th day of June 1889
J. H. [Signature]
Police Station

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 1889
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1889
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1889
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of
vs.
1
2
3
4
Offence—BURGLARY.

Dated 1889

Magistrate.

Officer.

Clerk.

Witness.

No.

Street.

No.

Street.

No.

Street.

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0508

me - 66. 5th Ave - I will
readily give you my opinion.
I would like to know
whether the prisoner was a
witness in his own behalf
& if so what he testified
to - If you cannot spare
the time to go personally to
see Judge Patterson - then
please send a messenger
from the office - 10^{1/2} am
is a good time to find
the Judge in his private
office - It looks as if I
would be in my room for
a few days yet - Kind regards
to all - Especially to the Judge
Elect -
Very sincerely yours
Garrison J. Butler

POOR QUALITY
ORIGINAL

0509

66.5th ave.
Nov 17th 89

My dear Bangs,

Yours,
together with the indictment
& affidavit in the case of
Alexander Thorne, charging
him with Burglary 2nd degree
& who was tried & convicted
on June 17th before Judge
Patterson & a jury in the
oyer & Terminer and sentenced
to four years in the State
Prison came to hand yesterday.

There were a large
number of trials in the
oyer & Terminer

POOR QUALITY
ORIGINAL

0510

I remember trying this case, but cannot
on the moment recall thoroughly the facts
as seen to on the trial, at least sufficiently
so as to be able to say whether, there is anything
in the prisoner's letter, affecting his innocence.

Judge Patterson, I will say, is one of the
most conscientious judges, I ever have
tried cases before, and you know I am
a very careful prosecutor. The fact that
Judge Patterson sentenced the prisoner
to four years term, striking me as if
he, the judge, thought it was a bad case,
for the judge in his sentence, was inclined,
& very proper, so, to be merciful & lenient,
whenever he could do so in accordance
with his official oath. The testimony is
not voluminous, & I would suggest that
you step over and see Judge Patterson, &
show him the papers & tell him that I would
like him to direct the stenographer to
write out the testimony & send it to our office
and then if you will kindly send it.

POOR QUALITY
ORIGINAL

0511

me - 66. 5th Ave - I will
readily give you my opinion.
I would like to know
whether the prisoner was a
witness in his own behalf
& if so what he testified
to - If you cannot spare
the time to go personally to
see Judge Patterson - then
please send a messenger
from the office - 10th Ave
is a good time to find
the Judge in his private
office - It looks as if I
would be in my room for
a few days yet - Kind regards
to all - Especially to the Judge &
Elect -
Very sincerely yours
Gerrit J. W. B. B.

POOR QUALITY
ORIGINAL

05 12

Sec. 103-100.

CITY AND COUNTY } ss.
OF NEW YORK,

3 District Police Court.

Alexander Thomas 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 know nothing
about it*

Alexander Thomas

Taken before me this

day of *June* 188*7*

John J. Connelley
Police Justice.

POOR QUALITY
ORIGINAL

0513

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

Police Court...
THE PEOPLE, &c.,
ON THE COMPLAINT OF
J. J. McNamee
vs.
J. J. McNamee
Defendant
Dated June 4 1889
Magistrate
Offence
Witnesses
No. _____
Street _____
No. _____
Street _____
No. _____
Street _____
RECEIVED JUN 6 1889 DISTRICT ATTORNEY'S OFFICE
to answer

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 June 4 1889 Police Justice.

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

Dated _____ 1889 _____ 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 _____ 1889 _____ Police Justice.

**POOR QUALITY
ORIGINAL**

05 14

VI.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

December 20, 1889.

Sir:

Application for Executive clemency having been made on behalf
of Alexander Thomas who was convicted of Burglary 3rd de-
gree in the county of New York and sentenced June 17, 1889,
to imprisonment in the Sing Sing Prison for the term of
four years.

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,

very respectfully yours,

Hon. John R. Fellows,

District Attorney,

New York City.

J. S. Williams.

Private Secretary.

POOR QUALITY
ORIGINAL

05 15

Answered
Dec. 26th 1889
J. R. H.

**POOR QUALITY
ORIGINAL**

05 16

VI.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

December 20, 1889.

Sir:

Application for Executive clemency having been made on behalf of Alexander Thomas who was convicted of Burglary 3rd degree in the county of New York and sentenced June 17, 1889, to imprisonment in the Sing Sing Prison for the term of four years.

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. Edward Patterson,
Justice Supreme Court,
New York City.

very respectfully yours,

J. S. Williams.

Private Secretary.

POOR QUALITY
ORIGINAL

05 17

Court of Oyer & Terminer.

-----x
T h e P e o p l e

vs.

A l e x a n d e r T h o m a s . :
-----x

Before Judge Patterson and a Jury.

New York, June 17, 1889.

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

For The People,

Assistant District Attorney Bedford.

For The Defense,

J. H. McLoughlin, Esq., (Assigned by the Court)

Mr. Bedford opened for the Prosecution.

I

M A R Y L E W I S, called for the Prosecution, sworn.

DIRECT EXAMINATION by Mr. Bedford:

Q Where do you live ?

A 69 Pike street, in this city.

Q That is a dwelling house ?

A A boarding house.

**POOR QUALITY
ORIGINAL**

05 18

2

Q Are you a married lady ?

A Yes, sir.

Q Is your husband living there ?

A Yes, sir.

Q You remember June 3d, don't you ?

A Yes, sir.

Q What time was the house locked up that night ?

A About ten o'clock.

Q What time did you retire ?

A We went to bed a little after ten.

Q Were you awakened during the night ?

A We were awakened; we thought we heard some noise.

Q You and your husband ?

A Yes, sir.

Q About what hour ?

A A few minutes to three o'clock in the morning.

Q In consequence of hearing the noise what did either or both of you do ?

A We opened the door and we caught this man in the back of the hallway.

Q Do you know him ?

A Yes, sir; that is the man.

Q Did you know him before that night ?

A No, sir.

**POOR QUALITY
ORIGINAL**

05 19

3

Q He had no right or authority to be there ?

A No, sir.

Q The front door which you had locked, was that unlocked or forced ?

A It was forced, the night latch off it.

Q And he in the hallway at three in the morning ?

A Yes, sir.

Q How far from the front door ?

A Right at the back door going out in the yard.

Q What did he do when he saw you and your husband ?

A He didn't do nothing.

Q Did you arrest him ?

A Yes, sir; I hollered for a policeman; he was right across the street and he arrested this man.

Q And you positively say that the man you saw in your hallway at three o'clock in the morning is this man now on trial ?

A Yes, sir.

Q He was arrested ?

A Yes, sir; we kept hold of him until the officer came.

Q Of course you lost nothing ?

A No, sir; not then; we lost two weeks before that.

**POOR QUALITY
ORIGINAL**

0520

4

CROSS EXAMINATION by Mr. McLoughlin:

Q Where is this house ?

A 69 Pike street.

Q What is it ?

A A boarding house.

Q An English basement house ?

A No, sir.

Q What kind of a house is it ?

A A three story house, basement and high stoop.

Q This door you say was open, what door was that ?

A The front door.

Q On the stoop ?

A Yes, sir.

Q What time did you go to bed ?

A A little after ten.

Q Did you make an examination of the latch ?

A That is the last thing every night that I do, to look over my house.

Q Did you make an examination of the latch ?

A Yes, my house is always fastened when we go to bed.

Q I mean this night in question, did you make an examination of the latch ?

A Yes, we examined the latch.

Q That night ?

**POOR QUALITY
ORIGINAL**

0521

5

A Yes, sir.

Q (By the Court) The latch was all right when you examined it, fast and secure ?

A Yes, sir.

Q When did you make an examination of it afterwards ?

A When we locked up at night.

Q But I mean after you saw the man there, did you make an examination of the latch ?

A Yes, the door was broken in when we saw the man.

Q Did you make an examination of it -- did you go up to it and look at it ?

A How could he get in if he didn't break the door open ?

Q I want to know if you did make the examination after this ?

A Yes.

Q How did it differ in condition from the time you say you shut it up and looked at the latch ?

A Well, it was broke open -- that is all I can tell you about it.

Q How ?

A It was burst in on one side, the night latch was burst off.

Q (By the Court) It was burst open ?

A Yes, sir.

Q Was the lock connected with the night latch -- was that on the door sill ?

**POOR QUALITY
ORIGINAL**

0522

6

A One side was on the side of the door, on the sill side. /

Q Where did you see the defendant first ?

A We seen him right out there by the back door.

Q What room do you occupy ?

I

A The first floor, the parlor floor.

Q The back parlor ?

A Yes, sir.

Q And you heard him open a door ?

A We heard a noise and we went out and seen the man there.

Q But the first thing you know, you heard a noise in the entry way ?

A We thought we did, so my husband got up and opened the door and saw the man.

Q Standing at the back door ?

A I don't know whether he was standing or sitting, but he was there; I couldn't tell you whether he was standing.

Q He was just as he is now, without any coat or vest ? /

J

A Just as he is now.

Q And did he seem to be under the influence of liquor ?

A Not that I could see.

Q Were any of your inside doors hurt at all or injured at all

A No, except the front door; he didn't get time.

Q You didn't hear any noise at your door -- it was in the entry way you heard it ?

**POOR QUALITY
ORIGINAL**

0523

7

A We heard it in the entry.

Q The property you speak of, being \$200 in value --

The Court: -- There was no property taken.

Q Where was the property you speak of in this complaint ?

A That was two weeks before; that is another case.

Q Where was this property, this \$200 worth of property, that you speak of in your complaint ?

A What property ?

Q In your complaint you swear you had property in your house of the value of \$200.

A In my house, of course.

Q Whereabouts ?

