

0760

BOX:

408

FOLDER:

3781

DESCRIPTION:

Zimmerman, Frederick

DATE:

08/14/90



3781

0761

BOX:

408

FOLDER:

3781

DESCRIPTION:

Rickard, Albert

DATE:

08/14/90



3781

0762

POOR QUALITY
ORIGINAL

11/15/90

Michael Rock
Officer of Council

Counsel,

Filed

14 day of Aug 1890

Pleas,

Not Guilty (10)

THE PEOPLE

vs.

Fredrick Zimmerman

Albert Rickard

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Edmund R. R.
Dated NW 3/90
After description
their own Receipt
in place of a
motion being shown
NW 3/90 R

Baird
497.

Grand Jury
Dec 1893 (C. R. R.)

0763

POOR QUALITY
ORIGINAL

Witnesses:

Michael Rock
Officer O'Connell

Counsel,

Filed 14 day of Aug 1890

Plead, Not Guilty (101)

THE PEOPLE

vs.

Fredrick Zimmerman

and

Albert Rickard

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Edward J. Fox

Deft. de se
their own Recog
In up care representing
of motion being shown
Nov 5/90 H

0764

District Attorney's Office,
City & County of
New York.

188-
With regard to the case
of Zimmerman vs. Al
Off. Leonard, 1st

Emmett A. Eggers 33 Bowery
Samuel J. Keely 31 Quincy St.
Nicholas Rock 59-3rd St. L.I. City
Mr. Woulfe's coroner's office

0766

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of *Coroners Office*
 No. 67 *Park Row* Street, in the *4* Ward of the City of
 New York, in the County of New York, this *7th* day of *April*
 in the year of our Lord one thousand eight hundred and *90* before
Louis W. Schuch Coroner,
 of the City and County aforesaid, on view of the Body of *William Abernethy*
 lying dead at

Eight good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
William Abernethy came to his death, do
 upon their Oaths and Affirmations, say: That the said *William Abernethy*
 came to his death by
Injuries received by being struck and
kicked down by Frederick Zimmerman
in front of 12 South Street April 3rd 1890
We further find that Albert Rickard
was an accessory in the death of deceased

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

JURORS.

<i>Moses Hussman 329 3 Ave</i>	<i>Henry Walters 325 E 26</i>
<i>George Stinner 353 - 3rd Ave</i>	<i>Geo Weimer 309 E 27</i>
<i>N. Eckstein 347 3 Ave</i>	<i>Henry Roschen 206 E 26</i>
<i>J. Raub</i>	
<i>Hugo Siegel 349 - 3 Ave</i>	

Louis W. Schuch
 CORONER, T. S.

IN THE CORONER'S COURT OF THE CITY & COUNTY OF NEW YORK

INQUEST IN THE MATTER OF THE : BEFORE
 DEATH OF : HON. LOUIS W. SCHULTZ,
 W I L L I A M A B E R N E T H Y . : and a Jury.
 : Coroner,

New York, Monday, April 7th, 1890.

I N D E X.

MAURICE J. O'CONNELL-----	2
ERNEST A. ROGERS-----	4
EDWARD J. MONKS-----	6
LEONARD J. KENLEY-----	7
DR. PHILIP M. POWLIN-----	10
CHARGE-----	11
VERDICT-----	11

-----OXO-----

Reported in full by H.H. Alexander, official stenographer.

-----XO-----

0768

IN THE CORONER'S COURT OF THE CITY & COUNTY OF NEW YORK.

INQUEST IN THE MATTER OF THE : BEFORE
DEATH OF : HON. LOUIS W. SCHULTZE,
WILLIAM ABERNETHY. : Coroner,
and a Jury.

New York, Monday, April 7th, 1890.

For the District Attorney's Office appeared MR.
HENRY HARTMAN.

MAURICE J. O'CONNELL,

a police officer, sworn and examined.