A Right on the first floor.

Q That was contained in your back parlor, was it not ?

A Yes, sir.

Q No entry was ever made into your back parlor at all ?

A No, sir.

T H O M A S F. M A N N I N G, called for the Prosecution, and sworn.

DIRECT EXAMINATION by Mr. Bedford:

Q What Precinct do you belong to ?

A The Seventh Precinct.

Q Were you on duty on this night, on June 3d ?

**POOR QUALITY
ORIGINAL**

0524

8

A Yes, sir.

Q About three o'clock in the morning was your official attention called to anything ?

A Yes, sir.

Q Just state in what neighborhood you were and what did you as a police officer do, if anything ?

A I was standing on the corner of Pike and Monroe street when my attention was called by a milkman on the corner --

Objected to.

Q What did you do in consequence of what the milkman told you ?

A I went down the street, I went over my post and came back, and on the opposite side of the street, at 68 Pike street, there was a door busted open there; this party says to me there was a man in there.

Q (By the Court) Who said that ?

A The party in 68 Pike street.

Q Attracted your attention across to 69 ?

A I was standing at the stoop of 68 and my attention was called by this lady Mrs. Lewis, and I said "allright; I will be there;" I went there and this man was in the hallway and two of the boarders in the house had hold of him, and I asked him "Do you know where you are?" He says "I don't know," and I said "You are in a bad fix." I asked

**POOR QUALITY
ORIGINAL**

0525

9

the lady "Do you want to make a complaint against him?" And she said yes, and I told her to put on her clothes and go to the station house, and she went with me to the station house and made a complaint against this man, Alexander Thomas.

CROSS EXAMINATION by Mr. McLoughlin:

- Q Did he say anything else to you ?
- A That was all he said.
- Q Didn't he tell you he was connected with the ship Eugene ?
- A He told me that in the morning, going to court. He didn't say the vessel Eugene; he said the bark Volunteer.
- Q Was he seemingly under the influence of liquor ?
- A Well I couldn't swear that; he didn't seem to show any sign of it at the time I put him under arrest.
- Q He had been drinking ?
- A Well, I couldn't say.
- Q Officers are very good judges in that regard ; would you say he had not been drinking at all ?
- A Well, he could stand up and walk on the street very clever.
- Q Would you say he had not been drinking -- within a little while ?
- A I couldn't tell you that question at all.

**POOR QUALITY
ORIGINAL**

0526

10

RE-DIRECT EXAMINATION by Mr. Bedford:

Q you say he could walk very clever; was he sober enough to understand everything you asked him, like a sober person ?

A Yes, sir.

Prosecution Rests.

Mr. McLoughlin:-- I ask your Honor to direct the jury to acquit, on the ground that the mere breaking and entry without some fact showing that some crime, something else having occurred inside, such as the gathering of property together, or something there showing an intent to steal or an intent to commit some crime -- I claim that it is necessary besides showing the breaking and entry, that the evidence point to the direction of a crime, that is that some ^{crime} was to be committed other than the breaking and entry.

Motion denied.

Mr. McLoughlin opened for the Defense.

A L E X A N D E R T H O M A S, defendant, called on his own behalf, sworn.

DIRECT EXAMINATION by Mr. McLoughlin:

Q How old are you ?

**POOR QUALITY
ORIGINAL**

0527

11

A Twenty-six.

Q Where do you reside when you are at home ?

A Belfast.

Q Ireland ?

I

A Yes.

Q Where did you ship ?

A In Halifax.

Q On what ship ?

A Eugene.

Q What kind of a ship is that ?

A Brigantine.

Q How long have you been running on this ship ?

A Four months and eleven days.

Q What did you ship as ?

A Able seaman.

Q How long have you been engaged as able seaman -- how long have you been on the sea ?

A About fourteen years now.

Q Have you ever been in the United States Navy as a seaman ?

A Yes, sir.

Q On what ship were you ?

A I was on the Pensacola.

Q What is that ?

A A Frigate.

**POOR QUALITY
ORIGINAL**

0528

12

Q Who is commander of the Pensacola, or chief officer ?

A I couldn't remember now.

Q Who was your chief officer ?

A Williams.

Q When did you arrive at the port of New York ?

A On the 3d.

Q Was that this day in question ?

A No, I was arrested on the 4th.

Q Were you paid off on the 3d ?

A No, sir; I only got some money.

Q Did you leave your ship ?

A No, I was not going to leave.

Q I mean you went out. How did you come to be in this hallway ?

A I don't remember, sir.

Q Did you have your coat and vest when you left the vessel ?

A Yes, sir.

Q Do you know what became of them ?

A No, sir.

Q Had you been drinking considerable that day ?

A Yes, sir.

Q Did you enter these premises with the intent to commit a larceny there ?

A No, sir; I never knew anything about it.

**POOR QUALITY
ORIGINAL**

0529

13

Q Did you ever commit any criminal offense before ?

A No, sir.

Q Your work is at sea, as a seaman ?

A Yes, sir.

Q Do you know these premises, 69 Pike street ?

A No, sir; I never was there before.

Q How did you come to be in that direction ?

A I was with two ladies there all night.

Q How far from there ?

A I met them at 42 Oak street.

Q Do you know how far Pike street is from where your ship came in ?

A No, sir; I do not.

CROSS EXAMINATION by Mr. Bedford:

Q Were you very drunk when you got into this house ?

A I don't remember getting in there at all.

Q Why ?

A Because I don't remember anything about it.

Q You were so drunk, is that it ?

A Yes, sir.

Q You have no recollection at all of having ever been in 69 Pike street -- is that it ?

A Yes, sir.

**POOR QUALITY
ORIGINAL**

0530

14

Q And yet why did you answer Mr. McLoughlin that you got in but you didn't intend to commit a crime ?

A I told him I didn't intend to commit a crime.

Q You were so drunk that you have no recollection of having been on the premises ?

A Yes, sir.

Q The evidence is that you were arrested within three or four minutes after the woman hollered; do you remember the policeman said to you "You are in a bad fix" ?

A No, sir; I don't remember anything until the next morning when he brought me down to the other place.

Q You don't recollect that the lady cried out "Police -- murder"?

A No, sir; I do not.

Q You don't recollect how you got in the premises ?

A No, sir.

Q You don't recollect being in the premises and being arrested ?

A No, sir.

Q You don't recollect the policeman saying to you "You are in a bad fix; what have you got to say?"

A No, sir.

Q You don't recollect walking very cleverly ?

A That might be.

**POOR QUALITY
ORIGINAL**

0531

15

Q He said you understood what he asked you; you say you were so drunk that you forget all about it ?

A Yes, sir.

Q What sort of instruments did you have on your person that night ?

Objected to; objection sustained.

Q The door was fastened at ten o'clock that night by that lady; at three in the morning the door was forced open and a man was in the hallway; did you have any keys ?

A No, sir; I had no keys, nothing except a little money when I left the ship, and tobacco and a pipe.

Q What did you have in your pockets that night when you were caught in the hallway ? How did you open that door, or force it open ?

A I don't know; I had nothing in my pocket next morning, anyhow.

Q How did you get in that house ?

A I don't remember; I don't know anything about it at all.

Defense Rests.

TESTIMONY CLOSED.

**POOR QUALITY
ORIGINAL**

0532

16

Mr. McLoughlin: I renew my motion.

Motion denied.

Counsel submit the case on the charge.

I

JUDGE PATTERSON'S CHARGE TO THE JURY.

Gentlemen:

This prisoner is indicted for the crime of burglary in the second degree. There are three degrees of burglary. The first one is described by the statute to be "A crime committed by a person who, with intent to commit some crime therein, breaks and enters, in the night-time, the dwelling house of another, in which there is at the time a human being; being armed with a dangerous weapon; or arming himself therein with such a weapon; or being assisted by a confederate actually present; or who, while engaged in the night-time in effecting such entrance, or in committing any crime in such a building, or in escaping therefrom, assaults any person."

I

Now it is not necessary for me to explain what the statutory definition of burglary in the first degree is, although that crime is charged to be committed in this case; but this prisoner is indicted for burglary in the second degree, and that is defined by the statute to be

POOR QUALITY
ORIGINAL

0533

17

"A crime committed by a person who, with intent to commit some crime therein, breaks and enters the dwelling house of another in which there is a human being, under circumstances not amounting to burglary in the first degree."

Then there is another degree of burglary, which is committed by "A person who either with intent to commit a crime therein, breaks and enters a building, or a room, or any part of a building; or being in any building, commits a crime therein and breaks out the same."

Now the question for you to determine in this case is whether or not this prisoner is guilty of that crime. The evidence in reference to it is very clear, so far as the ~~charge~~ ^{fact} of breaking and entry by violence is concerned. There was a dwelling house, it was broken into in the nighttime, there was a human being there, this man was found in the hallway; there is no doubt of that, and the question is whether he was there or not with the intention to commit a crime.

With reference to that, there is no evidence whatever that he took anything, nor is it required that there should be evidence that he took anything; nor is it required that there should be evidence that he made preparation to take anything away. The mere fact that he got in, and

**POOR QUALITY
ORIGINAL**

0534

18

got in by violence is sufficient evidence of the entry.

You may infer from all the facts and circumstances of the case as to whether or not he was there for the purpose of committing a crime, and if he was in the house with that intent, for the purpose of committing a crime, then he was guilty of the offense of burglary.

Now you have heard testimony with reference to the lock, and you must bear that in mind when you come to take into consideration the defense which is interposed in this action; and I must instruct you that if you believe the story of this man in relation to his condition at that time, then the element of intent would be wanting in this action, although he was found on the premises.

His defence is that he was so intoxicated that he does not remember anything until the next morning. He does not remember entering the house, or being caught in the house; he does not remember being taken to the station house, or having any conversation whatever with the policeman.

Now there was a house securely locked, according to the testimony of Mrs. Lewis, on this night at a little after ten o'clock. There was a lock which she examined that night. She testifies how she was disturbed by a

**POOR QUALITY
ORIGINAL**

0535

19

noise in the night, that they got up and saw this man in there and caused him to be arrested. She looked at the lock and that lock was broken. Violence therefore must have been used in entering.

The defendant says that he was so drunk that he didn't know what he was doing. The natural and logical result of the situation would be that he being found there in this way, was the man that had broken the lock. The policeman tells you that so far as his condition was concerned, that he was able to answer questions; that he asked him if he knew where he was and he said he didn't know; and that when he marched him off to the station house, he went off walking apparently as other people walk, and that he saw nothing in his condition which indicated that he was intoxicated at all, let alone having arrived at the degree of intoxication which made him oblivious to what was going on around him.

But if you find that he was so absolutely intoxicated that he did not know what he was doing, then that would be a defense to this charge, because if he was so thoroughly and entirely overcome and intoxicated that he could not form an intention to commit crime, then although he had violently entered the house, that would not make

**POOR QUALITY
ORIGINAL**

0536

20

him guilty of burglary in the second degree.

Now if you find that this prisoner is not guilty of that offense, you have the right to convict him of burglary in the third degree, as constituting one of the minor branches of the crime; or if you find he was not guilty of either, then you must bring in a general verdict of not guilty.

Mr. McLoughlin: I ask your Honor to charge this jury that the evidence must point to the guilt of the defendant, to the exclusion of every reasonable hypothesis.

The Court: That is a general principle which applies to all evidence, but this is not a case of clearly circumstantial evidence; the man was found there in these premises.

The jury then retired, and upon returning brought in a verdict of guilty of burglary in the third degree.

The prisoner was sentenced to four years in the State Prison.

POOR QUALITY
ORIGINAL

0537

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Alexander Thomas

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

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

The said Alexander Thomas,

late of the Seventh Ward of the City of New York, in the County of New York
aforesaid, on the third day of June, in the year
of our Lord one thousand eight hundred and eighty-nine, with force and arms, about the
hour of three o'clock in the night time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one Mary Davis,

there situate, feloniously and burglariously did break into and enter, there being then and there
some human being, to wit: The said Mary Davis,

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

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

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

John D. X. second,
Attorney

0538

BOX:

358

FOLDER:

3370

DESCRIPTION:

Thompson, George

DATE:

06/20/89



3370

POOR QUALITY
ORIGINAL

0539

No. 201

Counsel,

Filed

Pleads,

day of June 1889

THE PEOPLE

vs.

P.

George Thompson

Grand Larceny Second degree.
[Sections 528, 537, 572, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Witnesses:

POOR QUALITY
ORIGINAL

0540

Police Court—

5 District.

Affidavit—Larceny.

City and County } ss.
of New York, }

of No. 146 West 121st Street, aged 43 years,
occupation Married, being duly sworn.

deposes and says, that on the 12 day of June 1889 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz:

One gold eyed watch and a chain
One gold bracelet One chain bracelet
One silver watch and a chain
One chain bracelet One silver watch
and other small trinkets—altogether
of the value of One hundred and
seventy five dollars.

the property of Boarder and deponent's family
and in deponent's charge and
care

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 George Thompson. (now here)

from the fact that on the 11th
day of June 1889 said Thompson
applied at deponent's house for
board and was accepted as
a boarder, that he occupied a
room in deponent's house and
that about the hour of 1 o'clock
P.M. of said date he hastily left
said premises and deponent
beginning suspicious, followed
him and caused his arrest
and when searched said said
property taken from his possession
which property deponent identified
as having been stolen from her
premises

Charlotte Minor

Sworn to before me, this 13 day of June 1889
J. J. [Signature]
Police Justice.

POOR QUALITY
ORIGINAL

0541

Sec. 198-200.

✓ District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

George Thompson 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. *George Thompson*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Ill.*

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

Answer. *Refused*

Question. What is your business or profession?

Answer. *Shoemaker*

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.*
Geo Thompson

Taken before me this

day of

188

W. C. Smith
Police Justice.

POOR QUALITY
ORIGINAL

0542

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

Charles H. Hunsicker

146 West 121st

Stamps Thompson

2 _____

3 _____

4 _____

Offence

Dated June 15 1889

Magistrate.

Officer.

Witnesses.

No. 1, by _____

No. 2, by _____

No. 3, by _____

No. 4, by _____

No. 5, by _____

No. 6, by _____

No. 7, by _____

No. 8, by _____

No. 9, by _____

No. 10, by _____

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 June 15 1889 _____ Police Justice.

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

Dated _____ 1889 _____ 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 _____ 1889 _____ Police Justice.

POOR QUALITY
ORIGINAL

0543

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George Thompson

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

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

The said

George Thompson

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

*one watch of the value of fifty
dollars, one charm of the value of
thirty dollars, one bracelet of the value
of fifteen dollars, one other bracelet of the
value of fifteen dollars, one other watch
of the value of fifteen dollars, one other
charm of the value of fifteen dollars,
one chain of the value of five dollars,
one casket of the value of ten dollars,
and divers other goods, chattels and personal
property, a more particular description
whereof is to the Grand Jury aforesaid
unknown, of the value of twenty dollars,*

of the goods, chattels and personal property of one *Charlotte Minor*

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

POOR QUALITY
ORIGINAL

0544

SECOND COUNT—

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

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

The said

George Thompson

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

one watch of the value of fifty dollars, one charm of the value of thirty dollars, one bracelet of the value of fifteen dollars, one other bracelet of the value of fifteen dollars, one other watch of the value of twenty dollars, one other charm of the value of ten dollars, one chain of the value of five dollars, one casket of the value of ten dollars, and divers other goods, chattels and personal property, of a more particular description whereof, to the Grand Jury aforesaid unknown, of the value of twenty dollars
of the goods, chattels and personal property of one *Charlotte Minor*

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

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

George Thompson

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

JOHN R. FELLOWS,
District Attorney.

0545

BOX:

358

FOLDER:

3370

DESCRIPTION:

Thompson, Henry

DATE:

06/05/89



3370

0546

BOX:

358

FOLDER:

3370

DESCRIPTION:

McGlynn, Michael

DATE:

06/05/89



3370

0547

BOX:

358

FOLDER:

3370

DESCRIPTION:

Jones, Michael

DATE:

06/05/89



3370

POOR QUALITY
ORIGINAL

0548

Witnesses ;

No. 39

Counsel,

Filed

day of

188

Pledges

THE PEOPLE

vs.

Mary Thompson

Michael McGlynn

and H. H. P.

Michael Jones

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. M. Givins
Foreman.

all
Edward Ring
each

J. R. 2/2-1888

Burglary in the Third degree,
and attempt to commit
Savemy, in degree,
[Section 498, 506, 528, 539, 1.]

POOR QUALITY
ORIGINAL

0549

Police Court 2 District.

City and County } ss.:
of New York.

of No. 225 10th Avenue Michael J. Shea ~~Street~~ aged 45 years,
occupation Junk dealer being duly sworn.

deposes and says, that the premises No 505 West 25th Street,
in the City and County aforesaid, the said being a one story frame
building.

and which was occupied by deponent as a Junk Shop
and in which there was at the time no human being, ~~by name~~

were BURGLARIOUSLY entered by means of forcibly prying off
the skylight on the roof of said building
then unhooking off two cross bars which were
under the skylight

on the 29th day of May 1889 in the Night time, and the
following property feloniously taken, stolen, and carried away, viz:

a quantity of metal of the value
of about fifty dollars.

the property of Deponent

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

Henry Thompson, Michael Mc Flynn
and Michael Jones. (all names)

for the reasons following, to wit:

that at about the hour of
7 o'clock P.M. May 28th 1889 deponent
locked and secured the doors and
windows of his junk shop and left it
leaving said shop alone and in good
condition, skylight being in its place
and said bars on. And at about the hour
of 2 o'clock A.M. May 29th deponent
was informed by a neighbor that some body

POOR QUALITY
ORIGINAL

0550

was in defendant's junk shop. defendant then went to his shop. and there found the said defendants in said shop and found that said skylight and bars had been removed as aforesaid and a quantity of metal packed ready for removal. the defendant Thompson caught defendant by the throat and attempted to make his escape. but defendant beat them back with a club and kept them in said shop until the arrival of Officer John Cavanagh of the 16th Precinct Police who placed the defendants under arrest. Whereupon defendant charges the said defendants with being together and acting in concert with each other and burglariously entering said premises as aforesaid with the intent to steal.

Sworn to before me
this 29th day of May 1889 } Michael F. Shea

J. M. Patterson

Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary

Degree.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

&

Committed in default of \$

Bail.

Bailed by

No.

Street.

POOR QUALITY
ORIGINAL

0551

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Henry Thompson 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 he see fit to answer the charge and explain the facts alleged against h
that he 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.

Henry Thompson

Question. How old are you?

Answer.

45 years old

Question. Where were you born?

Answer.

New York

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

Answer.

501 or 502 N. 57th St. 1 Man

Question. What is your business or profession?

Answer.

Labrer.

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

Henry Thompson
M. A. L.

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0552

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Michael M. Glynn
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.

Michael M. Glynn

Question. How old are you?

Answer.

30 years or so

Question. Where were you born?

Answer.

New York City

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

Answer.

410, 8, 93rd St almost 10

Question. What is your business or profession?

Answer.

Laborer.

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

Answer.

I am not guilty

Michael M. Glynn
M. M. Glynn

Taken before me this

day of

188

John J. Sullivan Police Justice.