BY THE CORONER:

Q. To what Precinct are you attached? A. The
1st Precinct.

Q. Will you tell the Jury just what you know of
this case? A. The night of the day upon which this
assault took place, I was called to the desk by Captain
McLaughlin, of the 1st Precinct, at 6 o'clock, who in-
formed me that a man had been assaulted in South Street
and afterwards died in Chambers Street Hospital. He
instructed me to go there and to get all the information
possible concerning the affair and if possible to arrest
the party who committed the assault. I went there and

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while going through South Street I ascertained that a party named Monks had heard threats made by a party named Rickard and another named Zimmerman on the morning of the same day on which the assault took place. I took him to the Station House to be interviewed by the Captain. While there he informed me that the prisoner was in the habit of going to 18 Cherry Street. I went there and remained there for some time and forced an entrance to the premises he occupied, but he wasn't there and hadn't been there in two days. I returned to the Station House and thence back again to Zimmerman's house and found him coming out of a yard leading from the rear to the front building and took him around to the Station House.

BY MR. HARTMANN:

Q. Do you know anything about the circumstances of the assault? A. No, sir.

Q. What information had you on that day; anything more than what you have stated? A. No, sir.

-----oxo-----

ERNEST A. EGGERS

sworn and examined.

BY THE CORONER:

Q. Where do you live? A. 53 Bowery.

Q. Now tell the Jury just what you know of this case?

A. A little after 12 o'clock on Thursday last I went into the liquor store at No. 12 South Street and was standing on the bar and had called for a glass of beer and I waited for awhile and I didn't see any bar keeper there, because they were all in the back of the saloon. There was some row in there about a quarter in change. I just heard the word quarter and some words. Some one was calling some one else dirty names there; I didn't pay any attention to it; and the boss, or the bar keeper, or whoever it was, told the people to get out. So, they did, and I was standing at the bar there and was drinking my beer and I heard one of the men behind the door speak to another one that was standing outside of the door. I looked outside of the door and I just saw two men standing there, one tall seaman in blue clothes and another one was just throwing an arm off the third one, and these two men that I saw commenced to fight and the third one came up and gave the seaman a push in the face and he fell down on his head and blood came out of his ears.

Q. Did you see anybody push him or hit him? A. Yes, I saw somebody hit him.

Q. Who did you see hit him? A. It was a tall

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man, I just looked out, I didn't see his face exactly.

Q. Did the prisoner here hit him? A. I don't say he hit him, because I couldn't see his face. I know it was a tall man and that is all I know about it.

MR. HARTMANN: Prisoner stand up.

(Prisoner Zimmerman arose).

Q. Did you ever see that man before? A. I have seen him, yes.

Q. Where did you see him? A. I saw him sometimes down in the South Street, I can't remember when.

Q. Did you see him on that day that you have just told us about? A. Not that I can remember. I think that I saw him sometimes, I couldn't tell you when. I was working down in South Street in last August and September and I think I saw him then. I was working there in a restaurant as waiter.

Q. How long have you been down there? A. I was down there in that restaurant six weeks.

Q. Are you still there? A. No.

Q. When did you leave? A. I left there in September.

Q. I mean what were you engaged at when you saw this assault take place? A. I was out of a situation and I just passed there.

Q. You just stepped in there to get a drink?

A. Yes, sir.

Q. Then you saw one push another and that fellow that was pushed fell down and blood came out of his ears and nose? A. Yes, sir. That is all I know.

-----exo-----

man, I just looked out, I didn't see his face exactly.

Q. Did the prisoner here hit him? A. I don't say he hit him, because I couldn't see his face. I know it was a tall man and that is all I know about it.

MR. HARTMANN: Prisoner stand up.

(Prisoner Zimmerman arose).

Q. Did you ever see that man before? A. I have seen him, yes.

Q. Where did you see him? A. I saw him sometimes down in ~~the~~ South Street, I can't remember when.

Q. Did you see him on that day that you have just told us about? A. Not that I can remember. I think that I saw him sometimes, I couldn't tell you when. I was working down in South Street in last August and September and I think I saw him then. I was working there in a restaurant as waiter.