POOR QUALITY
ORIGINAL

0553

Sec. 198—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Michael Jones

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 he see fit to answer the charge and explain the facts alleged against h
that he 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.

Michael Jones

Question. How old are you?

Answer.

24 years old

Question. Where were you born?

Answer.

England

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

Answer.

824, Br, 1st Ave. L.

Question. What is your business or profession?

Answer.

Labourer.

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

Answer.

I am not guilty

Michael Jones
M. J.

Taken before me this

day of

188

John D. Williams
Police Justice.

POOR QUALITY
ORIGINAL

0554

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

Police Court... 21 189
District...

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Michael (John)

225 10 Ave

Henry Thompson

Michael W. G. & Co.

Michael Jones

Offense

Burglary

Dated May 29 1889

John Thompson Magistrate.

John Thompson Officer.

16 Precinct.

Witnesses

No.
Street

No.
Street

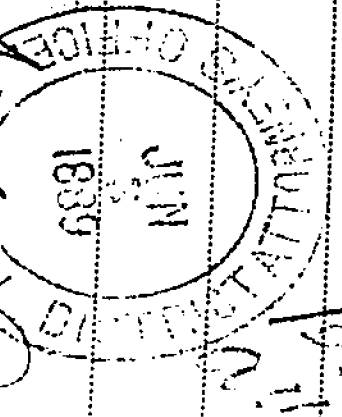
No.
Street

No.
Street

No.
Street

No.
Street

No.
Street



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Henry Thompson Michael W. G. & Co. and Michael Jones guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated May 29 1889 J. Thompson Police Justice.

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

Dated 1889 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 1889 Police Justice.

POOR QUALITY
ORIGINAL

0555

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

Henry Thompson ^{against} *Michael*
Mc Glynn and *Michael Jones*

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

Henry Thompson, Michael Mc Glynn and Michael Jones

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

The said *Henry Thompson, Michael*
Mc Glynn and Michael Jones, all

late of the *Sixteenth* Ward of the City of New York, in the County of
New York, aforesaid, on the *twenty ninth* day of *May* 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 *shop* of one

Michael J. Shea

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

Michael J. Shea

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

POOR QUALITY
ORIGINAL

0556

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said *Henry Thompson, Michael Mc Glyn and Michael Jones* ^{attempting to commit} the crime of ^{of the} CRIME OF ^{of} GRAND LARCENY in the second degree, committed as follows:

The said *Henry Thompson, Michael Mc Glyn and Michael Jones*, all 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, a quantity of metal, a more particular description whereof is to the Grand Jury aforesaid unknown, of the value of fifty dollars

of the goods, chattels and personal property of one *Michael J. Shea* in the ^{shop} of the said *Michael J. Shea*

there situate, then and there being found, ^{attempt to} in the ^{shop} 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.

John R. Fellows,
District Attorney

0557

BOX:

358

FOLDER:

3370

DESCRIPTION:

Thompson, John

DATE:

06/04/89



3370

POOR QUALITY
ORIGINAL

0558

No. 20 County

Counsel,

Filed

4 day of June 1889

Pleads,

City of New York

THE PEOPLE

vs.

John Thompson

Grand Larceny Second degree
[Sections 528, 537, 538, Penal Code]

JOHN R. FELLOWS,

District Attorney.

June 11, 1889

Pleas - P. R.

A True Bill

W. M. H. H.

Foreman.

Ordered to the COURT of

of the COUNTY of NEW YORK,

for trial (Entered in the Minutes)

D. J. June 11, 1889 13

1 year penitentiary

E. P.

Witnesses:

POOR QUALITY
ORIGINAL

0559

Police Court—²

District.

Affidavit—Larceny.

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

William W. Lyon

of No. 34 Fourth Avenue Street, aged 32 years,

occupation Shelorman being duly sworn

deposes and says, that on the 18 day of April 1885 at the City of New

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

One suit of
men's clothing and an overcoat
of the value of fifty five dollars
\$ 55—

the property of Brokaw Brothers and then
in deponent's care

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 John Thompson (now Lee)

under the following circumstances:—One
Frank H. Belmont, now under conviction
for participation in said larceny, ordered
the said goods on said date to be
sent on said date to No 132 East
27th St. N.Y. Deponent is informed by
Jermina Brown now Lee, that on the
said date the defendant occupied a
room on said premises and received a
bundle from Brokaw Brothers on said
date, and deponent is informed by Detective
Joseph T. Woodbridge now Lee, that in
company with Detective Edward J. Armstrong
now Lee, he arrested the defendant
in Irving Place on the 17th day

Sworn to before me, this
1885 day

Police Justice.

POOR QUALITY
ORIGINAL

0560

of May 1889, and the defendant
then had the said stolen property in
his possession, kept the said onerous
separate charges, defendant with
collusion with the said Belmont
in said larceny and asks that he
be dealt with as the law directs.

Sworn to before me this }
20th day of May } J. J. Lyon
1889 }
J. M. Patterson }
John Fisher }

POOR QUALITY
ORIGINAL

0561

CITY AND COUNTY }
OF NEW YORK, } ss.

Jemima Brown
aged 40 years, occupation Housekeeper of No. 132 East 27
Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Wm W. Lyon
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 20
day of May 1888 } Jemima Brown

Jm Olatun
Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Bowling Woodbridge
aged _____ years, occupation Debateur of No. 30 Mulberry
Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Wm W. Lyon
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 20
day of May 1888 } Joseph B Woodbridge

Jm Olatun
Police Justice.

POOR QUALITY
ORIGINAL

0562

Sec. 192-200.

CITY AND COUNTY
OF NEW YORK, ss.

2 District Police Court.

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

Question. What is your name?

Answer.

John Thompson

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

England

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

Answer.

Palmer House

2nd floor

Question. What is your business or profession?

Answer.

Cabinet maker

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

Answer.

None I am not guilty
John Thompson

Taken before me this

20

day of

May

1885

John Thompson

Police Justice.

POOR QUALITY
ORIGINAL

0563

Police Court... 2 / 38 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Wm. W. Brown

34 74 Ave

John Thompson

2

3

4

Offence

Larceny
felony

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Dated

May 20 1889

Paterson

Magistrate.

Wardens & Warden's Office

Chief Clerk

Witnesses

Edw. Thompson

No. 1

Edw. Thompson

Street

No. 2

132 E. 27

Street

No. 3

Box 1111

Street

No. 4

292 W. 11th

Street

No. 5

155 W. 11th St.

Street

Committee

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 Thompson

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

Dated May 21 1889 Police Justice.

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

Dated 1889 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 1889 Police Justice.

POOR QUALITY
ORIGINAL

0564

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 Thompson

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

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

The said

John Thompson

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

one coat of the value of fifteen dollars, one vest of the value of five dollars, and one pair of trousers of the value of ten dollars, and one overcoat of the value of twenty-five dollars

of the goods, chattels and personal property of one

Isaac V. Brokaw

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

POOR QUALITY
ORIGINAL

0565

SECOND COUNT—

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

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

The said

John Thompson

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

one coat of the value of fifteen dollars, one vest of the value of five dollars, one pair of trousers of the value of ten dollars, and one overcoat of the value of twenty-five dollars

of the goods, chattels and personal property of one

Isaac V. Brokaw
by one James H. Belmore, and

by ~~a~~ certain ~~person~~ ^{other} persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Isaac V. Brokaw

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

John Thompson

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

JOHN R. FELLOWS,

District Attorney.

0566

BOX:

358

FOLDER:

3370

DESCRIPTION:

Tumblety, Francis

DATE:

06/21/89



3370

POOR QUALITY
ORIGINAL

0567

A thorough examination of this case has satisfied me that the complainant cannot be believed under oath. My report shows that he has made false statements in the Station House, in the Police Court and before me. His own statement before me stamps him as a shiftless, wayward young man, and the circumstances under which he lived, when the assault took place, strongly support the positive and plausible statement of the defendant. He is the only witness for the prosecution as to the assault. I therefore recommend the dismissal of the indictment herein.

N. Y., Aug. 8, 1889.

Edward Grose
Deputy Assistant.

I have been made acquainted with the testimony herein in detail. The prosecution circumstances in the complaint & they are so salient & numerous that I concur in the recommendation of Mr. Grose.

Aug 9/89
Edwards
Approved
J. R. Fellows

Counsel,

Filed

21 day of June 1889

Pleas,

Not guilty - 20

THE PEOPLE

vs.

Francis Timbloty

ASSAULT IN THE THIRD DEGREE
(Section 219, Penal Code.)

JOHN R. FELLOWS,
District Attorney.

Aug 9/89

Indictment dismissed

A True Bill.

J. R. Fellows
Foreman.

POOR QUALITY
ORIGINAL

0568

The facts of a peculiar case of assault have just come to light and shows where the stigma of guilt on engendered familiarity with his name, amounting to insouciance and coupled his name with the language of the slums and the current gossip of the bar-room and the brothel.

The main facts of the case were made public at the time with a disconcerting delight in associating his name as the White-chapel suspect.

POOR QUALITY
ORIGINAL

0569

I have dealings with him and admired
by those who know him most may
be annoyed and surrounded with
the suspicion of a crime and be
asked to prove his innocence when
there is no criminality; all through
the assertions of an irresponsible,
lying, perjuring, shiftless scoundrel,
who has done no work for nine
months prior to the time of
making such allegations; who has
no character, reputation or position
to lose.