Q. How long have you been down there? A. I was down there in that restaurant six weeks.

Q. Are you still there? A. No.

Q. When did you leave? A. I left there in September.

Q. I mean what were you engaged at when you saw this assault take place? A. I was out of a situation and I just passed there.

Q. You just stepped in there to get a drink?

A. Yes, sir.

Q. Then you saw one push another and that fellow that was pushed fell down and blood came out of his ears and nose? A. Yes, sir. That is all I know.

-----exo-----

EDWARD MONKS

Sworn and examined.

BY THE CORONER:

Q. Where do you live? A. I steamboat for a living.

Q. Now, Monks, tell the Jury just what you know of this case? A. All I know of it is, in the morning when----

Q. (Interposing) This was on the morning of Thursday last, was it? A. It was last Thursday morning that this thing happened. That Al. Rickard had the promise of a job, and I never knew this man's name this Abernethy, and Al. Rickard said that Abernethy had spoiled him out of a job, and he said he had a good notion to hit him and slap him in the snoot because he had spoiled him out of a job and Zimmerman said for him to go ahead and if anybody interfered that he would stand by Rickard.

BY MR. HARTMANN:

Q. Who is Zimmerman? A. (Pointing to the prisoner) There he is there.

BY THE CORONER:

Q. Is that all you know? A. That is all I know.

-----OXO-----

LEONARD J. KEENEY

sworn and examined.

BY THE CORONER:

Q. Where do you reside? A. 31 Quincy Slip.

Q. Tell the Jury just what you know of this case?

A. About 12.30 on the 3rd of April last, the day upon which this assault occurred, I was standing in front of No. 12 South Street and I saw three men come out of the saloon at No. 12 South Street and they were having some hot words over some change, it seems, or something of that sort, and when they came out side one of them was Abernethy, another was Albert Rickard and the other was Fritz Zimmerman.

BY MR. HARTMANN:

Q. Who is he; the prisoner? A. Yes, sir. And I heard Zimmerman say to Abernethy "Damn you, do you want me to give you the last cent I have got?" Abernethy says, "No, it's all right, you can keep the change." Of course I wasn't inside; this is only hearsay; but when they went to get a drink there were three of them together and Abernethy was the one that bought the drinks and he put down a quarter and the bar tender gave him back ten cents change, which Zimmerman picked up and put in his pocket. That was what the quarrel was over when they got outside. After Abernethy told him he could keep the change Rickard said something that made Abernethy laugh, at least he kind of smiled, and I suppose by the looks of it that made Rickard mad and he hit Abernethy.

Q. Rickard hit Abernethy? A. Yes, sir; he hit him and it staggered him against somebody that stood behind him so that the man didn't fall, but before he could straighten himself up Zimmerman hit him and knocked him down, and as he struck the sidewalk you would think that a person had hit a board with an ax and broke it by the sound, and I saw the blood squirt out of a place just above his ear on the side of his head.

BY THE CORONER:

Q. Right after that blow was struck? A. Yes, and the blood also came out of his nose and mouth as quick as we moved him. That was all that I saw of the case.

BY MR. HARTMANN:

Q. What did Zimmerman do? A. Zimmerman hit Abernethy.

Q. What did he do after that? A. He started up the Street and he walked about 150 feet and then he stopped and looked back and when he seen all that were standing there looking towards him he started and run.

Q. He ran away and you saw him run? A. Yes, I saw him when he started to run.

BY THE CORONER:

Q. Where did Rickard go; did he run away, too?

A. Rickard was with him.

BY MR. HARTMANN:

Q. With Zimmermann? A. Yes,

Q. They both started together? A. Yes, sir.

M I C H A E L R O C K

sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. 59 3rd Street, Long Island City.

Q. Now tell the Jury just what you know of this case?

A. I don't know very much about it, only I was standing outside of the saloon at the time it happened and I didn't know either man, but I seen the three men standing there and they had some kind of an argument.

BY MR. HARTMANN:

Q. What three men ? A. This man, the prisoner, and another man that was with him, and the man that was killed.

BY THE CORONER:

Q. Was the man that was with Zimmermann a tall man ?

A. He wasn't as tall as I am. I didn't take much stock of him.

Q. Well, go on. A. It seems there was a row then and I seen the other man that is away make the strike at the man that was killed which staggered him a bit, and the man that was killed went to put up his hand and I seen this man here, the prisoner, make a strike and I saw the man fall.

BY MR. HARTMANN:

Q. He fell just after the stroke ? A. He fell, yes.

0777

BY THE CORONER:

Q. Did you see blood come out of his ears and nose?

A. Yes, sir.

BY MR. HARTMANN:

Q. (Pointing to the prisoner) Is that the man that you saw make the strike at him? A. That is the man. That is one of them.

Q. What did he do after the man fell? A. He stood there for sometime and he seen the man wasn't getting up and he walked away.

Q. He went away. A. I saw him walk as far as the corner.

-----OXO-----

D R. P H I L I P M. D O U G L A S

called and sworn.

THE WITNESS: On April 4th, 1890, at Chambers Street Hospital, I made a post mortem examination of the body of William Abernethy and found no external marks of violence. On removing the scalp I found extravasation of blood beneath the scalp of the head over the occiput. On removing the calvarium, or bony top of the head, I found extravasation of blood over the membranes of the right side and under the membranes of the left side, diffused over the whole cerebral surface on each side. On removing the brain, a fracture of the skull was found extending from the right side of the head about half an inch

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inward to the ridge between the middle and posterior fossa on the right side. This extended through the middle fossa to the ~~cella turcica~~ ^{cella turcica}. Other organs were normal, except the lungs, which showed some hypostatic congestion. From the autopsy, death showed itself to be due to coma from fracture of the skull.

C H A R G E .

THE CORONER: Gentlemen of the Jury, you have heard the evidence. The evidence shows that William Abernethy died from a blow that he received and which resulted in a fracture of the skull. The evidence also goes to show that the prisoner, Zimmerman, struck the blow that killed the deceased. In coming to a conclusion you might also find that Albert Rickard who struck the first blow, if you so determine, was an accessory in the killing. It may be just as well for you to hold both of them.

Jury
Without retiring the found the following
A

V E R D I C T .

We, the Jury, find that William Abernethy came to his death on April 3rd, 1890, from the result of a blow ~~xxxxxx~~ received at the hands of Frederick Zimmermann in front of No. 12 South Street.

We further find that Albert Rickard was an accessory in the death of deceased.

ADJOURNED.

(11)

0779

Coroner's Office,

CITY AND COUNTY
OF NEW YORK,

Frederick Zimmerman being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer—

Frederick Zimmerman

Question—How old are you?

Answer—

29

Question—Where were you born?

Answer—

New York State

Question—Where do you live?

Answer—

18 Cherry St

Question—What is your occupation?

Answer—

Boatman

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

I have nothing to say

Frederick Zimmerman

Taken before me, this *7th* day of April 1880

Louis Schunze

CORONER.

0780

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
42 Years	Months	Days	U.S.	Chambers St Hoop	April 4/90

Paul Jones.
lives in 11200
Aberdeen

1897

No. 2. Bailed by
John Young
305 E. 113 St. St.

HOMICIDE.

AN INQUISITION. 613

On the VIEW of the BODY of

William Alexander

whereby it is found that he came to

his death by the hands of

Jedrick Gunnarman

Albert Richard

Inquest taken on the

4 April 7th day

1890

John W. Schuchert
CORONER.

Committed

Bailed

Discharged

Date of death



0781

Ad. Quar. 29 1890

HOMICIDE.