It hardly seems credible that such
a condition of affairs could exist;
yet such is the sad fact at this
day in the case of Dr. Francis
Jumbly in this City; who for two
months past has been under the
accusation of assault upon a young man

3 Who is ashamed to give his own name.

4 Dr. Lumbly has been a public character for a quarter of a century — a character that is high and unblemished. But his eccentricity he has been made the butt of ignorant, low bred men; whose inferior education and lack of human sympathy has led them to use may rest upon an innocent man while the real guilty person escapes by becoming a complainant — and as such complainant swears to a wrong address so that he may escape being investigated and placing himself in jeopardy should the truth come out.

5 It also shows how a man of character, ability and reputation; a worthy law-abiding citizen, respected by all who

POOR QUALITY
ORIGINAL

0571

4 and treating him as if a man
who had his name so connected
did not deserve justice or that
the truth should be told about
him at all. The attitude was
assumed towards him that made
it impossible that the truth could
come out. The facts are these:
Upon the night of June 4.

George Davis of no 168 Allen
street - alleged that he was
assaulted by Dr. Francis Trumbley
on Clinton Place near Fifth Avenue.
~~who Dr. Trumbley~~ Davis said
that he was walking on Fifth
Avenue when Dr. Trumbley accosted
him with indecent conversation, he
called the Doctor a vile name and
Trumbley struck him on the face

POOR QUALITY
ORIGINAL

0572

5 with his cane beating the cane;
D^r Tumblety walked away; Davis
followed and Tumblety was arrested
by Officer McLaughlan of the
Mercer street station and Captain
Brogan of the same Precinct. came
up and took them all to the
Police station where Davis said,
he made a complaint of assault
against D^r Tumblety.

Facts learned at the time were:
Captain Brogan caught Davis
about half a block from the scene
of the assault as Davis was
running away. Policeman McLaughlan
found D^r Tumblety sitting on the
sidewalk a few doors away from
no 82 Clinton place where D^r
Tumblety then resided. Tumblety
said that a man had attempted

POOR QUALITY
ORIGINAL

0573

6 to steal his watch, when he beat him away and the man cut him on the right hand.

All the persons walked to the Mercer street police station, where Dr. Turnbly entered a complaint of assault against Davis.

Turnbly was listened to, Davis not saying a word. When

Dr. Turnbly made his complaint.

Captain Brogan ordered him to be taken to a cell and locked up. At the same time, Captain Brogan remarked in language more forcible than elegant:

"We'll have to lock this son of a bitch up too, or he won't make a complaint in the morning."

Davis was also locked up for the

POOR QUALITY
ORIGINAL

0574

7 night.

8th Feb. morning at the Jefferson
Market. Police Court. Davis was
taken out of the prisoners pen
first; led before a clerk where
Captain Brogan saw that he
made a complaint against D^r
Tumblety of assault. An hour
later D^r Tumblety was led out-
and placed at the bar where he
denied the charge and said that
the complainant asked for money
and then attempted to steal his
watch and he only protected
himself. He was placed under
\$300 bail for trial. Henry Clews
the banker of no 13 Broad Street
hearing of the Doctor's difficulty-
appeared personally in Court and gave

POOR QUALITY
ORIGINAL

0575

8 bonds for him.

¶ As soon as Dr. Tumblety regained his freedom he attempted to learn who the man Davis was and find out what like was his character. No such person as Davis could be found. He did not live at the address he gave. Detectives were employed to hunt him up; the Ward Detective was engaged but no such person as George Davis lived at no 108 Allen street. He had apparently made good his escape after leaving Court.

¶ To a London reporter Dr. Tumblety told a different version of the assault and insisted that it was a conspiracy to rob him and

POOR QUALITY
ORIGINAL

0576

I ruin his character.

I was the person assaulted while protecting myself against a mugging. I was going home about 10:30 at night and was not many doors from my own home when this man Davis came up to me and asked for money. I told him I did not have any to which he replied: 'You lie you son of a bitch' and he then made a grab at my watch. The man seemed to me to be looking for prey and I have no doubt he was put up to it. I beat him off with my cane when he knocked me down and cut my hand with a knife or something sharp. I called for the Police

POOR QUALITY
ORIGINAL

0577

10 and Officer McLaughlan
nearly fell over me while he ran
to catch Davis.

Captain Brogan caught Davis
while Davis ran away and took
him back to where I was.

Upon seeing me the Captain said:
"It is you - you cock-sucker"
and added: "Now I'll railroad
you." He used expressions that
were most vile. At the station
house I was insulted without
cause. It was I that made
the complaint at the station
against Davis; but it was I that
was locked up. Davis must have
made a complaint after I was
locked up. The Captain used very
filthy language to me and called

POOR QUALITY
ORIGINAL

0578

// 'big-mouth'.

It was not known that J^r Tumblety had a witness, if he had been granted an examination and who is ready to testify at a trial. This is A. B. Dulin of no 88 Clinton Place near whose residence the assault took place.

M^r Dulin was looking out at the window and heard J^r

Tumblety's call for the police; Dulin saw a man hit. J^r Tumblety knock him down and then run off. Dulin saw an officer run past J^r Tumblety to catch the man; then the officer returned and found J^r Tumblety on the sidewalk.

12

William R. Law a room-mate
of Mr. Dulinis also saw the
assault. But when he saw the
policeman Law thought it was all
over.

The fact that Davis gave a
wrong address looked suspicious
and seemed to confirm the doctors
suspicious that it was a put-up
job. So sure was Dr. Humbley
that he could establish his innocence
and show his assailant to be a
thief looking for a victim that
he left no stone unturned to get
at the truth. He worried over
it by day and could not sleep
at night. He obtained the
following affidavits; the originals.

POOR QUALITY
ORIGINAL

0580

13 are in the District Attorney's
office. They show clearly that
George Davis does not live at
no 168 Allen street; nor did he
reside there when he swore that
that was his home; in the
Jefferson Market Police Court on
June 5.

POOR QUALITY
ORIGINAL

0581

13~

Copy

City and County }
of New York } ss.

Frank Bollet of no 168
Allen street - occupation Real Estate Agent -
being duly sworn before a Notary Public
deposes and says that on the 12th day of
July 1889 at the City of New York in the
County of New York, George Davis or a
person calling himself "George Davis,
Chandlery-maker of no 168 Allen street -
New York City" does not reside in said
house no 168 Allen street; said house
no 168 Allen street - being occupied and
has been occupied by deponent Frank
Bollet as a real estate office for 25-
years.

Deponent further says that on June 5:
1889 such person calling himself George Davis
or any person calling himself by the name
of George Davis did not reside in no 168 Allen
street.

Frank Bollet

[Seal]

Sworn to before me this 12 day
of July 1889.

Wm Nagel

Notary Public.

POOR QUALITY
ORIGINAL

0582

Copy

City and County of New York } ss.

Mrs Josephine Burdell of no 198 Allen street - occupation housekeeper being duly sworn before a Commissioner of Deeds deposes and says that on the 12th of July 1889 at the City of New York in the County of New York, George Davis or a person calling himself "George Davis Chandler maker of no 168 Allen street New York City" said address being corrected on the face of an affidavit entitled "George Davis 198 Allen street vs. Francis Tumblety" in the District Attorneys office; does not reside in said house no 198 Allen street; said house no 198 Allen street being under the charge and has been under the charge of deponent as housekeeper for two years and six months.

Deponent further says that on June 5. 1889 such person calling himself George Davis or any person by the name of George Davis did not reside in no 198 Allen street.

Sworn to before me this 12 day of July 1889 Josephine X Burdell
mark

Seal

Frank Rollet

Com of Deeds. N.Y. City & Co.

POOR QUALITY
ORIGINAL

0583

Copy

Copy

London.
and this day.

July 10 - 1889

John W. Goff Esq.
Acting District

Attorney:

Dear Sir:

The address of
Dr. Francis Kennedy
is No 107 W. 41 Street
nearby Irvington
No 82 Clinton Place.

Respectfully

W. W. Baxter
Reporter of the
"World"

POOR QUALITY
ORIGINAL

0584

15

With this evidence in hand, the World reporter laid the whole case before Acting District Attorney Goss; Colonel John R. Fellows being at the time engaged at Baltimore in the Brooke cases.

Mr. Goss at once gave instructions to Assistant District Attorney ^{Grose,} to investigate the case and the case was immediately gone carefully into.

Mr. Tumbley all along maintained that no one knew where Davis lived except the Policeman, who had him in his pocket and would produce him at the proper time.

Twice the subpoena server of the District Attorney's Office attempted to serve George Davis with notice of

POOR QUALITY
ORIGINAL

0585

16 appearance and twice, he gave it up. There was no George Davis. The service papers were turned over to Officer M^e Laughlan and twice Officer M^e Laughlan produced him. ~~But~~ The man the Officer produced is not George Davis but a man named Charles Becker. This Officer takes Charles Becker and puts him before the Grand Jury and swears him in before that body as George Davis. No attempt is then made by the Officer nor by Becker to explain this fraud and it is not until Acting assistant Attorney Goff orders an examination into the case on its merits and Assistant

17 District Attorney Grosse takes
it up in a spirit of earnestness
that Davis is unmasked and in
a written examination now in the
hands of the District Attorney
he is compelled to admit that
he has lied and perjured himself
that he is not George Davis
at all but Charles Becker and
~~that when he swore he lived at~~
no 168 Allen street he knew that
he lied so he did not live
there but roomed at no 198
Allen street.

Why all this deceit? why all
this grand and serious? He
now attempts to explain that it
was to avoid disgrace to his
family and to his father Jacob Becker

POOR QUALITY
ORIGINAL

0587

18 who he means to sick at 198
Allen street by not letting his
name get into the papers.

Why did he not tell the truth
three weeks after the alleged
assault, to the Grand Jury when
there was no chance of it getting
into the newspapers and he had
everything his own way with no
one to contradict him. It is not
until over a month after he is
before the Grand Jury that he is
unmasked in the District Attorney's
office. What disgrace awaited
him? He had no position to
lose. According to his story, he
did no wrong and of course could
not be ashamed of that. But he
was ashamed of something and he

POOR QUALITY
ORIGINAL

0588

19 injured himself. He swore
before Justice Ford upon the Bible
that he was a chandlery-maker
and he now testifies before the
District Attorney that he has no
work now, he "had none from
June 5. nor has he had any
employment since October 1888.
He alleges that he worked in
the Excelsior Restaurant on
Sixth Avenue. John Straining
a waiter who has been there four
years avers that no such person
as Charles Becker also George Davis
ever worked there. But Mr. Straining
says that a Charley Becker was in
the habit of visiting that restaurant
last summer but he was kept by
a woman in Greene Street; ~~and~~ she died

POOR QUALITY
ORIGINAL

0589

20

and Charlie Becker was done
nothing much.

¶ Charles Becker says George Davis
also testifies that he never worked
at anything long and took up
any and all jobs that came in
his way.

¶ Now, against this snitchless,
worthless fellow's word; who
needed money when D^r Tumbly
~~came~~ he asked for it at ten o'clock
at night; and the word of an
honest citizen, beloved and respected
by the best of his fellow men; who,
would hesitate to decide.

¶ Who is D^r Tumbly and what
are his references may be seen by
the following:

POOR QUALITY
ORIGINAL

0590

21

D^r Lumbly holds the Brittany Cross and a Diploma for his services as a physician in the military ambulance during the French and Russian war presented to him in Paris Jan. 29, 1872.

He was a successful physician from 1857 to 1880 and during all these years he has made the acquaintance of the most ~~important~~ men of the land; men who to day are not ashamed to say to him as lawyer Daniel T. Rooney said in a letter to him last March "I would like that you would call on me frequently, as it gives me great pleasure always to see you."

He was presented with the Cross of the Legion of Honor by Napoleon III. While on one of his first visits to Paris, the Emperor sent for him and asked him to

POOR QUALITY
ORIGINAL

0591

22

prescribe for him which proved
successful and gained Napoleon's
friendship up to the day he died
in exile.

23

The following references.

Alexander Hurdmut.

218 Broadway.

Edward P. Doherty

305 W. 126th street

has personally known Dr. Lumbly for 30 years.

Lawyer Daniel J. Rooney

73 Park Row

Knows him for many years to be a gentleman of the highest integrity.

Dr. Cyrus Edson

54 W. Ninth street.

Knows him for many years to be honest and straightforward.

Henry Clews

Banker 13 & 15 Broad street

Knows him twenty years - personally came to his assistance when he heard he was in trouble.

POOR QUALITY
ORIGINAL

0593

24

J^r C. J. Ryan

Lafayette Place

P. T. McKee 210 - Fifth Avenue.

Col. Kerrigan 13 City Hall

25.

Can any one believe for a moment -
that a man of this standing and
reputation is to go prowling the streets
accosting strange men with foul
language in his mouth.

Look at the character of this complainant -
against this man.

When Dr G. M. Hammond heard of
the trouble heaped upon Dr. Trumbley -
in connection with the London Whitechapel
affair he wrote to Dr. Trumbley -

"You have my sympathy in the foul
attack made on your honorable character.
I have had the pleasure of your
acquaintance for several years and
always found you to be an
honorable and straight forward gentleman.

A. J. Halliday of 81 Cedar street who
was proprietor of the National Hotel
knew the Doctor for 20 years. In an

POOR QUALITY
ORIGINAL

0595

What - disagree
and S. L. - he has
no power to force
the admiral's views
that he has not
and has not been
by the 20/88.

26. Years he was a frequent guest at the hotel and during all that time found him to be courteous and a gentleman.

Elisha Hausman

of 557 Duane, Street Brooklyn says for 20 years, during which time he has known Dr. Tumbley - he has found him a gentleman, honorable and upright.

Dr. Thomas M. Gray of the Carver Hospital in Washington one of the most eminent and skillful physicians in the country bore testimony to the success of Dr. Tumbley in cases with which Dr. Gray was acquainted.

He has travelled all over the United States and Canada, gone through Great Britain, Ireland, France, Italy and has not lost a friendship he has made.

POOR QUALITY
ORIGINAL

0597

Grand Jury Room.

PEOPLE

vs.

Francis S. Tumblety

Assault 3^d deg.

Since I made my
first report here-
in, I have further
examined into
this case and have
found that the
complainant has
made several false
statements to me.
I have come to the
conclusion that
the complainant

POOR QUALITY
ORIGINAL

0598

is not only ^{right}
less and wayward
but also untruth-
ful. I would not
believe him under
oath.

N. Y., August 3, 1889
Edward Gross
Dep. Secy

POOR QUALITY
ORIGINAL

0599

District Attorney's Office.

PEOPLE

vs.

Francis Turnbly

Assault 3^d degree.

The defendant claims that the complainant accosted him in the street, asked him for money and, when refused, grabbed for defendant's watch and chain and that thereupon the defendant assaulted the complainant with a cane in self-defense.

POOR QUALITY
ORIGINAL

0600

The complainant denies this statement, and claims that the defendant used improper, nasty language in speaking to him, and that when, in reply, he gave him a bad name, the defendant struck him three times with a cane in the face.

There are no ^{and car} eye witnesses to the assault, except the parties ^{her} ~~her~~ ^{him}.

The complainant is an intelligent, but shiftless young man, who has been out of employment since October last. He gave a false name.

POOR QUALITY
ORIGINAL

0601

and address in
the Police Court.

The case is a very
doubtful one for
the prosecution.

Edward Grosse
Dep. Assistant.

POOR QUALITY
ORIGINAL

0602

Eagle Cloak Co.

Bischoff, Bernstein & Adler, Prop's.

Importers and Manufacturers,

55 & 57 Walker Street.

New York

*Boston Office:
56 Summer Street.*

*Philadelphia Office:
1020 Chestnut Street.*

POOR QUALITY
ORIGINAL

0603

People

F. Kohn

Crim. apt. Justice

S. Keller

POOR QUALITY
ORIGINAL

0604

District Attorney's Office.

PEOPLE

vs.

Assault

Francis Zumbly

Mr. Grosse

Please examine
this case and if it
be found a case for
trial have it put
on calendar for
first Monday in Sept.
- A bail call -

July 16/89 J. H. G. off
Am. Dist. Atty

POOR QUALITY
ORIGINAL

0605

Police Department of the City of New York.

Precinct No. 145

New York, August 2^d 1889

Hon John R ^Wellows
Dist. Attorney

Dear Sir

Yours of
July 31st relative to case
of people, agt. Trumbley.
I Respectfully
state that I do not
know anything of
the facts. Other than
escorting complainant
from Clinton Place
near Fifth Ave. to this
station. I did not wit-
ness the assault.

Respectfully

John Brogan
Capt-13th Prec

POOR QUALITY
ORIGINAL

0606

DEPARTMENT OF THE CITY OF NEW YORK,
Precinct No. 13



Hon John R. Fellows
Dist. Attorney
No 32 Chamber St
City

POOR QUALITY
ORIGINAL

0607

Court of General Sessions

The People etc.

vs.

Francis Tumblety

Indictment:

Assault 3^d degree
§ 219 P.C.

for having on the 4th of June, 1889,
in Clinton Place, assaulted the com-
plainant George Davis with a
cane.

Witnesses:

Assault:

George Davis, 198 Allen Street,
John J. McLaughlin, officer, 15th pre-
sinct.
John J. Brogan, Captain, 15th
precinct.

POOR QUALITY
ORIGINAL

0608

George Davis, 198 Allen Street, no special trade. The last employment I had was in the wholesale crockery house of James W. Weismann, 85 Warren Street. I quit there in October of last year. I had a little trouble with a young man who had been employed there longer than I had been, and I made up my mind that either of us had to go. I was employed there three months in all. Previous to that time, to wit: from February, 1887, to July, 1888, I worked on odd jobs, as for instance served summons and complaints for James R. Kerns and Capt. C. H. Campbell, who have an office in the Tribune Building. I also worked in Lawrence Kansas for Mr. Oli, who is printing a German paper there, but I could remain only two or three days, as I did not understand to set German type. From Lawrence I went to Lawrenceville, Kansas where I worked from July to September, 1887, as waiter in a boarding house kept by Mr. Dotzel. I quit

POOR QUALITY
ORIGINAL

0609

I left there; I went back to New York and from October, 1887, to July, 1888, I did merely small jobs, as writing legal papers for Messrs Morris and Campbell. I also worked during said time for about two weeks in the Interior Restaurant on Sixth Avenue, opposite Jefferson Market. Mr. Ellwood May also employed me for about six weeks at 145 Fulton Street, where he carried on an importing business. These are all the places of employment which I can remember. Previous to the March, 1887, I had been for three months employed by the Hickman Hose Coupling Company at 140 Elm Street, as metal dipper. They also made chandelier brackets. I never worked in another chandelier business. Since October, 1888, to the present day I have not worked at anything, except writing legal papers and doing other little jobs. I live with my parents at 173 Allen Street. My father, Jacob Becker, was formerly in the fish business of P. W. Seely.

in Second Street, but since April of last year, he has been sick at home. On the 10th of June, 1889, I left my parents' house in the morning and returned there in the evening for supper. At about seven o'clock in the evening I left again and went to Mr. Francis Daly, a brother-in-law of mine's house, at No. 44 West 44 Street, where I stayed about a quarter past nine o'clock. I walked down Fifth Avenue to Clinton Place, where I met the defendant who was walking up-town. We looked at each other and said Good evening! The defendant continued the conversation by saying: A nice evening, come let us stand at the gutter railing. I had scarcely leaned against the railing, when the defendant, said to me: You are an intelligent young man, come let us take a walk. We thereupon walked into Clinton Place, and the defendant said to me: Where are all the girls to night? I replied: I do not know; I came down Fifth

I went and saw all the girls that I wanted to see. The defendant then said: I ~~tell~~ ^{a little} your ~~some~~ experience about me; you know I am such a heavy stout built man, and there is a certain house I need to go in, and there is a girl stuck on me, every time she sees me she throws around her arm round my neck and says: O love, you have a big one. Looking down at my pants, he said, I guess, you have a big one yourself. Turning around to go away from him, I remarked: I guess, you are a cock sucker! The defendant thereupon took me by the lapel of my coat and struck me ^{three times} with a cane in the face, near the right eye, the said cane was broken. The defendant walked away as fast as he could, and, when I recovered my senses, I followed him. I did not go towards Fifth Avenue. I did not hear the defendant halloo for the police. The defendant ^{dropped} fell over a tub of ashes and fell on the sidewalk.