AN INQUISITION. 613

On the VIEW of the BODY of

William Abernethy

whereby it is found that he came to

his Death by the hands of

Fredrick Zimmerman

and Albert Richard

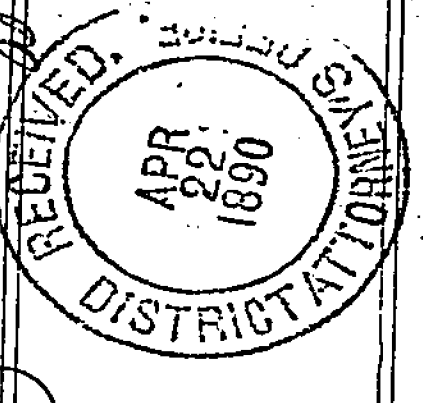
Inquest taken on the 7th day

of April 1890.

before

John M. Schultze

Coroner.



Committed

Bailed

Discharged

Date of death

Bail fuger.
each in \$2000
their own

207

No. 2. Bailed by
John King
305 E. 113th St.

MEMORANDA.

AGE	Years	Months	Days
PLACE OF NATIVITY	N. J.		
WHERE FOUND	Blanchard Street, New York		
DATE When Reported	April 4/90		

Court of General Sessions
City and County of New York

The People v. Co
Against
Friedrich Zimmerman
and Albert Richard

To Hon. John F. Hellors,
District Attorney
Dear Sir:

Please to take notice, that
a Motion will be made, in the above entitled
case, at a term of said Court, to be held at
the Court House thereof, on the 3^d day of November,
1890, at the hour of Eleven O'Clock, in the forenoon,
of said day, or as soon thereafter as counsel
can be heard, that the Indictment be
dismissed.

Said motion will be based upon
all papers and proceedings herein ~~and the affidavits of~~
~~the defendants. Copies of which are hereto~~
attached and under Section "668. of the Code of
Criminal Procedure.

Dated New York November 1st 1890.

Yours
R. J. Fair
Attorney for Defendants
23 Chambers Street
N.Y. City

General Sessions Court.

The People

Plaintiff

against

Frederick Zimmerman
and Albert Rickard

Defendants

Motion
to bring back the body

R. J. HAIRE,
#23 Chambers
STREET,
NEW YORK CITY.

Attorney for Defendants

To Hon. John R. Holloman Esq.

Attorney for People

The service of a copy of the
within is by me

May 1/98
John R. Holloman
Wm. C. [Signature]

C. B. MERWIN, Printer, 218 Fulton St., N. Y.

0783

0784

Grand Jury Room.

PEOPLE

vs.

J. Greenman

et al.

Put on Calendar

for ~~trial~~

August 4.

important witness

not present

July 8.

0785

Court of General Sessions
of the Peace, City & County of New York

The People &c. }
agst }
Frederick Zimmerman }
and Albin Rickard }

To Hon. John R. Bellows
District Att'y.
Sir:-

Please to take notice, that
a motion will be made, in the above entitled
cause at a term of said Court to be held
in the Court House thereof, on the 20th day of
August 1890, at the City & County of New York,
at 11 O'Clock, in the forenoon of said day,
or as soon thereafter as counsel can be heard,
that the amount of bail for each of the above
named defendants be fixed, said motion
will be based, on all papers, proceedings and
the coroners minutes.

Dated N. Y.
Aug 19th 1890. }

R. J. Hair
Attorney for Defendants
23. Chambers Street
N. Y.

Court of General Sessions
City & County of New York.

The People &c

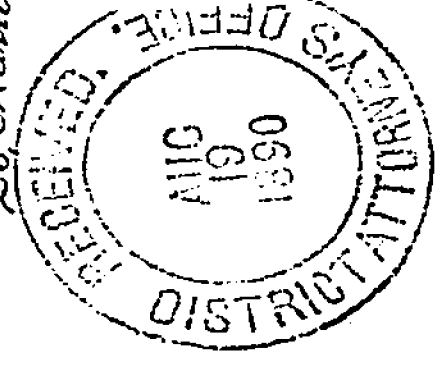
Against

Frederick Zimmerman
& Albert Richard

Notice of Motion

R. J. Waire
Attorney.

for Defendants
103 Chambers Street
N. Y. City



0788

District Attorney's Office.

PEOPLE

vs.

J. Zimmerman
et al.

Michael Rock

~~*Copied from file*~~

0789

District Attorney's Office.

PEOPLE

vs.

Frederick Zimmerman
and

Albert Rickard

Will Mr. Grosse kindly
prepare this case for trial.
There is no evidence shown
in the papers connecting
the body upon which the
autopsy was performed
with the man killed.

The witnesses want to be
examined and the facts
brought out more in
detail. I think perhaps
other witnesses might
be found in addition
to those on the papers -

Sept 5/90

Perk!

W. J. Grosse

0790

COURT OF GENERAL SESSIONS
City and County of New York.

THE PEOPLE, &c.,

against -----

FREDERICK ZIMMERMAN and ALBERT
RICKARD.

To Hon. John R. Fellows,
District Attorney.

Dear Sir:-

PLEASE TO TAKE NOTICE that a motion will be made in the above entitled cause, at a term of said Court, to be held at the Court House thereof, on the 7th day of August, 1890, at the hour of eleven o'clock in the forenoon, of said day, or as soon thereafter as counsel can be heard, that the prosecution be dismissed. Said motion will be based upon all papers and proceedings herein and the affidavits of the defendants, copies of which are hereto attached and under sections 667 and 669 of the Code of Criminal Procedure.

Dated, New York, August 4th, 1890.

Yours &c.,

R. J. Hair

Attorney for defendants,
23 Chambers Street,
N. Y. City.

0791

COURT OF GENERAL SESSIONS,
City and County of New York.

THE PEOPLE, &c.,

against

Frederick Zimmerman and Albert
Rickard.

City and County of New York, ss:-

ALBERT RICKARD, being duly sworn, deposes and says;
that he is one of the defendants in the above entitled
cause; that he has been confined in the City Prison since
the *19* day of *May*, 1890 upon the charge in the
aforesaid action.

That he is as he is informed by his counsel, after
a full and complete statement of all facts made to said
counsel, entirely innocent of any offence.

Subscribed and sworn to before
me this *30th* day of *July* 1890.

John. C. Costello
Notary Public
N.Y. Co.

Albert Rickard

0792

COURT OF GENERAL SESSIONS,
City and County of New York.

THE PEOPLE, &c.,

against

Frederick Zimmerman and Albert
Rickard.

City and County of New York, ss:-

FREDERICK ZIMMERMAN, being duly sworn, deposes and
says; that he is one of the defendants in the above en-
titled cause; that he has been confined in the City Prison
since the third day of April, last past, upon the charge in
the aforesaid action.

~~That he is, as he is informed, by his counsel, after~~
a full and complete statement of all facts made to said
counsel, entirely innocent of any offence.

Subscribed and sworn to before me :
this 30th day of July 1890.

Frederick Zimmerman

John C. Costello
Notary Public
N.Y. Co.

0793

General Sessions Court.

The People vs.

Plaintiff

against

Frederick Zimmerman and
Albert Rickard

Defendants

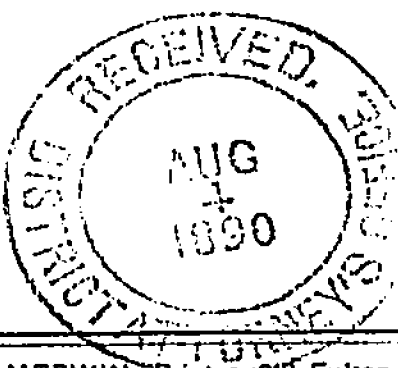
Notice of motion and
affidavits

R. J. HAIRE,
23 Chambers
108 & 110 N. CHURCH STREET,
NEW YORK CITY.

Attorney for Defendants

To _____ Esq.

Attorney for _____



C. B. MERWIN, Printer, 215 Fulton St., N. Y.

0794

Court of General Sessions
of the City and County of New York }

The People &c. }
 against } Manslaughter
Friedrich Zimmerman }
vs. Albert Rickard }

To Hon. John R. Wellons
District Attorney

Dear Sir:

Please to take notice, that
a motion will be made in the above entitled
cause, at a term of said Court, to be held at the
Court House thereof in Part I of said Court
on the 25th day of September, 1890. at the hour of
Eleven O'clock in the forenoon of said day, or as soon
thereafter as Counsel can be heard that the defendant
Zimmerman be discharged on his own recognizance.
Said motion will be based upon the indictment
and all papers and proceedings therein.