POOR QUALITY
ORIGINAL

06 12

Captain Progan, who was in citizen's clothes, arrested me, and he halloed to officer McLaughlin to arrest that man with the cane, meaning the defendant, who had walked toward Sixth Avenue. The said officer had come from Sixth to Fifth Avenue. On the way to the Station House Capt. Progan told me that he had known the defendant for the last ten years and that he had long been trying to get a complaint against him, but he did not tell me why. Officer McLaughlin told me also that he has known the defendant for a long time. I myself have never seen the defendant before, nor heard of him, nor have I known Capt. Progan and officer McLaughlin before my said arrest. I have not been spoken to by anybody concerning the defendant, before the said occurrence. My real name is George Becker. In the Station and in the Police Court I gave my name as George Davis, and my address as 168 Allen Street.

to protect my family from any scandal that might be made in the newspapers of the affair, but I informed officer McLaughlin of my right name and address, and he advised me to stick to the name and address I had given. I have never been arrested before. I did not halloo for the police, when I was assaulted by the defendant, nor thereafter.

John J. McLaughlin, patrolman 15th Precinct. On the 4th of June 1889, between ten and half past ten o'clock P. M., while patrolling my post on the South side of Clinton Place, near McRougall Street, cries for the police attracted my attention. They came from the neighborhood of No. 92 Clinton Place. I saw a man run towards Fifth Avenue and another man sit on the sidewalk in front of said house. While I pursued the fleeing man, he ran into Capt.

Progan's arms, who ordered me to arrest the other man. There were a number of people around and they told me that the other man was walking down toward Sixth Avenue. I ran after the defendant, and near Sixth Avenue, I arrested him. He had a broken cane in his hand. The defendant did not make a complaint against the defendant - complainant in the Station House. I made a complaint against him for interfering with a constable merely for the purpose of holding him until his and the defendant's appearance in court. I did not see the assault. When the complainant informed me that he had given a wrong name in the Station House, I told him he might just as well stick to it, to protect his family.

John J. Progan, Captain, 15th Precinct. I know nothing of the case, except that I arrested the complainant, because he came

POOR QUALITY
ORIGINAL

06 15

running towards me in Fifth Avenue. I merely did what an officer on an adjoining beat would have to do, when ~~he is~~ he happens to come near the engagement of another officer. I do not know of any witnesses to the assault.

Albert Burr Aubin, 88 Clinton Place, Bookkeeper, on the 10th of June, 1880, at about eleven o'clock P.M., while I was lying in bed, I heard the defendant in the street halloo for the police. My room is on the floor of said building and fronts on the street. I heard the defendant's voice, having for some time taken my meals at 82 Clinton Place, where the defendant was stopping. When hearing the defendant's cries, I jumped out of bed and looked out of the window. I saw the defendant lying upon his back in front of 82 Clinton Place and saw three or four men ~~standing upon~~ around him and running away in different directions. One man jumped over the defendant and ran towards Fifth Avenue.

William Robert Paine, 88 Clinton Place, Bookkeeper. I am a room-mate of Mr. Aubin and occupy the same bed with him.

POOR QUALITY
ORIGINAL

06 17

On the 4th of June, 1884, at about eleven o'clock P.M., while I was reading near the open window, the shutters being down I heard a man hallooing for the police and for help. Opening the shutters, I saw the defendant run to ward Fifth Avenue in the direction of my house, followed by a man. Near No. 86 Clinton Place the defendant fell on the sidewalk, the other man having lifted his arm. I did not see the said man strike the defendant, but from the movement of his arm I received the impression as if he had thrown something at the defendant. A policeman, who had been near Fifth Avenue, arrived, and the other man ran away in the direction of Fifth Avenue. There were a couple of people standing on the other side of the street. I did not see any of them run away. I did not see any one else around the defendant, except the said man and the police officer.

I did not know the defendant prior to the said occurrence. My friend, Mr. Dulin, introduced me to him several days thereafter. I had seen the defendant often at the dinner table in 82 Clinton Place and knew his voice. I recognized the same, when I heard his cries for help as aforesaid.

Francis Turnbly, 107 West 44th Street, physician, out of practice for several years on account of partial paralysis and kidney troubles. On the 4th of June, 1889, between half past ten and eleven o'clock P.M., when walking in Fifth Avenue towards my then residence in No. 82 Clinton Place, I was accosted by the complainant herein. He made a badly proportioned me, which is too filthy to be repeated. I told him to get away. Thereupon he grappled ^{with me} for my watch. I got turned into Clinton Place to run for my house. The com-

POOR QUALITY
ORIGINAL

06 19

Wainwright followed me. I called
for the police. I drove No. 82 and
156 Clinton Place. The complainant
knocked me down to the ground
with something like a stone. He
then ran off, and soon after a
police man arrived, who at once
started in pursuit of him. After
I had got on my feet again, the
police man came back and
requested me to follow him to
the Police Station where I made
a charge ^{of assault} against the complain-
ant. He was brought in by
Capt. Progan and gave his name
and residence. He did not
prefer any charge against me,
but Capt. Progan, after abusing
me in the most violent manner,
ordered the officer to take me
to a cell. I had never seen Capt.
Progan before that. I had lived
for only a month and a half
at No. 82 Clinton Place, and
never before stopped at any
place within Broadway and
North River and Bleeker and
23^d Streets. ~~The~~ I never heard the

POOR QUALITY
ORIGINAL

0620

complainant make a charge against me in the Station House. On the Police Court he was taken out first, and when I was brought before the Police Magistrate, I learned that the complainant had made the charge against me.

After having been asked, whether the above statement contained all the facts of the occurrence the defendant affirmed that the said statement is perfectly correct. Being reminded of the fact that he had charged the complainant in the Police Court with having asked him for money and having said to him, that he had none, he replied that he had forgotten it.

Taken on
August 8, 1889.

Jacob Becker, 198 Allen Street, laborer, without steady employment on account of impaired health. Until March, 1888 I was employed in Teeble's fish business in Record Street. George Becker ^{the complainant} is my son. He does not live with me. Until October of last year he has lived with me off and on, but since that time he has lived out, but he has never given me his address, and I, therefore, do not know, where he is now living. I am not a man of means and cannot support my son, and when he lived with me, I had to require him to pay me for his board. I do not know anything about his doings.

Mary Becker, 198 Allen Street, embroidery. I am the daughter of Jacob Becker, and the brother of George Becker. I corroborate the above statement of my father. On Saturday last a gentleman called at our house and inquired for my brother George.

POOR QUALITY
ORIGINAL

0622

In the course of our conversation I made the remark, that when my said brother not long ago came home with a black eye, I at once thought that he had got in the attempt of taking somebody's watch. The said thought occurred to me, because my brother is shiftless and wayward. I do not know anything about his encounter with the defendant herein.

POOR QUALITY
ORIGINAL

0623

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

Francis Chumbley

BRIEF OF FACTS.

For the District Attorney.

Dated *July 30th* 1889
Edward Groves

Deputy Assistant.

POOR QUALITY
ORIGINAL

0624

Police Court— 2 District.

CITY AND COUNTY }
OF NEW YORK, }

George Davis
of No. 168 Allen Street, aged 29 years,
occupation Chandelier maker
on the 4 day of June 1885 at the City of New York,
in the County of New York,

he was violently ASSAULTED and BEATEN by Francis Hambly males
who struck deponent a severe blow on the
face with a cane breaking the skin and
bruising deponents face
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 5 day of June 1885 } George Davis
J. Henry Ford Police Justice.

POOR QUALITY
ORIGINAL

0625

Sec. 193-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Francis Tomblatz

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. *Francis Tomblatz*

Question. How old are you?

Answer. *50 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *82 Clinton Place. 3 weeks*

Question. What is your business or profession?

Answer. *Railway business -*

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

Answer.

The complainant asked me for money. I said I had none. He insulted me terribly. and he cut me and ran after me and knocked me down.

*Complainant demands a trial by Jury
Francis Tomblatz*

Taken before me this

day of

1883

Police Justice.

POOR QUALITY
ORIGINAL

0626

BAILED,
No. 1, by Henry Adams
Residence 15 Broad Street
No. 2, by _____
Residence _____ Street
No. 3, by _____
Residence _____ Street
No. 4, by _____
Residence _____ Street

I hereby certify
that this case is sent
to Court of Sessions &c
to be disposed of
June 13/89
James J. Sullivan
Clerk of Court

Police Court... 2 District... 809
THE PEOPLE, &c.,
ON THE COMPLAINT OF
George Davis
9-1788 against
Francis Turnbly
Offence Assault
Mis
Dated June 5 1889
J. J. McLaughlin
15- Precinct Officer
Magistrate
Witnesses _____ Street
No. _____ Street
No. _____ Street
No. _____ Street
RECEIVED JUN 6 1889
J. J. Davis
to answer

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

Francis Turnbly
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Three 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 June 5 1889 J. J. McLaughlin Police Justice.