Dated N.Y. Sept 23rd 1890.

R. J. Hair
Counsel for Defendants
23 Chambers Street
N.Y. City

0795

General Sessions Court.

The People vs

Plaintiff

against

*Fredrick Zimmerman
and another*

Defendant.

Motion

R. J. HAIRE,
"23. Chambers
~~149 & 151~~ CHURCH STREET,
NEW YORK CITY.

Attorney for

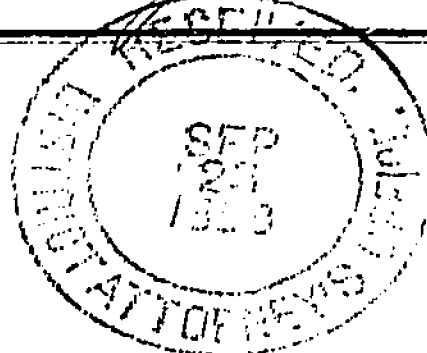
Defendants

To

John R. Fullon

Attorney for

People



0796

BEFORE THE GRAND JURY.

The People :
 vs. :
Zimmerman et al. :
-----:

New York, August 12th, 1890.

MICHAEL ROCK being duly sworn testified as follows:

Examined by Foreman Poor.

Q. State what you know about this case?

A. All I know about it is the day that he ~~happened to be~~^{was} killed I happened to be around there; it was a hang out for the men.

Q. What did you see? Did you see the murder?

A. Yes; they were in having a couple of glasses of beer at No 12 ~~and~~ and they had some argument.

Q. You saw the man was killed?

A. Yes sir.

Q. Did you know Frederick Zimmerman? State what you saw?

A. Then they went out on the side walk and had an argument there again. I seen Ricard make a blow for Abernethy and he staggered him; and when he recovered I seen Zimmerman make another blow.

Q. With what?

A. With his fist.

Q. Did he have anything on his fist?

0797

2.

A. I cannot tell you.

Q. You saw both of them strike him?

A. Yes sir.

Q. Did he fall down?

A. He fell on the side walk and the back of his head came against the flag.

Q. Then he was taken up?

A. Yes sir.

Q. And these men were arrested?

A. Yes sir.

Q. Did he die right then and there?

A. He did not.

Q. How soon after did he die?

A. I don't know.

Q. What did these men do when this man fell?

A. They stood awhile till they seen he was not getting up, and then they walked away.

Q. Did any one try to raise him up?

A. Yes; I seen two men take him up and pull him over.

Q. Were you one of the two men that pulled him over?

A. I cannot say now.

Q. Was this in the evening or the night?

A. Somewhere around one or two o'clock in the day time.

Q. Where did this occur?

A. At #12 South Street.

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New York, August 13th, 1890.

OFFICER O'CONNELL being duly sworn testified as follows:

Examined by Foreman Poor.

Q. Please tell the Grand Jury what you know about this case?

A. I know that on the 3rd of ^{July} April a man had been assaulted in front of #12 South Street, and the man died in Chambers Street Hospital. I was told to go to the place and arrest the party. I went there and found a party named Monks; he told me he heard a conversation and a threat made to do him up. I asked him where Zimmerman was and he took me to #18 Cherry Street where Zimmerman was in the habit of living with a woman. He was not there; I returned back with Monks and on the way met Zimmerman and I placed him under arrest. He admitted having a fight with Abernethy but does not remember striking him; and said he would not get into it but for Ricard.

Q. What is the name of the man gave you this information?

A. Edward Monks.

Q. What is his address?

A. #17 South Street.

Q. Do you know any other material witness?

A. This man Kelly.

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BEFORE THE GRAND JURY.

The People :
vs. :
Zimmerman et al. :
-----:

New York, August 12th, 1890.

MICHAEL ROCK being duly sworn testified as follows:

Examined by Foreman Poor.

Q. State what you know about this case?

A. All I know about it is the day that ^{was} ~~he~~ killed I happened to be around there; it was a hang out for the men.

Q. What did you see? Did you see the murder?

A. Yes; they were in having a couple of glasses of beer at No 12 and and they had some argument.

Q. You saw the man was killed?

A. Yes sir.

Q. Did you know Frederick Zimmerman? State what you saw?

A. Then they went out on the side walk and had an argument there again. I seen Ricard make a blow for Abernethy and he staggered him; and when he recovered I seen Zimmerman make another blow.

Q. With what?

A. With his fist.

Q. Did he have anything on his fist?

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A. I cannot tell you.

Q. You saw both of them strike him?

A. Yes sir.

Q. Did he fall down?

A. He fell on the side walk and the back of his head came against the flag.

Q. Then he was taken up?

A. Yes sir.

Q. And these men were arrested?

A. Yes sir.

Q. Did he die right then and there?

A. He did not.

Q. How soon after did he die?

A. I don't know.

Q. What did these men do when this man fell?

A. They stood awhile till they seen he was not getting up, and then they walked away.

Q. Did any one try to raise him up?

A. Yes; I seen two men take him up and pull him over.

Q. Were you one of the two men that pulled him over?

A. I cannot say now.

Q. Was this in the evening or the night?

A. Somewhere around one or two o'clock in the day time.

Q. Where did this occur?

A. At #12 South Street.

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3.

New York, August 13th, 1890.

OFFICER O'CONNELL being duly sworn testified as follows:

Examined by Foreman Poor.

Q. Please tell the Grand Jury what you know about this case?

A. I know that on the 3rd of April a man had been assaulted in front of #12 South Street, and the man died in Chambers Street Hospital. I was told to go to the place and arrest the party. I went there and found a party named Monks; he told me he heard a conversation and a threat made to do him up. I asked him where Zimmerman was and he took me to #18 Cherry Street where Zimmerman was in the habit of living with a woman. He was not there; I returned back with Monks and on the way met Zimmerman and I placed him under arrest. He admitted having a fight with Abernethy but does not remember striking him; and said he would not get into it but for Ricard.

Q. What is the name of the man gave you this information?

A. Edward Monks.

Q. What is his address?

A. #17 South Street.

Q. Do you know any other material witness?

A. This man Kelly.

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COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Fredenda Zimmerman
and Albert Richard

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse *Fredenda Zimmerman*

and Albert Richard

of the crime of *Manslaughter in the second degree,*

committed as follows:

The said *Fredenda Zimmerman*

and Albert Richard

late of the City of New York, in the County of New York aforesaid, on the

— this — day of *April,* in the year of our Lord one thousand
eight hundred and ninety *—*, at the City and County aforesaid,

in and upon one William O'Brien, then

and there being, willfully and feloniously

did make an assault, and in the said

William O'Brien, with the hands of them

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TORN PAGE

He said Frederick Zimmerman and Albert Ridgely,
 did then and there maliciously and feloniously
 strike and beat, and the said Frederick
 Zimmerman and Albert Ridgely with their hands
 of force, threw the said William Abernethy,
 down into and upon the ground there, with

great force and violence, then and there
 and feloniously did push, cast and throw,
 by reason of which said pushing, casting and
 throwing the said William Abernethy did
 then and there fall, with great force and
 violence down into and upon the ground,
 there giving into him the said William
 Abernethy, then and there by the means
 of force, in and upon the head of him
 the said William Abernethy, one mortal
 wound and fracture, of which said mortal
 wound and fracture he the said William
 Abernethy then and there died.

And so the Grand Jury of force
 do say: That the said Frederick Zimmerman

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and Oliver Richards, from the said William
Adams, in manner and form and by the
means aforesaid, illegally and feloniously
did sell and convey; against the form of the
Statute in such case made and provided, and
against the peace of the People of the State

John P. Halloway,

~~Attorney~~ Attorney

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END OF
BOX