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

Dated June 5 1889 J. J. McLaughlin 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 _____ 1889 _____ Police Justice.

POOR QUALITY
ORIGINAL

0627

John R. Fellows Esq.

District Attorney.

I herewith present a most-remarkable statement in relation to the Davis-Tumblety assault. It was offered unsolicited by two sisters of Becker alias George Davis.

Last Friday night a Charles Becker who lives in no 198 Allen street said he never was in any trouble in his life and never made a complaint about any one. The next day, Saturday August 3. a thorough search was made ^{for another Becker} in the tenement house no 198 Allen street in which lives twenty families. Jacob Becker and his two grown up daughters reside on the top-floor. I saw this family; one daughter is 18 years old and the other about 25. The younger daughter said: "I have a brother named George Becker, but he does not live here. He lives in Fourth street near Washington square. I don't know the number."

The elder sister said: "I don't know where George lives and I don't care." The father, who is not sick, said: "I know nothing about George or what he is doing." The two sisters refused to give

POOR QUALITY
ORIGINAL

0628

2. Their names because they said: "We do not want to be mixed up in his troubles, let him stand the consequences himself; we do not want him to call here either. If he would keep away altogether we would have no trouble with him." The younger sister said: "When we saw George's face a few weeks ago, marked from a blow, he refused to tell us how he got it. I told him I would bet that he was trying to steal a man's watch; he denied it. But we would not believe him." Nothing had been said about him by the reporter at all except that I would like to see him about some trouble. Neither the father nor the sisters were surprised that George Becker was in trouble. "I told him": spoke up the elder sister; "if he got in any trouble, he was not to bring us into it; he will have to get out of it the best way he can. He has not been here in some days, he does not live here, he only calls once in a while."

Mrs. Burdell the house keeper says he does not live there even as George Becker.

2. Their names because they said: "We do not want to be mixed up in his troubles, let him stand the consequences himself; we do not want him to call here either. If he would keep away altogether we would have no trouble with him." The younger sister said: "When we saw George's face a few weeks ago, marked from a blow, he refused to tell us how he got it. I told him I would bet that he was trying to steal a man's watch; he denied it. but we would not believe him." Nothing had been said about him by the reporter at all except that I would like to see him about some trouble. Neither the father nor the sisters were surprised that George Becker was in trouble. "I told him": spoke up the elder sister; "if he got in any trouble, he was not to bring us into it; he will have to get out of it the best way he can. He has not been here in some days, he does not live here, he only calls once in a while."

Mrs. Burdett the house keeper says he does not live there even as George Becker.

POOR QUALITY
ORIGINAL

0630

3.

It is very strange that George Becker alias George Davis' sisters should think the first trouble he would be in was that of stealing a man's watch. The reporter said he was disappointed in not finding George Becker in; then the above information was volunteered.

Here, this man who Mr Grosse says: "is a shiftless worthless fellow" lives in the district where the alleged assault took place and not more than four blocks from where Dr Lumbely resided; and this man conceals that fact from Mr Grosse men.

Respectfully Yours.

Robert M. Baxter.

Jefferson Market Court.

POOR QUALITY
ORIGINAL

0631

City and County } ss.
of New York

Francis Bollet of no 168
Allen street- occupation Real Estate
Agent- being duly sworn before a
Notary Public deposes and says
that on the 12th day of July 1889
at the City of New York, in the
County of New York, George Davis
or a person calling himself "George
Davis, chandeliers maker of no 168
Allen street New York City" does
not reside in said house no 168
Allen street; said house no 168 Allen
street being occupied and has been
occupied by deponent- Francis
Bollet- as a real estate office for
25 years.

Deponent further says that on June
5. 1889 such person calling himself
George Davis or any person calling
himself by the name of George Davis
did not reside in no 168 Allen street.

Francis Bollet

Sworn to before me, this 12th day
of July 1889

Wm. H. Hager
New York County Notary Public

POOR QUALITY
ORIGINAL

0632

City and County } S.S.
of New York

Mrs. Josephine Burdell of no 198
Allen street - occupation housekeeper
being duly sworn before a ~~Commissioner~~
~~Public~~ ^{of Deeds} deposes and says that on
the 12 of July 1889 at the City of
New York in the County of New
York, George Davis or a person calling
himself "George Davis chandelier-maker
of no 168 Allen New York City" said
address being corrected on the face of
an affidavit entitled "George Davis
198 Allen street Vs. Francis Humblly"
in the District Attorneys office; does
not reside in said house no 198
Allen street said house no 198
Allen street - being under the charge
and has been under the charge of
deponent - as housekeeper for two
years & six months

Deponent further says that on June
5. 1889 such person calling himself
George Davis or any person by the
name of George Davis did not reside in
no 198 Allen street. Josephine ^{her} X Burdell
mark

Sworn to before me this 12th day
of July 1889. - Frank Boelet
Comm. of Deeds
N.Y. City & Co.

POOR QUALITY
ORIGINAL

0633

City and County } S.S.
of New York

Robert Miller Baxter of no 31
Park Row by occupation Reporter for the
New York World being duly sworn before
a Notary Public deposes and says that on
the 29th day of July 1889 at the City of
New York in the County of New York he
has been engaged for the past five or six
weeks investigating the facts in the case
of George Davis against Francis Lumbely
for assault and has made diligent and
careful search for George Davis no 168
Allen street and now says that no such
person as George Davis does live at no 168
Allen st. nor did such George Davis on June
5. 1889 the date of said George Davis making
an affidavit against Francis Lumbely, reside
at no 168 Allen street.

Deponent further says that he has seen
the affidavit of George Davis in the District
Attorneys Office with a corrected address of
George Davis no 198 Allen street, but no
correction of the name. Deponent avers
that he has also made diligent search

POOR QUALITY
ORIGINAL

0634

in the house no 198 Allen street - and finds
that no such person as George Davis lives
there

Deponent also says that he has heard
and believes that one Charles Becker
committed wilful perjury in going before
the Grand Jury upon the 21st day of June
1889 and swearing on an affidavit before
that body that he Charles Becker was
George Davis and leaving that Grand Jury
to believe that he was no other than George
Davis.

Deponent further says that Charles Becker
alias George Davis committed perjury
June 5th and on June 21 when he swore
that he was a chandlery maker when he
well knew at the time that he had no
occupation and had done nothing since
October 1888.

Robert-Miller Baxter

Sworn to before me this
29th day of July 1889.

Wm. Cunningham

Notary Public
N. Y. C.

POOR QUALITY
ORIGINAL

0635

City and County }
of New York } S.S.

John Straining of no 124
Sixth Avenue occupation waiter being duly
sworn before a Notary Public deposes and
says that on the 29th day of July 1889
at the City of New York in the County of
New York he is employed as a waiter in
the Excelsior Restaurant no 124 Sixth Avenue
and has been so employed in said place
for the past four years and that during
that period of time no such person as
Charles Becker otherwise known as George
Davis was employed as a waiter at said
Excelsior Restaurant or that any person by
the name of Charles Becker otherwise known
as George Davis ever worked in said
Restaurant in any capacity.

Deponent further says that he knew a
young man named Charles Becker who was
in the habit of visiting the said Excelsior
Restaurant during the summer of 1888;
said Charles Becker was kept and maintained
by a woman of bad repute who lived in
Greene street; that this woman died last

POOR QUALITY
ORIGINAL

0636

Summer and that since that time
this Charles Becker has done no
work.

John Straining

Sworn to before me this

29th day of July 1889

M. W. Crankley

Notary Public

N. J. Co

POOR QUALITY
ORIGINAL

0637

CYRUS EDSON, M.D., PRESIDENT,
54 W. 9th Street.

W. BALSER, M.D., SECRETARY,
218 E. 13th Street.
2-3 and 7-8 P.M. daily.

P. W. BEDFORD, Ph.G.,
Room 92 Temple Court,
5 Beekman Street.

GEO. G. NEEDHAM, Ph.G., M.D.,
218 E. 19th Street.

B. FRANK HAYS, Ph.G.,
543 5th Avenue.

⇒ BOARD OF PHARMACY ⇐
OF THE CITY AND COUNTY OF NEW YORK.

Meets at College of Pharmacy, 209 E. 23d Street,

AT 2.30 P.M., SECOND MONDAY OF EACH MONTH, EXCEPT JULY AND AUGUST.

New York, July 26 1889

To Col. John R. Fellows

Dear Sir:

I take the liberty of in-
troducing to you Mr. Robt. M.
Baxter of The New York World.
Mr. Baxter is interested in the
case of Dr. Francis Ironsblat
who I personally know and
who I believe is the victim of
some conspiracy. Judge
Power has also for Mr. Baxter
a letter to you in behalf of him

POOR QUALITY
ORIGINAL

0638

same person. Any thing you
can do for him will be appreciated.

Yours Faithfully

Cyrus Eason

POOR QUALITY
ORIGINAL

0639

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Francis Tumblety

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

— *Francis Tumblety* —

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

The said

Francis Tumblety

late of the City of New York, in the County of New York aforesaid, on the *fourth*
day of *June* in the year of our Lord one thousand eight hundred and
eighty ~~nine~~ *nine* at the City and County aforesaid, in and upon the body of one *George*
Davis in the peace of the said People then and there being, with force
and arms, unlawfully did make an assault, and *him* the said *George*
Davis did then and there unlawfully beat, wound and ill-treat, to the great damage
of the said *George Davis* against the form of the
statute in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

JOHN R. FELLOWS,

District Attorney.